



**CURRITUCK COUNTY
NORTH CAROLINA**

April 17, 2017

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Corolla Fire and Rescue Discussion

The Currituck County Board of Commissioners attended a work session at 5 PM in the Historic Courthouse Conference Room. Corolla Fire and Rescue Squad Board of Directors President Tim Bostaph, Vice-President Al Marzetti and Chief Rick Galganski lead the discussion asking Commissioners to consider creating a tax district to fund a paid fire-fighting force in Corolla. A powerpoint was used and Mr. Bostaph noted challenges with the current volunteer force, which include a declining number of volunteers, an aging population of volunteers, and less members responding on average with an increasing call volume. Cost estimates for paid personnel, station operations, and equipment transfers were presented, and community survey results showed 93% of respondents approved of a district tax, estimated to be .04 cents per \$100 of valuation. Discussion included a pending SAFER grant application, which if approved would provide initial funding for paid personnel. County Manager, Dan Scanlon, and Ike McRee, County Attorney, responded to questions and reviewed statutory requirements pertaining to creation of a tax district. Mr. Scanlon said, if the Board was inclined to move forward, options for interim funding could be considered should statutory or grant requirements be an issue. The Board took no action and the work session concluded at 5:45 PM.

6:00 PM CALL TO ORDER

The regular meeting of the Currituck County Board of Commissioners was held at 6 PM in the Historic Courthouse Conference 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 and announced the earlier work session.

A) Invocation & Pledge of Allegiance

Commissioner Beaumont gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Etheridge asked that a closed session be added to the agenda, after the County Manager's Report, to discuss a personnel issue.

Commissioner Payment moved to approve the agenda as amended. Commissioner Gilbert seconded and the motion carried unanimously.

Approved agenda:

Work Session

5:00 PM Corolla Fire and Rescue Discussion

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

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) NOAA National Monitor Marine Sanctuary-Will Sassarossi, Maritime Archaeologist

Public Hearings

A) Public Hearing and Consideration of Resolution and Order Closing Old U. S. Highway 158, Also Known As Secondary Road 1405 and Old Ferry Landing, Coinjock, Poplar Branch Township

New Business

A) Consideration of An Ordinance Amending Chapter 10, Division 7 of the Currituck County Code of Ordinances by Adding Section 10-129 to Provide for Dune Protection

B) Consideration of An Ordinance Amending Chapter 10, Division 2 of the Currituck County Code of Ordinances by Adding Section 10-65 to Provide That No Person Shall Operate a Motor Vehicle on the Beach Strand and Foreshore With Tires Containing Air Pressure Greater Than 20 Pounds Per Square Inch

C) Consideration of An Ordinance Amending Chapter 8 of the Currituck County Code of Ordinances by Adding Article VI Regulating Tow Service Operators

D) Consideration of Resolution of the Board of Commissioners for Currituck County, North Carolina, Requesting the State of North Carolina Provide Financial Assistance for a Planning Study for a Hydraulics and Hydrology Analysis of a Sub-Watershed Located Within the Moyock Township

E) Consent Agenda

1. Approval Of Minutes for April 3, 2017
2. Budget Amendments
3. Project Ordinance-Corporate Area Apron, Phase II
4. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.
5. Resolution Approving Sole Source Acquisition of Ambulance Chassis and Remount from Select Custom Apparatus
6. Proclamation Designating May as Older Americans Month
7. Consideration of County Manager Employment Agreement
8. Consideration of Amendment to County Attorney Employment Agreement
9. Grant Agreement for the Corporate Area Apron, Phase 2 Construction

F) Commissioner's Report

G) County Manager's Report

Closed Session

Amended Item-Closed Session Pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.

Adjourn

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

No one signed up nor wished to speak at public comment.

ADMINISTRATIVE REPORTS

A. NOAA National Monitor Marine Sanctuary - Will Sassarossi, Maritime Archaeologist

Will Sassarossi, Maritime Archaeologist with the NOAA National Monitor Marine Sanctuary, presented an update on a proposed expansion area for the protection of shipwrecks located off the coast of North Carolina. A brief history of the Monitor site was provided and several photos of artifacts raised from the wreck were shown. Additional projects worked on over the past year were highlighted, and Mr. Sassarossi described other World War II shipwrecks present along our coast. Mr. Sassarossi said the proposed expansion would increase the current one mile radius around the Monitor to incorporate these other shipwrecks as part of a larger sanctuary system, with the intent of promoting and protecting the sites.

Mr. Sassarossi said the management plan is being drafted and should be ready to present for Commissioner comment this fall. Mr. Sassarossi assured the Board any expansion would not limit fishing access.

PUBLIC HEARINGS

A. Public Hearing and Consideration of Resolution and Order Closing Old U. S. Highway 158, Also Known As Secondary Road 1405 and Old Ferry Landing, Coinjock, Poplar Branch Township

Ike McRee, County Attorney, provided an overview of the road closure request made by Currituck Waterfront Business Park, LLC. He reviewed requirements previously fulfilled by the county to move forward with the public hearing, which included the adoption of a Resolution of Intent to Close at the March 20, 2017, Board of Commissioners meeting.

Chairman Hanig opened the Public Hearing.

Lisa Ray, of Ray Commercial, Powells Point, represents the Stonecypher Estate and requested a sixty day postponement to allow more time to resolve ownership of the road. She said Stonecypher is the road owner but the road would be split if the

abandonment was adopted now. Ms. Ray said Quible Engineering is working on the project and everything should be completed by June 15th.

Pete Thompson, representing Currituck Waterfront Park, said they have been working on the land and simply want to find out where the boundaries are. Mr. Thompson stressed the importance of the boundaries, as the area includes highlands and wetlands, and said he is not opposed to delaying the abandonment until June 15th.

With no others wishing to speak Chairman Hanig closed the public hearing.

Commissioner Payment moved to postpone any action and bring the item back before the Board at the June 19, 2017, Commissioners meeting. The motion was seconded by Commissioner Hall and carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 6/19/2017 6:00 PM
MOVER:	Mike H. Payment, Vice Chairman	
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	

NEW BUSINESS

A. Consideration of An Ordinance Amending Chapter 10, Article II, Division 7 of the Currituck County Code of Ordinances by Striking Section 10-128 and Adding Sections 10-125 through 10-129 to Provide for Dune and Beach Preservation

Attorney McRee reviewed the ordinance, intended to help protect and ensure the integrity of sand dunes on Currituck beach areas.

After review, Mr. McRee clarified the ordinance would not restrict driveway ingress or egress if designated through a dune. Commissioner Hall expressed concern with drivers heading over dunes onto private property, and after discussion, it was suggested that public crossovers could be better marked. Mr. McRee said installation of signage would be an action outside of the ordinance, but language of the ordinance could be revised prohibiting access across the dunes other than at recognized ramps or permitted drives to property. With discussion concluded, Commissioner Hall moved to continue the matter to the next meeting to allow for appropriate language to be added.

Commissioner Payment seconded the motion and the motion passed unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/15/2017 6:00 PM
MOVER:	Mike D. Hall, 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	

B. Consideration of An Ordinance Amending Chapter 10, Division 2 of the Currituck County Code of Ordinances by Adding Section 10-65 to Prohibit Operation of Motor Vehicles on the Beach Strand and Foreshore with Air Pressure in Tires Exceeding Certain Pounds per Square Inch Depending on the Weight of a Motor Vehicle

Mr. McRee reviewed the air-down ordinance with the Board, which is intended to alleviate damages to the drive area on the 4-wheel drive beach that can be created when vehicles are not properly aired down.

Commissioners were concerned that some vehicles may require greater or lesser tire pressure relative to their size and weight. After discussion, Commissioner Beaumont moved to table to allow for more flexibility within the ordinance. Commissioner Hall suggested the county consider providing an area with resources for the public to air down and air up. Commissioner White said the private sector can look at the business opportunity presented, and Mr. McRee said the County does not have a legal duty to provide such an area.

Commissioner Beaumont revised his original motion and moved to table to investigate what the numbers should be relative to the various vehicle weights that access the beach and to come up with a mechanism to identify resources for the public as to where they can air down and air up. He asked that the item be brought back to the Board at the May 15, 2017, Board of Commissioners meeting.

Commissioner White seconded and the motion passed unanimously.

RESULT:	TABLED [UNANIMOUS]	Next: 5/15/2017 6:00 PM
MOVER:	Paul M. Beaumont, Commissioner	
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	

C. Consideration of An Ordinance Amending Chapter 8 of the Currituck County Code of Ordinances by Adding Article VI Regulating Tow Service Operators

Mr. McRee reviewed the proposed ordinance with the Board, which provides for certain regulations, requirements and licensing for tow operators serving the Currituck Outer Banks 4-wheel drive beach area. After review, Mr. McRee responded to Board questions and clarified particular aspects of the ordinance.

Commissioner White moved to approve with the addition of a licensing procedure, similar to what is in place for horse tour operations, for tow vehicles to ensure that they have been inspected by the sheriff's department and are authorized to be operating. Commissioner Gilbert seconded the motion and the motion passed unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 8 OF THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING ARTICLE IV REGULATING TOW SERVICE OPERATORS ON THE NORTHERN CURRITUCK OUTER BANKS

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-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by ordinance, define, prohibit, regulate, or abate omissions or conditions on upon the State's ocean beaches and regulate, restrict, or prohibit the placement, maintenance, location or use of equipment or personal property upon the State's ocean beaches; and

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended by Session Law 1998-64 and Session Law 2001-33 Currituck 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 Board of Commissioners on the foreshore, beach strand, and the barrier dune system

WHEREAS, citizens and visitors to the county that require tow service should receive tow service rendered in a professional, trained and nonpredatory manner.

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 to Chapter 8 a new Article IV. Tow Service Operations to read as follows:

ARTICLE IV. TOW SERVICE OPERATORS

Sec. 8-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hook-up means the application and first connection of a chain hook from the tow service truck to the towed motor vehicle.

Tow service means the business of a towing service, whereby motor vehicles are towed at the direction of private citizens or removed at the direction of officers of a law enforcement agency by the use of a wrecker or motor vehicle designed for that purpose.

Sec. 8-87. Permit and license required.

No tow service shall engage in the business of towing vehicles on the Outer Banks from the terminus of N. C. Highway 12 to the Virginia state line without first obtaining a permit from the county's manager or manager's designee.

Sec. 8-88. Permit.

(a) Application. Application for a permit issued hereunder shall be notarized and shall be made upon blank forms prepared and made available by the county's manager or manager's designee and shall contain:

(1) the name, home address and proposed business address of each owner, part owner or partner, silent or active;

(2) the business address, business telephone number, telephone number for night calls, location and telephone number for storage area;

(3) a description of the size and capacity of all tow trucks used by the tow truck operator;

- (4) a description and location of the storage area for towed vehicles;
- (5) a copy of the registration card issued by the state division of motor vehicles for each tow truck used by the tow truck operator, indicating that each tow truck is registered as a wrecker as defined in chapter 20 of the General Statutes;
- (6) the application shall be signed by each owner, part owner or partner, silent or active;
- (7) the application shall be accompanied by copies of all insurance policies required by state law.
- (b) Investigation of applicant. Within five business days after receipt of each application, the county's manager or manager's designee shall cause an investigation to be made of the applicant and of his proposed operation. Such investigation shall be made for the purpose of verifying the information in the application and ensuring compliance with the provisions of this article.
- (c) Issuance. The county's manager or manager's designee will issue a tow service permit when the county's manager or manager's designee finds that:
 - (1) the tow service business location and its storage facility are located within the county or county contiguous to the county;
 - (2) all insurance policies and insurance coverages as required by state law have been obtained by the applicant; and
 - (3) the requirements of this article and all other governing laws and ordinances are met.

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

PART III. This ordinance is effective upon adoption.

ADOPTED this 17th day of April, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Marion Gilbert, 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

D. Consideration of Resolution of the Board of Commissioners for Currituck County, North Carolina, Requesting the State of North Carolina Provide Financial Assistance for a Planning Study for a Hydraulics and Hydrology Analysis of a Sub-Watershed Located Within the Moyock Township

Ben Woody, Planning and Community Development Director, reviewed the Army Corp of Engineers' Planning Assistance Study program. Mr. Woody recalled recent flooding in Summit Farms, one problem area included in the study, which would encompass about a third of Moyock Township in total. The Army Corp of Engineers will survey, study and provide strategies to deal with flooding in the future.

Mr. Woody said the total cost of the study would be about \$190,000. The Army Corp of Engineers would pay fifty percent and the County would split the balance with the state of North Carolina, resulting in a \$48,250 cost to the county.

Mr. Woody said adoption of the resolution is needed to move forward with the process.

Mr. Woody said there is no obligation to the county beyond the study, which could be used as a model to address challenges in other watershed areas in the county.

Commissioner Gilbert moved to approve the Resolution. The motion was seconded by Commissioner Beaumont and passed unanimously.

RESOLUTION FOR CORPS OF ENGINEERS
Moyock Sub-Watershed Planning Assistance Study

WHEREAS, the Currituck County Board of Commissioners has entered an agreement with the U.S. Army Corps of Engineers as the non-federal sponsor of a Planning Assistance Study for a Hydraulics and Hydrology Analysis of a Moyock Sub-Watershed in Currituck County. The study results will produce data and analysis that provides the county with greater understanding of the sub-watershed and allows for improvements in the study area. Study activities include field surveys, development of hydraulic models, and identification and analysis of potential structural and nonstructural measures for flood risk management

NOW THEREFORE BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to Currituck County for the Moyock Sub-Watershed Planning Assistance Study in the amount of \$48,250 or 50 percent of the non-federal share, whichever is the lesser amount;
- 2) The Board assumes full obligation for payment of the balance of the non-federal project costs;
- 3) The Board shall return to the State the States portion of any refund the County may receive from the U.S. Army Corps of Engineers at project completion.

ADOPTED by the Currituck County Board of Commissioners this 17 day of April 2017

Attest:

Clerk to the Board

Bobby Hanig, Chairman
Currituck County Board of Commissioners

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, 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

E) Consent Agenda

Commissioner Hall asked questions about the airport apron project items, #3 and #9. Mr. Scanlon provided an explanation for the two items, Item #9 being a grant agreement with the state of North Carolina and Item #3 which establishes the local budget for the project.

Commissioner Hall also asked for an explanation as to the differences in the County Attorney and County Manager contracts, Item #7 and #8, related to dismissal for cause. Mr. McRee explained the County Manager document is a new contract and the County Attorney document is an amendment to the original contract which does not have the same for cause language. The Board discussed modifying the County Attorney's contract to include the for cause language that is present in the County Manager contract.

Mr. McRee reviewed renewal notice and voluntary leave provisions within the documents.

Commissioner Gilbert moved to approve the Consent Agenda with adding item #3 of the County Manager's agreement to the County Attorney's agreement. The motion was seconded by Commissioner Etheridge and carried unanimously.

1) Approval Of Minutes for April 3, 2017

1. Approval of Minutes for April 3, 2017

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10796-516200	Vehicle Maintenance	\$ 400	
10796-526000	Advertising		\$ 400
		\$ 400	\$ 400
Explanation: Currituck County Rural Center (10796) - Transfer funds for truck maintenance.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-514500	Training (4-H & FCS)	\$ 775	
10640-532003	4-H Supplies		\$ 375
10640-532000	Supplies		\$ 200
10640-514000	Travel		\$ 200
10640-545000	Contracted Services	\$ 450	
10640-532000	Supplies		\$ 450
		<u>\$ 1,225</u>	<u>\$ 1,225</u>
Explanation:	Cooperative Extension (10640) - Transfer budgeted funds for additional training and to reshingle agriculture storage shed.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-532000	Supplies	\$ 825	
10350-469020	Maple Park Sponsors		\$ 825
		<u>\$ 825</u>	<u>\$ 825</u>
Explanation:	Parks and Recreation (10795) - To record additional sponsorships for Maple Park ball fields.		
Net Budget Effect:	Operating Fund (10) - Increased by \$825.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10540-532000	Supplies	\$ 1,000	
10540-545001	Abandoned Boat Removal	\$ 875	
10540-561000	Professional Services	\$ 55	
10540-545000	Contracted Services	\$ 55	
10540-531000	Fuel		\$ 1,985
		<u>\$ 1,985</u>	<u>\$ 1,985</u>
Explanation:	Inspections (10540) - Transfer funds for operations for the remainder of this fiscal year.		
Net Budget Effect:	Operating Fund (10) -No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10330-445000	Emergency Management		\$ 17,959
10531-545000	Contracted Services	\$ 15,000	
10531-514600	Public Education	\$ 1,000	
10531-511000	Telephone and Postage	\$ 1,500	
10531-536000	Uniforms	\$ 459	
		\$ 17,959	\$ 17,959

Explanation: Emergency Management (10531) - The 2016 Emergency Management Performance Grant for optional activities completed by EM has been received. These funds will be used bring in training for our first responders, assemble a public education event for public safety and print re-entry permits.

Net Budget Effect: Operating Fund (10) -Increased by \$17,959.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
14460-545000	Contract Services	\$ 16,000	
14340-456003	Tour Operator Permits		\$ 16,000
		\$ 16,000	\$ 16,000

Explanation: Carova Beach Service District (14460) - Increase appropriations for additional road maintenance funded through Tour Operator Permit fees.

Net Budget Effect: Carova Beach Service District (14) - Increased by \$16,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
50795-590007	Moyock Park - Shingle Landing	\$ 1,000,000	
50390-495042	T F - Transfer Tax Capital Fund		\$ 1,000,000
		\$ 1,000,000	\$ 1,000,000

Explanation: Moyock Community Park at Shingle Landing (50795-590007) - Increase appropriations for construction of a community park at Shingle Landing funded from Transfer Tax in the annual budget process.

Net Budget Effect: County Government Construction Fund (50) - Increased by \$1,000,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
52606-545002	US Army Corp - Watershed Study	\$ 96,500	
52390-495010	TF- Operating Fund		\$ 43,425
52390-495025	TF- Guinea Mill Watershed		\$ 4,825
52330-448202	NC Div Water Resources Grant		\$ 48,250
10990-587052	T T - Multi-Year Grant Fund	\$ 43,425	
10310-400016	Ad Valorem Taxes - 2016 Levy		\$ 43,425
25607-587052	T T - Multi-Year Grant Fund	\$ 4,825	
25607-545000	Contracted Services		\$ 4,825
		<u>\$ 144,750</u>	<u>\$ 144,750</u>
Explanation:	US Army Corps - Watershed Study (52606) - Increase appropriations to provide funding for the US Army Corp of Engineers to assist the County with a watershed study. This requires a 50% non-federal match, which will be provide from 25% County funds and 25% State funds from the NC Division of Water Resources that will pass through the County to the Corps of Engineers.		
Net Budget Effect:	Operating Fund (10) - Increased by \$43,425. Guinea Mill Watershed (25) - No change. Multi-year Grant Fund (52) - Increased by \$96,500.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10512-532000	Supplies	\$ 3,051	
10512-516200	Vehicle Maintenance	\$ 1,000	
10512-590000	Capital Outlay		\$ 4,051
		<u>\$ 4,051</u>	<u>\$ 4,051</u>
Explanation:	Animal Services and Control (10512) - Transfer budgeted funds to purchase building furnishings that fall below the capital outlay threshold and for repairs to the former Sr Center van transferred to department.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10545-561000	Medical Examiner	\$ 17,500	
10310-400016	Ad Valorem Taxes - 2016 Levy		\$ 17,500
		<u>\$ 17,500</u>	<u>\$ 17,500</u>
Explanation: Medical Examiner (10545) - Increase appropriations for anticipated needs to medical examiner servicees for the remainder of this fiscal year.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
42450-587050	T T - County Governmental Facilities	\$ 88,592	
42320-414000	Land Transfer Tax		\$ 88,592
		<u>\$ 88,592</u>	<u>\$ 88,592</u>
Explanation: Transfer Tax Capital Fund (42450) - Transfer 10% County Matching Funds for the Corporate Aircraft Parking Apron - Phase II, Project 36237.8.12.1.			
Net Budget Effect: Transfer Tax Capital Fund (42) - Increased by \$88,592.			

3. Project Ordinance-Corporate Area Apron, Phase II

COUNTY OF CURRITUCK GRANT 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 grant ordinance is hereby adopted:

SECTION 1. The project authorized is design, project administration and construction of Corporate Area Apron - Phase II, Project 36237.8.12.1.

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

Corporate Area Apron - Phase II	\$ 885,905
	<u>\$ 885,905</u>

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

State Aide to Airports	\$ 797,313
Land Transfer Tax	<u>\$ 88,592</u>
	<u>\$ 885,905</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 17th day of April 2017.

Bobby Hanig, Chairman Board of
Commissioners

ATTEST:

Leeann Walton Clerk to the Board

4. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at the Whalehead Club in Corolla, North Carolina.

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

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

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

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead, Corolla, North Carolina, on July 4, 2017, which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Corolla, North Carolina on July 4, 2017.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 17th day of April, 2017.

5. Resolution Approving Sole Source Acquisition of Ambulance Chassis and Remount from Select Custom Apparatus

RESOLUTION AUTHORIZING THE PURCHASE OF CHASSIS, ASSOCIATED ACCESSORIES AND REMOUNTING OF WHEELED COACH AMBULANCES FROM SELECT CUSTOM APPARATUS THROUGH SOLE SOURCE PURCHASE

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase apparatus, supplies, materials or equipment when standardization or compatibility is an overriding consideration; and

WHEREAS, to lengthen the service life of its Wheeled Coach ambulances the county Department of Fire and EMS is acquiring new ambulance chassis and associated accessories upon which the patient and equipment compartment is remounted; and

WHEREAS, ninety percent of the ambulances operated by the county Department of Fire and EMS are Wheeled Coach ambulances and the department has previously contracted with Select Custom Apparatus, a Wheeled Coach dealer, for purchase of chassis, associated accessories and remount of patient and equipment compartments; and

WHEREAS, crew familiarity and knowledge of the chassis, associated equipment and the patient and equipment compartment is critical to the success of the department's mission and patient safety as crews transition from one ambulance unit to another requiring standardization and compatibility of ambulances and associated equipment; and

WHEREAS, the acquisition of chassis, associated accessories and remount of patient and equipment compartments by Select Custom Apparatus will assure standardization and compatibility of the ambulance fleet operated by the county Department of Fire and EMS.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$294,807.04 with Select Custom Apparatus for the sole source purchase of chassis, associated accessories and remount of patient and equipment compartments on county ambulance numbers 530-17 and 530-20 in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Select Custom Apparatus for the acquisition apparatus, materials and equipment acquisition described in this resolution and the proposed contract.

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

This the 17th day of April, 2017.

6. Proclamation Designating May as Older Americans Month**Older Americans Month 2017****A PROCLAMATION**

Whereas, Currituck County includes older Americans who richly contribute to our community; and

Whereas, we acknowledge that what it means "to age" has changed-for the better.

Whereas, Currituck County is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

Whereas, Currituck County can provide opportunities to enrich the lives of individuals of *all ages* by:

- involving older adults in the redefinition of aging in our community;
- promoting home- and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

Now therefore, the Currituck County Board of Commissioners does hereby proclaim May 2017 to be Older Americans Month. The Currituck County Board of Commissioners urges every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

Dated this 17th day of April, 2017.

7. Consideration of County Manager Employment Agreement

8. Consideration of Amendment to County Attorney Employment Agreement

9. Grant Agreement for the Corporate Area Apron, Phase 2 Construction

F) Commissioner's Report

Commissioner Beaumont reported he had contacted Senator Cook's office about an email he received in which the Senator expressed opposition to a local act requested by Currituck County which asked for safety feature requirements in Large Residential Structures. The Senator's aide said denial had to do with the load of local legislation they were being asked to introduce, not that the Senator was opposed to the request.

Commissioner Beaumont reported on his tour of the new water park, H2OBX, along with Currituck's first responders. He expressed his concerns with northbound traffic entering the park and asked that the North Carolina Department of Transportation (NCDOT) expedite consideration of a traffic signal at the location. Mr. Scanlon said he has not received anything to date of NCDOT's intent to install a signal and that submittals and a traffic analysis were reviewed and the entrance required only a deceleration lane. Mr. Scanlon said the county will make a request for a signal.

Commissioner Etheridge relayed information received at a recent Social Services Board meeting about Senate Bill 594 titled Family/Child Protection Accountability Act, which proposes reforms to the child welfare system and promotes a regional approach to child protective services. She noted the bill would affect all 100 North Carolina counties.

Commissioner Gilbert reported there were approximately 100 attendees at the county animal shelter's Easter egg hunt last Saturday along with several adoptions taking place as well.

Commissioner Payment recalled the earlier work session to discuss Corolla Fire and Rescue. He again encouraged citizens to contact their local fire stations to volunteer.

G) County Manager's Report

The County Manager had nothing to report.

CLOSED SESSION

1. Amended Item-Closed Session Pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.

Chairman Hanig moved to enter into closed session pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.

ADJOURN**Motion to Adjourn Meeting**

The Board returned from Closed Session and no further action was taken. With no further business, Commissioner Beaumont made a motion to adjourn. Commissioner White seconded the motion and the motion passed unanimously. The meeting of the Board of Commissioners was concluded.

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

NORTH CAROLINA

CURRITUCK COUNTY

RESOLUTION AND ORDER OF THE BOARD OF COMMISSIONERS FOR THE
COUNTY OF CURRITUCK, NORTH CAROLINA CLOSING OLD U. S. HIGHWAY 158,
ALSO KNOWN AS SECONDARY ROAD 1405 AND OLD FERRY LANDING IN
COINJOCK, POPLAR BRANCH TOWNSHIP

WHEREAS, a preliminary resolution declaring the intent of the Board of Commissioners to close Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township was adopted at a regular meeting of the Board of Commissioners for the County of Currituck on March 20, 2017 and a public hearing on the question was called for 6:00 P.M. on April 17, 2016 at the Historic Currituck Courthouse, Currituck, North Carolina for the purpose of hearing objections to the closing of the road; and

WHEREAS, notice of such public hearing has been published once a week for three successive weeks in The Daily Advance, a newspaper published and having a general circulation in Currituck County, North Carolina and a notice of the closing and the public hearing has been prominently posted in at least two places along the road which is to be closed and abandoned; and

WHEREAS, a copy of the resolution of intent to close Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township was sent by certified mail to Deloise L. Stonecypher Heirs, 320 Pecan Estates Road, Angleton, Texas 77515, an owner as shown on the Currituck County tax records of property adjoining Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township and that did not join in the request to have the road closed; and

WHEREAS, the public hearing was conducted at 6:00 P.M. on April 17, 2017 at the Historic Currituck Courthouse, Currituck, North Carolina and said public hearing was conducted for the purpose of hearing objections to the closing of Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township at which time all parties and persons interested were given an opportunity to be heard; and

WHEREAS, the Board of Commissioners, after considering all matters has determined that the closing Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township will not be detrimental to the public interest or to any individual property rights and further the Board of Commissioners is satisfied that closing the road is not contrary to the public interest and no individual owning property in the vicinity of

Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township will not be deprived of reasonable means of ingress and egress to their property.

NOW THEREFORE, BE IT RESOLVED AND ORDERED, by the Board of Commissioners for the County of Currituck that Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township more particularly shown and described on a plat recorded in Plat Cabinet D, Page 66 of the Currituck County Registry, which plat is incorporated herein by reference, is permanently closed and abandoned, and that the right, title and interest in Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township be vested in the owners of the parcels of land adjoining Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township.

BE IT FURTHER RESOLVED, that a copy of this Resolution be certified to the Register of Deeds of Currituck County and recorded in the Currituck County Registry.

This the 17th day of April, 2017.

By: _____
Bobby Hanig, Chair
Board of Commissioners

NORTH CAROLINA

CURRITUCK COUNTY

The undersigned certifies under the seal of the County of Currituck that she is the Clerk to the Board of Commissioners for the County of Currituck and as such is the custodian of the minute books containing minutes of its official meetings and the custodian of its official documents and that the foregoing and attached Resolution ordering the closing of Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, in Coinjock, Poplar Branch Township is a true and perfect copy of the original thereof contained and recorded in Minute Book _____, Page _____ containing the minutes of said meeting of said Board of Commissioners held on April 17, 2017.

Attachment: Resolution Closing Old US Hwy 158 041717 (1869 : Public Hearing-Road Closure SR 1405 (Old US Hwy 158))

Certified to the Register of Deeds of Pasquotank County this the ____ day of _____, 2017.

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

NORTH CAROLINA

CURRITUCK COUNTY

I, _____, a Notary Public of the aforesaid State and County of _____ do hereby certify that Leeann Walton personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Currituck County, a body corporate and politic, and that by authority duly given and as the act of the corporation, the foregoing instrument was sealed with its corporate seal, and she further acknowledged the due execution of the foregoing certification and under oath swore to the matters therein certified.

Witness my hand notarial seal this the ____ day of _____, 2017.

Notary Public

Printed Name

My commission expires:_____

(NOTARY SEAL)

Attachment: Resolution Closing Old US Hwy 158 Hwy 1405 (Old US Hwy 158))

**RESOLUTION OF INTENT TO CONSIDER PERMANENT CLOSURE OF OLD
U. S. HIGHWAY 158, ALSO KNOWN AS SECONDARY ROAD 1405 AND OLD
FERRY LANDING IN COINJOCK, POPLAR BRANCH TOWNSHIP**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-241 a county may permanently close any street, whether opened or unopened; and

WHEREAS, the Currituck Waterfront Business Park, LLC is the owner of property on the eastern boundary of Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing, and has petitioned the county to close Old U. S. Highway (Secondary Road 1405). A copy of the petition and supporting documents are attached hereto and incorporated herein by reference as Exhibit A and a plat recorded in Plat Cabinet D, Page 66 of the Currituck County Registry more particularly showing the road petitioned for closing is attached hereto and incorporated by reference as Exhibit B; and

WHEREAS, by action taken on November 6, 1992 and May 5, 2016 the North Carolina Board of Transportation authorized abandonment and removal of Old U. S. Highway 158 (Secondary Road 1405) from the state maintained road system.

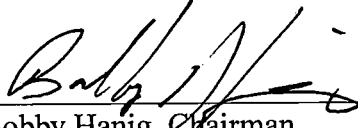
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Currituck, North Carolina that:

Section 1. A public hearing shall be held at 6:00 p.m. on April 17, 2017, or as soon thereafter as the matter can be reached, to hear any person on the question of whether or not to permanently close Old U. S. Highway 158, also known as Secondary Road 1405 and Old Ferry Landing in Coinjock, Poplar Branch Township as more particularly described and shown on that plat recorded at Plat Cabinet D, Page 66 of the Currituck County Registry.

Section 2. The Clerk to the Board of Commissioners shall cause the publication of this Resolution, excluding the Exhibits which shall be maintained by the Clerk to the Board for public inspection, once a week for three successive weeks prior to the public hearing and a notice of the proposed permanent closing of road described herein and public hearing shall be prominently posted in two locations along the road proposed for closure.

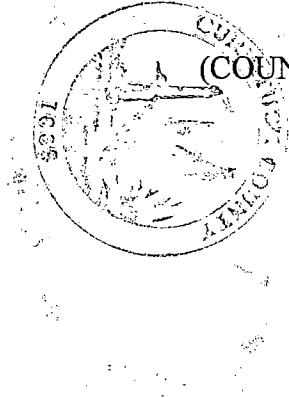
Section 3. This resolution shall be effective upon its adoption.

Adopted this 20th day of March, 2017.


Bobby Hanig, Chairman
Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners



(COUNTY SEAL)

EXHIBIT A-1

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

ATTORNEYS AT LAW

2502 S. CROATAN HIGHWAY

NAGS HEAD, NORTH CAROLINA 27959

TELEPHONE (252) 441-0871

TELEFAX (252) 441-8822

INTERNET: www.hrem.com

M. H. HOOD ELLIS
 BENJAMIN M. GALLOP
 ROBERT B. HOBBS, JR.*
 L. P. HORNTHAL, JR.
 L. PHILLIP HORNTHAL, III
 ANDREW W. HOWLE
 A. VANN IRVIN**
 JOHN D. LEIDY
 W. BROCK MITCHELL
 DONALD C. PRENTISS

*BOARD CERTIFIED SPECIALIST IN
 REAL PROPERTY LAW

** BOARD CERTIFIED SPECIALIST IN
 ESTATE PLANNING AND PROBATE LAW

OF COUNSEL
 MARK M. MALAND
 J. FRED RILEY

RETIRED
 THOMAS L. WHITE, JR.
 CHARLES W. OGLETREE

OTHER OFFICES
 ELIZABETH CITY, NC
 COLUMBIA, NC

February 7, 2017

VIA EMAIL ONLY TO: Ike McRee <Ike.Mcree@CurrituckCountyNC.gov>

Currituck County Board of Commissioners
 C/O Donald I. McRee, Jr. , Currituck County Attorney
 153 Couthouse Road, Suite 210
 Currituck, NC 27929

Re: Request to Close the Remainder of Old US 158 (State Road 1405)
 HREM File No.: 27979-0

Dear Ike:

I hope this letter finds you doing well. As you know, our firm represents Currituck Waterfront Business Park, LLC ("CWBP"). CWBP currently owns the property located just east and west of US 158 on the south side of the Coinjock canal. A paved portion of Old US 158 (State Road 1405) borders a portion of the CWBP property on its eastern boundary (the "Old Ferry Landing"). The Old Ferry Landing runs northward to the canal from the edge of the existing Waterlily Road right-of-way.

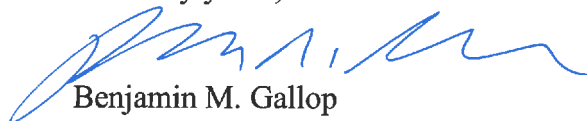
CWBP requests that Currituck County take the necessary steps to close the entirety of the Old Ferry Landing pursuant to N.C.G.S. § 153A-241. Attached to the email forwarding this letter, you will find two PDF documents which contain confirmation that the North Carolina Department of Transportation has taken the steps necessary to abandon and remove the Old Ferry Landing from its secondary road system. The abandonment removes the Old Ferry Landing from the control and supervision of the NCDOT and places the authority with the County to under N.C.G.S. § 153A-241 to close the road after following the requisite procedures provided by the statute.

Please let me know if there is anything else you will need from me or my clients to initiate or further this process. If there is nothing further needed, please let me know when the County's Board of Commissioners will consider adopting a resolution declaring its intent to

Attachment: Exhibit A1 Resolution Close Old US Hwy 158 (1869 : Public Hearing-Road Closure SR 1405 (Old US Hwy 158))

close the Old Ferry Landing and setting a public hearing on the closure. I look forward to hearing back from you and to working with you on this matter. I remain

Sincerely yours,



Benjamin M. Gallop

BMG/

Attachments

Cc: Client (via email)

Attachment: Exhibit A1 Resolution Close Old USHwy 158 (1869 : Public Hearing-Road Closure SR 1405 (Old US Hwy 158))

EXHIBIT A-2

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATIONP. O. Box 1405
Elizabeth City, NC 27906-1405
(919) 338-5131

June 15, 1992

JAMES G. MARTIN
GOVERNORTHOMAS J. HARRELSON
SECRETARY

DIVISION OF HIGHWAYS

WILLIAM G. MARLEY, JR., P.E.
STATE HIGHWAY ADMINISTRATOR

MEMORANDUM TO: C. O. White, P.E.
Division Engineer - Division One

FROM: C. E. Lassiter, Jr., P.E.
District Engineer - District One

SUBJECT: Proposed Deletion of a Portion of SR 1405 -
Old US 158 - Currituck County

Please find attached Forms SR-3, SR-5, and other supporting data recommending the deletion of a portion (approximately 950 ft.) of the above mentioned road from the State Maintained System.

We request that you review this submittal for further approval at the next Board of Transportation Meeting.

If additional information is needed, please advise.

CEL/aih

Atta.

Cc: Mr. Philip Godwin
Mr. T. C. Tilley
Mr. Randy Langley

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
SECONDARY ROAD ABANDONMENT INVESTIGATION REPORT

County Currituck Co. File No. _____ Date 06-15-92
Township Poplar Branch Div. File No. _____

SR No. & Local Name If Any SR 1405 (Old US 158 South)

Length 950' Width 24' Type I-2 Condition Fair - Poor

Number of homes having entrances into road 1

Other uses having entrances into road 1 Recreational Facility

Is the road a school bus route? No

Average Daily Traffic Count (estimated) 20

Date of last State maintenance performed Fall - 1989

Is the road a mail route? Yes

Is a petition for this request attached? Yes

Is the County Commissioners' Approval attached? Yes

If not, give reason _____

Additional information applicable _____

Submitted by DISTRICT ENGINEER Reviewed and approved by DIVISION ENGINEER

Reviewed and approved
Board of Transportation Member _____

(Do not write in this space - For use
of Planning and Research Department)

(Do not write in this space -
For use of Secondary Roads Department)

Petition No. _____

(Do not write in this space -
For use of Planning Department)



COUNTY OF CURRITUCK

RESOLUTION

REQUEST FOR ABANDONMENT TO STATE MAINTAINED SECONDARY ROAD SYSTEM

NORTH CAROLINA
COUNTY OF CURRITUCK

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Currituck requesting that the described road be abandoned from the state maintained system, and

WHEREAS, the Board of County Commissioners is of the opinion that the requested area should be abandoned,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Currituck that the Division of Highways, North Carolina Department of Transportation, is hereby authorized to abandon approximately _____ ft/miles at Old US Hwy 158 - Coinjock - Map attached of Secondary Road - _____ from the state maintained system, in accordance with Department of Transportation Form SR-3 enclosed.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Currituck at a meeting on the 16 day of March, 1992.

WITNESS my hand and official seal this the 18 day of March, 1992.

Gwen H. Latem
Clerk, Board of Commissioners
County of Currituck

Attachment: Exhibit A2 Resolution Close Old US Hwy 158 (1869 : Public Hearing-Road Closure SR 1405 (Old US Hwy 158))

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
ABANDONMENT PETITION

North Carolina
County of CURRITUCK

Petition request for the abandonment of Secondary Road/Old US Hwy 158 from the State
Maintained System.

We the undersigned, being all of the property owners on Secondary Road/Old US Hwy 158
in Currituck County do hereby request the Division of Highways of the
Department of Transportation to abandon the road from the State Maintained System.

NAME

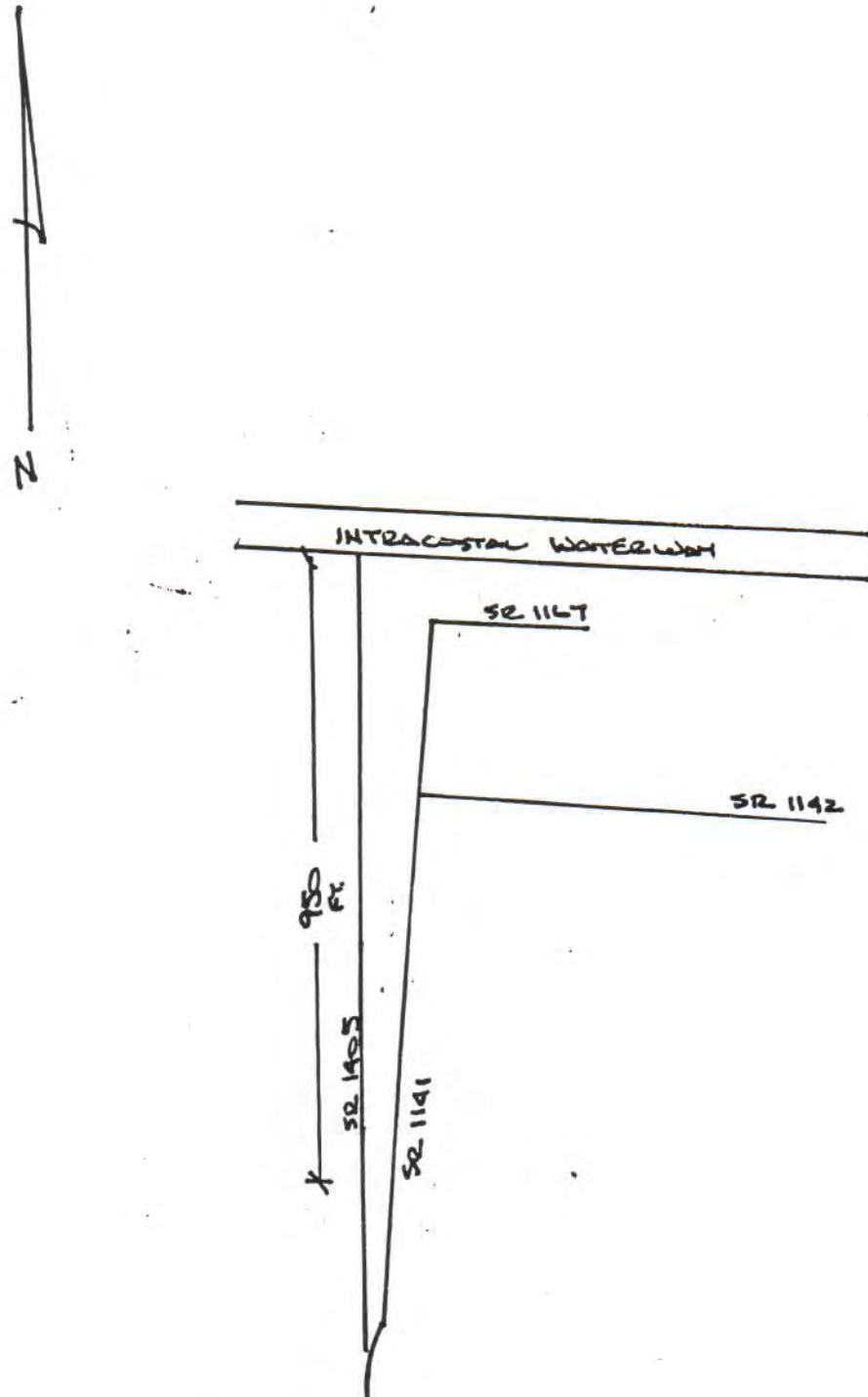
PROPERTY OWNERS

ADDRESS

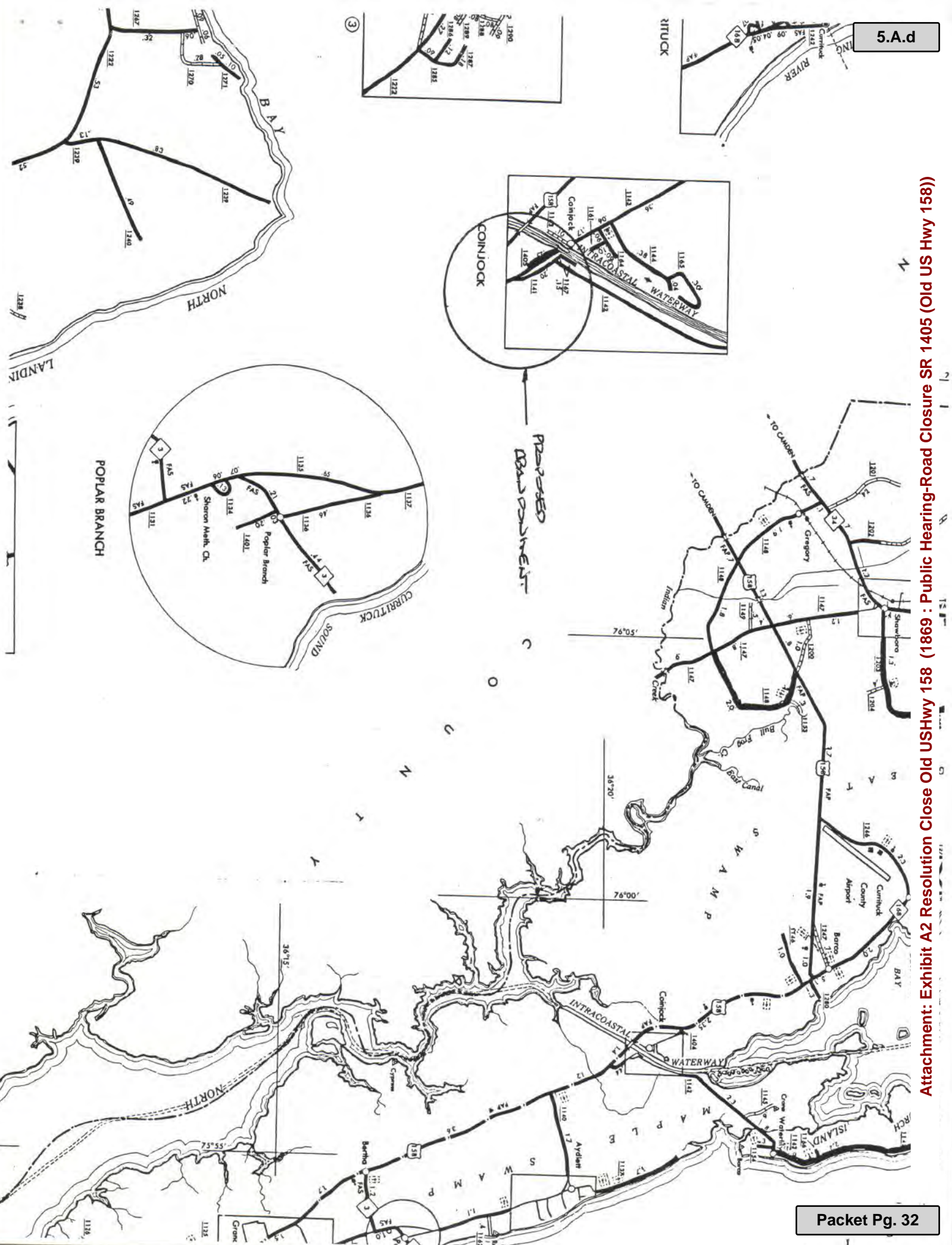
Robert C. Stonecypher

P.O. Box 13388, Chesapeake, VA 23325

Form SR-3 (6-78)



PROPOSED ROAD ABANDONMENT OF 950 FT OD SR 1405 -
OLD US 158 (SOUTH) - GADSDEN - CURRITUCK COUNTY



1-13-93

TO: T.C., RANDY FROM: NHC
FOR YOUR INFO



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
P.O. BOX 25201
RALEIGH 27611-5201

12-1-92

RECEIVED

JAN 13 1993

DISTRICT I
OFFICE

JAMES G. MARTIN
GOVERNOR

THOMAS J. HARRELSON
SECRETARY

DIVISION OF HIGHWAYS

WILLIAM G. MARLEY, JR., P.E.
STATE HIGHWAY ADMINISTRATOR

MEMORANDUM TO:

Mr. C.O. White, P.E.
Division 1

FROM:

E.R. Shuller, P.E.
GIS Director

SUBJECT:

Change Secondary Road Numbers

We have been authorized to make the following changes in Secondary Road Numbers on County Maps as indicated below. We request that you make similar changes on your file maps in Division and District, and have the necessary changes made by your sign supervisor on the ground. We are changing our basic county maps accordingly. If our plan does not fit actual ground conditions, please return this with a letter of explanation and recommendations.

County CURRITUCK

Old Numbers _____

Petition No. 37782

New Numbers _____

Length:

Cancel Numbers SR 1405 (part of)Board Approval .19 Miles

System Addition _____

County Map .19 MilesSystem Deletion ☒Report Date 6-15-92

System Reassignment _____

Road Name _____

Number Reassignment
(See Map) _____Date of Approval 11-6-92

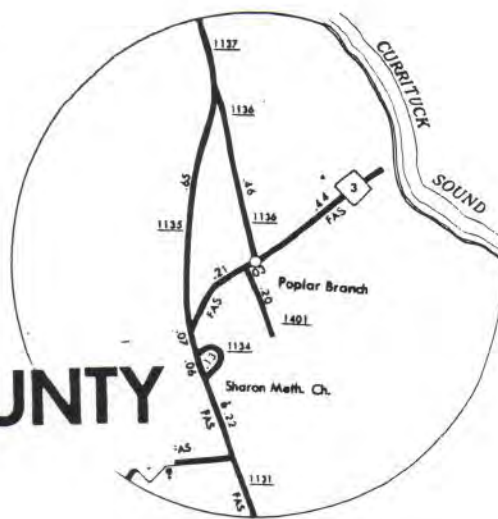
Remarks: _____

ERS/car _____

cc: Bridge Department
Traffic Engineering
Right of Way



ABANDON (.19)
part of 521405



POPLAR BRANCH





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES G. MARTIN
GOVERNOR

P. O. Box 1405
Elizabeth City, NC 27906-1405
(919) 331-4737

DIVISION OF HIGHWAYS

THOMAS J. HARRELSON
SECRETARY

November 16, 1992

WILLIAM G. MARLEY, JR., P.E.
STATE HIGHWAY ADMINISTRATOR

Petition: 37782
County: Currituck
Re: Abandonment-Portion
of SR 1405 - 950'

Mr. Robert C. Stonecypher
P. O. Box 13388
Chesapeake, VA 23325

Dear Mr. Stonecypher:

This is to advise that 950 ft. of SR 1405, Old US 158 South in Currituck County was abandoned from the State Highway System by the Board of Transportation at the Board Meeting of November 6, 1992.

If additional information is needed, please advise.

Yours very truly,

C. E. Lassiter, Jr., P.E.
District Engineer

Cc: Mr. Jack Murdock
Mr. Philip Godwin
Mr. C. O. White
Board of Commissioners
School Superintendent

Attachment: Exhibit A2 Resolution Close Old US Hwy 158 (1869 : Public Hearing-Road Closure SR 1405 (Old US Hwy 158))

EXHIBIT A-3



PAT McCrory
Governor
NICHOLAS J. TENNYSON
Secretary

August 2, 2016

Currituck Waterfront Business Park, LLC
187 Waterlily Road
Coinjock, NC 27923

County: Currituck

Subject: Deletion of Road in Currituck
SR 1405 Old US 158

Dear Sirs,

Your name was listed as the contact person on the above petition for Secondary Road Abandonment, and we are pleased to inform you that the above road has been removed from the State Highway System. This abandonment was approved by the North Carolina Board of Transportation at the Board Meeting of May 5, 2016.

Of course it will be impossible to notify all of the petitioners regarding the removal of this road, and I would personally appreciate it if you would tell the interested persons for me. If you have any questions feel free to notify our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy W. Midgett'.

Randy W. Midgett, PE
District Field Engineer

Attachments

Cc: M.K. Fearing
J.D. Jennings, PE
R.K. Sawyer, PE
Dan Scanlon, County Manager
Mark Stefanik, Superintendent



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK MCCRORY
GOVERNOR

May 16, 2016

NICHOLAS J. TENNYSON
SECRETARY

MEMORANDUM TO: Mr. J.D. Jennings, PE (acting)
Division Engineer
Division 1

FROM: Mr. John C. Farley, GISP, CPM
Manager
Geographic Information Systems Unit

SUBJECT: 2016 District 1 Road System Changes

The GIS Unit's Data Conversion Group has been authorized to make the changes indicated below to the state road system. We request that you update the related maps and files in your offices and install appropriate road number signs, if necessary. If our system changes do not conform to the actual conditions in the field, please return this memorandum with recommendations.

Petition	County	Approval Date
CURRITUCK_2016_05_51063	CURRITUCK	5/5/2016

Questions or comments about changes should be referred to the GIS Help Desk at GISHelp@ncdot.gov.
Thank you for your assistance.

JCF

cc: BSIP
Bridge Maintenance
Division Right of Way
IMG
Pavement Management
Permit Unit
State Road Maintenance
Traffic Engineering
Traffic Surveys

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
GEOGRAPHIC INFORMATION SYSTEMS
1521 MAIL SERVICE CENTER
RALEIGH, NC 27699-1521



DELIVERY ADDRESS:
4101 CAPITAL BLVD.
RALEIGH, NC 27604
FAX: (919) 707-2214

2016 ROAD SYSTEM CHANGES

PETITION	COUNTY	APPROVAL DATE	ROUTE NUMBER	PORTION REASSIGNED	STREET NAME	LENGTH (miles)	TYPE OF CHANGE	REMARKS (See Attached Map)
CURRITUCK_2016_05_5106 3	CURRITUCK	5/5/2016	SR 1405		OLD US 158	0.07	SYSTEM DELETION VIA PETITION	

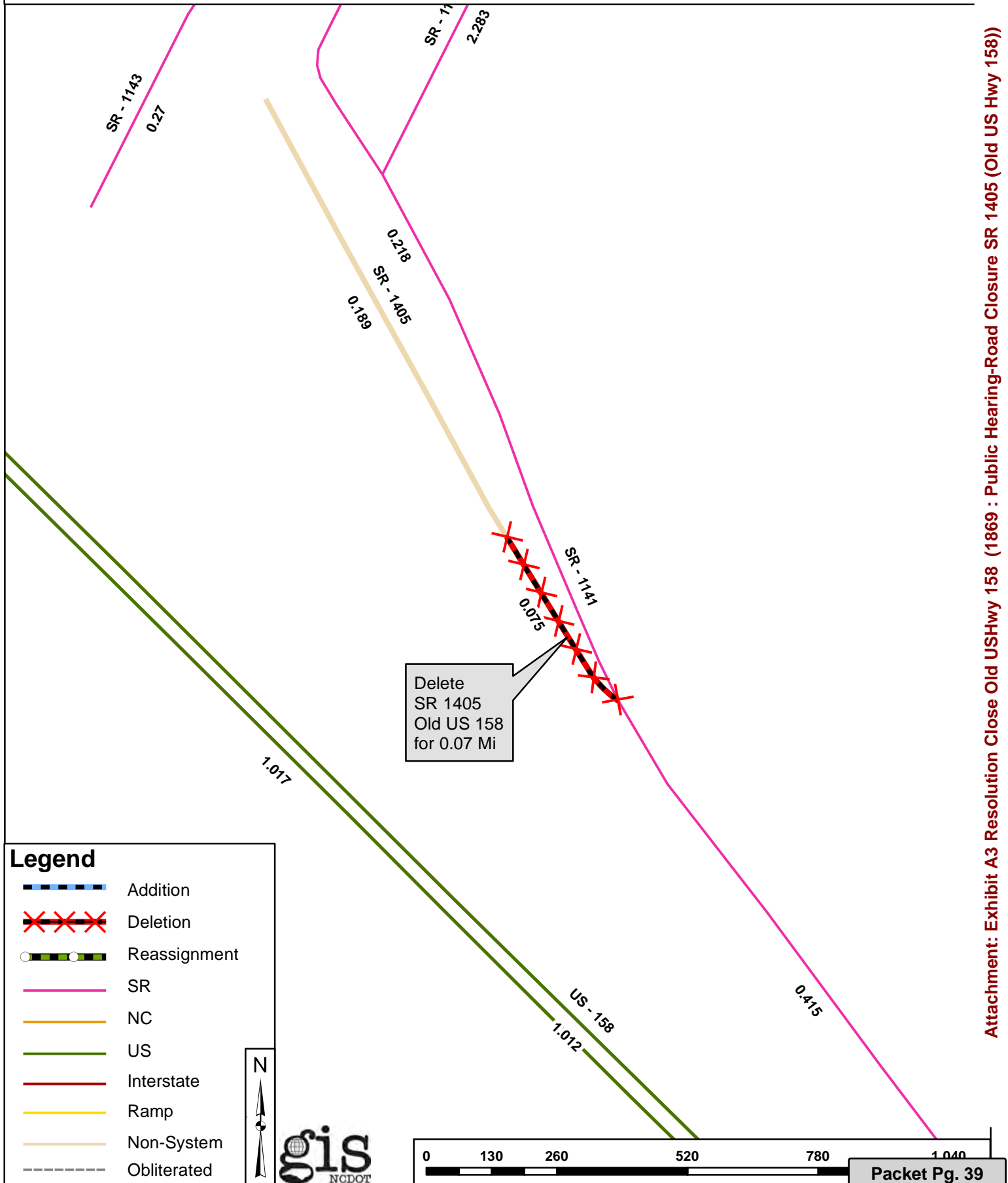
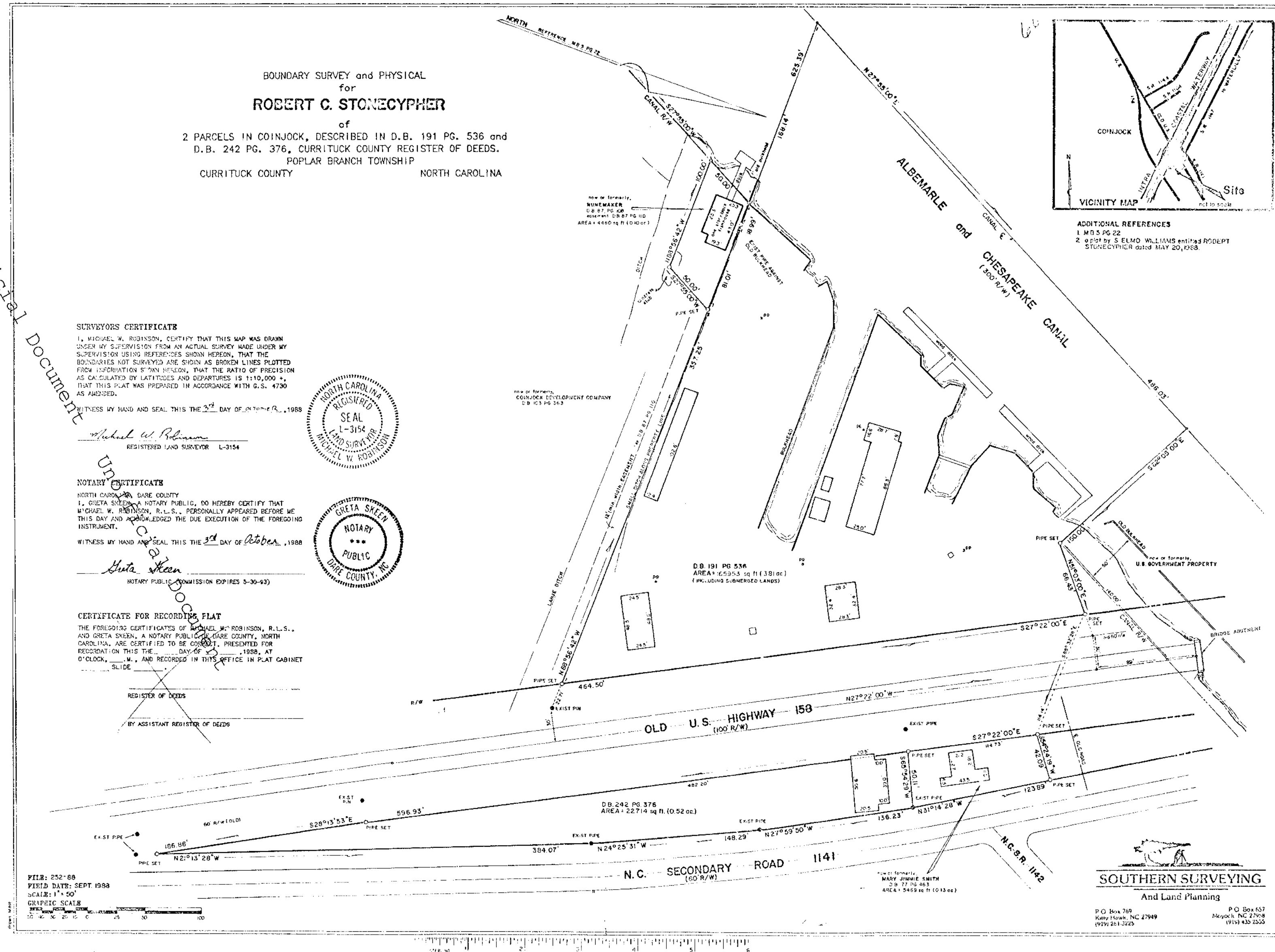


EXHIBIT B

UnOfficial Document

UnOfficial Document

NORTH CAROLINA CURRITUCK COUNTY
 The foregoing certificate(s) of Greta Skeen, Notary of Dare County,
M.C. in (are) certified
 to be correct. This instrument was presented for registration at 11:10 o'clock A.M. on January 14,
1989, and recorded in Book D, Page 666.
Michael W. Robinson
Deputy Register of Deeds



**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 10, ARTICLE II, DIVISION 7 OF THE CODE OF
ORDINANCES BY STRIKING SECTION 10-128 AND ADDING SECTIONS 10-125
THROUGH 10-129 TO PROVIDE FOR DUNE AND BEACH PRESERVATION**

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-169 a county may by ordinance regulate the use of county property, and pursuant to N.C. Gen. Stat. §153A-438 a county may by ordinance appropriate revenues not otherwise limited as to use by law to finance the acquisition, construction, reconstruction, extension, maintenance, improvement, or enlargement of sand dunes.

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

PART I. Chapter 10, Article II, Division 7 of The Code of Ordinances, Currituck County, North Carolina is amended by striking Section 10-128 and adding Sections 10-125 through 10-129 to read as follows:

Sec. 10-128. Unattended property on the beach.

~~(a) It shall be unlawful for any person to leave unattended between the hours of sunset and sunrise any property, including but not limited to volleyball, badminton and tennis nets, poles, tents, horseshoe stakes, croquet courses, grills, umbrellas and recreational equipment, cabanas, canopies, or any other personal property items on the beach strand as defined section 10-51 of this Code of Ordinances. All property unattended and remaining on the beach strand between sunset and sunrise shall be considered litter and may be subject to removal and disposal.~~

~~(b) This section does not apply to life guard stands and accessory uses regulated by the Currituck County Unified Development Ordinance.~~

Sec. 10-125. Conflicts with state rules.

If any provision of this division is in conflict with a rule adopted by the State Coastal Resources Commission dealing with oceanfront erosion control or regulation of development as contained in 15A NCAC 07H.300, then the rule or regulation shall control and apply in lieu of the provision of this division in conflict therewith.

Sec. 10-126. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Adverse impact means anything that would destroy, harm, impair, diminish or degrade the value or integrity of a sand dune for storm protection or wildlife habitat.

Barrier dune means the easternmost sand dune or system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

Beach means the lands consisting of unconsolidated soil materials that extend for a distance of 100 yards east of the mean low water mark into the Atlantic Ocean landward to a point where either the growth of stable natural vegetation occurs or a distinct change in slope or elevation alters the configuration, whichever is farther landward.

CAMA means the Coastal Area Management Act, an act requiring land use planning in coastal North Carolina counties.

Dune system, frontal dune means the first mound of sand located landward of the beach having sufficient vegetation, height, continuity, and configuration to offer protective value.

Dune system, primary dune means the first mounds of sand located landward of the beach having an elevation equal to the mean flood level for the area plus six feet. The primary dune extends landward to the lowest elevation in the depression behind the same mound of sand.

Dune walkover access, improved means a raised walkway constructed for the purpose of providing access to the beach from points landward of the dune system.

Dune walkover access, unimproved means a sand walkway or path used for the purposes of providing pedestrian access to the beach which is no more than 6 feet in width and located in an area where there is no escarpment present between the dune structure and the beach.

Escarpment means the vertical drop or steep slope in the beach profile separating two comparatively level or more gentle sloping surfaces caused from high tide or storm tide erosion. Escarpments for the purposes of this division shall only be determined to exist in areas where the height and slope of the escarpment would preclude reasonable pedestrian access to the beach without causing an adverse impact to the dune structure.

Invasive exotic species means a non-native or invasive vegetation which, if left undisturbed by manmade forces, will create a landscape comprised of a singular plant species.

Toe of slope means that point between the beach and the dune system where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change upward and becomes the slope of the barrier dune.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks, provided that for the purposes of this division, bicycles

shall be deemed vehicles, and every provision of this division applicable to the driver of a vehicle shall also be applicable to persons on bicycles.

Sec. 10-127. Territorial applicability.

This division shall apply to the primary and frontal dune systems as defined in section 10-126 and to the ocean beaches located on the Currituck Outer Banks.

Sec. 10-128. Beach and dune protection.

(a) The following activities shall be considered unlawful within the dune system:

- (1) Walking or traversing on the dunes outside of an improved or unimproved dune walkover access as defined in section 10-126;
- (2) Allowing pets to walk or traverse on the dunes outside of an improved or unimproved dune walkover access as defined in section 10-126;
- (3) Utilizing an improved dune walkover structure that has been damaged and officially posted by the county building inspector as an unsafe structure;
- (4) Removing, damaging, or destroying healthy, non-invasive dune plant species including, but not limited to, Sea Oats (*Uniola paniculata*), Bitter Panicum (*Panicum amarum*), Seashore Elder (*Iva imbricata*), Saltmeadow Cordgrass (*Spartina patens*), and American Beachgrass (*Ammophila breviligulata*);
- (5) Installation of vegetation inconsistent with sand dune systems, such as lawn grasses or sod, or herbaceous varieties that are not commonly known as "salt-tolerant" dune varieties or that may be determined to be invasive exotic species;
- (6) Operating any vehicle, moped, motorcycle, or motor vehicle or using any horse on or across any frontal or primary dune, or in such a manner as would destroy natural vegetation;
- (7) Degrading, disturbing, or compromising the integrity of the dune structure. These prohibited activities include, but shall not be limited to:
 - (A) Digging, shelling, mining, or mechanical alteration of the dune topography;
 - (B) Playing, sliding, climbing, or rappelling on the frontal or primary dune or the dune escarpment; and
 - (C) Discharging water into the dune where it will cause significant scouring or erosion or otherwise affect the integrity of the dune;

(8) Development activities without a valid building permit, zoning permit, Albemarle Regional Health Services approval or approval from a health department with jurisdiction in the county, or CAMA authorization;

(9) Storing objects or construction materials; and

(10) Littering.

(b) Beach Vitex (*Vitex rotundifolia*) is hereby found and declared to be a public nuisance due to the significant negative impacts it has upon the beaches and dune system, nesting sea turtles, and native vegetation such as Sea Oats, Bitter Panicum, Seashore Elder, Saltmeadow Cordgrass, and American Beachgrass. It shall be unlawful for any person to plant or cause to be planted Beach Vitex on the Currituck Outer Banks.

(c) Exemptions: Currituck County hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this section shall not apply to the following activities:

(1) Development activities authorized by Currituck County, Albemarle Regional Health Services or a health department with jurisdiction in the county, or CAMA;

(2) Dune or property maintenance activities including planting or fertilization of native, salt-tolerant dune vegetation, sand fence installation, minor dune repairs, and removal of litter or debris;

(3) Activities within the developed portion of the dune system and driving on permitted driveways and ramps over the dune system;

(4) Federal, state, and local officials engaged in official regulatory activities; and

(5) Persons engaged in research, conservation, preservation, or extension activities as authorized by the county manager.

Sec. 10-129. Unattended property on beach.

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

(b) This section does not apply to life guard stands and accessory uses regulated by the Currituck County Unified Development Ordinance.

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

PART III. Severability. It is declared by the Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any phrase, clause, sentence, paragraph, or section of this ordinance should be declared invalid by a final decree or judgment of a court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PART IV. This ordinance is effective upon adoption.

ADOPTED this 15th day of May, 2017.

Bobby Hanig, Chair
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING CHAPTER 10, DIVISION 2 OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES BY ADDING SECTION 10-65 TO PROHIBIT OPERATION OF**
4 **MOTOR VEHICLES ON THE BEACH STRAND AND FORESHORE WITH AIR**
5 **PRESSURE IN TIRES EXCEEDING CERTAIN POUNDS PER SQUARE INCH**
6 **DEPENDING ON THE WEIGHT OF A MOTOR VEHICLE**

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

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

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

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

18 PART I. Chapter 10, Division 2 of The Code of Ordinances, Currituck County, North Carolina
19 is amended by adding Section 10-65 to read as follows:

20 **Sec. 10-65. Motor vehicle tire pressure.**

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

23 (a) 20 p.s.i. for motor vehicle weighing less than three-quarters of a ton; or

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

25 Motor vehicles weighing more than one ton shall maintain tire p.s.i. not greater than that
26 required for safe travel.

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

29 PART III. This ordinance is effective upon adoption.

30
31 ADOPTED this 15th day of May, 2017.
32
33
34
35

Bobby Hanig, Chair

Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 8 OF THE CURRITUCK COUNTY CODE OF ORDINANCES
BY ADDING ARTICLE IV REGULATING TOW SERVICE OPERATORS ON THE
NORTHERN CURRITUCK OUTER BANKS**

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-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by ordinance, define, prohibit, regulate, or abate omissions or conditions on upon the State's ocean beaches and regulate, restrict, or prohibit the placement, maintenance, location or use of equipment or personal property upon the State's ocean beaches; and

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended by Session Law 1998-64 and Session Law 2001-33 Currituck 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 Board of Commissioners on the foreshore, beach strand, and the barrier dune system

WHEREAS, citizens and visitors to the county that require tow service should receive tow service rendered in a professional, trained and nonpredatory manner.

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 to Chapter 8 a new Article IV. Tow Service Operations to read as follows:

ARTICLE IV. TOW SERVICE OPERATORS

Sec. 8-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hook-up means the application and first connection of a chain hook from the tow service truck to the towed motor vehicle.

Tow service means the business of a towing service, whereby motor vehicles are towed at the direction of private citizens or removed at the direction of officers of a law enforcement agency by the use of a wrecker or motor vehicle designed for that purpose.

Sec. 8-87. Permit and license required.

No tow service shall engage in the business of towing vehicles on the Outer Banks from the terminus of N. C. Highway 12 to the Virginia state line without first obtaining a permit from the county's manager or manager's designee.

Sec. 8-88. Permit.

(a) Application. Application for a permit issued hereunder shall be notarized and shall be made upon blank forms prepared and made available by the county's manager or manager's designee and shall contain:

- (1) the name, home address and proposed business address of each owner, part owner or partner, silent or active;
- (2) the business address, business telephone number, telephone number for night calls, location and telephone number for storage area;
- (3) a description of the size and capacity of all tow trucks used by the tow truck operator;
- (4) a description and location of the storage area for towed vehicles;
- (5) a copy of the registration card issued by the state division of motor vehicles for each tow truck used by the tow truck operator, indicating that each tow truck is registered as a wrecker as defined in chapter 20 of the General Statutes;
- (6) the application shall be signed by each owner, part owner or partner, silent or active;
- (7) the application shall be accompanied by copies of all insurance policies required by state law.

(b) Investigation of applicant. Within five business days after receipt of each application, the county's manager or manager's designee shall cause an investigation to be made of the applicant and of his proposed operation. Such investigation shall be made for the purpose of verifying the information in the application and ensuring compliance with the provisions of this article.

(c) Issuance. The county's manager or manager's designee will issue a tow service permit when the county's manager or manager's designee finds that:

- (1) the tow service business location and its storage facility are located within the county or county contiguous to the county;

(2) all insurance policies and insurance coverages as required by state law have been obtained by the applicant; and

(3) the requirements of this article and all other governing laws and ordinances are met.

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

PART III. This ordinance is effective upon adoption.

ADOPTED this 17th day of April, 2017.

Bobby Hanig, Chair

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS



Currituck County

RESOLUTION FOR CORPS OF ENGINEERS Moyock Sub-Watershed Planning Assistance Study

WHEREAS, the Currituck C o u n t y Board of Commissioners has entered an agreement with the U.S. Army Corps of Engineers as the non-federal sponsor of a Planning Assistance Study for a Hydraulics and Hydrology Analysis of a Moyock Sub-Watershed in Currituck County. The study results will produce data and analysis that provides the county with greater understanding of the sub-watershed and allows for improvements in the study area. Study activities include field surveys, development of hydraulic models, and identification and analysis of potential structural and nonstructural measures for flood risk management

NOW THEREFORE BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to Currituck County for the Moyock Sub-Watershed Planning Assistance Study in the amount of \$48,250 or 50 percent of the non-federal share, whichever is the lesser amount;
- 2) The Board assumes full obligation for payment of the balance of the non-federal project costs;
- 3) The Board shall return to the State the States portion of any refund the County may receive from the U.S. Army Corps of Engineers at project completion.

ADOPTED by the Currituck County Board of Commissioners this 17 day of April 2017

Attest:

Clerk to the Board

Bobby Hanig, Chairman
Currituck County Board of Commissioners

**COUNTY OF CURRITUCK**

County Manager's Office
153 Courthouse Road, Suite 204
Currituck, North Carolina 27929
Telephone (252) 232-2075 / Fax (252) 232-3551

April 11, 2017

Jay Zimmerman
Director
N.C. Division of Water Resources
N.C. Department of Environmental Quality
1611 Mail Service Center
Raleigh, North Carolina 27526

RE: Planning Assistance to States – Currituck County Request

Dear Mr. Zimmerman:

I am writing to request assistance through the U.S. Army Corps of Engineers Planning Assistance to States Program (PAS). The 50 percent non-Federal share of the PAS is \$96,500; therefore the county is requesting a **25 percent match of \$48,250 from the State.**

Currituck County has experienced repetitive flooding in recent years, with the Moyock area of the Northern Mainland being particularly impacted. A sub-watershed located within the Pasquotank River Basin has been delineated as the study area. This study will produce data and provide analysis that provides the county with greater understanding of the sub-watershed and allows for improvements in the study area. Study activities include field surveys, development of hydraulic models, and identification and analysis of potential structural and nonstructural measures for flood risk management.

Upon execution of the PAS agreement, the county will provide a copy to your office. Should you have any questions or if additional information is required, please contact me at your earliest convenience.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Daniel F. Scanlon II", is written over a horizontal line.

Daniel F. Scanlon II
County Manager

Cc: Jason S. Glazener, U.S. Army Corps of Engineers
Eric Weatherly, Currituck County Engineer
Ben Woody, Currituck Planning Director



**CURRITUCK COUNTY
NORTH CAROLINA**

April 3, 2017

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Moyock Mega-Site Update presented by Kimley-Horn and Associates, Inc.

The Currituck County Board of Commissioners held a work session at 4 PM in the Historic Courthouse Conference Room to hear a presentation by Carroll Collins and Sal Musarra of Kimley-Horn and Associates. Mr. Collins and Mr. Musarra reviewed the Moyock Mega-Site Master Plan, a conceptual design plan for economic development encompassing 3,000 acres in Moyock, North Carolina. Using a Powerpoint, Mr. Collins and Mr. Musarra provided a history of plan development, explained the concept, presented location and boundary maps, and site-specific conceptual drawings highlighting development possibilities with areas for multi- and single-family residential, commercial, retail and industrial, medical and educational facilities. Transportation and utility infrastructures and stormwater were discussed. Information garnered from market studies, stakeholder input, and local land use were some of the criteria used to develop the master plan. Mr. Collins said the next steps as the county moves forward with the project would include revisions to the county's Unified Development Ordinance (UDO), collaboration with the North Carolina Department of Transportation (NCDOT) for consideration of roadways and transportation infrastructure and scheduling informational meetings with landowners, stakeholders and area residents.

Planning and Community Development Director, Ben Woody, suggested a timeline of six to nine months to get the necessary ordinances in place and to develop a conceptual plan to reflect the Board's vision for development on the site. Mr. Woody said staff could write the UDO revisions, with a minimal cost for outside contracting for graphics. Stormwater and transportation studies would need to be performed, with costs speculated at \$100,000 per study. During discussion, Mr. Woody said three thousand houses are projected for Moyock over the next twenty years. He also noted not a single, new commercial building has been constructed in Moyock over the last ten years. Mr. Woody said the feedback and support from landowners and the Moyock community has been positive.

The Board agreed to move forward with the Moyock Mega-Site Master Plan, and gave their approval for staff to begin scheduling community meetings. With no further discussion, the work session ended at 5:33 PM.

6:00 PM CALL TO ORDER

Communication: Approval of Minutes for April 3, 2017 (Approval Of Minutes for April 3, 2017)

The Currituck County Board of Commissioners met for its regular meeting at 6 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-Reverend Ronnie Culley, Christian Home Baptist

Reverend Ronnie Culley of Christian Home Baptist Church gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

The agenda was amended to reflect the following:

The Senior Center Advisory Board was added to New Business-Board Appointments as Item number 5.

Added as Item #8 to Consent Agenda was a Resolution requesting opposition to repeal the plastic bag ban by retail establishments on the Outer Banks.

Commissioner Gilbert moved to approve the stated agenda amendments. The motion was seconded by Commissioner Payment and passed unanimously, 7-0.

Chairman Hanig continued and amended the agenda removing Public Hearing Item A: PB 16-14, Bluewater Development Corp, stating the application had been withdrawn.

Commissioner Gilbert moved to approve the agenda as amended. Commissioner White seconded and the motion passed unanimously.

Approved Agenda:

Work Session

4:00 PM Moyock Mega-Site Update presented by Kimley-Horn and Associates, Inc.

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.

Administrative Reports

- A) Albemarle Regional Health Services Report-Battle Betts, Director
- B) Economic Improvement Council Presentation-Dr. Landon Mason, Executive Director
- C) Moyock Mega-Site Update by

Kimley-Horn & Associates

Public Hearings

- A) ~~PB 16-24 Blue Water Development Corp.~~ Requests an amendment to the Unified Development Ordinance to allow the expansion of existing campgrounds. ***Applicant withdrew text amendment application. Item was removed from the agenda.***

New Business**A) Board Appointments**

- 1. Planning Board
- 2. Board of Adjustment
- 3. Recreation Advisory Board
- 4. Joint Nursing Home/Domicilliary Community Advisory
- 5. ***Amended***-Senior Citizen Advisory

B) Consent Agenda

- 1. Approval Of Minutes for March 20, 2017
- 2. Budget Amendments
- 3. Division of Coastal Management Planning and Management Grant
- 4. Resolution in Recognition of the 75th Anniversary of Albemarle Regional Health Services

5. Resolution to Declare Surplus Communications Equipment
6. Wireless Communication Resolution, Sole Source
7. Panther Landing Convenience Center lease renewal
8. **Amended-4-3-17** Resolution Requesting Opposition to HB 271 and Sections of 2.1 (A)(B)(C) and (D) of SB 539 Repealing the Ban on the use of Plastic Shopping Bags by Retail Establishments on the Outer Banks

C) Commissioner's Report

D) County Manager's Report

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
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

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.

Roxy Darling of Waterlily represented the Waterlily Protection Association and thanked both the Planning Board and Commissioners for recognizing how their community would be affected with the approval of the text amendment submitted by Bluewater Development Corp.

Lin Elkin, Waterlily Road, said next door to him the road is almost caved in and he is concerned for school buses and someone getting hurt. He said it is the responsibility of the North Carolina Department of Transportation (NCDOT) to maintain the roadway, and questioned why they have contracted with others to perform the work.

Commissioner Gilbert asked County Manager, Dan Scanlon, to reach out to NCDOT and inquire as to the status of Waterlily Road improvements.

ADMINISTRATIVE REPORTS

A. Albemarle Regional Health Services Report-Battle Betts, Director

Mr. Battle Betts, Director of Albemarle Regional Health Services (ARHS), reported the regional services district is celebrating its 75th anniversary, and he recognized Currituck County's joining in 1999. He introduced Ms. Terry Henney who has been with ARHS in Currituck County for 22 years and has served as Nurse Supervisor for the last 16 years. Mr. Betts recognized Commissioner Payment for his service on the ARHS Board, and he

thanked the County Commissioners for considering their Resolution celebrating 75 years of service in the region.

B. Economic Improvement Council Presentation-Dr. Landon Mason, Executive Director

Dr. Landon Mason, Executive Director of the Economic Improvement Council (EIC), presented information on the EIC services provided for the economically impoverished in the thirteen-county region they serve. Assistance offered include head start child education services, community block grants, and section 8 housing and weatherization programs. He said approximately 10% of Currituck County's population live in poverty, and the EIC spent \$1.1 million in Currituck County to serve 161 families. Dr. Mason stated his appreciation to the Board for their support. Chairman Hanig and Commissioner Gilbert thanked Dr. Mason for his service to the community and recalled attending the ribbon cutting to celebrate the recent opening of a new Head Start facility in Currituck County.

C. Moyock Mega-Site Update by Kimley-Horn & Associates

Carroll Collins and Sal Musarra of Kimley-Horn & Associates, Inc. provided a brief overview and update on the Moyock Mega-site, a master development plan on 3,000 acres located in Moyock. Powerpoint slides were presented showing maps of the mega-site location, borders, and design proposals which include areas of high-density, multi- and single-family residential, commercial, retail, industrial, healthcare and education. Site-specific conceptual plans based on stakeholder input were highlighted. Transportation and utility infrastructure, stormwater management and the plan objectives were reviewed. Modifications to the county's UDO to support the site, updates to the land use plan, public meetings for citizen and stakeholder input and coordination with NCDOT for transportation needs were discussed as the next steps going forward. Mr. Collins explained the purpose of the plan, which is to reflect the county's intent, vision and expectation for development. He said the plan will position the county to better attract development while making the process easier for developers.

PUBLIC HEARINGS

A. PB 16-24 Blue Water Development Corp.

This application was withdrawn and removed from the agenda.

RESULT:	WITHDRAWN
----------------	------------------

NEW BUSINESS

A) Board Appointments

1. Planning Board

Commissioner White moved to reappoint Jane overstreet to the Planning Board. Commissioner Payment seconded and the motion carried unanimously.

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

2. Board of Adjustment

Commissioner Payment moved to nominate Zia Montessi for reappointment to the Board of Adjustment. Commissioner Gilbert seconded and the motion carried unanimously.

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

3. Recreation Advisory Board

Commissioner Beaumont moved to nominate Rick Vasko to serve on the Recreation Advisory Board. Commissioner Etheridge seconded and the motion passed unanimously.

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

4. Joint Nursing Home/Domiciliary Community Advisory

Commissioner Etheridge moved to appoint Nancy Kay, Delores Brown and Debra Williams to the Joint Nursing/Domiciliary Community Advisory Committee and designated Nancy Kay to fill the vacancy for the initial one-year term appointment. Ms. Williams and Ms. Brown were designated to fill the unexpired term vacancies, due to expire November 1, 2018.

Commissioner Gilbert seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Marion Gilbert, 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

5. Amended-Senior Citizen Advisory

Commissioner Gilbert moved to appoint Mary Ellen Maxwell to the Senior Center Advisory. The motion was seconded by Commissioner Payment and carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, 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

B) Consent Agenda

Commissioner Beaumont moved to approve the Consent Agenda. Commissioner Gilbert seconded the motion and the motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Marion Gilbert, 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

1) Approval Of Minutes for March 20, 2017

1. Minutes approval-BOC-March 20, 2017

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-532000	Supplies	\$ 6,625	\$ -
10350-469020	Maple Park Sponsors		\$ 6,625
		\$ 6,625	\$ 6,625
Explanation:	Parks and Recreation (10795) - Increase appropriations for sponsorship signs for the Maple ball fields.		
Net Budget Effect:	Operating Fund (10) - Increased by \$6,625.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532004	FCS Supplies	\$ 750	
10640-532000	Supplies		\$ 750
10640-532004	FCS Supplies	\$ 1,159	
10330-449900	Miscellaneous Grants		\$ 1,159
		\$ 1,909	\$ 1,909
Explanation:	Cooperative Extension (10640) - Transfer funds for grills and pasta makers for Family and Consumer Sciences programming and for SHIIP Grant funding through the NC Department of Insurance.		
Net Budget Effect:	Operating Fund (10) - No change.		

Communication: Approval of Minutes for April 3, 2017 (Approval Of Minutes for April 3, 2017)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
66868-511000	Telephone and Postage		\$ 577
66868-511000	Telephone and Postage		\$ 2,000
66868-533200	Lab Tests	\$ 2,000	
66868-557100	Software License Fees	\$ 577	
		\$ 2,577	\$ 2,577
Explanation:	Southern Outer Banks Water (66868) - Transfer funds for SOBWS lab testing and for Bently WaterGems Software license fee for modeling the water systems.		
Net Budget Effect:	Ocean Sands Water and Sewer District Fund (60) - No change.		
	Southern Outer Banks Water Fund (66) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10750-545000	Contracted Services		\$ 10,000
10750-561000	Professional Services	\$ 10,000	
10460-545000	Contracted Services		\$ 6,112
10750-590000	Capital Outlay	\$ 6,112	
		\$ 16,112	\$ 16,112
Explanation:	SOCIAL SERVICES ADMIN (750) - Move funds to cover the cost of contracting with a third attorney due to conflict of interest with two other attorney's DSS contracts with and to replace a HVAC unit at the DSS building.		
Net Budget Effect:	Operating Fund (10) - No change.		

Communication: Approval of Minutes for April 3, 2017 (Approval Of Minutes for April 3, 2017)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10480-545700	Microfilm Processing	\$ 6,800	
10480-590000	Capital Outlay		\$ 3,500
10480-532000	Supplies		\$ 3,300
		<u>\$ 6,800</u>	<u>\$ 6,800</u>

Explanation: Register of Deeds (10480) - The state Microfilm department has advised us that during their routine inspections that some of the older microfilm has deteriorated and is no longer viable. This money will be used to restore these books.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10535-545000	Contracted services		\$ 17,734
10535-590000	Capital Outlay	\$ 17,734	
		<u>\$ 17,734</u>	<u>\$ 17,734</u>

Explanation: Communications (10535) - Transfer budgeted funds for radios for backup site originally budgeted in Emergency Telephone System fund and we have been notified that these costs are not reimbursable through that funding stream.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12548-590015	Capital Outlay	\$ 8,145	
12548-554015	Insurance	\$ 484	
12548-545000	Contract Services		\$ 8,629
		<u>\$ 8,629</u>	<u>\$ 8,629</u>

Explanation: Knotts Island Volunteer Fire Department (12548) - Transfer funds from Contract Services to Capital Outlay for a Mud Motor requested by Knotts Island VFD and approved by the Fire Advisory Board and to transfer funds to insurance for premium increases.

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

Communication: Approval of Minutes for April 3, 2017 (Approval Of Minutes for April 3, 2017)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12543-516103	Buildings and Grounds	\$ 1,625	
12543-516003	Repairs & Maintenance		\$ 4,100
12543-532103	Fire Supplies	\$ 3,680	
12543-532003	Supplies		\$ 780
12543-536103	Personal Protective Equipment	\$ 2,700	
12543-545000	Contract Services		\$ 1,500
12543-561003	Professional Services		\$ 1,348
12543-544003	Volunteer Assistance	\$ 2,500	
12543-554003	Insurance		\$ 2,500
12543-590003	Capital Outlay		\$ 277
		<u>\$ 10,505</u>	<u>\$ 10,505</u>
Explanation:	Moyock Volunteer Fire Department (12543) - Transfer budgeted funds within the Moyock Volunteer Fire Contract budget per request of the volunteer fire department.		
Net Budget Effect:	Fire Services Fund (12) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10550-503000	Part-time Salaries	\$ 2,000	
10550-505000	FICA	\$ 153	
10550-513000	Utilities	\$ 3,000	
10550-531002	Aviation Fuel		\$ 10,153
10550-545000	Contract Services	\$ 5,000	
		<u>\$ 10,153</u>	<u>\$ 10,153</u>
Explanation:	Airport (10550) - Transfer budgeted funds to cover operations and tractor maintenance to maintain the airport property.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10980-502100	Salaries - Overtime	\$ 6,382	
10980-503000	Salaries - Part time	\$ 29	
10980-505000	FICA	\$ 478	
10980-507000	Retirement	\$ 800	
10980-508000	Supplemental Retirement	\$ 32	
10980-514000	Travel	\$ 44	
10980-532000	Supplies	\$ 1,316	
10980-545000	Contract Services	\$ 254,068	
10380-484001	Insurance Recovery		\$ 100,040
10330-445100	FEMA - Public Assistance		\$ 163,109
		<u>\$ 263,149</u>	<u>\$ 263,149</u>

Explanation:	Disaster Recovery (10980) - To record actual insurance claims and estimated FEMA claims resulting from damages sustained during Hurricane Matthew in October 2017.
---------------------	--

Net Budget Effect:	Operating Fund (10) - Increased by \$263,149.
---------------------------	---

			Debit		Credit
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
10796-516000	Repairs & Maintenance				\$ 125
10796-511010	Data Transmission		\$ 125		
			\$ 125		\$ 125

Explanation:	Currituck County Rural Center (10796) - Transfer funds for increased internet costs.
---------------------	--

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

3. Division of Coastal Management Planning and Management Grant

4. Resolution in Recognition of the 75th Anniversary of Albemarle Regional Health Services

RESOLUTION OF RECOGNITION OF 75 YEARS OF PUBLIC HEALTH SERVICE

WHEREAS, Albemarle Regional Health Services will celebrate its 75th Anniversary of service to citizens of Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, and Gates counties; and

WHEREAS, Albemarle Regional Health Services has rendered quality care to the citizens of the Albemarle region of care during its seventy-five years of operation; and

WHEREAS, Albemarle Regional Health Services is to be commended for its seventy-five years of outstanding service;

NOW THEREFORE BE IT RESOLVED by the Currituck County Board of Commissioners that Albemarle Regional Health Services be congratulated and offered the Board's sincerest appreciation for seventy-five successful years of dedicated service to the citizens of the Albemarle region.

Adopted this the 3rd day of April, 2017.

5. Resolution to Declare Surplus Communications Equipment

RESOLUTION		
<p>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.</p>		
County		
Asset Tag	Description	Serial Number
7050	Motorola UHF Base Radio	103TJW7015
7051	Motorola UHF Base Radio	103TJW7016
7120-D	Monitor Table Stand - Black	
7120-E	Monitor Table Stand - Black	
7190	Positron Power 911 Phone System	I15419
7191	Positron Power 911 Phone System	C09319
7192	Positron Power 911 Phone System	125990
7276	Positron Power 911 Phone	
7277	Positron Power 911 Phone	
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>		
<p>ADOPTED, this 3rd day of April, 2017.</p>		

Communication: Approval of Minutes for April 3, 2017 (Approval Of Minutes for April 3, 2017)

6. Wireless Communication Resolution, Sole Source

RESOLUTION AUTHORIZING THE PURCHASE OF VESTA 911 COMMAND POST SYSTEM AND ACCESSORY ITEMS FROM WIRELESS COMMUNICATIONS, INC. THROUGH SOLE SOURCE PURCHASE

WHEREAS, Currituck County has previously acquired certain equipment from Wireless Communications, Inc. manufactured by Airbus for its central communications center; and

WHEREAS, Currituck County intends to acquire three additional VESTA 9-1-1 CommandPOST Systems and accessory items and is informed that Airbus, as manufacturer of the equipment, will not allow for the equipment to be provided and maintained by a vendor other than Wireless Communications, Inc.; and

WHEREAS in order that equipment in Currituck County's central communications center is compatible it is necessary to obtain the VESTA 9-1-1 CommandPOST System and accessory items from Wireless Communications, Inc. as vendor for the manufacturer Airbus; and

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase from a sole source "when a needed product is available from only one source of supply".

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$44,174.44 with Wireless Communications, Inc. for the sole source purchase of additional material, equipment, supplies and services described in Exhibit A to this resolution that necessary to complement and enhance the county's central communications center and system in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Wireless Communications, Inc. for acquisition and installation of the material, equipment or supplies and services necessary for installation.

Section 2. This resolution shall be effective upon its adoption.
This the 3rd day of April, 2017.

7. Panther Landing Convenience Center lease renewal

8. Amended-4-3-17 Resolution Requesting Opposition to HB 271 and Sections of 2.1 (A)(B)(C) and (D) of SB 539 Repealing the Ban on the use of Plastic Shopping Bags by Retail Establishments on the Outer Banks

A RESOLUTION REQUESTING OPPOSITION TO HOUSE BILL 271 AND SECTIONS 2.1 (A)(B)(C) AND (D) OF SENATE BILL 539 REPEALING THE BAN ON THE USE OF PLASTIC SHOPPING BAGS BY RETAIL ESTABLISHMENTS ON THE OUTER BANKS

WHEREAS, in 2010 the North Carolina General Assembly enacted a ban on the use of plastic shopping bags by Outer Banks retail establishments, the Nation's first mandated state ban; and

WHEREAS, the legislation banning the use of plastic shopping bags by Outer Banks retail establishments was proposed to protect the environment and help preserve the thriving tourism industry; and

WHEREAS, plastic shopping bags are known to threaten wildlife and harm marine life, especially sea turtles; and

WHEREAS, discarded plastic shopping bags contribute to overburdened landfills, degrade the beaches and other natural landscapes on the North Carolina coast; and

WHEREAS, banning plastic shopping bags has resulted in a welcomed and accepted change in shopping culture on the Outer Banks where the delicate ecosystem is particularly vulnerable to excessive trash; and

WHEREAS, banning plastic bags has improved the visual aesthetics in the Currituck Outer Banks and other areas along the Outer Banks by reducing litter, adding protection to the fragile marine ecosystems, and eliminating tons of plastic from our landfills; and

WHEREAS, legislation has been filed in the North Carolina House of Representatives and North Carolina State Senate that would repeal the ban on the use of plastic shopping bags by Outer Banks retail establishments.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners opposes House Bill 271 and Sections 2.1(a)(b)(c) and (d) of Senate Bill 539 and requests that its legislative delegation Representative Bob Steinburg and Senator Bill Cook also oppose any legislation having the effect of repealing the ban on the use of plastic shopping bags by Outer Banks retail establishments.

Adopted this 3rd day of April, 2017.

C) Commissioner's Report

Commissioner Hall recognized Steve Shawgo and Robert Miles who adopted Tulls Creek Road through the Adopt a Highway program. He thanked everyone who assisted in the clean-up effort.

Commissioner White reported his attendance at a meeting in Raleigh to discuss the Mid-Currituck Bridge. Mr. Scanlon, Chairman Hanig, Commissioner Beaumont and Mr. Scanlon also attended, and Commissioner White was encouraged, as NCDOT reported they are moving forward. He reported his attendance at the State of the Region meeting in Greenville, NC, along with Chairman Hanig, and highlighted some takeaways:

- Manufacturing is growing faster in rural versus urban areas.
- Skilled labor is the number one problem in the region.
- Lack of training centers
- Investment in education was a constant message as the key to success.

Commissioner White said it was a great meeting, and said the county is poised to move forward with development of the mega-site plan and continued investment in College of the Albemarle. He thanked the staff for their efforts.

Commissioner Gilbert reminded everyone of Palm Sunday next week, the beginning of Holy Week.

D) County Manager's Report

No report

ADJOURN

Motion to Adjourn Meeting

With there being no further business, Commissioner Gilbert motioned to adjourn. Commissioner Beaumont seconded the motion. The motion passed unanimously and the meeting of the Currituck County Board of Commissioners concluded at 5:52 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, 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

Communication: Approval of Minutes for April 3, 2017 (Approval of Minutes for April 3, 2017)

Number

2017096

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-516200	Vehicle Maintenance	\$ 400	
10796-526000	Advertising		\$ 400
		<u>\$ 400</u>	<u>\$ 400</u>

Explanation: Currituck County Rural Center (10796) - Transfer funds for truck maintenance.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number

2017097

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-514500	Training (4-H & FCS)	\$ 775	
10640-532003	4-H Supplies		\$ 375
10640-532000	Supplies		\$ 200
10640-514000	Travel		\$ 200
10640-545000	Contracted Services	\$ 450	
10640-532000	Supplies		\$ 450
		<u>\$ 1,225</u>	<u>\$ 1,225</u>

Explanation: Cooperative Extension (10640) - Transfer budgeted funds for additional training and to reshingle agriculture storage shed.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number 2017098

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-532000	Supplies	\$ 825	
10350-469020	Maple Park Sponsors		\$ 825
		<u>\$ 825</u>	<u>\$ 825</u>

Explanation: Parks and Recreation (10795) - To record additional sponsorships for Maple Park ball fields.

Net Budget Effect: Operating Fund (10) - Increased by \$825.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number

2017099

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10540-532000	Supplies	\$ 1,000	
10540-545001	Abandoned Boat Removal	\$ 875	
10540-561000	Professional Services	\$ 55	
10540-545000	Contracted Services	\$ 55	
10540-531000	Fuel		\$ 1,985
		<u>\$ 1,985</u>	<u>\$ 1,985</u>

Explanation: Inspections (10540) - Transfer funds for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number 2017100

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-445000	Emergency Management		\$ 17,959
10531-545000	Contracted Services	\$ 15,000	
10531-514600	Public Education	\$ 1,000	
10531-511000	Telephone and Postage	\$ 1,500	
10531-536000	Uniforms	\$ 459	
		<u>\$ 17,959</u>	<u>\$ 17,959</u>

Explanation: Emergency Management (10531) - The 2016 Emergency Management Performance Grant for optional activities completed by EM has been received. These funds will be used bring in training for our first responders, assemble a public education event for public safety and print re-entry permits.

Net Budget Effect: Operating Fund (10) -Increased by \$17,959.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number 2017101

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
14460-545000	Contract Services	\$ 16,000	
14340-456003	Tour Operator Permits		\$ 16,000
		<u>\$ 16,000</u>	<u>\$ 16,000</u>

Explanation: Carova Beach Service District (14460) - Increase appropriations for additional road maintenance funded through Tour Operator Permit fees.

Net Budget Effect: Carova Beach Service District (14) - Increased by \$16,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number 2017102

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50795-590007	Moyock Park - Shingle Landing	\$ 1,000,000	
50390-495042	T F - Transfer Tax Capital Fund		\$ 1,000,000
		<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>

Explanation: Moyock Community Park at Shingle Landing (50795-590007) - Increase appropriations for construction of a community park at Shingle Landing funded from Transfer Tax in the annual budget process.

Net Budget Effect: County Government Construction Fund (50) - Increased by \$1,000,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number

2017103

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
52606-545002	US Army Corp - Watershed Study	\$ 96,500	
52390-495010	TF- Operating Fund		\$ 43,425
52390-495025	TF- Guinea Mill Watershed		\$ 4,825
52330-448202	NC Div Water Resources Grant		\$ 48,250
10990-587052	T T - Multi-Year Grant Fund	\$ 43,425	
10310-400016	Ad Valorem Taxes - 2016 Levy		\$ 43,425
25607-587052	T T - Multi-Year Grant Fund	\$ 4,825	
25607-545000	Contracted Services		\$ 4,825
		<u>\$ 144,750</u>	<u>\$ 144,750</u>

Explanation: US Army Corps - Watershed Study (52606) - Increase appropriations to provide funding for the US Army Corp of Engineers to assist the County with a watershed study. This requires a 50% non-federal match, which will be provide from 25% County funds and 25% State funds from the NC Division of Water Resources that will pass through the County to the Corps of Engineers.

Net Budget Effect: Operating Fund (10) - Increased by \$43,425.
 Guinea Mill Watershed (25) - No change.
 Multi-year Grant Fund (52) - Increased by \$96,500.

Minute Book # _____, Page # _____

Journal # _____

 Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number

2017104

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10512-532000	Supplies	\$ 3,051	
10512-516200	Vehicle Maintenance	\$ 1,000	
10512-590000	Capital Outlay		\$ 4,051
		<u>\$ 4,051</u>	<u>\$ 4,051</u>

Explanation: Animal Services and Control (10512) - Transfer budgeted funds to purchase building furnishings that fall below the capital outlay threshold and for repairs to the former Sr Center van transferred to department.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number 2017105

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10545-561000	Medical Examiner	\$ 17,500	
10310-400016	Ad Valorem Taxes - 2016 Levy		\$ 17,500
		<u>\$ 17,500</u>	<u>\$ 17,500</u>

Explanation: Medical Examiner (10545) - Increase appropriations for anticipated needs to medical examiner servicees for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

Number 2017106

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of April 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
42450-587050	T T - County Governmental Facilities	\$ 88,592	
42320-414000	Land Transfer Tax		\$ 88,592
		<u>\$ 88,592</u>	<u>\$ 88,592</u>

Explanation: Transfer Tax Capital Fund (42450) - Transfer 10% County Matching Funds for the Corporate Aircraft Parking Apron - Phase II, Project 36237.8.12.1.

Net Budget Effect: Transfer Tax Capital Fund (42) - Increased by \$88,592.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Bud_Amends_2017-April 17_BOC (1865 : Budget Amendments)

COUNTY OF CURRITUCK GRANT 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 grant ordinance is hereby adopted:

SECTION 1. The project authorized is design, project administration and construction of Corporate Area Apron – Phase II, Project 36237.8.12.1.

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

Corporate Area Apron - Phase II	\$ 885,905
	<u>\$ 885,905</u>

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

State Aide to Airports	\$ 797,313
Land Transfer Tax	\$ 88,592
	<u>\$ 885,905</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 17th day of April 2017.

Bobby Hanig, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

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

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

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

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead, Corolla, North Carolina, on July 4, 2017, which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Corolla, North Carolina on July 4, 2017.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 17th day of April, 2017.

ATTEST:

Bobby Hanig, Chairman

(SEAL)

Leeann Walton, Clerk to the Board

Attachment: Fireworks Resolution Template (1862 : Fireworks Resolution)



RESOLUTION AUTHORIZING THE PURCHASE OF CHASSIS, ASSOCIATED ACCESSORIES AND REMOUNTING OF WHEELED COACH AMBULANCES FROM SELECT CUSTOM APPARATUS THROUGH SOLE SOURCE PURCHASE

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase apparatus, supplies, materials or equipment when standardization or compatibility is an overriding consideration; and

WHEREAS, to lengthen the service life of its Wheeled Coach ambulances the county Department of Fire and EMS is acquiring new ambulance chassis and associated accessories upon which the patient and equipment compartment is remounted; and

WHEREAS, ninety percent of the ambulances operated by the county Department of Fire and EMS are Wheeled Coach ambulances and the department has previously contracted with Select Custom Apparatus, a Wheeled Coach dealer, for purchase of chassis, associated accessories and remount of patient and equipment compartments; and

WHEREAS, crew familiarity and knowledge of the chassis, associated equipment and the patient and equipment compartment is critical to the success of the department's mission and patient safety as crews transition from one ambulance unit to another requiring standardization and compatibility of ambulances and associated equipment; and

WHEREAS, the acquisition of chassis, associated accessories and remount of patient and equipment compartments by Select Custom Apparatus will assure standardization and compatibility of the ambulance fleet operated by the county Department of Fire and EMS.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$294,807.04 with Select Custom Apparatus for the sole source purchase of chassis, associated accessories and remount of patient and equipment compartments on county ambulance numbers 530-17 and 530-20 in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Select Custom Apparatus for the acquisition apparatus, materials and equipment acquisition described in this resolution and the proposed contract.

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

This the 17th day of April, 2017.

Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

Older Americans Month 2017 A PROCLAMATION

Whereas, Currituck County includes older Americans who richly contribute to our community; and

Whereas, we acknowledge that what it means “to age” has changed—for the better.

Whereas, Currituck County is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

Whereas, Currituck County can provide opportunities to enrich the lives of individuals of *all* ages by:

- involving older adults in the redefinition of aging in our community;
- promoting home- and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

Now therefore, the Currituck County Board of Commissioners does hereby proclaim May 2017 to be Older Americans Month. The Currituck County Board of Commissioners urges every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

Dated this 17th day of April, 2017.

ATTEST:

Bobby Hanig, Chairman

Leeann Walton, Clerk to the Board



NORTH CAROLINA

CURRITUCK COUNTY

COUNTY MANAGER EMPLOYMENT CONTRACT

THIS CONTRACT OF EMPLOYMENT is made and entered into on this 17th day of April, 2017 by and between the COUNTY OF CURRITUCK, a body politic and political subdivision of the State of North Carolina, (the “County”), employer, and DANIEL F. SCANLON, II, (“Scanlon”), employee;

RECITALS

1. The County is a body politic organized and existing under the laws of the State of North Carolina and duly authorized to enter into this employment contract.
2. Scanlon is duly qualified to continue in service to the County as its County Manager.
3. County desires to continue the employment of Scanlon as its County Manager and Scanlon has agreed to continue such employment.

EMPLOYMENT

1. County does hereby offer, and Scanlon does hereby accept, effective May 1, 2017, continued employment as County Manager of Currituck County. In this regard, Scanlon specifically obligates himself as County Manager to properly perform duties specified in N. C. Gen. Stat. §153A-82 which is incorporated herein and made a part of this Employment Contract.
2. It is understood this employment is a full-time obligation. Scanlon agrees not to pursue any other employment during the term of this agreement or any extension thereof, without the written permission of the Board of Commissioners.

TERM OF EMPLOYMENT — SEVERANCE BENEFITS - NOTICE

1. Scanlon shall serve at the pleasure of the County Board of Commissioners and Scanlon's employment may be terminated at any time subject to the terms and conditions set forth in this Contract. Beginning on July 1, 2017 the term of this agreement shall be for an initial term of one (1) year to and including June 30, 2018. At the expiration of the initial one (1) year term this Contract shall renew, upon the same terms and conditions contained in this Contract, for an additional one (1) year term unless County notifies Scanlon in writing that this Contract shall not be renewed at least six months prior to the expiration of the then current one (1) year term. In the event County elects to terminate Scanlon's employment prior the expiration of the (1) year term or prior to the expiration of any term that has been renewed, Scanlon shall receive the compensation and benefits set forth in this Contract for the remaining portion of the Contract or the remaining portion of any renewed Contract or twelve months of compensation and benefits set forth in this Contract, whichever is greater, in recognition and consideration for past service rendered the County. For purposes of complying with this paragraph, appropriations held as unencumbered fund balances in any fund or account of the County shall be available and authorized for transfer to the appropriate salary and benefit expenditure accounts to ensure fulfillment of this paragraph of this Contract.

2. In the event that Scanlon should voluntarily resign his position as County Manager, he shall give the County not less than a minimum of one (1) months' notice. During this notice period, Scanlon shall, at the option of the Board of Commissioners, continue to work in the capacity of County Manager with the benefits of his existing compensation.

3. Termination for cause shall be effective immediately and entitle Scanlon to no further compensation. "Cause" is defined herein as: insubordination, conviction of a felony or

crime of moral turpitude, consumption of alcohol or control substances on County property during employment, intoxication on County property during employment, theft, embezzlement, assault on a co-worker, and sexual harassment.

COMPENSATION

1. For his services as County Manager, Scanlon shall be compensated at the annual rate of \$130,456.20, which shall be paid in equal increments on or before the first day of each month for the preceding months' work, or biweekly for the preceding two (2) weeks work, at the election of employer.

2. In addition to the above-stated salary, Manager shall receive such other benefits from his employment to the same extent as regular County employees. This includes, but is not limited to, hospitalization insurance, retirement contributions, and the like.

3. The County agrees to provide Scanlon an automobile for use in his employment. This automobile shall be maintained by the County including gasoline, repairs, tires, and the like.

PROFESSIONAL DEVELOPMENT

The County recognizes the importance of its Manager maintaining and acquiring extensive knowledge and expertise in local government management. To that end, County agrees to budget and pay travel, fees, tuition, and subsistence expenses for the Manager to travel and attend meetings, enroll in educational courses, attend seminars, and to otherwise pursue developmental courses of study. This shall include, but not be limited to, travel to any and all functions deemed advantageous for the County, such as the North Carolina City and County Management Association, the National Association of Counties Annual Meeting, the North Carolina Association of Counties Meetings, Institute of Government Meetings and Educational Programs, and the like. County also agrees to budget and pay for professional dues and

subscriptions necessary or desirable to enable the Manager to obtain and preserve a current knowledge of the subject matter necessary for the performance of his duties.

INSURANCE

In addition to maintaining Scanlon in the County's hospitalization and comprehensive medical insurance premiums, at County's expense, County does also agree to maintain professional liability insurance on Scanlon and to defend and hold him harmless against any tort, professional liability claim or demand or any other legal action, whether groundless or not, arising out of an alleged act or omission occurring in the performance of Scanlon's duties as County Manager. County will compromise and settle any such claim, in its discretion, as it deems appropriate, and pay the amount of any settlement or judgment, rendered thereon. However, Scanlon shall follow the instructions of County in such litigation, and shall fully cooperate with the County in defending such claims if the County determines that should be pursued.

OTHER TERMS AND CONDITIONS OF EMPLOYMENT

All provisions of the County Personnel Ordinance or Policy and Regulations and Rules of the County relating to vacation and sick leave, retirement and pension system contributions, holidays, disability, health and life insurance, and other fringe benefits and working conditions as they now exist, or hereafter may be amended, shall apply to the benefit and obligation of Scanlon unless otherwise provided herein.

HOURS OF EMPLOYMENT

It is agreed and understood that the position of County Manager is not an hourly compensation. It is also agreed and understood that the Manager shall frequently be required to work more than forty (40) hours in any given workweek and will often attend County meetings

and functions after a normal workday. Manager agrees to expend such time as is reasonably necessary to accomplish the duties and obligations of his employment. However, Manager, in the exercise of prudent discretion, may compensate himself by working less than forty (40) hours in some workweeks. Manager shall at all times be available to the Commissioners except vacation or sick leave.

OFFICE AND SUPPORT

The County shall provide to Scanlon a suitable office, appropriately furnished together with secretarial and administrative assistance commensurate with his position and appropriate for the performance of his duties.

AMENDMENTS AND MODIFICATIONS

No amendment or modification of this agreement shall be made unless the same is in writing and duly executed by the parties with the formality attending the execution of this agreement. Any verbal modification shall be deemed ineffective.

INTERPRETATION, CHOICE OF JURISDICTION, BINDING EFFECT

This agreement shall be interpreted under the laws of the State of North Carolina and in the event that any litigation should arise under this agreement, or the alleged failure of either party to perform hereunder, it is agreed and stipulated that jurisdiction shall be exclusively in the General Court of Justice in Currituck County, either Superior or District Court as the case may appear. This agreement replaces and supersedes any and all oral and written agreements between the parties and is binding upon and shall inure to the benefit of the heirs and estate of Scanlon.

IN WITNESS WHEREOF, the County of Currituck has caused this agreement to be signed and executed in its behalf by its Chairman and duly attested by its Clerk to the Board and Scanlon has signed and executed this agreement, both in duplicate originals, the day and year first above written.

County of Currituck

By: _____

Bobby Hanig, Chair
Board of Commissioners

ATTEST:

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

Leeann Walton, Clerk to the Board

(COUNTY SEAL)

Finance Officer

NORTH CAROLINA, CURRITUCK COUNTY

I, the undersigned Notary Public, do hereby certify that Leeann Walton personally appeared before me and acknowledged that she is Clerk to the Board of Commissioners for Currituck County and that by authority duly given and as the act of Currituck County, the foregoing instrument was signed in its name by its Chairman, and attested by her as its Clerk to the Board of Commissioners.

Witness my hand and official stamp or seal this the _____ day of _____, 2017.

My Commission expires: _____

Notary Public

(NOTARIAL SEAL)

Printed Name

Daniel F. Scanlon, II

NORTH CAROLINA, CURRITUCK COUNTY

I, a Notary Public for the above named State and County do hereby certify that Daniel F. Scanlon, II appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the _____ day of _____, 2017.

My Commission expires: _____

Notary Public

(NOTARIAL SEAL)

Printed Name

Attachment: County Manager Employment Agreement 041817 (1872 : Employment Contract-County Manager)

NORTH CAROLINA

CURRITUCK COUNTY

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

THIS FIRST AMENDMENT EMPLOYMENT CONTRACT, is made and entered into the ____ day of _____, 2017, (the “Amendment”), by the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the “County”), and Donald I. McRee, Jr., (the “Employee”).

RECITALS:

WHEREAS,, the County and Employee previously entered into an Employment Agreement effective June 8, 2008, attached to this Amendment and incorporated herein by reference, (the “Agreement”); and

WHEREAS, it is now the intention of the County and Employee to amend the Agreement as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants expressed in the Contract and this Amendment, and other good and valuable consideration, the receipt of which is acknowledged, it is agreed between the County and Employee as follows:

1. Paragraph 2, is amended to read as follows:

Employee shall serve at the pleasure of the Board of Commissioners and Employee’s employment may be terminated at any time subject to the terms and conditions set forth in this Agreement. The term of employment shall commence on the 1st day of August, 2008 and shall continue for five years thereafter. At the expiration of each five year term this agreement shall renew, upon the same terms and conditions contained in this Agreement, for an additional five year term unless County notifies Employee in writing, one year prior to the expiration of the then current five year term that it does not intend to renew this Agreement, time is of the essence. In the event County elects to terminate Employee’s employment prior to the

expiration of the five year term or prior to the expiration of any term that has been renewed, Employee shall be entitled to receive the compensation and benefits set forth in this Agreement for the remaining portion of the Agreement or the remaining portion of any renewed Agreement in recognition and consideration for past service rendered the County. For purposes of complying with this paragraph, appropriations held as unencumbered fund balances in any fund or account of the County shall be deemed to be available and authorized for transfer to the appropriate salary and benefit expenditure accounts to insure fulfillment of this paragraph.

Beginning on August 1, 2018 the term of this Agreement shall be for an initial term of three years to and including July 31, 2021. At the expiration of the initial three year term this Agreement shall renew, upon the same terms and conditions contained in this Agreement, for an additional three year term unless County notifies Employee in writing that this Agreement shall not be renewed at least six months prior to the expiration of the then current three year term. In the event County elects to terminate Employee's employment prior the expiration of the three year term or prior to the expiration of any term that has been renewed, Employee shall receive twelve months of compensation and benefits set forth in this Agreement in recognition and consideration for past service rendered the County. For purposes of complying with this paragraph, appropriations held as unencumbered fund balances in any fund or account of the County shall be available and authorized for transfer to the appropriate salary and benefit expenditure accounts to ensure fulfillment of this paragraph of this Agreement.

If Employee shall be convicted of a felony or is disqualified to practice law for any reason, this Agreement may be terminated by the County as of the date of such conviction or disqualification and County shall be obligated to Employee for salary and benefits accrued as of the date of termination but shall not be required to pay the balance of the Agreement term or renewal term as provided above. This Agreement may be terminated by the Employee upon forty-five days written notice to the County.

2. Except for this Amendment, the Agreement and all of its terms remain in full force and effect.

IN WITNESS THEREOF, the County has caused this Amendment to be executed by the Chairman of its Board of Commissioners, attested by its Clerk and its seal affixed thereto, all by the authority given by the Currituck County Board of Commissioners and Employee has signed and sealed this agreement, each as of the date and year first above written.

COUNTY OF CURRITUCK

By: _____
Chairman, Board of Commissioners

ATTEST:

Clerk to the Board

(COUNTY SEAL)

_____(SEAL)
Donald I. McRee, Jr.

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

County Finance Officer

Attachment: Amendment Attorney Employment Agreementv02 (1873 : Employment Contract-County Attorney)

**N.C. Department of Transportation-Division of Aviation
State Aid to Airports Program**

AIRPORT NAME: Currituck Regional Airport **PROJECT #:** 36237.8.12.1

DESCRIPTION: Corporate Aircraft Parking Apron - Construction and Construction Admin

Certification of Local Funds and Accounting Information

Total State Aid Grant: \$ 487,247.00 Federal Block Grant: \$ 310,066.00

Local Matching Funds Required: \$ 88,592.00 representing a 10% Local Share of the Project

1. Accounting System Information

Official Name of Sponsoring Agency: County of Currituck

Name of Budget Official Responsible for Project Accounting: Sandra Hill

Title of Budget Official Responsible for Project Accounting: Finance Director

Budget Official Address: 153 Courthouse Rd., Suite 101

Currituck, NC 27929

Budget Official Telephone Number: 252-232-2381

FAX: 252-232-2141

2. Certification of Local Funds Availability & Single Audit Accounting

I hereby certify that the local matching share of \$ 88,592 required for this project has been officially approved, placed into the budget of the Sponsoring local governmental unit and will be available for expenditure upon execution of the State Aid to Airports Grant Agreement and start of this project. I further certify that the authority of the Sponsoring local governmental unit to enter into contracts with the state of North Carolina has been reviewed by the governmental attorney and, in his opinion, the Sponsoring local governmental unit is duly authorized to commit the Sponsor to an Agreement with the North Carolina Department of Transportation.

I further certify that all expenditures on this project will be accounted for in a manner consistent with the requirements of the State Auditor, that the Sponsor has made appropriate arrangements to have its accounts audited on an annual basis in conformance with the Single Audit Act of the State of North Carolina, and that each annual Single Audit will contain the required information about this project.

Signed: 

Title: County Manager

Name of the Sponsoring Local Government Unit: Currituck County

Date: 2-14-17

RETURN FORM TO: NDOT AVIATION, GRANTS MANAGER, 1560 MAIL SERVICE CENTER, RALEIGH, NC 27699-1560

STATE/BLOCK GRANT NON PRIMARY ENTITLEMENT AGREEMENT

STATE AID TO AIRPORTS BLOCK GRANT
 BETWEEN
 THE N. C. DEPARTMENT OF TRANSPORTATION,
 AN AGENCY OF THE STATE OF NORTH CAROLINA
 AND
CURRITUCK COUNTY

CURRITUCK COUNTY
REGIONAL AIRPORT

PROJECT NO: **36237.8.12.1**

THIS AGREEMENT made and entered into this the _____ day of _____, 20____, by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department") and **CURRITUCK COUNTY**, the owner of **CURRITUCK COUNTY REGIONAL AIRPORT** (hereinafter referred to as "Sponsor").

WITNESSETH

WHEREAS, Chapter 63 of the North Carolina General Statutes authorizes the Department to administer a program of State Aid to Airports, subject to the limitations stated in that Chapter; and

WHEREAS, the Department has received the approval of the Federal Aviation Administration to administer certain Airport Improvement Program Funds in North Carolina under the provisions of the State Block Grant Program in accordance with Chapter 63-71; and the FAA Modernization and Reform Act of 2012; and

WHEREAS, the Department has approved a grant of funds to the Sponsor under the State Block Grant Program Non Primary Entitlement funds.

NOW THEREFORE, the Department and the Sponsor do hereby mutually agree as follows:

- 1) That the approved scope of this project shall consist of:

CORPORATE AREA APRON – PHASE 2

- 2) That the Grant of funds shall include maximum funding obligations for state and federal funds which shall be:

State Aid to Airports:	<u>\$487,247</u>	(not to exceed <u>55%</u> of the final non-federal share)
State Block Grant NPE Program:	<u>\$310,066</u>	(not to exceed <u>35%</u> of the final total costs)

- 3) That the funding obligations referenced in (2) above shall be the maximum obligations based on the final cost of eligible work items in the approved project, as certified by the Sponsor
- 4) That the Sponsor shall promptly undertake the Project and complete all work on the Project no later than the **1st** day of **JULY 2019**, unless a written extension of time is granted by the Department.

5) That all work performed on the Project shall conform to the approved scope of work referenced in this Agreement. Any amendments or modifications to the approved scope of work, approved grant amounts, or this Agreement shall not be authorized by the Department unless they are contained in a written modification to this Agreement and fully executed by both the Sponsor and the Department.

6) Debarment and Suspension: The Grantee agrees to comply, and assures the compliance by each of its third party contractors and subrecipients at any tier, with the provisions of Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, and U.S. DOT regulations on Debarment and Suspension at 49 C.F.R. Part 29.

7) The Sponsor certifies that it has adhered to all applicable laws, regulations, and procedures in the application for and Sponsor's approval of this Grant.

8) For a material breach of this Agreement or the Sponsor's Assurances, the Sponsor shall be liable to the Department for the return of all grant monies received.

9) The Sponsor agrees to adhere to the standards and procedures contained in the State Aid to Airports Program Guidance Handbook (third edition, dated January 1997), unless the Department issues a written waiver to the contrary.

10) The Sponsor agrees to adhere to and be bound by the Grant Assurances of the Federal Aviation Administration, said Grant Assurances contained in Appendix I of this Grant Agreement. Further, the Sponsor agrees that it shall be responsible to the Federal Aviation Administration, or its designated agent, for enforcement of such Grant Assurances including any penalties, sanctions, or other actions which may be legally enforceable for lack of compliance with said Grant Assurances.

11) The Sponsor agrees to comply with the "Sponsor Assurances" contained as part of this Agreement.

12) Iran Divestment Act:

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 et seq. requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Divestment Act. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address <http://www.nctreasurer.com/Iran> and will be updated every 180 days.

By execution of this Agreement each Party certifies that neither it nor its Agents or Contactors/Subcontractors are on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran; and neither Party shall utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List. Furthermore, each Party that the undersigned are authorized by the Parties to make this Certification.

During the term of this Agreement, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and

provided for by law, rule, or contract. Should this Act be voided by NC General Statute, this Agreement will remain valid; however this certification will no longer be required.

13) N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this grant agreement, you attest, for your entire organization and its employees or agents that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

IN WITNESS WHEREOF, THE PARTIES HERETO EXECUTED THIS GRANT AGREEMENT THE DAY AND YEAR FIRST WRITTEN ABOVE:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION:

NCDOT SEAL

BY: _____
Deputy Secretary for Transit

ATTEST: _____

SPONSOR:

Signed: _____

Title: _____

SPONSOR SEAL

Attest: _____

STATE OF NORTH CAROLINA, COUNTY OF _____

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____ personally came before me this day and acknowledged that he is _____ of the _____
(Title) (Sponsor)

(hereinafter referred to as "Sponsor" and by authority duly given and as an act of said Sponsor, the foregoing instrument was signed by him, attested by _____ of the Sponsor, and
(Name and Title)

Seal of the Sponsor affixed hereto.

WITNESS my hand and Notarial Seal, this the _____ day of _____ 20 _____

Notary Public (Signature)

My Commission expires: _____

SEAL

DOA FORM (12/10)

RESOLUTION

A motion was made by _____ and seconded by _____

(Name and Title)

_____ for the adoption of the following resolution, and upon being put to a

(Name and Title)

vote was duly accepted:

WHEREAS, a Grant in the amount of \$797,313 has been approved by the Department based on total estimated cost of \$885,905; and

WHEREAS, an amount equal to or greater than ten percent (10%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE _____

(Title)

of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

I _____ of the
(Name and Title)

do hereby certify

that

(Sponsor)

the above is a true and correct copy of an excerpt from the minutes of the

_____ of a meeting

(Sponsor)

duly and regularly held on the _____ day of _____, 20_____.

This, the _____ day of _____, 20_____.

SPONSOR SEAL

Signed: _____

Title: _____

Of The: _____

DOA FORM (12/10)