



**CURRITUCK COUNTY  
NORTH CAROLINA**

May 15, 2017

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

- 1. 4:00 PM Open House at the Historic Jarvisburg Colored School, 7302 Caratoke Highway, Jarvisburg**

The Currituck County Board of Commissioners attended an open house at 4 PM at the Historic Jarvisburg Colored School.

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners met at 6 PM in the Board Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, NC, for a regular meeting.

| 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 Board's earlier visit to the Historic Jarvisburg Colored School.

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

Reverend Frank Custer gave the Invocation and members of local Boy Scout Troop #182, who were in attendance, led the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Hall requested an agenda amendment to add an appointment to the Economic Development Board. Chairman Hanig added a budget amendment for the Lower Currituck Volunteer Fire Department to the consent agenda budget amendments item.

Commissioner Gilbert moved to approve as amended and the motion was seconded by

Commissioner Payment. The motion passed unanimously.

Approved agenda:

**Work Session**

4:00 PM Open House at the Historic Jarvisburg Colored School,  
7302 Caratoke Highway, Jarvisburg

**6:00 PM Call to Order**

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

**Public Comment**

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

**Administrative Reports**

- A) Currituck County Annual Stewardship Report  
Presented by Cathy Davison, Executive Director,  
Albemarle Commission

**Public Hearings**

- A) **PB 17-02 Currituck County Sign Ordinance Text Amendment:** Request to amend the Unified Development Ordinance Chapter 5: Development Standards and Chapter 10: Definitions and Measurement, for a substantial rewrite of the County's Signage regulations to comply with a recent Supreme Court decision.

**Old Business**

- A) 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
- B) 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**

**New Business**

- A) Presentation of the Annual Budget for FY 2017-2018 and Set a Date for Public Hearing and Possible Action**
- B) Consideration and Action on An Ordinance of the Currituck County Board of Commissioners Amending Section 10-63 of Chapter 10 of the Currituck County Code of Ordinances to Allow Certain Activities Involving Motor Vehicles on the Beach Strand and Making a Technical Correction**
- C) Board Appointments**
  - 1. Board of Adjustment
  - 2. Amended Item-Economic Development
- D) Consent Agenda**
  - 1. Approval Of Minutes for April 17, 2017
  - 2. Budget Amendments
  - 3. Resolution of the Board of Commissioners Requesting a Road Name Change from Terminal Road to Airport Road
  - 4. Proclamation-Vulnerable Adults and Elder Abuse Awareness
  - 5. Chief Building Inspector Job Description Revision
  - 6. NCDOT Petition for Road Addition-Pagoda Trail at Backwoods Reserve
- E) Commissioner's Report**
- F) County Manager's Report**

**Special Meeting of the Tourism Development Authority**

Presentation of the Tourism Development Authority Budget for FY 2017-2018 and Set a Date for Public Hearing and Possible Action

TDA Budget Amendments

**Special Meeting of the Ocean Sands Water and Sewer District Board**

Ocean Sands Water and Sewer District Budget Amendment

**Adjourn**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Mike H. Payment, Vice Chairman   |
| <b>AYES:</b>     | 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.*

Chairman Hanig opened the public comment period.

Eric Remington, an Attorney for the Currituck Club Property Owner's Association, spoke about the commercial beach driving ordinance amendment to be considered by the Board. He said he believes the proposed ordinance amendment would negatively affect the current valet service provided to visitors to the Currituck Club and requested the item be tabled or rejected.

Heidi Corsello, General Manager of the Currituck Club also believes an amendment will remove the beach valet service and would be detrimental by removing the management of the beach access area. She said the service has been well received and visitors depend on the valet service and requested the item be tabled.

David Knoch, a resident of Currituck Club, spoke of his family's use of the trolley and noted the handicap transportation service for his wife.

Chris Marik, part owner of Ocean Atlantic Rentals in Point Harbor, said the amendment creates an unfair advantage to Planned Unit Development (PUD) subcontractors, and his business would be at a severe disadvantage with the proposal. He requested the Board keep the current morning and evening hours as is for beach equipment services.

Currituck Club property owners Marge Searing, Bruce Walton, Cathy Latloukal and Arthur Cox all spoke against the ordinance amendment believing its adoption would eliminate the trolley service amenity, harming rentals, tax revenues and property values, and would detract from the visitor experience.

With no others wishing to speak Chairman Hanig closed the Public Comment period.

## ADMINISTRATIVE REPORTS

### A. Currituck County Annual Stewardship Report Presented by Cathy Davison, Executive Director, Albemarle Commission

Cathy Davison, Executive Director of the Albemarle Commission, presented information and statistics on Currituck County services provided by the Commission over the last year. Services and programs reviewed included Meals on Wheels, congregate meals served

at the senior centers, Home and Community Care Block Grants, transportation, adult day health care and in-home aide, Senior Games, Senior supply donations and workforce development programs. The Balancing Nature and Commerce program was discussed and an update was provided on a county broadband initiative. Ms. Davison said the Commission provided 32,827 units of service for 2,041 clients at a cost of \$2.66 per service.

In closing, Ms. Davison thanked the Board for continued support and for allowing the Commission to provide services to residents of Currituck. The Elder Abuse Awareness Walk was announced and is scheduled for June 15, 2017.

## PUBLIC HEARINGS

### A. PB 17-02 Currituck County Sign Ordinance Text Amendment:

#### Subject: PB 17-02 Currituck County Sign Ordinance Text Amendment

The enclosed text amendment, initiated by the Currituck County Planning and Community Development Department, is a substantial rewrite of the County's Signage regulations. The amendment is necessary to be consistent with constitutional requirements. The proposed amendment complies with the Supreme Court decision in *Reed v. Town of Gilbert, Arizona*. The decision in the *Reed* case renders content-based regulations unconstitutional. In essence, if a sign has to be read in order to determine whether a regulation applies, the regulation is most likely unconstitutional and illegal. The *Reed* case centered on non-commercial signage regulations. Commercial based distinctions are permitted.

Planning Staff presented options for amending the sign ordinance to the Board of Commissioners (BOC) at the January 2017 retreat. The BOC directed staff to allow one non-commercial sign per property, allow additional signage for road frontage and to allow an additional three non-commercial signs during election season. The BOC also directed staff to continue to allow the commercial, use-based signage.

#### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
  - a. *The amendment does not conflict with county-adopted plans.*
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
  - a. *The amendment does not conflict with the County's ordinances.*
- (3) Is required by changed conditions;
  - a. *The amendment is required to comply with the U.S. Supreme Court decision in Reed v. Town of Gilbert, Arizona. And is required to correct unconstitutional provisions of the County's Unified Development Ordinance.*
- (4) Addresses a demonstrated community need;
  - a. *The amendment is required to assure that County ordinances are fair and in the public interest.*
- (5) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
  - a. *The proposed amendment is consistent with the purpose and intent of the zoning districts of the County's Unified Development Ordinance.*
- (6) Would result in a logical and orderly development pattern; and
  - a. *The proposed amendment will continue to result in a logical and orderly development pattern.*
- (7) Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
  - a. *The proposed amendment should have no effect on the natural environment.*

#### Land Use Plan Consistency and Reasonableness

The UDO requires the Board of Commissioners adopt a statement of consistency and reasonableness that describes whether the decision on the amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest. The 2006 Land Use Plan provides several policy statements in reference to this amendment request:

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

POLICY CA4: SIGN POLICIES AND STANDARDS should be established and periodically updated to enhance community appearance and create a quality business image. Such standards may be tailored to achieve different development characters for different parts of the county.

POLICY CA5: Currituck County recognizes that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional BILLBOARDS AND OFF-SITE ADVERTISING SIGNS shall not be permitted in Currituck County.

The requested text amendment is consistent with the 2006 Land Use Plan because:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

The request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

#### **Staff Recommendation**

Staff recommends adoption of the proposed text amendment because it complies with text amendment review standards of the UDO, it is consistent with the 2006 Land Use Plan, and it is reasonable and in the public interest.

#### **Planning Board Recommendation:**

##### **April 11, 2017:**

Mr. McColley motioned to approve PB 17-02 Sign Ordinance because the requested text amendment is consistent with the 2006 Land Use Plan:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

And because the request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

*Included in the approval is a recommendation to the Board of Commissioners for G. Special Events Signs: 2, 3 & 4 for reinstatement and strike any reference to the Outer Banks.*

Mr. O'Brien seconded the motion and the motion carried unanimously.

**RESULT: RECOMMENDED APPROVAL (WITH RECOMMENDATION) [UNANIMOUS]**

#### **PB 17-02**

#### **CURRITUCK COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to revise the Signage Ordinance to be in compliance with *Reed v. Town of Gilbert, Arizona* and Chapter 10: Definitions and Measurement to provide consistency between the signage standards and the relevant definitions.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 5. Development Standards, Section 5.12.1. Purpose and Intent is amended by adding the following underlined language and renumbering accordingly:

**5.12.1. Purpose and Intent**

The purpose of this section is to support and compliment the various land uses allowed in Currituck County by the adoption of regulations concerning the placement, number, location, size, appearance, illumination, and animation of signs. The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets, as well as protect the public investment in such streets. The provisions of this section are also intended to:

- A.** Promote the reasonable, orderly, and effective display of signs, displays, and devices;
- B.** Protect the public welfare as well as land values by preserving the aesthetic qualities of the unique natural environment;
- C.** Preserve the county's environment from excessive and obtrusive signs;
- D.** Promote the safety of persons and land by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment;
- E.** Promote the efficient transfer of general public and commercial identification or information and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs;
- F.** Preserve the environment from excessive and obtrusive signs in support of the county's resort and tourism industry; and
- G.** Enhance the image, appearance, and economic vitality of the community.
- H.** Allow non-commercial speech anywhere that commercial, advertising or business signs are permitted.

**Item 2:** That Chapter 5. Development Standards, Section 5.12.2 Prohibited Signs is amended by adding the following underlined language and removing the strikethrough language:

**5.12.2 Prohibited Signs**

The following signs are prohibited:

- A.** Off-premise advertising signs (billboards), including digital billboards, except as otherwise provided by this Ordinance;
- B.** Signs located within the sight distance triangle or public right-of-way (without an approved NCDOT encroachment agreement);
- C.** Signs attached to the structure of a lawfully permitted sign, without a permit, except as otherwise provided by this Ordinance;
- D.** Signs attached to any traffic sign, utility pole, or tree, except as otherwise provided by this Ordinance;
- E.** A sign that by its location, color, illumination, size, shape, nature, or message would obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies;
- F.** Signs that emit a sound, odor, or visible matter such as smoke or vapor;
- G.** Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature;
- H.** Banners, inflatable signs or balloons, flags (except those exempted by this Ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards;
- I.** Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for suspended signs intended for pedestrians and flags as described in this Ordinance;
- J.** Roof signs;
- K.** Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles;
- L.** Internally-illuminated signs (other than window signs) on lots located on the Outer Banks; and
- M.** Portable signs and m Mobile marquee signs on lots in the Outer Banks.

**Item 3:** That Chapter 5. Development Standards, Section 5.12.4 Signs Exempted from Sign Permit Requirements is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

**5.12.4 Signs Exempted from Sign Permit Requirements**

~~The signs in Table 5.12.4, The following non-illuminated signs are exempt from the requirements to obtain sign permit approval, but are subject to the standards in Section 5.12.8, Maintenance Standards, and the standards in this sub-section.~~

Non-Commercial Signs

One temporary sign may be placed on a property at any time provided the sign does not exceed eight square feet in area and four feet in height.

One additional temporary sign may be placed on a property that is actively listed or offered for sale. Such sign shall be removed within five days following the sale date of the property. The sign shall not exceed eight square feet in area and four feet in height.

One additional temporary sign may be placed on a property where an active, unexpired building permit has been issued by the County. Such sign shall be removed within ten days after the issuance of a certificate of compliance. The sign shall not exceed eight square feet in area and four feet in height.

Up to three additional temporary signs may be placed on a property for a period of 30 days prior to an election involving candidates or an issue on the ballot of an election. Such signs shall be removed within ten days of the conclusion of the election. Each sign shall not exceed eight square feet in area and four feet in height.

One additional temporary sign may be placed on a property with road frontage greater than 160 feet and an additional temporary sign may be placed for each additional 100 feet of road frontage provided that each additional sign shall not exceed 32 square feet in area and 10 feet in height; and the signs maintain a minimum spacing of 50 feet.

One additional sign may be placed on a property with a compliant home occupation. The sign shall not exceed six square feet in area and four feet in height if freestanding or eight feet in height if wall-mounted.

A property owner may place wall signs on a building such that the signs shall not singularly or collectively exceed 14 square feet in area and 20 feet in height.

Flags and Banners

Up to four flags are permitted per major subdivision, existing PUD or Planned Development entrance. Subdivision flags shall not exceed 24 square feet in area and 20 feet in height.

Up to one additional flag and one banner, not to exceed 30 square feet in area or 10 feet in height is permitted at a model home location within a major subdivision, existing PUD or Planned Development.

On-Premise Signs located in Business and Mixed-Use Zoning Districts

Window Signs

Window signs shall not exceed 25 percent of the total window area that contains the sign, except that trademark and merchandise displayed for sale shall not be included in the total window sign area.

Temporary Signs and Flags located on the Mainland

Limited to a maximum of two per lot; sign area shall not singularly or collectively exceed 40 square feet; sign height shall not exceed ten feet; signs shall be setback ten feet from side and rear lot lines.

Up to five flags are permitted per lot; each flag shall not exceed 20 square feet in area.

Temporary Signs and Flags located on the Outer Banks

Sign type shall be limited to sandwich board signs.

Each business unit may have one temporary on-premise sandwich board sign.

The sign shall not exceed eight square feet in area and four feet in height.

The sign shall be located on an existing sidewalk or deck and immediately adjacent to the entrance of the business installing the sign.

The sign shall comply with the outdoor display requirements of Section 4.3.3.P where applicable.

The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area).

The sign shall be removed if the business is closed on three or more consecutive days.

One flag allowed per business. Flag shall be anchored to the wall, deck support post, or railing (if a support post is not available) of the building and shall not exceed 15 square feet in area or 20 feet in height.

Roadside Market Signs

May be erected up to 30 days before the seasonal opening of the establishment, and shall be removed within 30 days of the seasonal closing.

Sign area shall not exceed 32 square feet.

Sign height shall not exceed ten feet.

**TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS**

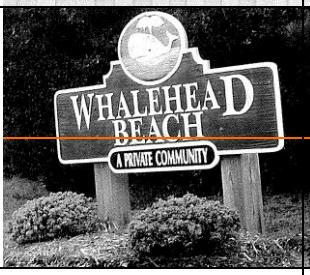
| SIGN TYPE  | EXAMPLE   | APPLICABLE STANDARDS  | MAXIMUM SIGN AREA (SQ. FT)                                 | MAXIMUM HEIGHT (FEET)          |
|--|---|---|--|--------------------------------|
| Contractor Sign                                      |    | Limited to one sign per lot. Must be removed prior to completion of construction or occupancy of the building or site. May not be installed prior to issuance of a building permit or commencement of work. | Mainland: 32<br>Outer Banks: 8                             | Mainland: 10<br>Outer Banks: 4 |
| Cottage or House Name                                |    | Limited to one sign displaying the name of a cottage or house.  | 12   | 20                             |
| Development Entrance Sign                            |   | Limited to a maximum of two signs per entrance on the mainland and one sign per entrance on the Outer Banks.  | Mainland: 60<br>Outer Banks: 48                            | Mainland: 15<br>Outer Banks: 6 |
| Directional Sign, Institutional or Historic Property |   | Up to one off-premise directional sign (arrow type) may be placed at an intersection pointing toward the institutional or historic site. These signs may not be internally illuminated.                     | 8  | 8                              |
| Flag, Commercial                                     |  | Flags shall be anchored to the wall, deck support post, or railing (if a support post is not available).  | Mainland: 5 per lot;<br>Outer Banks: 1 per business;<br>15 | 20                             |
| Flag, Subdivision                                    |  | Up to four per major subdivision entrance. Up to one additional model home flag and one 30-square-foot banner is allowed at a model home location.  | 24   | 20                             |

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

| SIGN TYPE                | EXAMPLE   | APPLICABLE STANDARDS   | MAXIMUM SIGN AREA (SQ. FT)      | MAXIMUM HEIGHT (FEET)          |
|--------------------------|---|--|---------------------------------|--------------------------------|
| Home Occupation          |   | Limited to one sign per home occupation, and may only include business name, location, telephone number. Sign shall not be illuminated.  | 6                               | 4                              |
| Incidental Sign          |    | Limited to property numbers, post office box numbers, names of occupants of premises, or directions guiding traffic and parking on private property.   | 4                               | 5                              |
| For Rent, Cottage        |   | Limited to one on-premise "For Rent" sign.   | 2                               | 20                             |
| Political Sign           |  | May not be on site more than ten days following the election or conclusion of the campaign.  | 32                              | 10                             |
| Real Estate, Subdivision |  | Must be located within the boundaries of the subdivision and be spaced at least 500 feet from another prospective development sign. No more than one sign shall be placed within a subdivision on the Outer Banks. | Mainland: 75<br>Outer Banks: 32 | Mainland: 40<br>Outer Banks: 6 |
| Real Estate, Commercial  |  | Up to one on-premise, free-standing "For Sale" sign per lot.   | 32                              | 8                              |

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

| SIGN TYPE                    | EXAMPLE | APPLICABLE STANDARDS   | MAXIMUM SIGN AREA (SQ. FT) | MAXIMUM HEIGHT (FEET) |
|------------------------------|---------|--|----------------------------|-----------------------|
| Real Estate, Residential lot |         | Up to one on-premise, free-standing "For Sale" sign per lot.   | 8                          | 4                     |
| Roadside Market Sign         |         | May be erected up to 30 days before the seasonal opening of the establishment, and shall be removed within 30 days of the seasonal closing.  | 32                         | 10                    |
| Sandwich/Tent Sign           |         | Allowed only in the Outer Banks. Each business unit may have one temporary double-sided on-premise sign, provided:<br>1. The sign shall be located on an existing sidewalk or deck, and immediately adjacent to the entrance of the business installing the sign and comply with the outdoor display requirements of Section 4.3.3.P where applicable;<br>2. The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area);<br>3. The sign shall be removed if the business is closed on 3 or more consecutive days. | 8                          | 4                     |
| Temporary Sign (On Premise)  |         | Limited to a maximum of two per lot on the mainland; prohibited on the Outer Banks. Must be 10 feet from side or rear lot lines and outside sight triangles.   | Up to 40 total             | 10                    |
| Window Signs                 |         | Shall not exceed 25 percent of the total window pane area that contains the sign, except that trademark and merchandise displayed for sale shall not be included in the total window sign area.  |                            |                       |

**Item 4:** That Chapter 5. Development Standards, Section 5.12.6 Specific Sign Standards is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

#### **5.12.6 Specific Sign Standards**

*The following signs are permitted with a valid sign permit (see Section 2.4.10):*

##### **A. Freestanding Signs**

Freestanding signs ~~for on properties with approved non-residential Agricultural, Commercial or Industrial uses~~ shall comply with the standards in Table 5.12.6.A, Freestanding Signs:

TABLE 5.12.6.A: FREESTANDING SIGNS [1]

| STANDARD                   | ON MAINLAND [2]   | ON OUTER BANKS                        |
|----------------------------|---|---------------------------------------|
| Maximum Number             | 1 per frontage of 500 feet or less;<br>Up to 2 for frontages over 500 feet  | 1 per lot                             |
| Minimum Spacing            | 100 feet between signs serving same development or approved access points   |                                       |
| Maximum Area [3]           | 128 square feet for frontages of 160 <del>square</del> feet or less;<br>160 square feet for frontages over 160 feet | 48 square feet                        |
| Minimum Setback (from ROW) |   | 10 feet for signs taller than 10 feet |
| Maximum Height             | 20 feet   | 8 feet                                |

NOTES:

[1] Freestanding signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

##### **B. Institutional Signs**

~~(1) Schools, religious institutions, and other public uses~~ Institutional signs located in Business and Mixed-Use Zoning districts shall comply with the standards of Table 5.12.6.A. Institutional signs located in Residential and Special Base Zoning districts shall be limited to ~~may include~~ one freestanding on-premise sign not exceeding 48 square feet in area or 8 feet above natural grade.

~~(2) Up to one off-premise directional sign (arrow type) with a maximum sign area of 8 square feet and a maximum height of 8 feet may be placed at an intersection within one mile of the property. These signs shall not be internally illuminated.~~

##### **C. Message Board Signs**

Message board signs shall comply with the following standards:

- (1) Electronically-controlled signs are prohibited in the Outer Banks.
- (2) No more than 50 percent of a sign's maximum area can be occupied by a message board, reader board, or electronically controlled message sign.
- (3) Except for time and temperature signs, the message shall remain stationary for at least five seconds.

##### **D. Off-Premise Directional Signs**

###### **(1) Applicability**

The standards in this section shall apply to businesses existing prior to January 1, 2013 located in a Business and Mixed-Use Zoning District adjoining the Currituck Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

###### **(2) Prohibited**

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

Commercial uses and properties located on the Outer Banks.

Commercial uses adjoining a major arterial street.

**(3) General**

**(a)** Off-premise directional signs must be located on property within two miles of the intersection of a major arterial street and the collector street accessing the commercial use.

Off-premise directional signs must be located on property under the same ownership as the business to be identified on the sign.

Off-premise directional signs must be located in a Business and Mixed-Use Zoning District adjoining a major arterial street.

A maximum of one off-premise directional sign is permitted per business. A lot shall have a maximum of one off-premise directional sign.

Off-premise directional signs shall not exceed 64 square feet in area and 15 feet in height.

Off-premise directional signs shall not be located within the sight triangle.

Off-premise directional signs shall not contain an electronic message board.

**Pennant, and Streamer and Banner Signs**

**(1)** A sign permit (see Section 2.4.10) for the pennants, streamers, is required, at no cost, in order to establish the start/finish date of the display.

**(2)** Pennant, and Streamer and Banner signs are prohibited on the Outer Banks.

**(3)** Pennant, and Streamer and Banner signs shall not be attached to a street sign or telephone pole and shall not encroach into the street right-of-way.

**(4)** Pennant, and Streamer and Banner signs are only permitted for maximum of 30 days for each of the following events:

Grand openings;

Seasonal openings (for those businesses who are closed during one or more seasons); or

Going out of business.

**A. Shopping Center Signs**

Signs associated with a shopping center shall comply with the requirements in Table 5.12.6.F, Shopping Center Signs:

TABLE 5.12.6.F: SHOPPING CENTER SIGNS [1]

| STANDARD                      | ON MAINLAND [2]   |                                | OUTER BANKS   |  |
|-------------------------------|---|--------------------------------|---|--|
|                               | Freestanding Signs  | Freestanding Signs- Outparcels |   |  |
| Maximum Number                | 1 per street frontage; up to 2 for frontages over 500 feet  |                                |   |  |
| Minimum Spacing               | 100 feet between signs serving same development or approved access points                         |                                |   |  |
| Maximum Area [3]              | 3 to 10 establishments:<br>200 square feet;<br>More than 10<br>establishments: 300<br>square feet | 64 square feet                 | 80 square feet; 24<br>square feet for<br>secondary road<br>frontages;<br>32 square feet for<br>outparcels |  |
| Minimum Setback<br>(from ROW) | 10 feet for signs taller than 40 <u>12</u> feet   |                                |   |  |
| Maximum Height                | 25 feet   | 10 feet                        | 12 feet<br>Outparcel: 6 feet  |  |

NOTES:

[1] Shopping center signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

**Special Event Signs**

A special event sign is for identifying a special event or other noncommercial event, on or off premise, and may be approved as part of a temporary use permit (see Section 2.4.11), subject to the following standards:

(1) The following shall be allowed on the mainland:

Up to 40 signs, each with a maximum area of 6 square feet and up to 10 signs, each with a maximum area of 32 square feet; or  
Up to 60 signs, each with a maximum area of 6 square feet;

(21) Up to three signs, each with a maximum area of 32 square feet and a maximum height of six feet shall be allowed on the Outer Banks;

(32) On the mainland, such signs may be erected up to 17 days before the event, and shall be removed within 8 days after the event;

(43) On the Outer Banks, such signs may be erected up to ~~three~~ seven days before the event and shall be removed within two days after the event.

#### Wall Signs

Wall signs shall comply with the following standards:

(1) Wall signs shall be anchored directly to the wall, to the maximum extent practicable, and shall not be painted on a wall's surface.

(2) Wall signs shall not project or be offset more than 12 inches from the wall it is mounted to.

(3) Wall signs shall not extend above the roof line.

(4) Wall signs shall be placed on a wall that is oriented toward a public street, public vehicular access, or public drive aisle leading to public parking or an entrance. In no instance shall a wall sign directly face adjacent a single-family dwelling located within a residential zoning district.

(5) Maximum wall sign area shall be in accordance with Table 5.12.6.E-H, Wall Sign Area:

TABLE 5.12.6.E-H: WALL SIGN AREA

| LOCATION   | MAXIMUM SIGN AREA SIZE |   |
|--|------------------------|---|
|  | SHOPPING CENTERS       | ALL OTHER NONRESIDENTIAL USES   |
| Mainland Currituck County, including Knotts Island and Gibbs Woods |                        | 20 percent of the wall area <u>to which the sign is fastened</u> , not to exceed 400 square feet                              |
| Outer Banks  |                        | 32 square feet per <u>wall of a business or business unit</u> ; 54 square feet for businesses over 5,000 square feet in area. |

#### Development Entrance Signs

Development Entrance Signs shall comply with the requirements in Table 5.12.6.I, Development Entrance Signs

TABLE 5.12.6.I: DEVELOPMENT ENTRANCE SIGNS [1]

| STANDARD                   | ON MAINLAND [2] | OUTER BANKS                           |
|----------------------------|-----------------|---------------------------------------|
| Maximum Number             | 2 per entrance  | 1 per entrance                        |
| Maximum Area [3]           | 60 square feet  | 48 square feet                        |
| Minimum Setback (from ROW) |                 | 10 feet for signs taller than 10 feet |
| Maximum Height             | 15 feet         | 6 feet                                |

#### NOTES:

[1] Development entrance signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

**Item 5:** That Chapter 5. Development Standards, Section 5.12.8 Maintenance Standards is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

#### **5.12.8. Maintenance Standards**

##### **Sign Permit Required**

- (1) Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, illuminate, or replace any sign, without first having obtained a sign permit in accordance with Section 2.4.10.
- (2) No use shall arbitrarily attach a sign to the structure of a lawfully permitted sign without prior approval of a sign permit in accordance with Section 2.4.10.

##### **B. Indemnification**

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify Currituck County, its officers, agents, and employees against any and all claims of negligence resulting from such work.

##### **C. Properly Secured**

- (1) All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
- (2) All signs shall be adequately secured and stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (3) Flags shall be attached to a singular pole or building and shall have no other means of support (i.e., be free-flying).

##### **D. Illumination**

- (1) Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.
- (2) A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
- (3) Sign lighting shall not exceed 15 foot-candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.

Sign lighting shall be full cut-off.

##### **E. Durable Materials**

- (1) All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if, in the opinion of the Planning Director, the sign does not meet the spirit of this Ordinance.
- (2) Except for awnings, signs constructed with fabric, cardboard, or paper are prohibited.
- (3) Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
- (4) Flags that are shredded, torn, tattered, or frayed must be replaced or removed upon written notification from the Planning Director.

##### **F. Clearing of Vegetation**

No person shall, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the NCDOT;
- (2) On land that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or
- (3) In any area where trees or shrubs are required to be preserved, subject to the standards in this Ordinance or a prior development approval.

(4) The area within ten feet in all directions of any part of a sign shall be kept clear of all debris.

#### G. Discontinuance

(1) A sign that includes a reference to a located on the property of a closed establishment shall remove the sign copy reference to the closed establishment within 30 days of the date of business closure. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.

(2) If the message portion of a conforming sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.

(3) Signs unlawfully placed in any street right-of-way or on any public land, including signs affixed to street and traffic signs or public utility poles, may be removed by the Planning Director without notice in accordance with Section 9.6.1.H, Removal of Signs from Street Right-of-Way.

**Item 6:** That Chapter 10. Definitions and Measurement, Section 10.5 Definitions is amended by adding the following underlined language and removing the strikethrough language:

#### 10.5 DEFINITIONS

Sign, Awning

Any message printed on an awning.

Sign, Banner

A sign constructed of plastic or fabric of any kind that is attached to supports, a framework or a flat surface.

SIGN, COMMUNITY EVENT

A temporary sign announcing a specific occurrence taking place within the overlay district.

SIGN, COMMUNITY IDENTIFICATION DEVELOPMENT ENTRANCE

A freestanding sign located at the entrance of a designated residential area identifying the name of the community.

SIGN, CONTRACTOR

A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, COTTAGE

A sign placed on a dwelling displaying the name of the house or cottage.

SIGN, DIRECTIONAL

An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic.

SIGN, FLAG OR FEATHERFLAG

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device for the purpose of advertisement.

SIGN, FREESTANDING

A permanent sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.

SIGN, GOVERNMENTAL

A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

SIGN, INFLATABLE

Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**SIGN, INSTITUTIONAL**

A free-standing sign located on property that contains a use classified as an Institutional Use in Table 4.1.1.

**SIGN, LANDSCAPING**

A sign placed on the lawn of a residential or commercial property advertising the company that landscapes and maintains the property.

**SIGN, MOBILE MARQUEE**

Any sign mounted on wheels or built with axles to which wheels may be attached. A sign attached to a motor vehicle shall not be considered a mobile sign.

**SIGN, NONCONFORMING**

Any sign that does not meet one or more of the requirements of this Ordinance as of the effective date of this Ordinance.

**SIGN, OFF PREMISE**

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premises signs may exist or otherwise be subject to the requirements of this article. Billboards are examples of off-premises signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County government or their public agencies.

**SIGN, OFF PREMISE DIRECTIONAL**

An off-premise sign that displays the name of a business, institution, or other location or activity and the direction in which it is located.

**SIGN, ON PREMISE**

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premises signs may exist or otherwise be subject to the requirements of this article regarding such signs. Ground signs and directional signs are examples of on-premises signs.

**SIGN, OPEN HOUSE**

A sign placed along the highway pointing toward a model home or a home that is for sale or placed in front of the home for sale and open for public viewing.

**SIGN, PENNANT OR STREAMER**

Any lightweight plastic, fabric or other material, suspended from a rope, wire, or string, or supported by a pole usually in series designed to move in the wind.

**SIGN, POLITICAL**

A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**SIGN, PORTABLE**

A sign that is not permanent, affixed to a building, structure, or the ground (e.g., sandwich/tent signs).

**SIGN, REAL ESTATE**

A sign placed on a property for sale, identifying the real estate company or agent and a phone number.

**SIGN, RENTAL**

A sign placed on a residentially zoned building that is in a rental program offered by a rental company or private owner.

**SIGN, ROADSIDE MARKET**

A temporary sign located on property of approved roadside markets.

**SIGN, ROOF**

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**SIGN, SANDWICH BOARD /TENT**

A temporary sign ~~regulated by season~~ consisting of two sign faces placed together at an angle of ninety (90) degrees or less to form an "A" shape which tapers from a wide base to a narrow top.

**SIGN, SUSPENDED**

A sign hanging down from a marquee, awning, or porch that would exist without the sign.

**SIGN, SECURITY**

A sign placed on the lawn of a residential or commercial property advertising the company that provides security services for the property.

**SIGN, TEMPORARY**

A sign ~~not permanently mounted to a building or into the ground. To be deemed permanently mounted, a sign must be (a) attached or secured by bolting, welding, molding, nailing, concrete or similar mechanisms; and (b) made of materials enabling the sign to maintain its structural integrity and the clarity of its graphics through the passage of time and weather. or advertising display designed or intended to be displayed for a short period of time.~~

**SIGN, WALL**

A sign fastened to a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Railing, suspended and awning signs are also included in this definition.

**SIGN, WINDOW**

Any sign attached to the window glass of a commercial building.

**Item 7: Statement of Consistency and Reasonableness**

The requested text amendment is consistent with the 2006 Land Use Plan because:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

The request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

**Item 8:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 9:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_ - \_\_\_\_\_, 2017.

Planning and Community Development Director, Ben Woody, used a powerpoint to review the content of the text amendment with the Board.

After review, Mr. Woody responded to Board questions and noted differences between Corolla and mainland signage and clarified regulations for specific signs. Commissioner Hall questioned signage restrictions placed on residential properties not in a subdivision or residential neighborhood, and the Board began discussion on size allowances and length of time signs can be erected. Mr. Woody said the ordinance was written as an attempt to accommodate the larger, non-commercial signs without regulating the message that can be on them. Mr. Woody said the Board can assume that everyone can have one non-commercial sign.

Chairman Hanig opened and closed the public hearing, as no one was signed up nor wished to speak.

Commissioner Beaumont moved to approve PB 17-02, the Currituck County sign ordinance text amendment in that the requested text amendment is consistent with the 2006 Land Use Plan because:

- It includes standards to enhance community appearance and create a unique business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

Furthermore, the request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinances provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States.

Commissioner Gilbert seconded the motion and the motion passed unanimously.

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

## OLD BUSINESS

### A. Consideration of An 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

County Attorney, Ike McRee, described the ordinance revisions the Board had requested at the meeting of April 17, 2017, when the ordinance was originally presented. Mr. McRee reviewed the ranges of air pressure relative to vehicle weight and size now included in the ordinance. He said the community and Sheriff's Department support proper air-down, and there was discussion about providing locations for people to air up when coming off of the beach.

Commissioner White moved to approve the ordinance and his motion was seconded by Commissioner Beaumont. The motion passed unanimously.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS 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**

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

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

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

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

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

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

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

- (a) 20 p.s.i. for motor vehicle weighing less than three-quarters of a ton; or
- (b) 30 p.s.i. for motor vehicles weighing between three-quarters of a ton and one ton.

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

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 15th day of May, 2017.

Bobby Hanig, Chair  
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Bob White, Commissioner  |
| <b>SECONDER:</b> | Paul M. Beaumont, Commissioner   |
| <b>AYES:</b>     | 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, 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**

Mr. McRee reviewed the ordinance with the Board, originally presented at the meeting of April 17, 2017, and noted the slight modification to the ordinance exempting those

who must travel over dunes to access permitted driveways or dune ramps. Mr. McRee said installation of public ramp access signage could be done outside of the ordinance. Commissioner White clarified regulations pertaining to dune walkovers.

Commissioner White moved to approve and his motion was seconded by Commissioner Hall. The motion carried unanimously.

**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

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVED:</b>    | Bob White, Commissioner  |
| <b>SECONDED:</b> | Mike D. Hall, Commissioner   |
| <b>AYES:</b>     | 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. Presentation of the Annual Budget for FY 2017-2018 and Set a Date for Public Hearing and Possible Action

Using a powerpoint, the County Manager presented the annual budget for Fiscal Year 2017-2018 to the Board of Commissioners. Mr. Scanlon reviewed the general fund which consists of funds for daily operations. He noted a reduced budget over the prior year and a revised funding formula for education resulting in an increase for per student funding. He presented property tax valuation and tax rate information with no change in tax rates for the county. Utilities and district tax rate adjustments were presented and debt management was reviewed.

Mr. Scanlon said the budget totals approximately \$72 million dollars and includes capital outlay funding of construction projects including a school bus garage, public safety center, Moyock Community Park and a wireless broadband initiative.

Mr. Scanlon said a June 5, 2017 Public Hearing is intended for adoption of the budget to occur no later than July 1, 2017, as required by general statute.

Commissioner Payment moved to set a public hearing date of June 5, 2017. Commissioner Gilbert seconded. Commissioner Etheridge said she would like to schedule a budget work session prior to the public hearing. The motion carried unanimously.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Mike H. Payment, Vice Chairman   |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | 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 and Action on An Ordinance of the Currituck County Board of Commissioners Amending Section 10-63 of Chapter 10 of the Currituck County Code of Ordinances to Allow Certain Activities Involving Motor Vehicles on the Beach Strand and Making a Technical Correction**

County Attorney, Ike McRee, reviewed the ordinance amendment with the Board of Commissioners. He explained the amendment modifies the beach driving ordinance to expand on the authority of those who drive on the beach from May through September, in particular. Mr. McRee provided background through the most recent ordinance amendment in 2014, when Planned Unit Developments (PUD) desired to provide enhanced levels of service to visitors and property owners by providing recreational beach equipment and solid waste collections utilizing motor vehicles. Commercial businesses were also interested in providing similar beach equipment services.

Mr. McRee explained the Board's authority to regulate motor vehicles on the beach. He reviewed the current ordinance and noted members of the public and Sheriff's office have reported instances where some entities are traversing the dunes and riding north and south to provide services during the day, which was never allowed under the ordinance.

Mr. McRee reviewed the additional requirements under the amendment such as permitting for service vehicles and prohibiting the "prospecting" of customers and locations by stringing umbrellas and chairs and other equipment before the items have been rented.

He reviewed the PUD provision, and specifically noted the beach area owned by the Currituck Club, who could now leave permitted vehicles on the beach all day long to continue to provide services. He reiterated that the county has never permitted travel over the dune nor travel north and south up and down the beach. The technical correction was reviewed which removed an allowance for a surf competition.

Mr. McRee reviewed a contract the Currituck County entered into with the Currituck Club to provide for handicap transportation service at the southern public beach access.

During discussion, Mr. McRee clarified aspects of the ordinance and both Mr. Scanlon and Mr. McRee discussed specifics relative to PUD services, commercial providers and the permit system. Mr. Scanlon explained any exchange of money or commercial transactions on the beach are prohibited in the UDO. Methods of enforcement were discussed.

Commissioner White moved to approve the amendment. The motion was seconded by

Commissioner Hall and carried unanimously.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-63 OF CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO ALLOW CERTAIN ACTIVITIES INVOLVING MOTOR VEHICLES ON THE BEACH STRAND AND MAKING A TECHNICAL CORRECTION**

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;

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

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

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

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

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

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

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

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

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

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

(4) use of motor vehicles in support of a surfing competition consisting of competitors under 18 years of age and located north of the beach access ramp at the eastern end of Corolla Village Road (SR 1152) the use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management of a planned unit development community within that area of the beach strand between the southern right-of-way line of Shad Street northward to the northern right-of-way line of Corolla Village Road (SR 1152) provided that a motor vehicle used pursuant to this subsection may travel across the Shad Street and Corolla Village Road rights-of-way onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by Section 10-64 of this Code;

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

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

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

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

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

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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Bobby Hanig, Chair  
Board of Commissioners

ATTEST:

---

Leeann Walton, Clerk to the Board of Commissioners

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Bob White, Commissioner  |
| <b>SECONDER:</b> | Mike D. Hall, Commissioner   |
| <b>AYES:</b>     | 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) Board Appointments

### 1. Board of Adjustment

The following names were submitted as nominees for the Board of Adjustment:

- Chairman Hanig nominated Matt Battey
- Commissioner Beaumont nominated Greg Hammer
- Commissioner Gilbert nominated Joe Kovacs

Commissioner Gilbert moved to approve and the motion was seconded by Commissioner Payment. All nominees were unanimously approved.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Mike H. Payment, Vice Chairman   |
| <b>AYES:</b>     | 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. Amended Item-Economic Development

Commissioner Hall nominated Juanita Krause to the Economic Development Board. The nominee was voted upon simultaneously with the Board of Adjustment nominees and unanimously approved.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Mike H. Payment, Vice Chairman   |
| <b>AYES:</b>     | 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) Consent Agenda

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

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVED:</b>    | Paul M. Beaumont, Commissioner   |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | 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 April 17, 2017

### 1. Approval of Minutes for April 17, 2017

### 2. Budget Amendments

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10795-532000          | Supplies                   | \$ 3,450                                |   |
| 10795-516400          | Equipment Maintenance      | \$ 100                                  |   |
| 10795-545100          | Credit Card Fees           | \$ 750                                  |   |
| 10350-469020          | Maple Park Sponsors        |   | \$ 3,450                                |
| 10795-532500          | Concessions                |   | \$ 850                                  |
|                       |                            | <b>\$ 4,300</b>                         | <b>\$ 4,300</b>                         |

**Explanation:** Parks & Recreation (10795) - Increase appropriations for sponsorships for Maple Park signs and for operations for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,450.

| <u>Account Number</u> | <u>Account Description</u>       | Debit                                   | Credit                                  |
|-----------------------|----------------------------------|---|---|
|                       |                                  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10490-511000          | Telephone/Postage - Other        | \$ 20                                   |   |
| 10490-511003          | Telephone/Postage - Court System | \$ 20                                   |   |
| 10490-513000          | Utilities - Other                | \$ 1,500                                |   |
| 10490-545003          | Contract Services - Court/Jail   | \$ 1,500                                |   |
| 10490-513003          | Utilities - Court/Jail           |   | \$ 3,040                                |
|                       |                                  | <b>\$ 3,040</b>                         | <b>\$ 3,040</b>                         |

**Explanation:** Court Facilities (10490) - Transfer appropriated funds for operations for the remainder of this fiscal year.

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

| <u>Account Number</u>     | <u>Account Description</u>   | Debit                                   | Credit                                  |
|---------------------------|--|---|---|
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10660-511000              | Telephone & Postage  | \$ 4,320                                |   |
| 10660-532000              | Supplies   | \$ 1,200                                |   |
| 10660-557100              | Software License Fees  | \$ 225                                  |   |
| 10660-561000              | Professional Services  | \$ 700                                  |   |
| 10660-514800              | Fees Paid to Officials   |   | \$ 4,045                                |
| 10660-526000              | Advertising  |   | \$ 1,400                                |
| 10660-531000              | Fuel   |   | \$ 1,000                                |
|                           |  | <b>\$ 6,445</b>                         | <b>\$ 6,445</b>                         |
| <b>Explanation:</b>       | Community Development (10660) - Transfer funds for operations for the remainder of this fiscal year to encourage public input and support update of the Land Use Plan. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.   |   |   |

| <u>Account Number</u>     | <u>Account Description</u>  | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10530-502000              | Salaries  | \$ 130,000                              |   |
| 10530-502200              | Holiday Pay   | \$ 21,700                               |   |
| 10530-505000              | FICA  | \$ 11,605                               |   |
| 10530-506000              | Insurance Expense   |   | \$ 93,000                               |
| 10530-507000              | Retirement  | \$ 19,721                               |   |
| 10530-511000              | Telephone & Postage   |   | \$ 1,400                                |
| 10530-513000              | Utilities   |   | \$ 14,000                               |
| 10530-514000              | Travel  | \$ 500                                  |   |
| 10530-514800              | Fees Pd To Officials  |   | \$ 2,000                                |
| 10530-516000              | Repairs & Maintenance   |   | \$ 1,962                                |
| 10530-516200              | Vehicle Maintenance   | \$ 10,000                               |   |
| 10530-526000              | Advertising   |   | \$ 500                                  |
| 10530-531000              | Fuel  |   | \$ 10,000                               |
| 10530-533900              | Ambulance Supplies  | \$ 20,000                               |   |
| 10530-545000              | Contracted Services   |   | \$ 20,000                               |
| 10530-557100              | Software License Fee  |   | \$ 12,200                               |
| 10530-561200              | Billing   | \$ 17,400                               |   |
| 10330-445100              | FEMA - Public Assistance  |   | \$ 66,364                               |
| 10541-513000              | Utilities   |   | \$ 5,000                                |
| 10541-514500              | Training & Education  |   | \$ 2,650                                |
| 10541-516200              | Vehicle Maintenance   | \$ 6,000                                |   |
| 10541-531000              | Fuel  |   | \$ 1,000                                |
| 10541-532000              | Supplies  | \$ 2,650                                |   |
| 10541-557100              | Software License Fee  |   | \$ 9,500                                |
|                           |   | <b>\$ 239,576</b>                       | <b>\$ 239,576</b>                       |
| <b>Explanation:</b>       | Emergency Medical Services (10530); Fire Prevention (10541) - Operating Transfers for the remainder of this fiscal year and to record FEMA reimbursement for EMS staff deployed during Hurricane Matthew and fires in Western NC. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - Increased by \$66,364.  |   |   |

| <u>Account Number</u> | <u>Account Description</u> | Debit                                | Credit                               |
|-----------------------|----------------------------|--------------------------------------|--------------------------------------|
|                       |                            | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 66868-532000          | Supplies                   | \$ 6,000                             |                                      |
| 66868-516000          | Repairs & Maintenance      |                                      | \$ 5,000                             |
| 66868-511000          | Telephone & Postage        |                                      | \$ 1,000                             |
|                       |                            | <b>\$ 6,000</b>                      | <b>\$ 6,000</b>                      |

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

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                | Credit                               |
|-----------------------|----------------------------|--------------------------------------|--------------------------------------|
|                       |                            | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10752-519600          | Child Care                 |                                      | \$ 35,752                            |
| 10330-432800          | Day Care                   | \$ 35,752                            |                                      |
| 10330-431000          | DSS Administration         |                                      | \$ 1,695                             |
| 10390-499900          | Appropriated Fund Balance  | \$ 1,695                             |                                      |
|                       |                            | <b>\$ 37,447</b>                     | <b>\$ 37,447</b>                     |

**Explanation:** Public Assistance (10752) - Decrease daycare funding per 4/13/2017 funding authorization.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$35,752.

| <u>Account Number</u> | <u>Account Description</u>      | Debit                                | Credit                               |
|-----------------------|---------------------------------|--------------------------------------|--------------------------------------|
|                       |                                 | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10775-532000          | Supplies                        |                                      | \$ 1,500                             |
| 10775-513000          | Utilities                       |                                      | \$ 1,500                             |
| 10775-545000          | Contracted Services - Nutrition | \$ 3,000                             |                                      |
|                       |                                 | <b>\$ 3,000</b>                      | <b>\$ 3,000</b>                      |

**Explanation:** Senior Center (10775) - Transfer funds for additional home delivered meals for the remainder of this fiscal year.

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10510-503000          | Part-time salaries         | \$ 1,500                                |   |
| 10510-505000          | FICA                       | \$ 115                                  |   |
| 10510-557500          | Crime Control              | \$ 1,000                                |   |
| 10510-506000          | Insurance Expense          |   | \$ 1,000                                |
| 10511-503000          | Part-time salaries         |   | \$ 1,500                                |
| 10511-505000          | FICA                       |   | \$ 115                                  |
|                       |                            | <b>\$ 2,615</b>                         | <b>\$ 2,615</b>                         |

**Explanation:** Sheriff (10510); Jail (10511) - Transfer part-time salaries from the Detention Center to the Sheriff's Department for operations and increase funding for crime control activities for the remainder of this fiscal year.

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 64848-553000          | Dues & Subscriptions       | \$ 10                                   |   |
| 64848-532000          | Supplies                   | \$ 4,500                                |   |
| 64848-513000          | Utilities                  |   | \$ 10                                   |
| 64848-545000          | Contracted Services        |   | \$ 2,100                                |
| 64848-516000          | Repairs & Maintenance      |   | \$ 2,400                                |
|                       |                            | <b>\$ 4,510</b>                         | <b>\$ 4,510</b>                         |

**Explanation:** Maple Commerce Park Sewer (64848) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Moyock Commerce Park Sewer (64) - No change.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 61818-533800          | Chemicals                  | \$ 8,000                                |   |
| 61818-532000          | Supplies                   | \$ 20,030                               |   |
| 61818-552000          | Overage (Shortage)         | \$ 30                                   |   |
| 61818-545000          | Contracted Services        | \$ 1,800                                |   |
| 61818-516000          | Repairs & Maintenance      |   | \$ 14,000                               |
| 61818-516200          | Vehicle Maintenance        |   | \$ 2,000                                |
| 61818-590000          | Capital Outlay             |   | \$ 3,160                                |
| 61818-516400          | Equipment Maintenance      |   | \$ 700                                  |
| 61818-590003          | Fire Hydrants              |   | \$ 10,000                               |
|                       |                            | <u>\$ 29,860</u>                        | <u>\$ 29,860</u>                        |

**Explanation:** Mainland Water Fund (61818) - Transfer for operations for the remainder of this fiscal year.

**Net Budget Effect:** Mainland Water (61) - No change.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 67878-516000          | Repairs & Maintenance      | \$ 300                                  |   |
| 67878-532000          | Supplies                   | \$ 1,500                                |   |
| 67878-553000          | Dues & Subscriptions       | \$ 700                                  |   |
| 67878-533800          | Chemicals                  |   | \$ 2,000                                |
| 67878-590000          | Capital Outlay             |   | \$ 500                                  |
|                       |                            | <u>\$ 2,500</u>                         | <u>\$ 2,500</u>                         |

**Explanation:** Moyock Central Sewer (67878) - Transfer for operations for the remainder of this fiscal year.

**Net Budget Effect:** Moyock Central Sewer (67) - No change.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10461-536000          | Uniform                    | \$ 500                                  |   |
| 10461-532000          | Supplies                   | \$ 6,000                                |   |
| 10461-514000          | Travel                     |   | \$ 1,000                                |
| 10461-516200          | Vehicle Maintenance        |   | \$ 2,000                                |
| 10461-590001          | Capital Outlay             |   | \$ 2,000                                |
| 10461-545000          | Contract Services          |   | \$ 1,500                                |
|                       |                            | <u>\$ 6,500</u>                         | <u>\$ 6,500</u>                         |

**Explanation:** Public Utilities (10461) - Transfer funds for operations for the remainder of this fiscal year.

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 68888-533800          | Chemicals                  | \$ 8,000                                |   |
| 68888-532000          | Supplies                   | \$ 2,350                                |   |
| 68888-516000          | Repairs & Maintenance      |   | \$ 450                                  |
| 68888-590000          | Capital Outlay             |   | \$ 1,999                                |
| 68888-545000          | Contract Services          |   | \$ 7,901                                |
|                       |                            | <u>\$ 10,350</u>                        | <u>\$ 10,350</u>                        |

**Explanation:** Walnut Island Sewer District (68888) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Walnut Island Sewer Fund (68) - No change.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 20609-511010          | Data Transmission          | \$ 2,700                                |   |
| 20609-590000          | Capital Outlay             | \$ 1,678                                |   |
| 20609-545000          | Contract Services          |   | \$ 4,378                                |
|                       |                            | <u>\$ 4,378</u>                         | <u>\$ 4,378</u>                         |

**Explanation:** Whalehead Subdivision Stormwater District (20609) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Whalehead Subdivision Stormwater Fund (20) - No change.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10550-511010          | Data Transmission          | \$ 140                                  |   |
| 10550-516400          | Equipment Maintenance      | \$ 250                                  |   |
| 10550-532000          | Supplies                   | \$ 200                                  |   |
| 10550-531002          | Fuel                       |   | \$ 590                                  |
|                       |                            | <b>\$ 590</b>                           | <b>\$ 590</b>                           |

**Explanation:** Airport (10550) - Transfer funds for operations for the remainder of this fiscal year.

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10980-532000          | Supplies                   | \$ 500                                  |   |
| 10980-545000          | Contract Services          | \$ 50,000                               |   |
| 10980-590000          | Capital Outlay             | \$ 10,150                               |   |
| 10330-445100          | FEMA Public Assistance     |   | \$ 60,650                               |
|                       |                            | <b>\$ 60,650</b>                        | <b>\$ 60,650</b>                        |

**Explanation:** Disaster Assistance (10980) - Increase funding from FEMA for damages sustained during Hurricane Matthew.

**Net Budget Effect:** Operating Fund (10) - Increased by \$60,650.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10415-532000          | Supplies                   | \$ 1,000                                |   |
| 10415-561000          | Professional Services      |   | \$ 1,000                                |
|                       |                            | <b>\$ 1,000</b>                         | <b>\$ 1,000</b>                         |

**Explanation:** Legal (10415) - Transfer funds for operations for the remainder of this fiscal year.

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10512-545000          | Contract Services          | \$ 4,900                                |   |
| 10512-531000          | Gas, Oil                   |   | \$ 1,800                                |
| 10512-516000          | Repairs & Maintenance      |   | \$ 200                                  |
| 10512-513000          | Utilities                  |   | \$ 1,200                                |
| 10512-514000          | Travel                     |   | \$ 500                                  |
| 10512-532000          | Supplies                   |   | \$ 500                                  |
| 10512-542000          | Rabies Vaccines            |   | \$ 700                                  |
|                       |                            | <b>\$ 4,900</b>                         | <b>\$ 4,900</b>                         |

**Explanation:** Animal Services and Control (10512) - Transfer funds for demolition of quarantine shelter on Airport property.

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 63838-513000          | Utilities                  | \$ 2,000                                |   |
| 63838-516400          | Equipment Maintenance      | \$ 100                                  |   |
| 63838-545800          | White Goods Disposal       | \$ 20,000                               |   |
| 63838-545900          | Tire Disposal              | \$ 20,000                               |   |
| 63838-558400          | Solid Waste Disposal Tax   | \$ 4,000                                |   |
| 63320-413000          | Tire Tax                   |   | \$ 10,000                               |
| 63320-413500          | White Goods Tax            |   | \$ 20,000                               |
| 63360-470000          | Utilities Charges          |   | \$ 16,100                               |
|                       |                            | <b>\$ 46,100</b>                        | <b>\$ 46,100</b>                        |

**Explanation:** Solid Waste (63838) - Increase appropriations for increase in volumes of waste which will be offset by increased revenues in the respective taxes.

**Net Budget Effect:** Solid Waste Fund (63) - Increased by \$46,100.

### 3. Resolution of the Board of Commissioners Requesting a Road Name Change from Terminal Road to Airport Road

**RESOLUTION OF THE CURRITUCK COUNTY  
BOARD OF COMMISSIONERS TO REQUEST A ROAD NAME CHANGE**

**WHEREAS**, a taxiway expansion project in progress at the Currituck County Regional Airport required the abandonment and removal of a portion of Airport Road; and

**WHEREAS**, the airport terminal address was 264 Airport Road (SR 1530) Maple, North Carolina prior to and at the start of the expansion project and was subsequently changed to an address on Terminal Road; and

**WHEREAS**, the removal of Airport Road and the new Terminal Road address assigned to the airport terminal building is causing confusion for visitors who use the county airport for transportation and other services, such as rental car pickup and drop off; and,

**WHEREAS**, Currituck County, Airport Manager, County GIS, and County Manager have performed the necessary due diligence in ensuring no negative outcomes would result from the road name change.

**NOW THEREFORE BE IT RESOLVED**, that the Currituck County Board of Commissioners requests the North Carolina Board of Transportation consider the following road name change:

- Rename Terminal Road to Airport Road (SR 1530)

**NOW THEREFORE BE IT FURTHER RESOLVED**, upon notification of approval of the renaming

request from the North Carolina Department of Transportation, the Board of Commissioners will hold a public hearing.

This, the 15<sup>th</sup> day of May, 2017.

**4. Proclamation-Vulnerable Adults and Elder Abuse Awareness**

**VULNERABLE ADULT AND ELDER ABUSE  
AWARENESS MONTHS 2017  
A PROCLAMATION**

**WHEREAS**, North Carolina joins the world in recognizing World Elder Abuse Awareness Day every June 15<sup>th</sup>; and

**WHEREAS**, protecting North Carolina's vulnerable and older adults is a community responsibility and all citizens are charged under State law to report suspected abuse, neglect or exploitation to their local County Department of Social Services; and

**WHEREAS**, North Carolina's vulnerable and older adults of all social, economic, racial and ethnic backgrounds may be targets of abuse, neglect or exploitation which can occur in families, long-term care settings and communities; and

**WHEREAS**, in state fiscal year 2016 there were 25,980 reports of abuse, neglect or exploitation of vulnerable and older adults were made to North Carolina's 100 County Departments of Social Services; and

**WHEREAS**, national and international research shows that abuse, neglect and exploitation of vulnerable and older adults is grossly underreported; and

**WHEREAS**, the State of North Carolina enacted the nation's first elder abuse law and recognizes the need for a comprehensive system of protection for vulnerable and older adults; and

**WHEREAS**, Mother's and Father's Days are national holidays intended to honor, respect, and promote the dignity and well-being of our older citizens;

**NOW THEREFORE**, We, the Currituck County Board of Commissioners, do hereby proclaim MOTHERS DAY to FATHERS DAY 2017 as "VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTHS" and commend its observance to Currituck County citizens.

ADOPTED this, the 15<sup>th</sup> day of May, 2017.

**5. Chief Building Inspector Job Description Revision**

**6. NCDOT Petition for Road Addition-Pagoda Trail at Backwoods Reserve**

**E) Commissioner's Report**

Commissioner Beaumont reported he attended the combined maritime search and rescue training event and expressed his gratitude to all of the various agencies who attended. He said the training exercise will take place annually, in May of each year. He reported that alcohol-related maritime accidents will now be considered a felony by the United States Coast Guard and North Carolina Wildlife officers.

Commissioner Etheridge said the Department of Social Services Board interviewed candidates for the Social Services Director position upon the retirement of Ms. Romm. Ms. Samantha Hurd has accepted the position and will be effective July 1, 2017.

Commissioner Payment announced the Let Summer Begin event to support Currituck Kids. The free event will take place at Currituck BBQ on June 3, beginning at 2 PM.

**F) County Manager's Report**

The County Manager had nothing to report.

**RECESS**

Chairman Hanig recessed the regular meeting of the Board of Commissioners to hold special meetings of the Tourism Development Authority and the Ocean Sands Water and Sewer District Board.

**SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners held a Special Meeting sitting as the Tourism Development Authority (TDA) in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. The purpose of the meeting was to hear the TDA budget presentation and set a date for Public Hearing and adoption. TDA budget amendments were also being considered.

**Presentation of the Tourism Development Authority Budget for FY 2017-2018 and Set a Date for Public Hearing and Possible Action**

County Manager, Dan Scanlon, reviewed the proposed budget for the Tourism Development Authority with the Board. After presentation, Mr. Scanlon reviewed several aspects of the Connecting Corolla Plan and the Historic Boat Building capital project included in the budget.

Mr. Scanlon said the intent is to schedule the Public Hearing for June 5, 2017, for the budget to be adopted not later than July 1, 2017, as required by general statute. The budget is made available for public review on line and in the office of the County Manager.

Commissioner Gilbert moved to schedule the public hearing for the Tourism Development Authority budget on June 5, 2017. Commissioner White seconded the motion and the motion passed unanimously.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Bob White, Commissioner  |
| <b>AYES:</b>     | 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 |

### TDA Budget Amendments

Mr. Scanlon reviewed the budget amendments with the Board, which addressed data transmission and heating and air conditioning repairs at the Whalehead house.

Commissioner Gilbert moved to approve the budget amendments. The motion was seconded by Commissioner Etheridge and passed unanimously.

|                       |                            | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
| <u>Account Number</u> | <u>Account Description</u> | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 15442-511010          | Data Transmission          | \$ 2,300                                |   |
| 15442-526200          | Promotional Efforts        |   | \$ 2,300                                |
|                       |                            | <u>\$ 2,300</u>                         | <u>\$ 2,300</u>                         |

**Explanation:** Occupancy Tax - Promotion (15442) - Transfer funds for data transmission costs for the remainder of this fiscal year.

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

|                       |                            | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
| <u>Account Number</u> | <u>Account Description</u> | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 15448-590000          | Capital Outlay             | \$ 12,000                               |   |
| 15448-516000          | Repairs & Maintenance      |   | \$ 12,000                               |
|                       |                            | <u>\$ 12,000</u>                        | <u>\$ 12,000</u>                        |

**Explanation:** Occupancy Tax - Whalehead (15448) - Transfer funds for HVAC repairs at Whalehead.

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

With there being no further business Chairman Hanig closed the special meeting of the Tourism Development Authority.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Mary "Kitty" Etheridge, Commissioner   |
| <b>AYES:</b>     | 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 |

### **SPECIAL MEETING OF THE OCEAN SANDS WATER AND SEWER DISTRICT BOARD**

The Currituck County Board of Commissioners held a Special Meeting sitting as the Ocean Sands Water and Sewer District Board in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. The purpose of the meeting was to consider budget amendments.

#### **Ocean Sands Water and Sewer District Budget Amendment**

Mr. Scanlon reviewed the budget amendments with the Board. After review, Commissioner Gilbert moved to approve. The motion was seconded by Commissioner White and passed unanimously.

| Account Number            | Account Description   | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 59808-596100              | Professional Services   | \$ 425,000                              |   |
| 59808-588000              | Contingency   |   | \$ 125,000                              |
| 59390-495060              | T F - Ocean Sands Operating Fund  |   | \$ 300,000                              |
|                           |   | <u>\$ 425,000</u>                       | <u>\$ 425,000</u>                       |
| <b>Explanation:</b>       | Ocean Sands Construction Fund (59808) - Increase appropriations for design, permitting and construction administration of Phases II and III and the Ocean Sands Wastewater Treatment Plant replacement. |   |   |
| <b>Net Budget Effect:</b> | Ocean Sands Water and Sewer District Fund (60) - Increased by \$300,000.  |   |   |

With there being no further business, Chairman Hanig closed the special meeting of the Ocean Sands Water and Sewer District Board.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Bob White, Commissioner  |
| <b>AYES:</b>     | 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 |

**ADJOURN****Motion to Adjourn Meeting**

The regular meeting of the Board of Commissioners was reconvened. There was no further business and Commissioner Gilbert moved to adjourn. The motion was seconded by Commissioner Payment and passed unanimously. The regular meeting of the Board of Commissioners was concluded.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Mike H. Payment, Vice Chairman   |
| <b>AYES:</b>     | 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 |

## M E M O R A N D U M



CAMDEN  
 CHOWAN  
 CURRITUCK  
 DARE  
 GATES  
 HYDE  
 PASQUOTANK  
 PERQUIMANS  
 TYRRELL  
 WASHINGTON  
 COLUMBIA  
 CRESWELL  
 DUCK  
 EDENTON  
 ELIZABETH CITY  
 GATESVILLE  
 HERTFORD  
 KILL DEVIL HILLS  
 KITTY HAWK  
 MANTEO  
 NAGSHEAD  
 PLYMOUTH  
 ROPER  
 SOUTHERN SHORES  
 WINFALL

To: Currituck County Board of Commissioners  
 From: Cathy Davison, ICMA-CM  
 Executive Director  
 Date: May 8, 2017  
 Re: Albemarle Commission's Annual  
 Stewardship Report

I will be presenting background information on the Albemarle Commission, as well as a stewardship report which will illustrate the return on the funds the County allocates to the Commission on an annual basis for the following services:

1. Senior Nutrition
2. Area Agency on Aging
3. Rural Planning Organization
4. Economic Development & Administration

**The Albemarle Commission is the Albemarle Region's Council of Government and Economic Development District whose mission is to improve the ability of our member governments to enhance the quality of the lives of the citizens and businesses in the Region through creative regional solutions provided through direct services and assistance in planning, program development and management, public-private partnerships and leadership, including economic and community development, regional transportation planning, small business loans, meals at congregate sites and to homebound seniors, caregiver and senior ombudsman support, as well as senior games and senior quality of life training.**

The Albemarle Commission proudly serves the Northeastern North Carolina Counties and Municipalities of: Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, Edenton, Elizabeth City, Gatesville, Hertford, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, Plymouth, Roper, Southern Shores and Winfall.



# Currituck County Provided Services Snapshot

## FY 2015-2016 based on 2014 Certified Population 25,072

| Service Provided   | Units of Service (Meals, Trips, Hours of Service, days) | Number of Clients Receiving Services in the County/Funding Provided | County's Share for Provided Services      |
|--|---|---|---|
| <u>Senior Nutrition</u>  |   | <u>County Population 60+ 3,626</u>                                  |   |
| Home Delivered Meals   | 7,953   | 247   | \$50,080.00                               |
| Congregate Meals   | 11,002  | 80  |   |
| <u>Area Agency on Aging</u>  |   |   |   |
| Medical Transportation   |   |   |   |
| General Transportation   | 1,833   | 23  |   |
| Adult Day Health Care  | 167   | 2   |   |
| In-Home Aide (hours)   | 2,748   | 38  |   |
| Legal Aide (hours)   |   |   | \$15,852.00                               |
| In Home Respite Services (hours)   |   |   |   |
| Institutional Respite Services (hours)   |   |   |   |
| Senior Games (Participants)  |   | 34  |   |
| Caregiver Supplies & Consumer Directed   | 282   | 4   |   |
| Nutritional Supplements  |   |   |   |
| Regional Long Term Care Ombudsman (complaints, training & TA)  | 60  |   |   |
| <u>Workforce Development</u>   |   |   |   |
| Youth / Adult Worker Services  | 8,711   | 1,610   | \$0.00                                    |
| On the Job Training  | 0   | 0   | \$0.00                                    |
| Incumbent Worker Training (Bluewater Restoration & Carolina Marine Structures)   | 2   | 2   | (\$18,151)                                |
| <u>RPO Planning Services</u>   | 65  | 1   | \$ 4,225.00                               |
| Economic Development, Grant Administration, Advocacy, Strategic Planning, Meeting Facilitation, Quarterly Manager Meetings, Policy Review & Analysis | 5   | 1   | \$17,049.00                               |
| <b>TOTAL PAID BY THE COUNTY</b><br>(WFD Grants are not included in the calculations)   | 32,827 units of service                                 | 2,041 Clients Receiving Service                                     | \$87,206.00<br>\$2.66 per unit of service |



### Currituck County

Planning and Community Development Department  
 Planning and Zoning Division  
 153 Courthouse Road Suite 110  
 Currituck NC 27929  
 252-232-3055 Fax 252-232-3470

To: Board of Commissioners  
 From: Planning Staff  
 Date: April 18, 2017  
 Subject: PB 17-02 Currituck County Sign Ordinance Text Amendment

The enclosed text amendment, initiated by the Currituck County Planning and Community Development Department, is a substantial rewrite of the County's Signage regulations. The amendment is necessary to be consistent with constitutional requirements. The proposed amendment complies with the Supreme Court decision in *Reed v. Town of Gilbert, Arizona*. The decision in the *Reed* case renders content-based regulations unconstitutional. In essence, if a sign has to be read in order to determine whether a regulation applies, the regulation is most likely unconstitutional and illegal. The *Reed* case centered on non-commercial signage regulations. Commercial based distinctions are permitted.

Planning Staff presented options for amending the sign ordinance to the Board of Commissioners (BOC) at the January 2017 retreat. The BOC directed staff to allow one non-commercial sign per property, allow additional signage for road frontage and to allow an additional three non-commercial signs during election season. The BOC also directed staff to continue to allow the commercial, use-based signage.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
  - a. *The amendment does not conflict with county-adopted plans.*
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
  - a. *The amendment does not conflict with the County's ordinances.*
- (3) Is required by changed conditions;
  - a. *The amendment is required to comply with the U.S. Supreme Court decision in Reed v. Town of Gilbert, Arizona. And is required to correct unconstitutional provisions of the County's Unified Development Ordinance.*

- (4) Addresses a demonstrated community need;
  - a. *The amendment is required to assure that County ordinances are fair and in the public interest.*
- (5) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
  - a. *The proposed amendment is consistent with the purpose and intent of the zoning districts of the County's Unified Development Ordinance.*
- (6) Would result in a logical and orderly development pattern; and
  - a. *The proposed amendment will continue to result in a logical and orderly development pattern.*
- (7) Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
  - a. *The proposed amendment should have no effect on the natural environment.*

### **Land Use Plan Consistency and Reasonableness**

The UDO requires the Board of Commissioners adopt a statement of consistency and reasonableness that describes whether the decision on the amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest. The 2006 Land Use Plan provides several policy statements in reference to this amendment request:

**POLICY CA1:** The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

**POLICY CA4: SIGN POLICIES AND STANDARDS** should be established and periodically updated to enhance community appearance and create a quality business image. Such standards may be tailored to achieve different development characters for different parts of the county.

**POLICY CA5:** Currituck County recognizes that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional BILLBOARDS AND OFF-SITE ADVERTISING SIGNS shall not be permitted in Currituck County.

The requested text amendment is consistent with the 2006 Land Use Plan because:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)

- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

The request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

### **Staff Recommendation**

Staff recommends adoption of the proposed text amendment because it complies with text amendment review standards of the UDO, it is consistent with the 2006 Land Use Plan, and it is reasonable and in the public interest.

### **Planning Board Recommendation:**

#### **April 11, 2017:**

Mr. McColley motioned to approve PB 17-02 Sign Ordinance because the requested text amendment is consistent with the 2006 Land Use Plan:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

And because the request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

*Included in the approval is a recommendation to the Board of Commissioners for G. Special Events Signs: 2, 3 & 4 for reinstatement and strike any reference to the Outer Banks.*

Mr. O'Brien seconded the motion and the motion carried unanimously.

### **RESULT: RECOMMENDED APPROVAL (WITH RECOMMENDATION) [UNANIMOUS]**

**AYES:** Carol Bell, Chairman, C. Shay Ballance, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, J. Timothy Thomas, Board Member

## Planning Board Discussion (4/11/17)

Planner II, Jennie Turner, presented the staff report. The text amendment initiated by the Currituck County Planning and Community Development Department is a substantial rewrite of the County's Signage regulations. The amendment is necessary to be consistent with the constitutional requirements. The proposed amendment complies with the Supreme Court decision in *Reed v. Town of Gilbert* which renders content-based regulations unconstitutional for non-commercial signage regulations. Commercial based distinctions are permitted. It should be noted, the Currituck County Board of Commissioners at the January 2017 retreat directed staff to allow one non-commercial sign per property, allow additional signage for road frontage and to allow an additional three non-commercial signs during election season. They also directed staff to continue to allow the commercial-based signage. Staff recommends adoption of the proposed text amendment because it complies with text amendment review standards of the Unified Development Ordinance (UDO), it is consistent with the 2006 Land Use Plan, and it is reasonable and in the publics best interest.

No one was present to speak in opposition of the proposed text amendment.

Chairman Bell opened the board discussion.

Discussion was held on how many special events signs were allowed. Mr. Woody said you could have up to four special events per year for a calendar year on the Mainland. Mr. O'Brien asked how many were allowed on the Outer Banks and Ms. Turner said none were allowed, although they are allowed to have special events. Ms. Turner said the Outer Banks is allowed one double sided sandwich board in the off season in front of business door on sidewalk.

Ms. Overstreet said she noticed Outer Banks signs for big events, weddings, etc. being put up on the road's right of way and asked if this was legal and Ms. Turner said it is not. The board members said it was hard to enforce since the visitors putting these signs up are only here for one week.

Discussion was held about the Outer Banks being treated differently than the Mainland for the special events signs. Discussion was also held about the County not following the same rules and leaving signs up year around.

Mr. O'Brien said it seems that people are being punished for being on the Outer Banks and sees this as a recommendation that he would like to pursue. Chairman Bell agreed this is unfair since we all live in the same county, we should have the same rights.

Discussion was held on the high number of signs allowed for special events; the overall consensus with the planning board was 60 signs for 150 feet of road frontage seemed excessive. Mr. Woody gave some background information on how this number came into being when the non-profits asked the board for approximately 150 signs five years ago and the number was reduced to 60 signs.

Ms. Turner said it seems better to have fewer more strategically placed signs. Mr. Woody said the Ruritan Club does a really good job with the wild life festival. They put up 8-9 signs that are really well placed and seem to do a better job of advertising.

Discussion was held on setting a communal place for all businesses in the Outer Banks to be able to post their special events signs.

Discussion was held on existing signs that are not in compliance with the current rules for signage. Mr. Woody said, if needed, we will go out to the Outer Banks and evaluate the signs to make it a level playing field with this new signage text amendment.

Chairman Bell asked for a motion.

Mr. McColley motioned to approve PB 17-02 Sign Ordinance because the requested text amendment is consistent with the 2006 Land Use Plan:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

And because the request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

Included in the approval is a recommendation to the Board of Commissioners for G. Special Events Signs: 2, 3 & 4 for reinstatement and strike any reference to the Outer Banks.

Mr. O'Brien seconded the motion and the motion carried unanimously.

**PB 17-02**  
**CURRITUCK COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to revise the Signage Ordinance to be in compliance with *Reed v. Town of Gilbert, Arizona* and Chapter 10: Definitions and Measurement to provide consistency between the signage standards and the relevant definitions.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 5. Development Standards, Section 5.12.I. Purpose and Intent is amended by adding the following underlined language and renumbering accordingly:

**5.12.1. Purpose and Intent**

---

The purpose of this section is to support and compliment the various land uses allowed in Currituck County by the adoption of regulations concerning the placement, number, location, size, appearance, illumination, and animation of signs. The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets, as well as protect the public investment in such streets. The provisions of this section are also intended to:

- A. Promote the reasonable, orderly, and effective display of signs, displays, and devices;
- B. Protect the public welfare as well as land values by preserving the aesthetic qualities of the unique natural environment;
- C. Preserve the county's environment from excessive and obtrusive signs;
- D. Promote the safety of persons and land by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment;
- E. Promote the efficient transfer of general public and commercial identification or information and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs;
- F. Preserve the environment from excessive and obtrusive signs in support of the county's resort and tourism industry; and

- G. Enhance the image, appearance, and economic vitality of the community.
- H. Allow non-commercial speech anywhere that commercial, advertising or business signs are permitted.

**Item 2:** That Chapter 5. Development Standards, Section 5.12.2 Prohibited Signs is amended by adding the following underlined language and removing the strikethrough language:

### 5.12.2 Prohibited Signs

---

The following signs are prohibited:

- A. Off-premise advertising signs (billboards), including digital billboards, except as otherwise provided by this Ordinance;
- B. Signs located within the sight distance triangle or public right-of-way (without an approved NCDOT encroachment agreement);
- C. Signs attached to the structure of a lawfully permitted sign, without a permit, except as otherwise provided by this Ordinance;
- D. Signs attached to any traffic sign, utility pole, or tree, except as otherwise provided by this Ordinance;
- E. A sign that by its location, color, illumination, size, shape, nature, or message would obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies;
- F. Signs that emit a sound, odor, or visible matter such as smoke or vapor;
- G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature;
- H. Banners, inflatable signs or balloons, flags (except those exempted by this Ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards;
- I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for suspended signs intended for pedestrians and flags as described in this Ordinance;
- J. Roof signs;
- K. Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles;

- L. Internally-illuminated signs (other than window signs) on lots located on the Outer Banks; and
- M. ~~Portable signs and m~~ Mobile marquee signs on lots in the Outer Banks.

**Item 3:** That Chapter 5. Development Standards, Section 5.12.4 Signs Exempted from Sign Permit Requirements is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

#### **5.12.4 Signs Exempted from Sign Permit Requirements**

~~The signs in Table 5.12.4, The following non-illuminated signs~~ are exempt from the requirements to obtain sign permit approval, but are subject to the standards in Section 5.12.8, Maintenance Standards, and the standards in this sub-section.

##### **A. Non-Commercial Signs**

- (1) One temporary sign may be placed on a property at any time provided the sign does not exceed eight square feet in area and four feet in height.
- (2) One additional temporary sign may be placed on a property that is actively listed or offered for sale. Such sign shall be removed within five days following the sale date of the property. The sign shall not exceed eight square feet in area and four feet in height.
- (3) One additional temporary sign may be placed on a property where an active, unexpired building permit has been issued by the County. Such sign shall be removed within ten days after the issuance of a certificate of compliance. The sign shall not exceed eight square feet in area and four feet in height.
- (4) Up to three additional temporary signs may be placed on a property for a period of 30 days prior to an election involving candidates or an issue on the ballot of an election. Such signs shall be removed within ten days of the conclusion of the election. Each sign shall not exceed eight square feet in area and four feet in height.
- (5) One additional temporary sign may be placed on a property with road frontage greater than 160 feet and an additional temporary

sign may be placed for each additional 100 feet of road frontage provided that each additional sign shall not exceed 32 square feet in area and 10 feet in height; and the signs maintain a minimum spacing of 50 feet.

- (6) One additional sign may be placed on a property with a compliant home occupation. The sign shall not exceed six square feet in area and four feet in height if freestanding or eight feet in height if wall-mounted.
- (7) A property owner may place wall signs on a building such that the signs shall not singularly or collectively exceed 14 square feet in area and 20 feet in height.
- (8) Flags and Banners
  - (a) Up to four flags are permitted per major subdivision, existing PUD or Planned Development entrance. Subdivision flags shall not exceed 24 square feet in area and 20 feet in height.
  - (b) Up to one additional flag and one banner, not to exceed 30 square feet in area or 10 feet in height is permitted at a model home location within a major subdivision, existing PUD or Planned Development.

## **B. On-Premise Signs located in Business and Mixed-Use Zoning Districts**

- (1) Window Signs
  - (a) Window signs shall not exceed 25 percent of the total window area that contains the sign, except that trademark and merchandise displayed for sale shall not be included in the total window sign area.
- (2) Temporary Signs and Flags located on the Mainland
  - (a) Limited to a maximum of two per lot; sign area shall not singularly or collectively exceed 40 square feet; sign height shall not exceed ten feet; signs shall be setback ten feet from side and rear lot lines.
  - (b) Up to five flags are permitted per lot; each flag shall not exceed 20 square feet in area.
- (3) Temporary Signs and Flags located on the Outer Banks

- (a) Sign type shall be limited to sandwich board signs.
- (b) Each business unit may have one temporary on-premise sandwich board sign.
- (c) The sign shall not exceed eight square feet in area and four feet in height.
- (d) The sign shall be located on an existing sidewalk or deck and immediately adjacent to the entrance of the business installing the sign.
- (e) The sign shall comply with the outdoor display requirements of Section 4.3.3.P where applicable.
- (f) The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area).
- (g) The sign shall be removed if the business is closed on three or more consecutive days.
- (h) One flag allowed per business. Flag shall be anchored to the wall, deck support post, or railing (if a support post is not available) of the building and shall not exceed 15 square feet in area or 20 feet in height.

### C. Roadside Market Signs

- (1) May be erected up to 30 days before the seasonal opening of the establishment, and shall be removed within 30 days of the seasonal closing.
- (2) Sign area shall not exceed 32 square feet.
- (3) Sign height shall not exceed ten feet.

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

| SIGN TYPE  | EXAMPLE | APPLICABLE STANDARDS  | MAXIMUM SIGN AREA (SQ. FT)                                 | MAXIMUM HEIGHT (FEET)          |
|--|---------|---|--|--------------------------------|
| Contractor Sign                                      |         | Limited to one sign per lot. Must be removed prior to completion of construction or occupancy of the building or site. May not be installed prior to issuance of a building permit or commencement of work. | Mainland: 32<br>Outer Banks: 8                             | Mainland: 10<br>Outer Banks: 4 |
| Cottage or House Name                                |         | Limited to one sign displaying the name of a cottage or house.  | 12   | 20                             |
| Development Entrance Sign                            |         | Limited to a maximum of two signs per entrance on the mainland and one sign per entrance on the Outer Banks.  | Mainland: 60<br>Outer Banks: 48                            | Mainland: 15<br>Outer Banks: 6 |
| Directional Sign, Institutional or Historic Property |         | Up to one off-premise directional sign (arrow type) may be placed at an intersection pointing toward the institutional or historic site. These signs may not be internally illuminated.                     | 8  | 8                              |
| Flag, Commercial                                     |         | Flags shall be anchored to the wall, deck support post, or railing (if a support post is not available).  | Mainland: 5 per lot; 20<br>Outer Banks: 1 per business; 15 | 20                             |

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

| SIGN TYPE         | EXAMPLE | APPLICABLE STANDARDS   | MAXIMUM SIGN AREA (SQ. FT) | MAXIMUM HEIGHT (FEET) |
|-------------------|---------|--|----------------------------|-----------------------|
| Flag, Subdivision |         | Up to four per major subdivision entrance. Up to one additional model home flag and one 30-square-foot banner is allowed at a model home location.   | 24                         | 20                    |
| Home Occupation   |         | Limited to one sign per home occupation, and may only include business name, location, telephone number. Sign shall not be illuminated.              | 6                          | 4                     |
| Incidental Sign   |         | Limited to property numbers, post office box numbers, names of occupants of premises, or directions guiding traffic and parking on private property. | 4                          | 5                     |
| For Rent, Cottage |         | Limited to one on-premise "For Rent" sign.   | 2                          | 20                    |
| Political Sign    |         | May not be on site more than ten days following the election or conclusion of the campaign.  | 32                         | 10                    |

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

| SIGN TYPE                    | EXAMPLE            | APPLICABLE STANDARDS  | MAXIMUM SIGN AREA (SQ. FT)      | MAXIMUM HEIGHT (FEET)          |
|------------------------------|--------------------|---|---------------------------------|--------------------------------|
| Real Estate, Subdivision     |                    | Must be located within the boundaries of the subdivision and be spaced at least 500 feet from another prospective development sign. No more than one sign shall be placed within a subdivision on the Outer Banks.  | Mainland: 75<br>Outer Banks: 32 | Mainland: 10<br>Outer Banks: 6 |
| Real Estate, Commercial      |                    | Up to one on-premise, free-standing "For Sale" sign per lot.  | 32                              | 8                              |
| Real Estate, Residential lot |                    | Up to one on-premise, free-standing "For Sale" sign per lot.  | 8                               | 4                              |
| Roadside Market Sign         |                    | May be erected up to 30 days before the seasonal opening of the establishment, and shall be removed within 30 days of the seasonal closing.   | 32                              | 10                             |
| Sandwich/Tent Sign           | <br>(delete photo) | Allowed only in the Outer Banks. Each business unit may have one temporary double-sided on-premise sign, provided:<br>1. The sign shall be located on an existing sidewalk or deck, and immediately adjacent to the entrance of the business installing the sign and comply with the outdoor display requirements of Section 4.3.3.P where applicable;<br>2. The sign may be located adjacent to NC 12 from October 1 | 8                               | 4                              |

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

| SIGN TYPE                   | EXAMPLE | APPLICABLE STANDARDS   | MAXIMUM SIGN AREA (SQ. FT) | MAXIMUM HEIGHT (FEET) |
|-----------------------------|---------|--|----------------------------|-----------------------|
|                             |         | <p>to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area).</p> <p><del>3. The sign shall be removed if the business is closed on 3 or more consecutive days.</del></p> |                            |                       |
| Temporary Sign (On Premise) |         | Limited to a maximum of two per lot on the mainland; prohibited on the Outer Banks. Must be 10 feet from side or rear lot lines and outside sight triangles.   | Up to 40 total             | 10                    |
| Window Signs                |         | Shall not exceed 25 percent of the total window pane area that contains the sign, except that trademark and merchandise displayed for sale shall not be included in the total window sign area.  |                            |                       |

**Item 4:** That Chapter 5. Development Standards, Section 5.12.6 Specific Sign Standards is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

## 5.12.6 Specific Sign Standards

The following signs are permitted with a valid sign permit (see Section 2.4.10):

### A. Freestanding Signs

Freestanding signs for on properties with approved non-residential Agricultural, Commercial or Industrial uses shall comply with the standards in Table 5.12.6.A, Freestanding Signs:

TABLE 5.12.6.A: FREESTANDING SIGNS [1]

| STANDARD | ON MAINLAND [2] | ON OUTER BANKS |
|----------|-----------------|----------------|
|----------|-----------------|----------------|

|                            |   |                |
|----------------------------|---|----------------|
| Maximum Number             | 1 per frontage of 500 feet or less;<br>Up to 2 for frontages over 500feet                             | 1 per lot      |
| Minimum Spacing            | 100 feet between signs serving same development or approved access points                             |                |
| Maximum Area [3]           | 128 square feet for frontages of 160 square feet or less; 160 square feet for frontages over 160 feet | 48 square feet |
| Minimum Setback (from ROW) | 10 feet for signs taller than 10 feet   |                |
| Maximum Height             | 20 feet   | 8 feet         |

## NOTES:

- [1] Freestanding signs shall be landscaped in accordance with Section 5.12.7
- [2] Includes Knotts Island and Gibbs Woods
- [3] Per individual sign

## B. Institutional Signs

(1) Schools, religious institutions, and other public uses Institutional signs located in Business and Mixed-Use Zoning districts shall comply with the standards of Table 5.12.6.A. Institutional signs located in Residential and Special Base Zoning districts shall be limited to ~~may~~ include one freestanding on-premise sign not exceeding 48 square feet in area or 8 feet above natural grade.

(2) Up to one off-premise directional sign (arrow type) with a maximum sign area of 8 square feet and a maximum height of 8 feet may be placed at an intersection within one mile of the property. These signs shall not be internally illuminated.

## C. Message Board Signs

Message board signs shall comply with the following standards:

- (1) Electronically-controlled signs are prohibited in the Outer Banks.
- (2) No more than 50 percent of a sign's maximum area can be occupied by a message board, reader board, or electronically controlled message sign.
- (3) Except for time and temperature signs, the message shall remain stationary for at least five seconds.

## D. Off-Premise Directional Signs

### (1) Applicability

The standards in this section shall apply to businesses existing prior to January 1, 2013 located in a Business and Mixed-Use Zoning District adjoining the Currituck Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

### (2) Prohibited

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations,—and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

- (a) Commercial uses and properties located on the Outer Banks.
- (b) Commercial uses adjoining a major arterial street.

### (3) General

- (a) Off-premise directional signs must be located on property within two miles of the intersection of a major arterial street and the collector street accessing the commercial use.
- (b) Off-premise directional signs must be located on property under the same ownership as the business to be identified on the sign.
- (c) Off-premise directional signs must be located in a Business and Mixed-Use Zoning District adjoining a major arterial street.
- (d) A maximum of one off-premise directional sign is permitted per business. A lot shall have a maximum of one off-premise directional sign.
- (e) Off-premise directional signs shall not exceed 64 square feet in area and 15 feet in height.
- (f) Off-premise directional signs shall not be located within the sight triangle.

(g) Off-premise directional signs shall not contain an electronic message board.

#### E. Pennant, and Streamer and Banner Signs

- (1) ~~A sign permit (see Section 2.4.10) for the pennants, streamers, is required, at no cost, in order to establish the start/finish date of the display.~~
- (2) ~~Pennant, and Streamer and Banner signs are prohibited on the Outer Banks.~~
- (3) ~~Pennant, and Streamer and Banner signs shall not be attached to a street sign or telephone pole and shall not encroach into the street right-of-way.~~
- (4) ~~Pennant, and Streamer and Banner signs are only permitted for maximum of 30 days for each of the following events:~~
  - (a) Grand openings;
  - (b) Seasonal openings (for those businesses who are closed during one or more seasons); or
  - (c) Going out of business.

#### F. Shopping Center Signs

Signs associated with a shopping center shall comply with the requirements in Table 5.12.6.F, Shopping Center Signs:

TABLE 5.12.6.F: SHOPPING CENTER SIGNS [1]

| STANDARD         | ON MAINLAND [2]   |                               | OUTER BANKS  |
|------------------|---|-------------------------------|--|
|                  | Freestanding Signs  | Freestanding Signs–Outparcels | Freestanding Signs   |
| Maximum Number   | 1 per street frontage; up to 2 for frontages over 500 feet  |                               |  |
| Minimum Spacing  | 100 feet between signs serving same development or approved access points                         |                               |  |
| Maximum Area [3] | 3 to 10 establishments:<br>200 square feet;<br>More than 10<br>establishments: 300<br>square feet | 64 square feet                | 80 square feet; 24 square<br>feet for secondary road<br>frontages;<br>32 square feet for<br>outparcels |

| TABLE 5.12.6.F: SHOPPING CENTER SIGNS [1] |  |                               |                              |
|---|--|-------------------------------|------------------------------|
| STANDARD                                  | ON MAINLAND [2]  |                               | OUTER BANKS                  |
|   | Freestanding Signs   | Freestanding Signs—Outparcels | Freestanding Signs           |
| Minimum Setback (from ROW)                | 10 feet for signs taller than <del>+0</del> <u>12</u> feet |                               |                              |
| Maximum Height                            | 25 feet  | 10 feet                       | 12 feet<br>Outparcel: 6 feet |

NOTES:

[1] Shopping center signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

#### G. Special Event Signs

A special event sign is for identifying a special event ~~or other noncommercial event~~, on or off premise, and may be approved as part of a temporary use permit (see Section 2.4.11), subject to the following standards:

(1) ~~The following shall be allowed on the mainland:~~

~~Up to 40 signs, each with a maximum area of 6 square feet and up to 10 signs, each with a maximum area of 32 square feet; or~~

~~Up to 60 signs, each with a maximum area of 6 square feet;~~

(21) Up to three signs, each with a maximum area of 32 square feet and a maximum height of six feet shall be allowed ~~on the Outer Banks~~;

(32) On the mainland, such signs may be erected up to 17 days before the event, and shall be removed within 8 days after the event;

(43) On the Outer Banks, such signs may be erected up to ~~three~~ seven days before the event and shall be removed within two days after the event.

#### H. Wall Signs

Wall signs shall comply with the following standards:

(1) Wall signs shall be anchored directly to the wall, to the maximum extent practicable, and shall not be painted on a wall's surface.

PB 17-02 Currituck County  
Sign Ordinance  
Page 18 of 27

- (2) Wall signs shall not project or be offset more than 12 inches from the wall it is mounted to.
- (3) Walls signs shall not extend above the roof line.
- (4) Wall signs shall be placed on a wall that is oriented toward a public street, public vehicular access, or public drive aisle leading to public parking or an entrance. In no instance shall a wall sign directly face adjacent a single-family dwelling located within a residential zoning district.
- (5) Maximum wall sign area shall be in accordance with Table 5.12.6.C-H, Wall Sign Area:

TABLE 5.12.6.C-H: WALL SIGN AREA

| LOCATION   | MAXIMUM SIGN AREA SIZE  |                               |
|--|---|-------------------------------|
|  | SHOPPING CENTERS  | ALL OTHER NONRESIDENTIAL USES |
| Mainland Currituck County, including Knotts Island and Gibbs Woods | 20 percent of the wall area <u>to which the sign is fastened</u> , not to exceed 400 square feet                              |                               |
| Outer Banks  | 32 square feet per <u>wall of a business or business unit</u> ; 54 square feet for businesses over 5,000 square feet in area. |                               |

#### I. Development Entrance Signs

Development Entrance Signs shall comply with the requirements in Table 5.12.6.I, Development Entrance Signs

TABLE 5.12.6.I : DEVELOPMENT ENTRANCE SIGNS [1]

| STANDARD                   | ON MAINLAND [2]                              | OUTER BANKS           |
|----------------------------|--|-----------------------|
| Maximum Number             | <u>2 per entrance</u>                        | <u>1 per entrance</u> |
| Maximum Area [3]           | <u>60 square feet</u>                        | <u>48 square feet</u> |
| Minimum Setback (from ROW) | <u>10 feet for signs taller than 10 feet</u> |                       |
| Maximum Height             | <u>15 feet</u>                               | <u>6 feet</u>         |

NOTES:

[1] Development entrance signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

**Item 5:** That Chapter 5. Development Standards, Section 5.12.8 Maintenance Standards is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

## 5.12.8. Maintenance Standards

### A. Sign Permit Required

- (1) Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, illuminate, or replace any sign, without first having obtained a sign permit in accordance with Section 2.4.10.
- (2) No use shall arbitrarily attach a sign to the structure of a lawfully permitted sign without prior approval of a sign permit in accordance with Section 2.4.10.

### B. Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify Currituck County, its officers, agents, and employees against any and all claims of negligence resulting from such work.

### C. Properly Secured

- (1) All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
- (2) All signs shall be adequately secured and stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (3) Flags shall be attached to a singular pole or building and shall have no other means of support (i.e., be free-flying).

### D. Illumination

- (1) Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.

- (2) A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
- (3) Sign lighting shall not exceed 15 foot-candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.
- (4) Sign lighting shall be full cut-off.

#### **E. Durable Materials**

- (1) All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if, in the opinion of the Planning Director, the sign does not meet the spirit of this Ordinance.
- (2) Except for awnings, signs constructed with fabric, cardboard, or paper are prohibited.
- (3) Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
- (4) Flags that are shredded, torn, tattered, or frayed must be replaced or removed upon written notification from the Planning Director.

#### **F. Clearing of Vegetation**

No person shall, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the NCDOT;
- (2) On land that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or

- (3) In any area where trees or shrubs are required to be preserved, subject to the standards in this Ordinance or a prior development approval.
- (4) The area within ten feet in all directions of any part of a sign shall be kept clear of all debris.

#### G. Discontinuance

- (1) A sign ~~that includes a reference to a~~ located on the property of a closed establishment shall remove ~~the sign copy reference to the closed establishment~~ within 30 days of the date of business closure. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.
- (2) If the message portion of a conforming sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.
- (3) Signs unlawfully placed in any street right-of-way or on any public land, including signs affixed to street and traffic signs or public utility poles, may be removed by the Planning Director without notice in accordance with Section 9.6.1.H, Removal of Signs from Street Right-of-Way.

**Item 6:** That Chapter 10. Definitions and Measurement, Section 10.5 Definitions is amended by adding the following underlined language and removing the strikethrough language:

## 10.5 DEFINITIONS

### SIGN, AWNING

Any message printed on an awning.

**SIGN, BANNER**

A sign constructed of plastic or fabric of any kind that is attached to supports, a framework or a flat surface.

**SIGN, COMMUNITY EVENT**

A temporary sign announcing a specific occurrence taking place within the overlay district.

**SIGN, COMMUNITY IDENTIFICATION DEVELOPMENT ENTRANCE**

A freestanding sign located at the entrance of a designated residential area identifying the name of the community.

**SIGN, CONTRACTOR**

A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**SIGN, COTTAGE**

A sign placed on a dwelling displaying the name of the house or cottage.

**SIGN, DIRECTIONAL**

An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic.

**SIGN, FLAG OR FEATHERFLAG**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device for the purpose of advertisement.

**SIGN, FREESTANDING**

A permanent sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.

**SIGN, GOVERNMENTAL**

A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

**SIGN, INFLATABLE**

Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**SIGN, INSTITUTIONAL**

A free-standing sign located on property that contains a use classified as an Institutional Use in Table 4.1.1.

**SIGN, LANDSCAPING**

A sign placed on the lawn of a residential or commercial property advertising the company that landscapes and maintains the property.

**SIGN, MOBILE MARQUEE**

Any sign mounted on wheels or built with axles to which wheels may be attached. A sign attached to a motor vehicle shall not be considered a mobile sign.

**SIGN, NONCONFORMING**

Any sign that does not meet one or more of the requirements of this Ordinance as of the effective date of this Ordinance.

**SIGN, OFF PREMISE**

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premises signs may exist or otherwise be subject to the requirements of this article. Billboards are examples of off-premises signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County government or their public agencies.

**SIGN, OFF PREMISE DIRECTIONAL**

An off-premise sign that displays the name of a business, institution, or other location or activity and the direction in which it is located.

**SIGN, ON PREMISE**

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premises signs may exist or otherwise be subject to the requirements of this article regarding such signs. Ground signs and directional signs are examples of on-premises signs.

**SIGN, OPEN HOUSE**

~~A sign placed along the highway pointing toward a model home or a home that is for sale or placed in front of the home for sale and open for public viewing.~~

**SIGN, PENNANT OR STREAMER**

~~Any lightweight plastic, fabric or other material, suspended from a rope, wire, or string, or supported by a pole usually in series designed to move in the wind.~~

**SIGN, POLITICAL**

~~A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.~~

**SIGN, PORTABLE**

~~A sign that is not permanent, affixed to a building, structure, or the ground (e.g., sandwich/tent signs).~~

**SIGN, REAL ESTATE**

~~A sign placed on a property for sale, identifying the real estate company or agent and a phone number.~~

**SIGN, RENTAL**

~~A sign placed on a residentially zoned building that is in a rental program offered by a rental company or private owner.~~

**SIGN, ROADSIDE MARKET**

A temporary sign located on property of approved roadside markets.

**SIGN, ROOF**

~~A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.~~

**SIGN, SANDWICH BOARD / TENT**

~~A temporary sign regulated by season consisting of two sign faces placed together at an angle of ninety (90) degrees or less to form an "A" shape which tapers from a wide base to a narrow top.~~

**SIGN, SUSPENDED**

~~A sign hanging down from a marquee, awning, or porch that would exist without the sign.~~

## **SIGN, SECURITY**

~~A sign placed on the lawn of a residential or commercial property advertising the company that provides security services for the property.~~

## **SIGN, TEMPORARY**

A sign not permanently mounted to a building or into the ground. To be deemed permanently mounted, a sign must be (a) attached or secured by bolting, welding, molding, nailing, concrete or similar mechanisms; and (b) made of materials enabling the sign to maintain its structural integrity and the clarity of its graphics through the passage of time and weather, ~~or advertising display designed or intended to be displayed for a short period of time~~.

## **SIGN, WALL**

A sign fastened to a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Railing, suspended and awning signs are also included in this definition.

## **SIGN, WINDOW**

Any sign attached to the window glass of a commercial building.

### **Item 7: Statement of Consistency and Reasonableness**

The requested text amendment is consistent with the 2006 Land Use Plan because:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

The request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

**Item 8:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 9:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_

MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_

SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE: \_\_\_\_ AYES \_\_\_\_ NAYS

.....

PLANNING BOARD DATE: April 11, 2017

PLANNING BOARD RECOMMENDATION: Approval

VOTE: 5 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 5/3/17 & 5/7/17

BOARD OF COMMISSIONERS PUBLIC HEARING: May 15, 2017

BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

AMENDMENT NUMBER: \_\_\_\_\_

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
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**

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

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

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

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

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

## Sec. 10-65. Motor vehicle tire pressure.

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

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

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

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

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 15th day of May, 2017.

---

Bobby Hanig, Chair

## Board of Commissioners

1 ATTEST:  
23 Leeann Walton, Clerk to the Board  
45 APPROVED AS TO FORM:  
67 Donald I. McRee, Jr., County Attorney  
89 Date adopted: \_\_\_\_\_  
1011 Motion to adopt by Commissioner \_\_\_\_\_  
1213 Second by Commissioner \_\_\_\_\_  
14

15 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

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

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

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

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

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

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

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

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

27      **Sec. 10-125. Conflicts with state rules.**

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

32      **Sec. 10-126. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3   **Sec. 10-127. Territorial applicability.**

4   This division shall apply to the primary and frontal dune systems as defined in section  
 5   10-126 and to the ocean beaches located on the Currituck Outer Banks.

6   **Sec. 10-128. Beach and dune protection.**

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

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

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

5 (9) Storing objects or construction materials; and

7 (10) Littering.

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

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

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

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

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

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

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

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

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

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

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

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

10 PART IV. This ordinance is effective upon adoption.

12 ADOPTED this 15th day of May, 2017.

Bobby Hanig, Chair  
Board of Commissioners

17 ATTEST:

19 Leeann Walton, Clerk to the Board

22 APPROVED AS TO FORM:

24 Donald I. McRee, Jr., County Attorney

26 Date adopted: \_\_\_\_\_

## 28 Motion to adopt by Commissioner

## 29 Second by Commissioner

30      Vote:      AYES      NAYS

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
 2       **AMENDING SECTION 10-63 OF CHAPTER 10 OF THE CURRITUCK COUNTY**  
 3       **CODE OF ORDINANCES TO ALLOW CERTAIN ACTIVITIES INVOLVING MOTOR**  
 4       **VEHICLES ON THE BEACH STRAND AND MAKING A TECHNICAL CORRECTION**

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

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

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

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

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

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

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

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

27       (1) delivery, placement and pickup of recreational equipment, umbrellas and chairs  
 28       and collection of solid waste between the hours of 6:00 a.m. and 7:30 a.m. and  
 29       5:30 p.m. and 7:00 p.m. by (i) commercial entities that are delivering, placing and  
 30       picking up recreational equipment, umbrellas and chairs for customers renting  
 31       such equipment prior to its delivery, placement and pickup and that maintaining  
 32       a base of operation within the county provided that each motor vehicle is  
 33       permitted in the manner provided for by Section 10-64 of this Code and (ii)  
 34       management of planned unit development communities adjacent to the Atlantic  
 35       Ocean or with ownership of the beach foreshore and beach strand, provided that  
 36       each motor vehicle is permitted in the manner provided for by Section 10-64 of  
 37       this Code ;

38       (2) activity under a Coastal Area Management Act (CAMA) permit requiring access  
 39       to the beach and authorized by the county local permitting officer;

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

(4) ~~use of motor vehicles in support of a surfing competition consisting of competitors under 18 years of age and located north of the beach access ramp at the eastern end of Corella Village Road (SR 1152)~~ the use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management of a planned unit development community within that area of the beach strand between the southern right-of-way line of Shad Street northward to the northern right-of-way line of Corolla Village Road (SR 1152) provided that a motor vehicle used pursuant to this subsection may travel across the Shad Street and Corolla Village Road rights-of-way onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by Section 10-64 of this Code;

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

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

(7) the use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management of a planned unit development community within that area of the beach strand between the southern boundary line of Villages at Ocean Hill Planned Unit Development as shown on that plat recorded in Plat Cabinet D, Page

357 of the Currituck County Registry and the northern boundary line of Villages at Ocean Hill Planned Unit Development as shown on that plat recorded in Plat Cabinet F, Page 1 of the Currituck County Registry provided that a motor vehicle used as provided by this subsection may travel across the dune line onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by Section 10-64 of this Code; and

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

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

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

23 PART III. This ordinance is effective upon adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Bobby Hanig, Chair  
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board of Commissioners

(COUNTY SEAL)

1 APPROVED AS TO FORM:

2 \_\_\_\_\_  
3 Donald I. McRee, Jr., County Attorney

4 \_\_\_\_\_  
5 Date adopted: \_\_\_\_\_  
6 Motion to adopt by Commissioner \_\_\_\_\_  
7 Second by Commissioner \_\_\_\_\_  
8 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

**BOARD OF ADJUSTMENT**  
**3-Year Terms**

| <b>Incumbent</b>     | <b>Nominated by</b> | <b>New Appointee</b>    | <b>Nominated by</b> | <b>Date of Appointment</b>  | <b>End of Term</b>            |
|----------------------|---------------------|-------------------------|---------------------|-----------------------------|-------------------------------|
| Donna McCloud        | District 1          |                         | Bob White           | 01/05/2015                  | 1st Term<br>12/31/2017        |
| <b>Vacant</b>        | District 2          | Will be a full member   | Bobby Hanig         | 2/18/2013 1st<br>02/01/2016 | <b>2nd Term</b><br>12/31/2018 |
| Zia Montessi         | District 3          |                         | Mike Payment        | 4/3/2017                    | <b>1st Term</b><br>12/31/2019 |
| <b>David Palmer</b>  | District 4          | Will serve as Alternate | Paul Beaumont       | 1/24/2014                   | <b>2nd Term</b><br>12/31/2016 |
| <b>Cameron Tabor</b> | District 5          | Will serve as Alternate | Marion Gilbert      | 1/24/2014                   | <b>2nd Term</b><br>12/31/2016 |
| Mike Painter         | At Large            |                         | Mike Hall           | 8/20/2012                   | <b>2nd Term</b><br>12/31/2017 |
| Vivian Simpson       | At-Large            |                         | Kitty Etheridge     | 1/17/2012                   | <b>2nd Term</b><br>12/31/2017 |



**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**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Mike H. Payment, Vice Chairman   |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | 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.

|                  |  |                                |
|------------------|--|--------------------------------|
| <b>RESULT:</b>   | <b>CONTINUED [UNANIMOUS]</b>   | <b>Next: 6/19/2017 6:00 PM</b> |
| <b>MOVER:</b>    | Mike H. Payment, Vice Chairman   |                                |
| <b>SECONDER:</b> | Mike D. Hall, Commissioner   |                                |
| <b>AYES:</b>     | 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.

|                  |  |                                |
|------------------|--|--------------------------------|
| <b>RESULT:</b>   | <b>CONTINUED [UNANIMOUS]</b>   | <b>Next: 5/15/2017 6:00 PM</b> |
| <b>MOVER:</b>    | Mike D. Hall, Commissioner   |                                |
| <b>SECONDER:</b> | Mike H. Payment, Vice Chairman   |                                |
| <b>AYES:</b>     | 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.

|                  |  |                                |
|------------------|--|--------------------------------|
| <b>RESULT:</b>   | <b>TABLED [UNANIMOUS]</b>  | <b>Next: 5/15/2017 6:00 PM</b> |
| <b>MOVER:</b>    | Paul M. Beaumont, Commissioner   |                                |
| <b>SECONDER:</b> | Bob White, Commissioner  |                                |
| <b>AYES:</b>     | 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 17<sup>th</sup> day of April, 2017.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Bob White, Commissioner  |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | 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

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Paul M. Beaumont, Commissioner   |
| <b>AYES:</b>     | 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**

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

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

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                | Credit                               |
|-----------------------|----------------------------|--------------------------------------|--------------------------------------|
|                       |                            | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 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                               |
|                       |                            | <b>\$ 1,225</b>                      | <b>\$ 1,225</b>                      |

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

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

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

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

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                | Credit                               |
|-----------------------|----------------------------|--------------------------------------|--------------------------------------|
|                       |                            | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 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                             |
|                       |                            | <b>\$ 1,985</b>                      | <b>\$ 1,985</b>                      |

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

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

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 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                                  |   |
|                       |                            | <b>\$ 17,959</b>                        | <b>\$ 17,959</b>                        |

**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.

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

**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.

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

**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.

| Account Number | Account Description            | Debit                                | Credit                               |
|----------------|--------------------------------|--------------------------------------|--------------------------------------|
|                |                                | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 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 provided 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.

| Account Number | Account Description | Debit                                | Credit                               |
|----------------|---------------------|--------------------------------------|--------------------------------------|
|                |                     | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 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.

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

| <u>Account Number</u> | <u>Account Description</u>           | Debit                                | Credit                               |
|-----------------------|--------------------------------------|--------------------------------------|--------------------------------------|
|                       |                                      | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 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 |
| <hr/>                           |            |

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

|                        |            |
|------------------------|------------|
| State Aide to Airports | \$ 797,313 |
| Land Transfer Tax      | \$ 88,592  |
|                        | <hr/>      |

**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 17<sup>th</sup> 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 17<sup>th</sup> 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.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Paul M. Beaumont, Commissioner   |
| <b>SECONDER:</b> | Bob White, Commissioner  |
| <b>AYES:</b>     | 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 |

Number

2017108

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description   | Debit                                   | Credit                                  |
|----------------|-----------------------|---|---|
|                |                       | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10795-532000   | Supplies              | \$ 3,450                                |   |
| 10795-516400   | Equipment Maintenance | \$ 100                                  |   |
| 10795-545100   | Credit Card Fees      | \$ 750                                  |   |
| 10350-469020   | Maple Park Sponsors   |   | \$ 3,450                                |
| 10795-532500   | Concessions           |   | \$ 850                                  |
|                |                       | <u><u>\$ 4,300</u></u>                  | <u><u>\$ 4,300</u></u>                  |

**Explanation:** Parks & Recreation (10795) - Increase appropriations for sponsorships for Maple Park signs and for operations for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,450.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017109

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description              | Debit                                   | Credit                                  |
|----------------|----------------------------------|---|---|
|                |                                  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10490-511000   | Telephone/Postage - Other        | \$ 20                                   |   |
| 10490-511003   | Telephone/Postage - Court System | \$ 20                                   |   |
| 10490-513000   | Utilities - Other                | \$ 1,500                                |   |
| 10490-545003   | Contract Services - Court/Jail   | \$ 1,500                                |   |
| 10490-513003   | Utilities - Court/Jail           |   | \$ 3,040                                |
|                |                                  | <u><u>\$ 3,040</u></u>                  | <u><u>\$ 3,040</u></u>                  |

**Explanation:** Court Facilities (10490) - Transfer appropriated 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

Number

2017110

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description    | Debit                                | Credit                               |
|----------------|------------------------|--------------------------------------|--------------------------------------|
|                |                        | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10660-511000   | Telephone & Postage    | \$ 4,320                             |                                      |
| 10660-532000   | Supplies               | \$ 1,200                             |                                      |
| 10660-557100   | Software License Fees  | \$ 225                               |                                      |
| 10660-561000   | Professional Services  | \$ 700                               |                                      |
| 10660-514800   | Fees Paid to Officials |                                      | \$ 4,045                             |
| 10660-526000   | Advertising            |                                      | \$ 1,400                             |
| 10660-531000   | Fuel                   |                                      | \$ 1,000                             |
|                |                        | <u>\$ 6,445</u>                      | <u>\$ 6,445</u>                      |

**Explanation:** Community Development (10660) - Transfer funds for operations for the remainder of this fiscal year to encourage public input and support update of the Land Use Plan.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number 2017111

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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> |
| 10530-502000          | Salaries                   | \$ 130,000                                  |   |
| 10530-502200          | Holiday Pay                | \$ 21,700                                   |   |
| 10530-505000          | FICA                       | \$ 11,605                                   |   |
| 10530-506000          | Insurance Expense          |   | \$ 93,000                                   |
| 10530-507000          | Retirement                 | \$ 19,721                                   |   |
| 10530-511000          | Telephone & Postage        |   | \$ 1,400                                    |
| 10530-513000          | Utilities                  |   | \$ 14,000                                   |
| 10530-514000          | Travel                     | \$ 500                                      |   |
| 10530-514800          | Fees Pd To Officials       |   | \$ 2,000                                    |
| 10530-516000          | Repairs & Maintenance      |   | \$ 1,962                                    |
| 10530-516200          | Vehicle Maintenance        | \$ 10,000                                   |   |
| 10530-526000          | Advertising                |   | \$ 500                                      |
| 10530-531000          | Fuel                       |   | \$ 10,000                                   |
| 10530-533900          | Ambulance Supplies         | \$ 20,000                                   |   |
| 10530-545000          | Contracted Services        |   | \$ 20,000                                   |
| 10530-557100          | Software License Fee       |   | \$ 12,200                                   |
| 10530-561200          | Billing                    | \$ 17,400                                   |   |
| 10330-445100          | FEMA - Public Assistance   |   | \$ 66,364                                   |
| 10541-513000          | Utilities                  |   | \$ 5,000                                    |
| 10541-514500          | Training & Education       |   | \$ 2,650                                    |
| 10541-516200          | Vehicle Maintenance        | \$ 6,000                                    |   |
| 10541-531000          | Fuel                       |   | \$ 1,000                                    |
| 10541-532000          | Supplies                   | \$ 2,650                                    |   |
| 10541-557100          | Software License Fee       |   | \$ 9,500                                    |
|                       |                            | <u>\$ 239,576</u>                           | <u>\$ 239,576</u>                           |

**Explanation:** Emergency Medical Services (10530); Fire Prevention (10541) - Operating Transfers for the remainder of this fiscal year and to record FEMA reimbursement for EMS staff deployed during Hurricane Matthew and fires in Western NC.

**Net Budget Effect:** Operating Fund (10) - Increased by \$66,364.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017112

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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                                  |                     |
|-----------------------|----------------------------|---|---------------------|---|---------------------|
|                       |                            | Decrease Revenue or<br>Increase Expense |                     | Increase Revenue or<br>Decrease Expense |                     |
| 66868-532000          | Supplies                   | \$                                      | 6,000               |   |                     |
| 66868-516000          | Repairs & Maintenance      |   |                     | \$                                      | 5,000               |
| 66868-511000          | Telephone & Postage        |   |                     | \$                                      | 1,000               |
|                       |                            | <u><u>\$</u></u>                        | <u><u>6,000</u></u> | <u><u>\$</u></u>                        | <u><u>6,000</u></u> |

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

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017113

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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> |
| 10752-519600          | Child Care                 |   | \$ 35,752                                   |
| 10330-432800          | Day Care                   | \$ 35,752                                   |   |
| 10330-431000          | DSS Administration         |   | \$ 1,695                                    |
| 10390-499900          | Appropriated Fund Balance  | \$ 1,695                                    |   |
|                       |                            | <u><u>\$ 37,447</u></u>                     | <u><u>\$ 37,447</u></u>                     |

**Explanation:** Public Assistance (10752) - Decrease daycare funding per 4/13/2017 funding authorization.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$35,752.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017114

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description             | Debit                                   | Credit                                  |
|----------------|---------------------------------|---|---|
|                |                                 | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10775-532000   | Supplies                        |   | \$ 1,500                                |
| 10775-513000   | Utilities                       |   | \$ 1,500                                |
| 10775-545000   | Contracted Services - Nutrition | \$ 3,000                                |   |
|                |                                 | <u>\$ 3,000</u>                         | <u>\$ 3,000</u>                         |

**Explanation:** Senior Center (10775) - Transfer funds for additional home delivered meals for the remainder of this fiscal year.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017115

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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> |
| 10510-503000          | Part-time salaries         | \$ 1,500                                    |   |
| 10510-505000          | FICA                       | \$ 115                                      |   |
| 10510-557500          | Crime Control              | \$ 1,000                                    |   |
| 10510-506000          | Insurance Expense          |   | \$ 1,000                                    |
| 10511-503000          | Part-time salaries         |   | \$ 1,500                                    |
| 10511-505000          | FICA                       |   | \$ 115                                      |
|                       |                            | <u><u>\$ 2,615</u></u>                      | <u><u>\$ 2,615</u></u>                      |

**Explanation:** Sheriff (10510); Jail (10511) - Transfer part-time salaries from the Detention Center to the Sheriff's Department for operations and increase funding for crime control activities for the remainder of this fiscal year.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017116

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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> |
| 64848-553000          | Dues & Subscriptions       | \$ 10                                       |   |
| 64848-532000          | Supplies                   | \$ 4,500                                    |   |
| 64848-513000          | Utilities                  |   | \$ 10                                       |
| 64848-545000          | Contracted Services        |   | \$ 2,100                                    |
| 64848-516000          | Repairs & Maintenance      |   | \$ 2,400                                    |
|                       |                            | <u><u>\$ 4,510</u></u>                      | <u><u>\$ 4,510</u></u>                      |

**Explanation:** Maple Commerce Park Sewer (64848) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Moyock Commerce Park Sewer (64) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017117

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description   | Debit                                | Credit                               |
|----------------|-----------------------|--------------------------------------|--------------------------------------|
|                |                       | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 61818-533800   | Chemicals             | \$ 8,000                             |                                      |
| 61818-532000   | Supplies              | \$ 20,030                            |                                      |
| 61818-552000   | Overage (Shortage)    | \$ 30                                |                                      |
| 61818-545000   | Contracted Services   | \$ 1,800                             |                                      |
| 61818-516000   | Repairs & Maintenance |                                      | \$ 14,000                            |
| 61818-516200   | Vehicle Maintenance   |                                      | \$ 2,000                             |
| 61818-590000   | Capital Outlay        |                                      | \$ 3,160                             |
| 61818-516400   | Equipment Maintenance |                                      | \$ 700                               |
| 61818-590003   | Fire Hydrants         |                                      | \$ 10,000                            |
|                |                       | <u>\$ 29,860</u>                     | <u>\$ 29,860</u>                     |

**Explanation:** Mainland Water Fund (61818) - Transfer for operations for the remainder of this fiscal year.

**Net Budget Effect:** Mainland Water (61) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017118

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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> |
| 67878-516000          | Repairs & Maintenance      | \$ 300                                      |   |
| 67878-532000          | Supplies                   | \$ 1,500                                    |   |
| 67878-553000          | Dues & Subscriptions       | \$ 700                                      |   |
| 67878-533800          | Chemicals                  |   | \$ 2,000                                    |
| 67878-590000          | Capital Outlay             |   | \$ 500                                      |
|                       |                            | <u>\$ 2,500</u>                             | <u>\$ 2,500</u>                             |

**Explanation:** Moyock Central Sewer (67878) - Transfer for operations for the remainder of this fiscal year.

**Net Budget Effect:** Moyock Central Sewer (67) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board \_\_\_\_\_

Number

2017119

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description | Debit                                   | Credit                                  |
|----------------|---------------------|---|---|
|                |                     | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10461-536000   | Uniform             | \$ 500                                  |   |
| 10461-532000   | Supplies            | \$ 6,000                                |   |
| 10461-514000   | Travel              |   | \$ 1,000                                |
| 10461-516200   | Vehicle Maintenance |   | \$ 2,000                                |
| 10461-590001   | Capital Outlay      |   | \$ 2,000                                |
| 10461-545000   | Contract Services   |   | \$ 1,500                                |
|                |                     | <u>\$ 6,500</u>                         | <u>\$ 6,500</u>                         |

**Explanation:** Public Utilities (10461) - 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

Number

2017120

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description   | Debit                                   | Credit                                  |
|----------------|-----------------------|---|---|
|                |                       | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 68888-533800   | Chemicals             | \$ 8,000                                |   |
| 68888-532000   | Supplies              | \$ 2,350                                |   |
| 68888-516000   | Repairs & Maintenance |   | \$ 450                                  |
| 68888-590000   | Capital Outlay        |   | \$ 1,999                                |
| 68888-545000   | Contract Services     |   | \$ 7,901                                |
|                |                       | <hr/> <u>\$ 10,350</u>                  | <hr/> <u>\$ 10,350</u>                  |

**Explanation:** Walnut Island Sewer District (68888) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Walnut Island Sewer Fund (68) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board \_\_\_\_\_

Number

2017121

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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> |
| 20609-511010          | Data Transmission          | \$ 2,700                                    |   |
| 20609-590000          | Capital Outlay             | \$ 1,678                                    |   |
| 20609-545000          | Contract Services          |   | \$ 4,378                                    |
|                       |                            | <u><u>\$ 4,378</u></u>                      | <u><u>\$ 4,378</u></u>                      |

**Explanation:** Whalehead Subdivision Stormwater District (20609) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Whalehead Subdivision Stormwater Fund (20) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017122

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description   | Debit                                   | Credit                                  |
|----------------|-----------------------|---|---|
|                |                       | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10550-511010   | Data Transmission     | \$ 140                                  |   |
| 10550-516400   | Equipment Maintenance | \$ 250                                  |   |
| 10550-532000   | Supplies              | \$ 200                                  |   |
| 10550-531002   | Fuel                  |   | \$ 590                                  |
|                |                       | <hr/> <u>\$ 590</u>                     | <hr/> <u>\$ 590</u>                     |

**Explanation:** Airport (10550) - 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

Number

2017123

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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<br/>Increase Expense</u> | <u>Increase Revenue or<br/>Decrease Expense</u> |
| 10980-532000          | Supplies                   | \$ 500  |   |
| 10980-545000          | Contract Services          | \$ 50,000                                       |   |
| 10980-590000          | Capital Outlay             | \$ 10,150                                       |   |
| 10330-445100          | FEMA Public Assistance     |   | \$ 60,650                                       |
|                       |                            | <hr/> <u>\$ 60,650</u>                          | <hr/> <u>\$ 60,650</u>                          |

**Explanation:** Disaster Assistance (10980) - Increase funding from FEMA for damages sustained during Hurricane Matthew.

**Net Budget Effect:** Operating Fund (10) - Increased by \$60,650.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017124

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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           |   |
|-----------------------|----------------------------|---|---------------------|------------------|---|
|                       |                            | Decrease Revenue or<br>Increase Expense |                     |                  | Increase Revenue or<br>Decrease Expense |
| 10415-532000          | Supplies                   | \$                                      | 1,000               |                  |   |
| 10415-561000          | Professional Services      |   |                     | \$               | 1,000                                   |
|                       |                            | <u><u>\$</u></u>                        | <u><u>1,000</u></u> | <u><u>\$</u></u> | <u><u>1,000</u></u>                     |

**Explanation:** Legal (10415) - 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

Number

2017125

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description   | Debit    |                                      | Credit   |                                      |
|----------------|-----------------------|----------|--------------------------------------|----------|--------------------------------------|
|                |                       |          | Decrease Revenue or Increase Expense |          | Increase Revenue or Decrease Expense |
| 10512-545000   | Contract Services     | \$       | 4,900                                |          |                                      |
| 10512-531000   | Gas, Oil              |          |                                      | \$       | 1,800                                |
| 10512-516000   | Repairs & Maintenance |          |                                      | \$       | 200                                  |
| 10512-513000   | Utilities             |          |                                      | \$       | 1,200                                |
| 10512-514000   | Travel                |          |                                      | \$       | 500                                  |
| 10512-532000   | Supplies              |          |                                      | \$       | 500                                  |
| 10512-542000   | Rabies Vaccines       |          |                                      | \$       | 700                                  |
|                |                       | <hr/>    | <hr/>                                | <hr/>    | <hr/>                                |
|                |                       | \$ 4,900 |                                      | \$ 4,900 |                                      |

**Explanation:** Animal Services and Control (10512) - Transfer funds for demolition of quarantine shelter on Airport property.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017126

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description      | Debit                                   | Credit                                  |
|----------------|--------------------------|---|---|
|                |                          | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 63838-513000   | Utilities                | \$ 2,000                                |   |
| 63838-516400   | Equipment Maintenance    | \$ 100                                  |   |
| 63838-545800   | White Goods Disposal     | \$ 20,000                               |   |
| 63838-545900   | Tire Disposal            | \$ 20,000                               |   |
| 63838-558400   | Solid Waste Disposal Tax | \$ 4,000                                |   |
| 63320-413000   | Tire Tax                 |   | \$ 10,000                               |
| 63320-413500   | White Goods Tax          |   | \$ 20,000                               |
| 63360-470000   | Utilities Charges        |   | \$ 16,100                               |
|                |                          | <hr/> <u>\$ 46,100</u>                  | <hr/> <u>\$ 46,100</u>                  |

**Explanation:** Solid Waste (63838) - Increase appropriations for increase in volumes of waste which will be offset by increased revenues in the respective taxes.

**Net Budget Effect:** Solid Waste Fund (63) - Increased by \$46,100.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017127

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

| Account Number | Account Description           | Debit                                   | Credit                                  |
|----------------|-------------------------------|---|---|
|                |                               | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 12546-514506   | Travel/Train/Educ             |   | \$ 1,056                                |
| 12546-536006   | Uniforms                      |   | \$ 1,500                                |
| 12546-536106   | Personal Protective Equipment | \$ 1,500                                |   |
| 12546-561006   | Professional Serv             | \$ 1,600                                |   |
| 12546-590006   | Capital Outlay                |   | \$ 544                                  |
|                |                               | <hr/> <u>\$ 3,100</u>                   | <hr/> <u>\$ 3,100</u>                   |

**Explanation:** Corolla Fire & Rescue Squad (12546) - Transfers per request of Corolla VFD.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number

2017128

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of May 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                                  |                        |
|-----------------------|-----------------------------------|---|------------------------|---|------------------------|
|                       |                                   | Decrease Revenue or<br>Increase Expense |                        | Increase Revenue or<br>Decrease Expense |                        |
| 12545-590005          | Capital Outlay                    | \$                                      | 42,000                 |   |                        |
| 12390-495040          | T F - Capital Fund                |   |                        | \$                                      | 42,000                 |
| 40750-587012          | T T - Fire Services Fund          | \$                                      | 42,000                 |   |                        |
| 40320-411001          | Article 40 Supplemental Sales Tax |   |                        | \$                                      | 42,000                 |
|                       |                                   |   | <hr/> <u>\$ 84,000</u> |   | <hr/> <u>\$ 84,000</u> |

**Explanation:** Lower Currituck VFD (12545) - Increase appropriations for grant agreement for the parking area at the Kilmarlic Fire Station. The County will provide funding for actual costs not to exceed \$42,000.

**Net Budget Effect:** Fire Services Fund (12) -Increased by \$42,000  
Capital Fund (40) - Increased by \$42,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

## **RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS TO REQUEST A ROAD NAME CHANGE**

**WHEREAS**, a taxiway expansion project in progress at the Currituck County Regional Airport required the abandonment and removal of a portion of Airport Road; and

**WHEREAS**, the airport terminal address was 264 Airport Road (SR 1530) Maple, North Carolina prior to and at the start of the expansion project and was subsequently changed to an address on Terminal Road; and

**WHEREAS**, the removal of Airport Road and the new Terminal Road address assigned to the airport terminal building is causing confusion for visitors who use the county airport for transportation and other services, such as rental car pickup and drop off; and,

**WHEREAS**, Currituck County, Airport Manager, County GIS, and County Manager have performed the necessary due diligence in ensuring no negative outcomes would result from the road name change.

**NOW THEREFORE BE IT RESOLVED**, that the Currituck County Board of Commissioners requests the North Carolina Board of Transportation consider the following road name change:

- **Rename Terminal Road to Airport Road (SR 1530)**

**NOW THEREFORE BE IT FURTHER RESOLVED**, upon notification of approval of the renaming request from the North Carolina Department of Transportation, the Board of Commissioners will hold a public hearing.

This, the 15<sup>th</sup> day of May, 2017.

---

Bobby Hanig, Chairman

ATTEST:

---

Leeann Walton, Clerk to the Board

4-12-17

STREET NAME PETITION

rev. 7/07

Currituck County GIS  
 P.O. Box 9  
 Currituck, NC 27929

The General Statutes of the State of North Carolina, GS 153A-239.1, authorizes the Currituck County Board of Commissioners to name or rename any street or road within the county.

It is the goal of Currituck County to prevent and eliminate street name duplication.

We the undersigned present this petition and request that action be taken administratively or a public hearing be called by the Currituck County Board of Commissioners to consider the following matter indicated by a check mark (✓) and described below:

- ( ) Assignment of a name to an unnamed street. (If the name is approved, all costs of signage and installation shall be the responsibility of the applicant(s) petitioning for the naming unless street is in a subdivision created prior to 4/2/89 and a sign was never installed.)
- (✓) Changing the name of a street. (If the street name is changed, all costs of signage and installation shall be the responsibility of the applicant(s) petitioning for the name change)

Location of Street:

Describe location in relation to major highways or state streets:

NORTH OF SHOTCUT RD, CURRENTLY NAMED TERMINAL RD, ACCESS TO AIRPORT,

\_\_\_\_\_

Township(s):

(If in more than one township, list all townships)

CRAWFORD

Street Number

(SR & four digits) SR 1530 (Highway Number) N.C. # \_\_\_\_\_ U.S. # \_\_\_\_\_

Present Name of Street:

Name or names by which the street is known (If the street has no name, write "no name"): TERMINAL RD

New Name Proposed for the Street:

Petitioner(s) have consulted Currituck County GIS and found that the name proposed for the street does not duplicate or sound deceptively

similar to the name of any other street in Currituck County, and hereby propose that the street be named:

AIRPORT RD

from its point beginning at ADDRESS 100 (give street name or number) extending approximately .75 miles, to its terminus at ADDRESS 300 (street name or number if applicable).

**Reason for Petition:**

Explain why it is necessary for the street to be named or renamed:

AIRPORT TERMINAL BUILDING ADDRESS IS 264 AIRPORT RD. THE OLD AIRPORT RD WAS REMOVED DURING THE TAXI-WAY EXPANSION. RENAMING TERMINAL RD TO AIRPORT RD WILL MAKE THE AREA LESS CONFUSING.

**Petition Leader:**

(Petition Leader must own property along the petitioned street or petition is void)

Name CURRITUCK COUNTY

Address 154 COURTHOUSE RD, SUITE 800

City CURRITUCK State NC Zip Code 27929

Telephone (Home) \_\_\_\_\_ (Other) \_\_\_\_\_

**Tax Map Number and Parcel Number of Petition Leader:**

0052 000 014A 0000

**Petitioners:**

Petitioners must own property along the street.

A resolution by the Currituck County Board of Commissioners states that "Petitions must be signed by at least 50% plus one of the property owners along the street to be named or renamed in order to be considered by the Board of Commissioners" (unless otherwise required by the County).

Please list information in the correct category. Along with each signature include: address, telephone number, tax map number, and parcel number.

Property Owners1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: 0052 000 014A 0000  
Signature: \_\_\_\_\_2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_7. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_8. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_9. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_10. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_11. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_12. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_PIN: \_\_\_\_\_  
Signature: \_\_\_\_\_

**COUNTY USE ONLY**

Number of property owners along the street: \_\_\_\_\_

Number of property owners in support of the petition: \_\_\_\_\_

Percentage of property owners signing the petition: \_\_\_\_\_ %

Administrative Action: \_\_\_\_\_

Board Action: \_\_\_\_\_



## County of Currituck

Mark A. Leuzinger  
Manager, Airport Operations & Business

Currituck County Regional Airport  
153 Courthouse Road, Suite 800  
Currituck, NC 27929

Phone: (252) 453-2876  
Fax: (252) 453-3172

March 29, 2016

The FAA, UPS, FedEx, trucking companies, and people using a portable GPS to drive to the airport all rely on this address being in the navigation databases. Changes to that information can take months to years to get updated.

The Airport Advisory Board recommends that the current airport address remains as is. The current address is::

264 Airport Road, Maple, NC 27956.

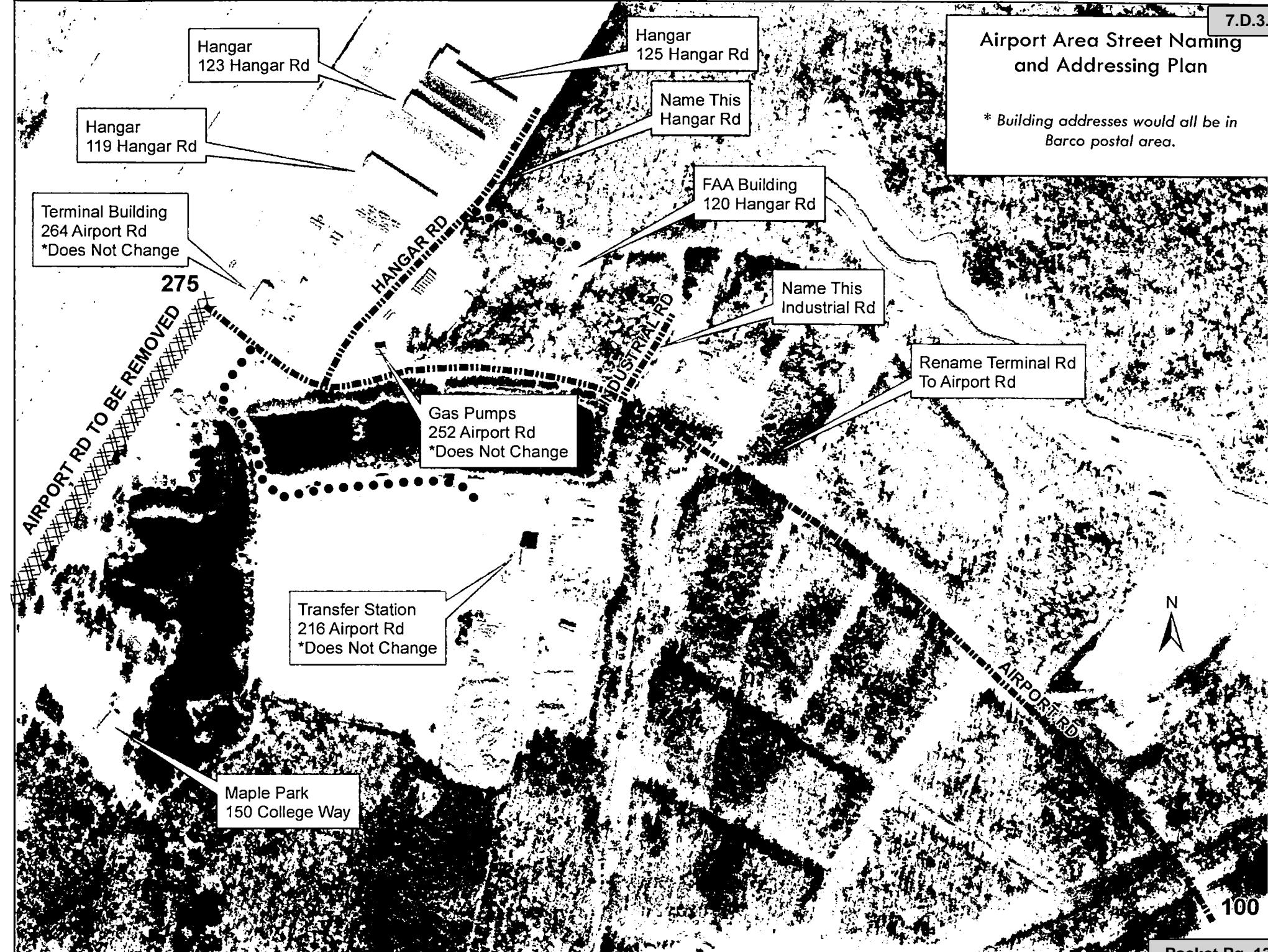
Harry Lee, GIS Coordinator agrees with leaving the address as is as long as the post office no longer delivers mail to the airport which they do not. A signed letter to that effect from the Maple Post Office has been provided to Mr. Lee.

On another matter, the airport is getting daily complaints from people who cannot find the airport. Recently a Dassault Falcon business jet was idling on the ramp for over an hour waiting for passengers that couldn't find the terminal building.

The Airport Advisory Board recommends that a sign be erected on Highway 158 with an arrow pointing toward the access road to the airport.

## Airport Area Street Naming and Addressing Plan

\* Building addresses would all be in Barco postal area.



## **VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTHS 2017 A PROCLAMATION**

**WHEREAS**, North Carolina joins the world in recognizing World Elder Abuse Awareness Day every June 15<sup>th</sup>; and

**WHEREAS**, protecting North Carolina's vulnerable and older adults is a community responsibility and all citizens are charged under State law to report suspected abuse, neglect or exploitation to their local County Department of Social Services; and

**WHEREAS**, North Carolina's vulnerable and older adults of all social, economic, racial and ethnic backgrounds may be targets of abuse, neglect or exploitation which can occur in families, long-term care settings and communities; and

**WHEREAS**, in state fiscal year 2016 there were 25,980 reports of abuse, neglect or exploitation of vulnerable and older adults were made to North Carolina's 100 County Departments of Social Services; and

**WHEREAS**, national and international research shows that abuse, neglect and exploitation of vulnerable and older adults is grossly underreported; and

**WHEREAS**, the State of North Carolina enacted the nation's first elder abuse law and recognizes the need for a comprehensive system of protection for vulnerable and older adults; and

**WHEREAS**, Mother's and Father's Days are national holidays intended to honor, respect, and promote the dignity and well-being of our older citizens;

**NOW THEREFORE, We, the Currituck County Board of Commissioners**, do hereby proclaim MOTHERS DAY to FATHERS DAY 2017 as "**VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTHS**" and commend its observance to Currituck County citizens.

**ADOPTED** this, the 15<sup>th</sup> day of May, 2017.

---

Bobby Hanig, Chairman

**ATTEST:**

---

Leeann Walton, Clerk to the Board

## CURRITUCK COUNTY JOB DESCRIPTION

### **JOB TITLE: CHIEF BUILDING INSPECTOR PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

#### **GENERAL STATEMENT OF JOB**

Under limited supervision, performs supervisory and skilled inspection work for the county Planning & Community Development Department in securing compliance with established codes governing one or more of the following areas of the building trades: electrical, fire, building (construction and energy), mechanical, and plumbing. Oversees all building inspection work. Work involves interpreting, applying and enforcing rules and regulations relating to the construction of new buildings and the repair of existing buildings. Supervises building inspectors and code enforcement officers, advising and instructing them in the performance of their duties. Reviews and studies building code regulations to stay abreast of all changes and are required to exercise independent judgment in applying standards to a variety of work situations. Reports to the Planning & CD Director.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

##### **ESSENTIAL JOB FUNCTIONS**

Supervises, trains and advises Building Codes Inspectors in performance of inspections, conferring with contractors and property owners, issuing building permits and maintaining associated records and reports; advises and assists inspectors in performance of inspections, and visits inspection sites to review completed inspections.

Performs supervisory tasks in managing the activities of assigned staff; instructs, assigns, and reviews work; maintains standards through the effective coordination of activities; allocates personnel; resolves personnel problems; provides input involving disciplinary action, promotion, and related personnel issues.

Receives and addresses complaints, questions, and concerns pertaining to inspections from general public, developers, contractors, etc., interviewing parties involved and investigating circumstances, and determining propriety of previous inspection and required resolution, as appropriate; confers with or corresponds with involved parties to advise of determinations and decisions, as appropriate.

Attends and participates in meetings, or prepares correspondence, with inspectors, builders and contractors to advise them of code changes and violations at construction sites; confers with County administrators, Fire Marshal, contractors, and general public in developing and maintaining enforcement codes.

Directs the inspection of all establishments making sure they are abiding by State Codes in terms of electrical, plumbing, mechanical, building asbestos, and fire codes; issues stop-work orders; conducts inspections to determine a structure condemned; holds condemnation hearings.

Participates in the inspection process, performing tasks of the inspectors; conducts other inspections including school inspections and ABC inspections.

## CHIEF BUILDING INSPECTOR

Assists with the zoning and CAMA regulations.

Acts as ADA Coordinator for the requirements of Title II of the American's with Disabilities Act of 1990 for the County. Performs ADA evaluations of County facilities, services and programs for the compliance with the American's with Disabilities Act. Investigates complaints, grievances and determines solutions to accessibility issues within the county's facilities, programs and services.

Testifies in court as necessary.

### **ADDITIONAL JOB FUNCTIONS**

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

### **MINIMUM TRAINING AND EXPERIENCE**

Bachelor's Degree in architecture, civil engineering or a related field, and five to seven years of experience in residential and/or commercial building, mechanical, electrical or plumbing construction or inspections work, preferably including supervisory experience; or any combination of training or experience which provides the required skills, knowledge and abilities.

### **SPECIAL REQUIREMENTS**

(Limited certification applies only to employees currently in position. New employees must hold stated certifications.)

Possession of a Standard Level III certification by the North Carolina Code Officials Qualification Board in three of the following trades and a minimum Standard Level II in the other trade: electrical, building (includes energy insulation), mechanical and plumbing inspections. Possession of a valid North Carolina driver's license.

### **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

**Physical Requirements:** Must be physically able to operate a variety of machinery and equipment including adding machines, typewriters, copiers, two-way radios etc. Must be physically able to operate a motor vehicle. Must be able to exert up to 50 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are of those for Medium Work.

## CHIEF BUILDING INSPECTOR

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

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

**Language Ability:** Requires the ability to read a variety of reports, correspondence, permits, applications, blueprints, schematics, diagrams, etc. Requires the ability to prepare correspondence, reports, forms, permits, architectural reports, code explanations, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak to groups of people with poise, voice control, and confidence.

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

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

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

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

**Motor Coordination:** Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment and hand tools.

**Manual Dexterity:** Requires the ability to handle a variety of items such as office equipment and hand tools. Must have minimal levels of eye/hand/foot coordination.

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

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

**Physical Communication:** Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via a telephone.

## CHIEF BUILDING INSPECTOR

### KNOWLEDGE, SKILLS AND ABILITIES

Thorough knowledge of modern building, plumbing, electrical and mechanical construction, practices, materials and equipment.

Thorough knowledge of state and local ordinances and codes.

Thorough knowledge of ethical guidelines outlined by professional standards and/or federal, state, and local laws, rules and regulations.

Considerable knowledge of County geography.

General knowledge of principles in supervision, organization and administration.

Ability to use common office machines including computer-driven word processing, spreadsheets, and file maintenance programs.

Ability to detect and locate defective workmanship in construction or repair of buildings.

Ability to interpret blueprints, diagrams, specifications, codes and building regulations.

Ability to deal tactfully and firmly with developers, contractors, property owners and the general public.

Ability to establish and maintain effective working relationships as necessitated.

Knowledge, Skills and Abilities Required as ADA Coordinator: Familiarity with the state or local government's structure, activities, and employees.

Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794.

Experience with people with a broad range of disabilities and ability to work cooperatively with people with disabilities.

Knowledge of various alternative formats and alternative technologies that enable people with disabilities to communicate, participate, and perform tasks.

Familiarity with any local disability advocacy groups or other disability groups.

Skills and training in negotiation and mediation.

Organizational and analytical skills.



May 5, 2017

Ms. Leeann Walton  
 Clerk to the Board  
 Currituck County  
 153 Courthouse Road, Suite 204  
 Currituck, NC 27929

**RE: Petition to NCDOT to Accept Pagoda Trail into the State Roadway System**

Dear Leeann:

We are requesting that Currituck County consider submitting an NCDOT Petition for Road Addition for Pagoda Trail located at Backwoods Reserve off of South Mills Road in northwestern Currituck County. NCDOT has already made an inspection of the roadway and appears that it will meet the requirements for addition into the State's roadway system.

We are therefore asking the County Commissioners to adopt a resolution to make this petition to NCDOT at the Board's next opportunity.

Along with the petition, we are including two copies of the recorded Subdivision Plat and the Encroachment Agreement that covers utilities located within the right-of-way for inclusion with the petition.

It is my understanding that if the County Commissioners act favorably on adopting the resolution, the petition can then be made to the District Engineer's office in Elizabeth City.

Thank you for assisting us with this request.

Sincerely,  
 Bissell Professional Group

A handwritten signature in black ink, appearing to read 'Mark S. Bissell', is written over a stylized, decorative flourish.

By: Mark S. Bissell

cc: Justin Old

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

**ROADWAY INFORMATION:** (Please Print/Type)

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

Subdivision Name: Backwoods Reserve Length (miles): 0.2

Number of occupied homes having street frontage: 20 Located (miles): 0.1

miles N  S  E  W  of the intersection of Route 1227 and Route 1218  
(Check one) (SR, NC, US) (SR, NC, US)

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

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

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

Street Address: 153 Courthouse Road, Currituck, NC 27929

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

**PROPERTY OWNERS**

| <u>Name</u>                       | <u>Mailing Address</u>             | <u>Telephone</u> |
|-----------------------------------|------------------------------------|------------------|
| Randy & Jennifer Whaley           | 100 Pagoda Trail, Moyock, NC 27958 |                  |
| Aaron & Jessica Rabel             | 101 Pagoda Trail, Moyock, NC 27958 |                  |
| Shawn & Sarah Blair               | 102 Pagoda Trail, Moyock, NC 27958 |                  |
| Larry & Amanda-Lee Pitzer         | 103 Pagoda Trail, Moyock, NC 27958 |                  |
| Jarod & Denise Ridgeway           | 104 Pagoda Trail, Moyock, NC 27958 |                  |
| Michael Curtis & Alexa Curtis     | 105 Pagoda Trail, Moyock, NC 27958 |                  |
| Zachary Tobey & Amanda Gram-Tobey | 106 Pagoda Trail, Moyock, NC 27958 |                  |
| Lawrence & Lindsey Mimbs          | 107 Pagoda Trail, Moyock, NC 27958 |                  |

---

James & Christi Snyder 108 Pagoda Trail, Moyock, NC 27958  
 Eugene & Sharon Mann 109 Pagoda Trail, Moyock, NC 27958  
 Brandon Mitchell James 110 Pagoda Trail, Moyock, NC 27958  
 Brian & Jenna Struzick 111 Pagoda Trail, Moyock, NC 27958  
 Jason & Sharon Williams 112 Pagoda Trail, Moyock, NC 27958  
 Donald & Un Hui Schone 113 Pagoda Trail, Moyock, NC 27958  
 James Montgomery 114 Pagoda Trail, Moyock, NC 27958  
 Dallas Rodriguez 115 Pagoda Trail, Moyock, NC 27958  
 Adam & Tara Sparks 116 Pagoda Trail, Moyock, NC 27958  
 Justin Drees & Tierney Medved 117 Pagoda Trail, Moyock, NC 27958  
 Logan & Shaunee Self 118 Pagoda Trail, Moyock, NC 27958  
 Kyle Morton 119 Pagoda Trail, Moyock, NC 27958

---

**INSTRUCTIONS FOR COMPLETING PETITION:**

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

**FOR NCDOT USE ONLY:** Please check the appropriate block

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

**REQUIREMENTS FOR ADDITION**

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

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

## 7.D.6.b

PAGODA  
Petition for  
Road Addit  
5.15.17

## Packet Pg. 140

Attachment: Pagoda Trail (1886 : NCDOT Road Addition-Pagoda Trail at Backwoods Reserve)

PAGODE TRAIL  
PETITION FOR  
ROAD ADDITION  
5.15.17



Number TDA 2017008

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of May 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           |   |
|-----------------------|----------------------------|---|---------------------|------------------|---|
|                       |                            | Decrease Revenue or<br>Increase Expense |                     |                  | Increase Revenue or<br>Decrease Expense |
| 15442-511010          | Data Transmission          | \$                                      | 2,300               |                  |   |
| 15442-526200          | Promotional Efforts        |   |                     | \$               | 2,300                                   |
|                       |                            | <u><u>\$</u></u>                        | <u><u>2,300</u></u> | <u><u>\$</u></u> | <u><u>2,300</u></u>                     |

**Explanation:** Occupancy Tax - Promotion (15442) - Transfer funds for data transmission costs for the remainder of this fiscal year.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

Number TDA 2017009

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of May 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           |   |
|-----------------------|----------------------------|---|----------------------|------------------|---|
|                       |                            | Decrease Revenue or<br>Increase Expense |                      |                  | Increase Revenue or<br>Decrease Expense |
| 15448-590000          | Capital Outlay             | \$                                      | 12,000               |                  |   |
| 15448-516000          | Repairs & Maintenance      |   |                      | \$               | 12,000                                  |
|                       |                            | <u><u>\$</u></u>                        | <u><u>12,000</u></u> | <u><u>\$</u></u> | <u><u>12,000</u></u>                    |

**Explanation:** Occupancy Tax - Whalehead (15448) - Transfer funds for HVAC repairs at Whalehead.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th of May 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                                  |        |
|-----------------------|-----------------------------|---|--------|---|--------|
|                       |                             | Decrease Revenue or<br>Increase Expense |        | Increase Revenue or<br>Decrease Expense |        |
| 60808-507000          | Retirement Expense          | \$                                      | 2,811  |   |        |
| 60808-553000          | Dues & Subscriptions        | \$                                      | 270    |   |        |
| 60808-557100          | Software License Fee        | \$                                      | 780    |   |        |
| 60808-545001          | Contract Services           | \$                                      | 27,000 |   |        |
| 60808-506000          | Insurance Expense           |   |        | \$                                      | 1,524  |
| 60808-511001          | Telephone & Postage - Sewer |   |        | \$                                      | 1,500  |
| 60808-513000          | Utilities - Water           |   |        | \$                                      | 837    |
| 60808-532001          | Supplies                    |   |        | \$                                      | 2,000  |
| 60808-516001          | Repairs & Maintenance       |   |        | \$                                      | 4,000  |
| 60808-590001          | Capital Outlay              |   |        | \$                                      | 19,000 |
| 60808-514500          | Training & Education        |   |        | \$                                      | 2,000  |
|                       |                             | <hr/> <u>\$ 30,861</u>                  |        | <hr/> <u>\$ 30,861</u>                  |        |

**Explanation:** Ocean Sands Water and Sewer District (60808) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board