



**CURRITUCK COUNTY  
NORTH CAROLINA**

July 16, 2018  
Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Emergency Management Departmental Update and Seasonal Hurricane Outlook**

The Currituck County Board of Commissioners met in a work session at 5:00 PM in the Conference Room of the Historic Courthouse to hear a report from Bill Sammler, Warning Coordinator and Meteorologist with the National Weather Service, Wakefield, on the seasonal hurricane outlook for Currituck County. Dianne Curtis, Eastern Branch Manager, North Carolina Emergency Management, was also present to provide an update and overview of regional emergency operations and protocols. Presenters responded to Board questions at the close of their presentations and Chairman Hanig thanked Mr. Sammler and Ms. Curtis for their attendance. The work session concluded at 5:51 PM.

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners met at 6:00 PM in the Historic Courthouse located at 153 Courthouse Road, Currituck, North Carolina, 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	Absent	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Bob White	Commissioner	Absent	

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, Navy Chaplain, Ret.**

Pastor Glenn McCranie attended to offer the Invocation and lead the Pledge of Allegiance.

**B) Approval of Agenda**

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

Approved agenda:

**Work Session**

5:00 PM Emergency Management Departmental Update and Seasonal Hurricane Outlook

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, Navy Chaplain, Ret.
- 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.*

**Commissioner's Report**

**Administrative Reports**

- A) National Weather Service Presentation-Bill Sammler
- B) Presentation of Advanced Law Enforcement Certificates to Lieutenant Terrence Sutton and Sergeant Nathan "Buddy" Capps, Jr.

**Public Hearings**

- A) **Consideration and Action: PB 14-32 Tucker's Cove:** Request for an amended preliminary plat/use permit to add 5 additional lots to the original 25 lot Type II Traditional Development for property located on Tulls Creek Road, Tax Map 39, Parcel 13A, Crawford Township.
- B) **PB 18-15 Eagle Creek Golf Course and Grill:** Request for a text amendment to the Unified Development Ordinance, Chapter 5. Development Standards, to modify off- premise directional sign standards.

**New Business**

- A) **Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Section 2-96(a) of the Currituck County Code of Ordinances to Require Statement of Interest for Nominees to Advisory Boards and Amending Section 2- 98 of the Currituck County Code or Ordinances to Clarify Concurrent Membership on Authorities, Boards and Commissions**

**B) Consideration and Acceptance of Bid for County-Owned Property and Adoption of Upset Bid Resolution-103 Bluefish Court, Walnut Island Subdivision**

**C) Board Appointments**

1. Joint Nursing Home/Domiciliary Community Advisory Committee

**D) Consent Agenda**

1. Approval Of Minutes for June 18, 2018
2. A Resolution of the Currituck County Board of Commissioners Authorizing Currituck County to Engage in Electronic Payments as Defined in N.C. GEN. STAT. §159-28 or  
N.C. GEN. STAT. §115C-441
3. Resolution of the Currituck County Board of Commissioners Approving the Currituck County Detention Center Medical Care Plan Pursuant to N.C. GEN. STAT. §153A- 225
4. Amendment No. 1 to the Counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington Other Post-Employment Benefits Trust Agreement
5. SETTLEMENT OF DELINQUENT TAXES for Fiscal Year 2017-18
6. Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents
7. William E. Bradley Grandy Convenience Center Lease

**E) County Manager's Report**

**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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner
<b>ABSENT:</b>	Mary "Kitty" Etheridge, 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 was signed up nor wished to speak at public comment.

**COMMISSIONER'S REPORT**

Chairman Hanig reported that the Senior Center received a donation from the Currituck Chamber of Commerce in the amount of \$1,943.59 raised from the Currituck Chamber's Spring Social charitable event held this past spring. The funds will support the Currituck Senior Nutrition Meals on Wheels program. Chairman Hanig attended the 10th annual Moyock Fire graduation ceremony and thanked all involved for their efforts and service to the county.

Commissioner Hall also attended the fire academy graduation and noted attendance from many other areas. He announced the Crawford fire department's acquisition of a new pink fire truck in recognition of Breast Cancer awareness. He recalled a recent funeral he attended and noted too many young people are being lost and encouraged people to find help if needed.

Commissioner Gilbert attended the funeral as well and was touched by the number of attendees from the Currituck community.

Commissioner Beaumont reported on a successful July 4th celebration at Historic Corolla Park. He discussed red flag warnings on the beach and the process behind the decision to post red flags as typically regional in nature involving many coastal communities. He said the county is trying to save lives and those who ignore red-flag warnings can be fined.

## **ADMINISTRATIVE REPORTS**

### **A. National Weather Service Presentation-Bill Sammler**

Bill Sammler of the National Weather Service in Wakefield, VA, used a powerpoint and presented the Seasonal Hurricane Outlook for Currituck County. Information included how ocean temperatures influence storm projections, historical data including annual storm statistics and areas of development. Mr. Sammler said we should prepare each year, but noted there is no correlation between the number of storms and impacts to the United States. The very active 2017 season was reviewed along with storm surge and the factors that effect it. Mr. Sammler presented products and resources available to the public to view weather and storm activity regionally, nationally, and individual storm events.

### **B. Presentation of Advanced Law Enforcement Certificates to Lieutenant Terrence Sutton and Sergeant Nathan "Buddy" Capps, Jr.**

The Board of Commissioners recognized the hard work, dedication and service of Sergeant Nathan Capps, Jr. and Lieutenant Terrence Sutton of the Currituck County Sheriffs Department with a presentation of Advanced Law Enforcement Certificates. Sergeant Capps and Lieutenant Sutton were present, along with their families and Currituck County Sheriff Matt Beichert, for the reading and formal presentation of the certificates by Chairman Hanig and the Board of Commissioners.

## **PUBLIC HEARINGS**

### **A. Consideration and Action: PB 14-32 Tucker's Cove:**

#### **APPLICATION SUMMARY**

**Property Owner:** Tucker's Cove, LLC  
417 Caratoke Highway, Unit  
D  
Moyock, NC 27958

**Applicant:** Tucker's Cove, LLC  
417 Caratoke Highway, Unit D  
Moyock, NC 27858

<b>APPLICATION SUMMARY</b>	
<b>Case Number:</b> PB 14-32	<b>Application Type:</b> Amended Preliminary Plat/Use permit for Type II Traditional
<b>Parcel Identification Number:</b> 0039000013A0000	<b>Existing Use:</b> Residential
<b>Land Use Plan Classification:</b> Rural within the Courthouse subarea	<b>Parcel Size (Acres):</b> 46.28 Acres
<b>Number of Units:</b> 30 Residential Lots	<b>Project Density:</b> 0.65 units per acre
<b>Required Open Space:</b> 13.88 Acres	<b>Provided Open Space:</b> 13.95 Acres

<b>SURROUNDING PARCELS</b>		
	<b>LAND USE</b>	<b>ZONING</b>
NORTH	TULLS BAY	N/A
SOUTH	RESIDENTIAL/FARMLAND	SFM/AG
EAST	RESIDENTIAL	SFM
WEST	UNDEVELOPED/RESIDENTIAL	SFM

1. The applicant, Tucker's Cove, LLC, is requesting amended preliminary plat/use permit approval for five additional residential lots within a proposed 25 lot subdivision.

2. Tucker's Cove is a Type II traditional subdivision. The development received preliminary plat/use permit approval August 17, 2015, permit extension on August 7, 2017, and construction drawing approval February 27, 2018. Although the developer is proposing a traditional subdivision, it has been designed with preservation of natural features and environmentally sensitive areas of the site.

3. The proposed five lots were considered unsuitable in 2015 due to existing ditches that ran through the property. Construction activities associated with the development of Tucker's Cove have allowed for the relocation and re-establishment of the drainage system. The five lots were re-evaluated by ARHS and are provisionally suitable at this time.

4. The open space will include nature walks that will allow pedestrian access of the environmentally sensitive areas of the site.

5. All lots are designed to meet the minimum lot size of 40,000 square feet and preservation of wetlands.

6. The proposed development contains 9.26 acres of 404 wetlands that were delineated and signed by the US Army Corps of Engineers on February 2, 2015 and may be relied upon for a period not to exceed five years. Additional permits will be required from the USACOE and NC to fill any portion of wetlands for access.

7. An existing 15' access easement is located on the property and provides access to 3 existing properties. The existing easement is located in open space but will not be included in the required open space.

8. Interconnectivity is not proposed in this development. A reduction in the minimum index score is suggested since it is not possible to achieve due to natural features and adjacent existing development patterns. The proposed connectivity score for the development is 1, and the minimum connectivity score is 1.20

9. Circa Cultural Resource Management, LLC conducted a Phase I assessment of the property in the Spring of 2015. The survey resulted in 1 archeological resource, 15 isolated finds and 3 archeological sites. Circa did not recommend any further testing or investigation of the property.

a. Mid-20<sup>th</sup> century house and shed: no further survey recommended.

- b. 15 isolated finds: Not eligible for inclusion in the National Register of Historic Places
  - no further archeological testing warranted.
- c. Sites 31CK348, 31CK349, and 31CK350: All artifacts were recovered from a plowed context and the site is recommended as not eligible for the National Register of Historic Places. No further archeological investigations appear warranted and it is recommended that the site be given clearance for any potential development.

### INFRASTRUCTURE

WATER	PUBLIC
SEWER	SEPTIC
TRANSPORTATION	PEDESTRIAN: SIDEWALKS AND TRAILS CONNECTIVITY SCORE: 1 (SEE NOTE 8 ABOVE)
STORMWATER/DRAINAGE	ROAD SIDE AND PROPERTY LINE SWALES
LIGHTING	POSSIBLE SUBDIVISION ENTRANCE LIGHTING
LANDSCAPING	RETENTION OF HERITAGE TREES, WHERE POSSIBLE RETENTION AND INSTALLATION OF STREET TREES
PARKING	USPS COMMUNITY BOX UNIT ONLY
COMPATIBILITY	RESIDENTIAL SUBDIVISION IS ADJACENT TO THE PROPOSED DEVELOPMENT WITH SIMILAR LOT SIZES
RECREATION AND PARK AREA DEDICATION	PAYMENT IN LIEU OF DEDICATION (0.765 ACRES) WILL BE ACCEPTED IN THE AMOUNT OF \$5,662.10
RIPARIAN BUFFERS	30' RIPARIAN BUFFER IS REQUIRED ADJACENT TO ALL 404 JURISDICTIONAL WETLANDS

### ADEQUATE PUBLIC FACILITIES

SCHOOL	ACTUAL DEMAND JANUARY 2018	STUDENTS GENERATED BY THIS DEVELOPMENT
MOYOCK ELEMENTARY SHAWBORO ELEMENTARY CENTRAL ELEMENTARY	83%	7 STUDENTS
GRIGGS ELEMENTARY JARVISBURG ELEMENTARY	64%	
KNOTTS ISLAND ELEMENTARY	30%	
MOYOCK MIDDLE CURRITUCK MIDDLE	78%	2 STUDENTS
CURRITUCK HIGH JP KNAPP EARLY COLLEGE	80%	4 STUDENTS

### RECOMMENDATIONS

#### TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO.
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
  - a. The following Archeological Note shall be added to the final plat:  
A cultural resources survey was conducted by Circa Cultural Resource Management, LLC in July of 2015. No items were found that are considered eligible for listing on the National Register of Historic Places. The contractor will be advised that if any artifacts or suspect materials are found, the owner and engineer will be contacted immediately and all excavation activity in the vicinity of the artifact be ceased until a formal determination has been completed on the item in question. Upon project completion, should any homeowners encounter any findings that could have historical significance he or she will immediately contact the North Carolina State Archaeologist 919-807-6554.
  - b. In order to provide safe and efficient pedestrian access, all lots that contain a sidewalk shall provide an extended front setback such as 20' from the back edge of the sidewalk.
  - c. All boardwalks located in the 404 wetlands shall be elevated. (LUP WQ5)
  - d. All boardwalks/walkways located in the 30' undisturbed buffer shall be constructed of pervious materials. (LUP WQ5)

## PLANNING BOARD

### USE PERMIT REVIEW STANDARDS

**A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. IT IS STAFF'S OPINION THAT THE EVIDENCE IN THE RECORD, PREPARED IN ABSENCE OF TESTIMONY PRESENTED AT A PUBLIC HEARING, SUPPORTS THE PRELIMINARY STAFF FINDINGS**

**The use will not endanger the public health or safety.**

**PRELIMINARY APPLICANT FINDINGS:**

1. THE USE WILL ADHERE TO COUNTY HEALTH AND SAFETY STANDARDS, INCLUDING RECOMMENDATIONS MADE BY ALBEMARLE REGIONAL HEALTH SERVICES, ALL LOTS WILL FRONT ON INTERIOR STREETS; NO LOT WILL CONNECT DIRECTLY TO TULLS CREEK ROAD.
2. THE PROJECT SHOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY.

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

**PRELIMINARY APPLICANT FINDINGS:**

1. LAND TO THE EAST HAS BEEN DEVELOPED INTO SINGLE FAMILY HOMES.
2. THE TRACT WILL BE DEVELOPED WITH SIMILAR LOT SIZES, BUT A LOWER DENSITY.
3. WETLANDS AND MUCH OF THE WOODLANDS WILL BE PRESERVED.
4. THE USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING LANDS, AND WILL BE IN HARMONY WITH THE SURROUNDING AREA.

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

**PRELIMINARY STAFF FINDINGS:**

1. The 2006 Land Use Plan classifies this site as Rural within the Courthouse subarea.
2. The Rural area identifies a residential density of 1 unit per 3 acres.

3. The policy emphasis for the Courthouse subarea indicates in areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. The proposed development density is 0.54 units per acre.

4. The proposed use is in keeping with the policies of the plan, some of which are:

**POLICY PR6:** All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.

**POLICY ES2: NON-COASTAL WETLANDS**, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 4042 permit program of the Clean Water Act, as well as Section 4013 water quality certifications by the State of North Carolina.

**POLICY WQ5:** Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS are considered part of a lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

**POLICY WQ6:** Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.

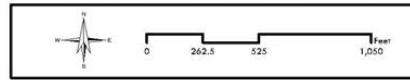
**The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.**

PRELIMINARY STAFF FINDINGS:

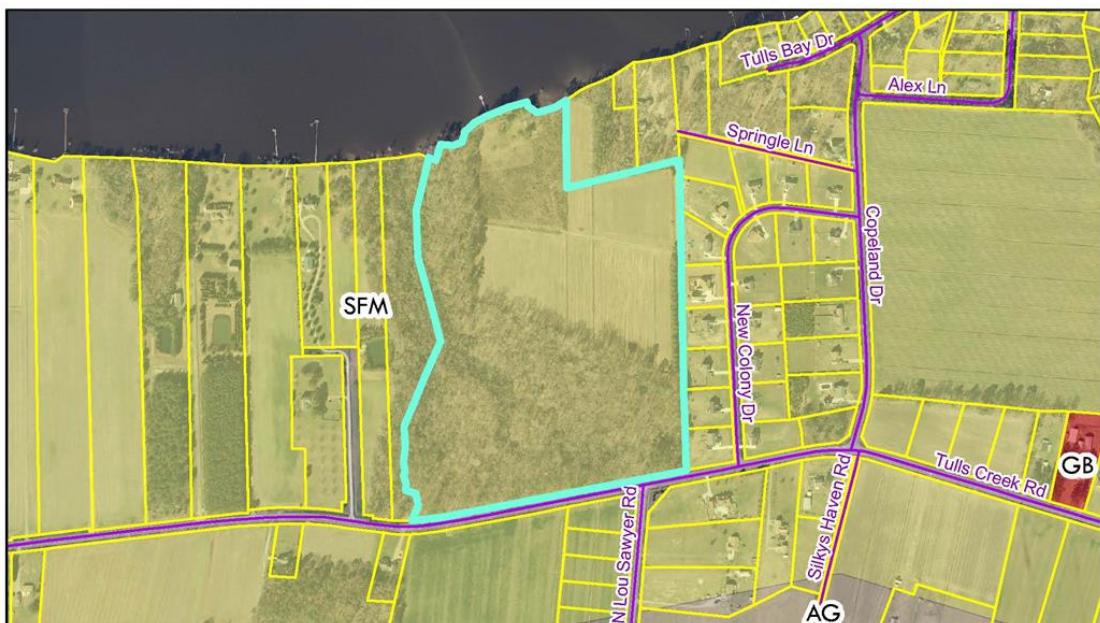
1. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED SUBDIVISION.



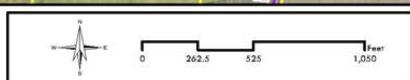
PB 14-32  
Tucker's Cove  
Aerial



Currituck County  
Planning and Community  
Development



PB 14-32  
Tucker's Cove  
Zoning



Currituck County  
Planning and Community  
Development



Parties were sworn in and Planning and Community Development Director, Laurie LoCicero, reviewed the application with the Board of Commissioners. Ms. LoCicero responded to Board questions related to school capacities and drainage.

Sworn testimony on behalf of the applicant in support of the request was provided prior to public hearing.

Mark Bissell, Engineer, reviewed the original 2014 sketch plan which had included the 5 lots. He noted no additional roadways were added from that original plan and reviewed drainage improvements made to the site to allow the five lots to be added back into the plan for development. Mr. Bissell responded to questions posed by the Board regarding drainage.

Chairman Hanig opened the public hearing.

Buddy Jennings, a neighboring property owner, expressed his drainage concerns and asked that a guarantee be provided that drainage ditches will be kept open. He discussed traffic on Tulls Creek Road at the development location and suggested a speed limit reduction to 45 miles per hour.

The Board of Commissioners asked staff to request a speed limit study from the North Carolina Department of Transportation on the entire length of Tulls Creek Road, and the concerns related to stormwater and ditching were discussed. Ms. LoCicero confirmed the applicant must comply with the stormwater plan for the site, and corrective action would be established and enforced for non-compliance.

No one else was signed up nor wished to speak and Chairman Hanig closed the Public Hearing.

Commissioner Hall moved to approve PB 14-32 Tucker's Cove with staff recommendations because the applicant has demonstrated the proposed use meets the use permit's review standards in the Unified Development Ordinance (UDO). The use will not endanger the public health or safety: The use will adhere to county health and safety regulations, including recommendations by Albemarle Regional Health Services; all lots will front on interior streets; no lot will connect directly to Tulls Creek Road. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located: Land to the east is developed with single family homes; the tract will be developed with similar lot sizes, but lower density; wetlands and much of the woodlands will be preserved. The use will be in conformity with the Land Use Plan (LUP) or other officially adopted plans: The 2006 LUP classifies this site as Rural within the Courthouse subarea. The policy emphasis for the Courthouse subarea indicates in areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. The proposed development density is 0.54 units per acre; the proposed use is in keeping with the policies of the plan, some of which are Policy PR6, ES2, WQ5 and WQ6. The use will not exceed the county's ability to provide adequate public facilities: Currituck County has adequate public facilities to serve the proposed subdivision; public water is available at the property and the proposed development will consist of 30 residential lots; based on the current student generation rates, the proposed subdivision is projected to generate the following students-7 elementary students, 2 middle school students and 4 high school students. Also, include that the whole subdivision fall under the 75% Homeowners Association rule so there is one consistent plan.

Commissioner Gilbert seconded the motion and the motion passed unanimously.

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

**B. Consideration & Action-PB 18-15 Eagle Creek Golf Course and Grill: Request for a text amendment to the Unified Development Ordinance, Chapter 5. Development Standards, to modify off-premise directional sign standards.**

Planning and Community Development Director, Laurie LoCicero, reviewed the text amendment being proposed which would modify the Unified Development Ordinance (UDO) for off-premise signs. After review, Ms. LoCicero responded to questions and the Board discussed the proposed sizes and locations for signage. She confirmed the amendment would not include the Outer Banks.

Tim Paasch, applicant, spoke in support of the text amendment and responded to Commissioner questions related to the size of the sign, and an existing sign that would be replaced. Sign heights and installation relative to grade were discussed.

Commissioner Gilbert said the county spends a lot of time on signs and believes more work is needed to define what the Board wants the policy to look like. Commissioner

Hall agreed, wanting to get it right the first time and suggested a continuance to clarify language pertaining to sign size and grade.

Chairman Hanig opened the public hearing. The hearing was closed with no one signed up nor wishing to speak.

Commissioner Hall moved to continue to the next scheduled Board of Commissioners meeting to allow the Planning Director a chance to check on options for sign height relative to lot and road grade. The motion was seconded by Commissioner Gilbert, who asked staff to include other businesses for which the amendment would apply. The motion passed unanimously and the item was continued to August 6, 2018.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 8/6/2018 6:00 PM</b>
<b>MOVER:</b>	Mike D. Hall, Commissioner	
<b>SECONDER:</b>	Marion Gilbert, Commissioner	
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner	
<b>ABSENT:</b>	Mary "Kitty" Etheridge, Commissioner, Bob White, Commissioner	

## NEW BUSINESS

### **A. Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Section 2-96(a) of the Currituck County Code of Ordinances to Require Statement of Interest for Nominees to Advisory Boards and Amending Section 2-98 of the Currituck County Code or Ordinances to Clarify Concurrent Membership on Authorities, Boards and Commissions**

County Attorney, Ike McRee, reviewed the ordinance for the Board of Commissioners, which would amend language pertaining to appointments to advisory boards for citizens and Commissioners and application requirements. Mr. McRee responded to Board questions to clarify aspects of the proposed changes and explained a unanimous approval is necessary for adoption of an ordinance and, with the full Board not present at the first reading, a second reading would be required.

Commissioner Gilbert moved for approval and the motion was seconded by Commissioner Payment. The motion passed unanimously and the ordinance passed its first reading.

### **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-96(a) OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO REQUIRE STATEMENT OF INTEREST FOR NOMINNESS TO AN AUTHORITY BOARD OR COMMISSION, CLARIFY THE APPOINTMENT OF COUNTY COMMISSIONERS TO AN AUTHORITY, BOARD OR COMMISSION AND AMENDING SECTION 2-98 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO CLARIFY CONCURRENT MEMBERSHIP ON AUTHORITIES, BOARDS AND COMMISSIONS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a board of commissioners may change the composition and manner of selection of boards, commissions, and agencies, and may generally

organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

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

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

PART I. Section 2-96(a) of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

**Sec. 2-96. Method of appointment to and removal from boards.**

(a) One appointment to a board shall be nominated by each of the seven members of the board of commissioners which nominee shall become part of a slate of nominees to be acted on by the board of commissioners without amendment. Only persons that have filed a statement of interest with the clerk to the board shall be nominated. A person who holds the office of county commissioner may not be appointed to an authority, board or commission at the board of commissioners first meeting in December unless that person is beginning a new term of office at the first meeting in December.

PART II. Section 2-98 of the Code of Ordinances, Currituck County, North Carolina is rewritten to read as follows:

**Sec. 2-98. Multiple committee appointments prohibited.**

Other than a county commissioner, officer or employee serving ex officio, no person shall hold ~~concurrently two or more than one~~ appointments to ~~a county~~ an authority, board, or commission.

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

PART IV. This ordinance is effective immediately upon adoption.

<b>RESULT:</b>	<b>ORDINANCE PASSED FIRST READING [UNANIMOUS] Next: 8/6/2018 6:00 PM</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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner
<b>ABSENT:</b>	Mary "Kitty" Etheridge, Commissioner, Bob White, Commissioner

**B. Consideration and Acceptance of Bid for County-Owned Property and Adoption of Upset Bid Resolution-103 Bluefish Court, Walnut Island Subdivision**

County Attorney, Ike McRee, reviewed the item for the Board of Commissioners regarding the county's receipt of a bid for property owned by the county. He described the process and reviewed the statutes related to the Upset Bid method with the Resolution should the Board choose to accept the bid. Mr. McRee responded to questions related to the property.

Commissioner Hall moved for approval and the motion was seconded by Commissioner Gilbert. The motion passed unanimously.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING DISPOSAL OF REAL PROPERTY PURSUANT  
TO N.C. GEN. STAT. §160A-269**

WHEREAS, the County of Currituck is the owner of real property located within the Walnut Island Estates subdivision, Grandy, Currituck County, North Carolina.

WHEREAS, the property, consisting of an individual lot, is described as follows:

Parcel ID 107B0EE00010007 Block EE, Lot 1, Section 7 103 Bluefish Court

WHEREAS, N.C. Gen. Stat. §160A - 269 permits the County to sell property by upset bid after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$7,105.00 as submitted by Johanna Tucker, agent for James and Ursula Decesare.

WHEREAS, James and Ursula Decesare have paid the statutorily required five percent (5%) deposit for the property;

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

Section 1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure set forth in N.C. Gen. Stat. §160A - 269.

Section 2. The Clerk to the Board of Commissioners shall cause notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms established by this resolution under which the offer may be upset.

Section 3. Any person may submit an upset bid to the Office of the Clerk to the Board of Commissioners within ten (10) days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

Section 4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

Section 5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.

Section 7. The terms of the final sale are that:

- a. The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and
- b. The buyer must pay with cash at the time of closing.

Section 8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Section 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to James and Ursula Decesare.

ADOPTED this 16<sup>th</sup> day of July, 2018.

ATTEST

COUNTY OF CURRITUCK

Leeann Walton  
Clerk to the Board of Commissioners

Bobby Hanig  
Chairman of the Board

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

### C) Board Appointments

#### 1. Joint Nursing Home/Domiciliary Community Advisory Committee

Chairman Hanig moved to nominate Joan West to serve on the Joint Nursing/Domiciliary Community Advisory. The motion was seconded by Commissioner Payment and Ms. West's appointment was unanimously approved.

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

### D) Consent Agenda

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

<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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner
<b>ABSENT:</b>	Mary "Kitty" Etheridge, Commissioner, Bob White, Commissioner

**1) Approval Of Minutes for June 18, 2018**

- 1. Minutes for June 18, 2018**
- 2. A Resolution of the Currituck County Board of Commissioners Authorizing Currituck County to Engage in Electronic Payments as Defined in N.C. GEN. STAT. §159-28 or N.C. GEN. STAT. §115C-441**

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING CURRITUCK COUNTY TO ENGAGE IN ELECTRONIC PAYMENTS AS DEFINED N.C. GEN. STAT. §159-28 OR N.C. GEN. STAT. §115C-441**

WHEREAS, it is desirable that the county engage in electronic payments of funds as defined by N.C. Gen. Stat. §159-28 or N.C. Gen. Stat. §115C-441; and

WHEREAS, pursuant to 20 NCAC 03.0409 a county's finance director may be authorized to adopt a written policy outlining procedures for pre-auditing obligations incurred by electronic payments; and

WHEREAS, pursuant to 20 NCAC 03.0410 a county's finance director may be authorized to adopt a written policy outlining procedures for disbursing public funds by electronic transfer.

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

Section 1. Currituck County is authorized to engage in electronic payments as defined by N.C. Gen. Stat. §159-28 or N.C. Gen. Stat. §115C-441.

Section 2. The Currituck County Finance Director is authorized to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by 20 NCAC 03.0409 and to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by 20 NCAC 03.0410.

Section 3. This resolution shall take effect immediately upon its adoption.

This the 16th day of July, 2018.

**3. Resolution of the Currituck County Board of Commissioners Approving the Currituck County Detention Center Medical Care Plan Pursuant to N.C. GEN. STAT. §153A-225**

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS APPROVING THE CURRITUCK COUUNITY DETENTION CENTER MEDICAL CARE PLAN PURSUANT TO N.C. GEN. STAT. §153A-225**

WHEREAS, N.C. Gen. Stat. §153A-225 provides that each county that operates a local confinement facility shall develop a plan for providing medical care for prisoners in the facility; and

WHEREAS, the prisoner medical care plan must be approved by district health director after consultation with the area mental health, developmental disabilities, and substance abuse authority if it is adequate to protect the health and welfare of the prisoners; and

WHEREAS, upon a determination that the prisoner medical care plan is adequate to protect the health and welfare of the prisoners it must be adopted by the county's governing board; and

WHEREAS, the Currituck County Detention Center Medical Plan was approved by R. Battle Betts, Jr., Albemarle Regional Health Center Director, on June 7, 2018.

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

Section 1. The Currituck County Detention Center Medical Plan attached to this resolution as Exhibit A is adopted.

Section 2. This resolution is effective upon adoption.

This the 16th day of July, 2018

**4. Amendment No. 1 to the Counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington Other Post-Employment Benefits Trust Agreement**

**5. SETTLEMENT OF DELINQUENT TAXES for Fiscal Year 2017-18**

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

**7. William E. Bradley Grandy Convenience Center Lease****E) County Manager's Report**

No Report.

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

There was no further business and Commissioner Gilbert moved to adjourn. Commissioner Payment seconded the motion which passed unanimously. The regular meeting of the Board of Commissioners concluded at 7:24 PM.

<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, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner
<b>ABSENT:</b>	Mary "Kitty" Etheridge, Commissioner, Bob White, Commissioner



**STAFF REPORT  
PB 14-32 TUCKER'S COVE  
BOARD OF COMMISSIONERS  
JULY 16, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> Tucker's Cove, LLC 417 Caratoke Highway, Unit D Moyock, NC 27958	<b>Applicant:</b> Tucker's Cove, LLC 417 Caratoke Highway, Unit D Moyock, NC 27858
<b>Case Number:</b> PB 14-32	<b>Application Type:</b> Amended Preliminary Plat/Use permit for Type II Traditional
<b>Parcel Identification Number:</b> 0039000013A0000	<b>Existing Use:</b> Residential
<b>Land Use Plan Classification:</b> Rural within the Courthouse subarea	<b>Parcel Size (Acres):</b> 46.28 Acres
<b>Number of Units:</b> 30 Residential Lots	<b>Project Density:</b> 0.65 units per acre
<b>Required Open Space:</b> 13.88 Acres	<b>Provided Open Space:</b> 13.95 Acres

### SURROUNDING PARCELS

	<b>Land Use</b>	<b>Zoning</b>
North	Tulls Bay	N/A
South	Residential/Farmland	SFM/AG
East	Residential	SFM
West	Undeveloped/Residential	SFM

### STAFF ANALYSIS

1. The applicant, Tucker's Cove, LLC, is requesting amended preliminary plat/use permit approval for five additional residential lots within a proposed 25 lot subdivision.
2. Tucker's Cove is a Type II traditional subdivision. The development received preliminary plat/use permit approval August 17, 2015, permit extension on August 7, 2017, and construction drawing approval February 27, 2018. Although the developer is proposing a traditional subdivision, it has been designed with preservation of natural features and environmentally sensitive areas of the site.
3. The proposed five lots were considered unsuitable in 2015 due to existing ditches that ran through the property. Construction activities associated with the development of Tucker's Cove have allowed for the relocation and re-establishment of the drainage system. The five lots were re-evaluated by ARHS and are provisionally suitable at this time.
4. The open space will include nature walks that will allow pedestrian access of the environmentally sensitive areas of the site.
5. All lots are designed to meet the minimum lot size of 40,000 square feet and preservation of wetlands.

6. The proposed development contains 9.26 acres of 404 wetlands that were delineated and signed by the US Army Corps of Engineers on February 2, 2015 and may be relied upon for a period not to exceed five years. Additional permits will be required from the USACOE and NC to fill any portion of wetlands for access.
7. An existing 15' access easement is located on the property and provides access to 3 existing properties. The existing easement is located in open space but will not be included in the required open space.
8. Interconnectivity is not proposed in this development. A reduction in the minimum index score is suggested since it is not possible to achieve due to natural features and adjacent existing development patterns. The proposed connectivity score for the development is 1, and the minimum connectivity score is 1.20
9. Circa Cultural Resource Management, LLC conducted a Phase I assessment of the property in the Spring of 2015. The survey resulted in 1 archeological resource, 15 isolated finds and 3 archeological sites. Circa did not recommend any further testing or investigation of the property.
  - a. Mid-20<sup>th</sup> century house and shed: no further survey recommended.
  - b. 15 isolated finds: Not eligible for inclusion in the National Register of Historic Places - no further archeological testing warranted.
  - c. Sites 31CK348, 31CK349, and 31CK350: All artifacts were recovered from a plowed context and the site is recommended as not eligible for the National Register of Historic Places. No further archeological investigations appear warranted and it is recommended that the site be given clearance for any potential development.

## INFRASTRUCTURE

<b>Water</b>	Public
<b>Sewer</b>	Septic
<b>Transportation</b>	Pedestrian: Sidewalks and Trails Connectivity Score: 1 (see note 8 above)
<b>Stormwater/Drainage</b>	Road side and property line swales
<b>Lighting</b>	Possible Subdivision Entrance Lighting
<b>Landscaping</b>	Retention of heritage trees, where possible Retention and installation of street trees
<b>Parking</b>	USPS community box unit only
<b>Compatibility</b>	Residential subdivision is adjacent to the proposed development with similar lot sizes
<b>Recreation and Park Area Dedication</b>	Payment in lieu of dedication (0.765 acres) will be accepted in the amount of \$5,662.10
<b>Riparian Buffers</b>	30' riparian buffer is required adjacent to all 404 jurisdictional wetlands

## ADEQUATE PUBLIC FACILITIES

School	Actual Demand January 2018	Students Generated by this Development
Moyock Elementary		
Shawboro Elementary	83%	7 students
Central Elementary		
Griggs Elementary	64%	
Jarvisburg Elementary		

Knotts Island Elementary	30%	
Moyock Middle Currituck Middle	78%	2 students
Currituck High JP Knapp Early College	80%	4 students

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO.
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
  - a. The following Archeological Note shall be added to the final plat:  
A cultural resources survey was conducted by Circa Cultural Resource Management, LLC in July of 2015. No items were found that are considered eligible for listing on the National Register of Historic Places. The contractor will be advised that if any artifacts or suspect materials are found, the owner and engineer will be contacted immediately and all excavation activity in the vicinity of the artifact be ceased until a formal determination has been completed on the item in question. Upon project completion, should any homeowners encounter any findings that could have historical significance he or she will immediately contact the North Carolina State Archaeologist 919-807-6554.
  - b. In order to provide safe and efficient pedestrian access, all lots that contain a sidewalk shall provide an extended front setback such as 20' from the back edge of the sidewalk.
  - c. All boardwalks located in the 404 wetlands shall be elevated. (LUP WQ5)
  - d. All boardwalks/walkways located in the 30' undisturbed buffer shall be constructed of pervious materials. (LUP WQ5)

### PLANNING BOARD

## USE PERMIT REVIEW STANDARDS

**A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary staff findings**

**The use will not endanger the public health or safety.**

Preliminary Applicant Findings:

1. The use will adhere to county health and safety standards, including recommendations made by Albemarle Regional Health Services, all lots will front on interior streets; no lot will connect directly to Tulls Creek Road.
2. The project should not adversely affect the public health or safety.

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

Preliminary Applicant Findings:

1. Land to the east has been developed into single family homes.
2. The tract will be developed with similar lot sizes, but a lower density.
3. Wetlands and much of the woodlands will be preserved.
4. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Rural within the Courthouse subarea.
2. The Rural area identifies a residential density of 1 unit per 3 acres.
3. The policy emphasis for the Courthouse subarea indicates in areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. The proposed development density is 0.54 units per acre.
4. The proposed use is in keeping with the policies of the plan, some of which are:

**POLICY PR6:** All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.

**POLICY ES2:** NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 4042 permit program of the Clean Water Act, as well as Section 4013 water quality certifications by the State of North Carolina.

**POLICY WQ5:** Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS are considered part of a lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development. Open space developments shall be encouraged to REDUCE

IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

**POLICY WQ6:** Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.

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

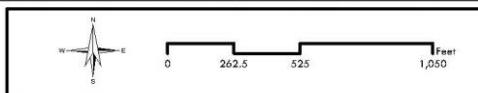
Preliminary Staff Findings:

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

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)



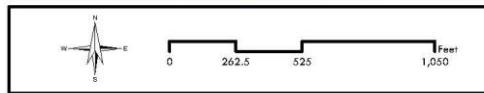
PB 14-32  
Tucker's Cove  
Aerial



Currituck County  
Planning and Community  
Development



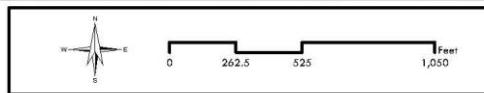
**PB 14-32**  
Tucker's Cove  
Zoning



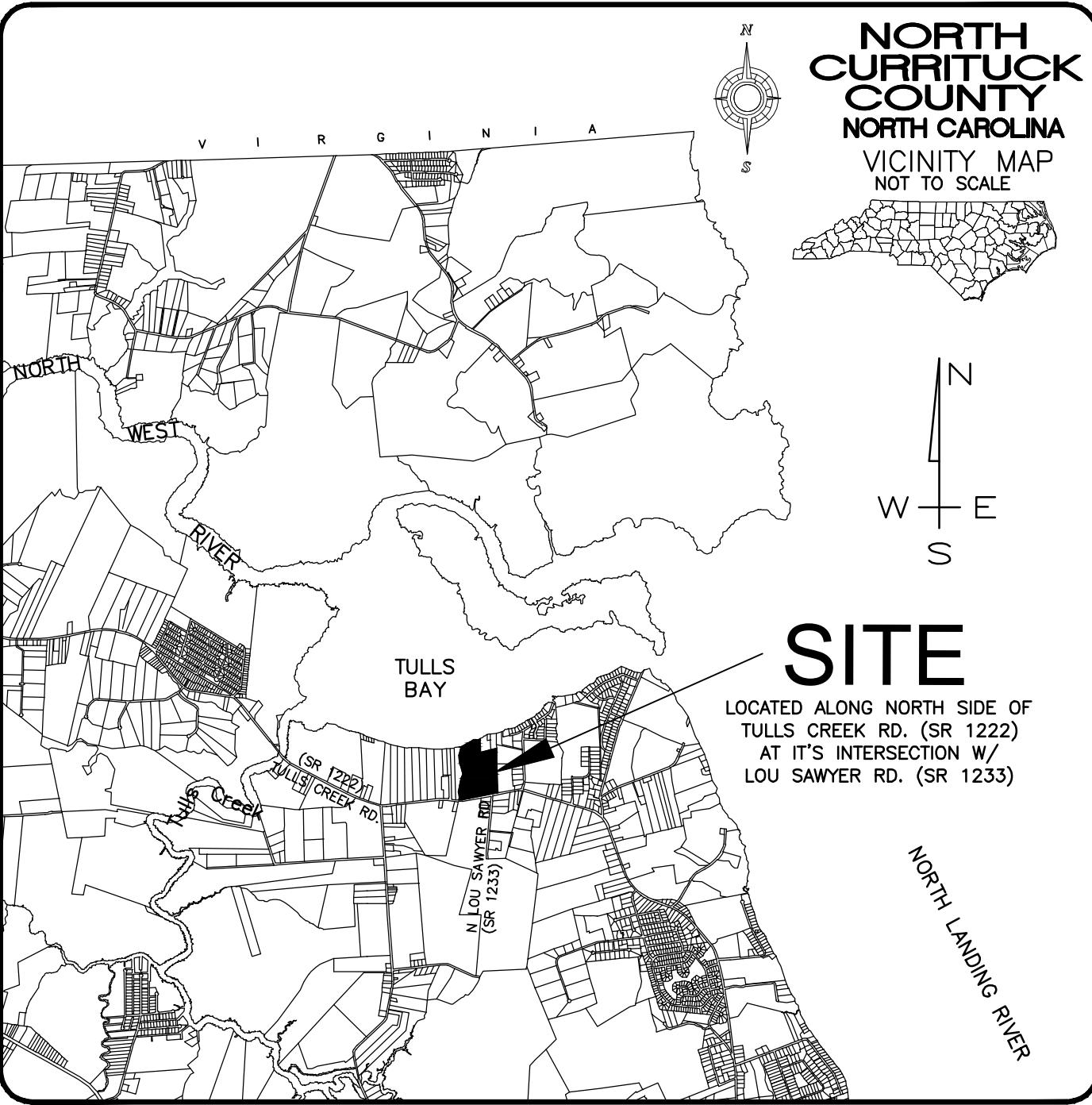
Currituck County  
Planning and Community  
Development



**PB 14-32**  
Tucker's Cove  
Land Use Classification



Currituck County  
Planning and Community  
Development



**GENERAL NOTES:**

1. PROJECT NAME: TUCKER'S COVE
2. OWNER: TUCKERS COVE, LLC  
417-D CARATOKE HIGHWAY  
MOYOCK, NC 27958
3. APPLICANT: TUCKERS COVE, LLC  
417-D CARATOKE HIGHWAY  
MOYOCK, NC 27958
4. PROPERTY DATA:  
PARCEL ID# 0039-000-013A-0000  
PRIMARY ADDRESS: 1793 TULLS CREEK ROAD, MOYOCK, NC  
RECORDED REFERENCES: D.B. 1426, PG. 499; P.B. 0, PG. 25  
PROPERTY ZONING: SINGLE FAMILY RESIDENTIAL MAINLAND
5. F.I.R.M. DATA:  
ZONE SHADED X, ZONE AE (6) & ZONE AE (5.4)  
F.E.M.A. F.I.R.M. MAP# 3721806000J, CID 370078, PANEL EFFECTIVE DATE DECEMBER 16, 2005.  
USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE  
CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
6. THIS PROPERTY CONTAINS 9.26 ACRES OF "404" JURISDICTIONAL WETLANDS AS PLATTED AND CONFIRMED BY  
U.S.A.C.O.E. ACTION ID# SAW-2015-00219, DATED 02-02-2015 AND MAY REQUIRE U.S. CORP OF ENGINEERS  
APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.
7. THIS PROPERTY CONTAINS 0.90 ACRES OF PUBLIC TRUST WATERS OF THE STATE OF NORTH CAROLINA AS DESCRIBED  
BY A MAP TITLED "VIRGINIA H. HOLSEN, TRUSTEE 20.26 ACRE TRACT - D.B. 967, PG. 290 CAMA ESTUARINE  
SHORELINE DELINEATION" PREPARED BY BPG, DATED 10-21-2014. THESE WATERS AND THOSE OF THE ADJOINING  
TULLS BAY ARE CLASSIFIED BY THE DIVISION OF COASTAL MANAGEMENT AS ESTUARINE SHORELINE
8. EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:  
  - 2014 FIELD SURVEY DATA OBTAINED FROM BISSELL PROFESSIONAL GROUP
  - 2012 AERIAL IMAGERY OBTAINED FROM NCNEMAP.COM
  - CONTOURS GENERATED FROM FIELD SURVEY AND 2004 LIDAR DATA OBTAINED FROM FEMA
  - ELEVATIONS ARE REFERENCED TO NAVD 1988 VERTICAL DATUM.
9. MAXIMUM LOT COVERAGE IS 10,000 SQUARE FEET.
10. THE CURRITUCK COUNTY U.D.O. SUBSTANTIALLY RESTRICTS DEVELOPMENT WITHIN THE WETLANDS BUFFER.
11. ALL UTILITIES ARE TO BE INSTALLED UNDERGROUND.

**DEVELOPMENT NOTES:**

TOTAL TRACT AREA:	47.18 AC.
CAMA PUBLIC TRUST:	0.90 AC.
NET DEVELOPMENT AREA:	46.28 AC.
5 NEW LOTS (9.11, 24-26):	23.92 AC.
APPROVED R/W AREA:	3.21 AC.
REQUIRED OPEN SPACE (30%):	13.95 AC.
PROPOSED OPEN SPACE:	14.55 AC.
LESS 15' EASEMENT:	-0.50 AC.
LESS 20' ACCESS EASEMENT:	-0.10 AC.
NET OPEN SPACE PROVIDED:	13.95 AC.
AREA CHECK:	46.28 AC.

# OF PROPOSED LOTS: 30  
MINIMUM LOT AREA: 40,000 SQ. FT.  
APPROVED RIGHT-OF-WAY WIDTH: 45 FT.  
PROPOSED PAVED ROADWAY WIDTH: 20 FT. (TYPICAL)

REQUIRED RECREATIONAL FEE: (TOTAL TAX VALUE = \$349,200/47.18 AC. = \$7,401.44/AC.) 5 LOTS X  
0.0255 AC/LOT = 0.128 AC @ \$7,401.44/AC. = \$947.38

PROPOSED DENSITY: 0.648 LOT/ACRE

# PRELIMINARY PLAT & SITE DEVELOPMENT PLANS FOR TUCKER'S COVE - PHASE 2

## 5 LOT ADDITION TO 25 LOT RESIDENTIAL SUBDIVISION CRAWFORD TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

Sheet Number	Sheet Title
1	COVER SHEET, DEVELOPMENT NOTES AND SITE LOCATION
2	EXISTING SITE AND ADJOINERS FEATURE MAP
3	SUBDIVISION OVERVIEW, GRADING AND DRAINAGE PLAN
4	WATER SUPPLY AND DISTRIBUTION PLAN
5	LANDSCAPING AND BUFFERING PLAN
6	TYPICAL CONSTRUCTION DETAILS

**BISSELL**  
PROFESSIONAL GROUP  
3512 North Croatan Highway  
(252) 281-3266  
FAX (252) 261-1760  
Engineers, Planners, Surveyors  
and Environmental Specialists

COVER SHEET, DEVELOPMENT  
NOTES AND SITE LOCATION

THIS DOCUMENT IS THE SOLE PROPERTY OF BPG, INC. OF CITY  
HAWK, NORTH CAROLINA. THE REPRODUCTION, IN WHOLE OR  
PART, OR THE MODIFICATION, OF ANY DETAIL OR DESIGN IS NOT TO  
BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF BPG, INC.  
BISSELL, PRINCIPAL OF BPG, INC., CO-SIGNS THIS.

TUCKER'S COVE  
CURRITUCK COUNTY  
NORTH CAROLINA  
PRELIMINARY SITE DEVELOPMENT PLANS

REVISIONS		PROJECT	
NO.	DATE	DESCRIPTION	BY
1	12/12/2014	INITIAL SITE REVIEW	KFW
2	12/12/2014	REVIEW OF PLANS	KFW
3	2/27/2015	APPROVAL PLAN TO KEEP EASEMENT	KFW
4	2/27/2015	CC. COMMENTS	KFW
5	2/27/2015	PHASE 1 MODIFICATIONS	KFW
6	2/27/2015	REV. PLANS	KFW

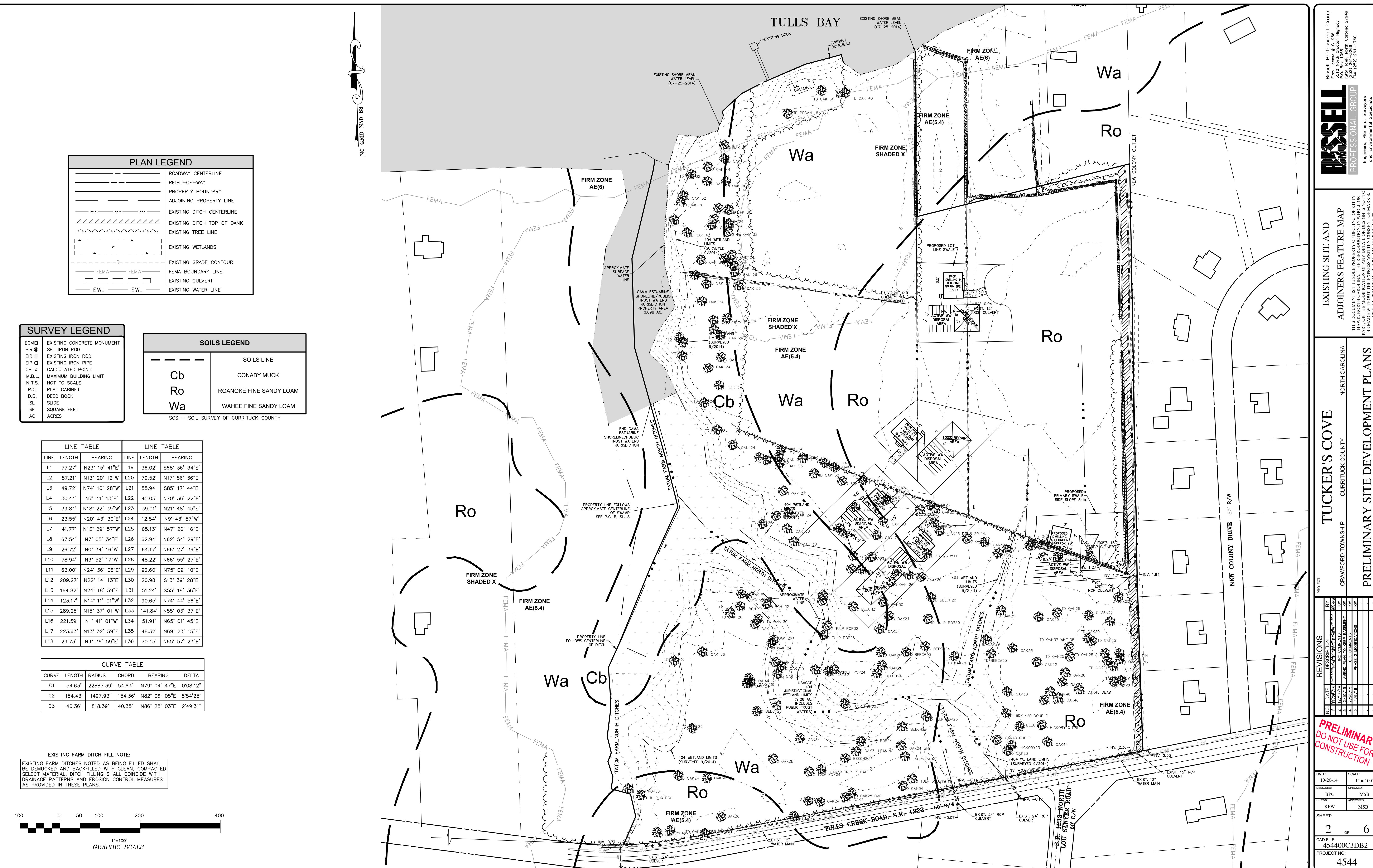
PRELIMINARY  
DO NOT USE FOR  
CONSTRUCTION

DATE: 10-20-14	SCALE: AS NOTED
DESIGNED: BPG	CHEKED: MSB
DATE: 10-20-14	APPROVED: KFW
SHEET: 1 OF 6	SCALE: MSB
CAD FILE: 454400C3DB2	PROJECT NO: 4544

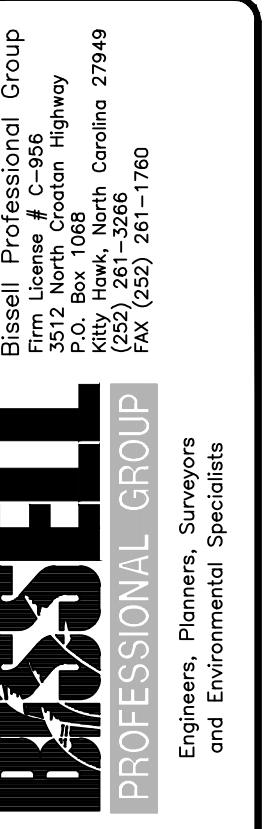
North Carolina  
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**GENERAL LANDSCAPING AND BUFFERING NOTES:**  
 1. **STREET TREES:**  
 STREET TREES SHALL BE PROVIDED ACCORDING WITH SECTION 6.2.1.K OF THE CURRITUCK UDO.  
 • TREES SHALL BE PLANTED ALONG EACH SIDE OF ROADWAYS AS SPECIFIED ON THE LANDSCAPE PLANS.  
 • WHERE POSSIBLE, EXISTING TREES WITHIN 50' OF CENTERLINE OF ROAD MAY BE RETAINED TO MEET STREET TREE REQUIREMENTS. SUPPLEMENT WITH NEW TREES WHERE NECESSARY.  
 • SEE TYPICAL ROADWAY SECTION DETAIL ON SHEET 19.  
 • SEE TREE SPECIES AND PLANTING NOTE BELOW ALSO SEE HERITAGE TREE NOTES BELOW FOR SPECIES RELATED MITIGATION REQUIREMENTS.  
 • TREES SHALL BE PLANTED 45' FROM CENTERLINE OF THE ROAD.  
 • TREES SHALL BE CANCELED IF PLANTED A MAXIMUM OF 50' O/C.  
 UNDERSTORY TYPE TREES MAY BE SUBSTITUTED AND PLANTED A MAXIMUM OF 30' O/C.

2. **OPEN SPACE VEGETATION:**  
 OPEN SPACE VEGETATION REQUIREMENTS ARE ACHIEVED THROUGH THE PRESERVATION OF THE EXISTING TREES ON THE PROPERTY TO THE MAXIMUM EXTENT PRACTICABLE.

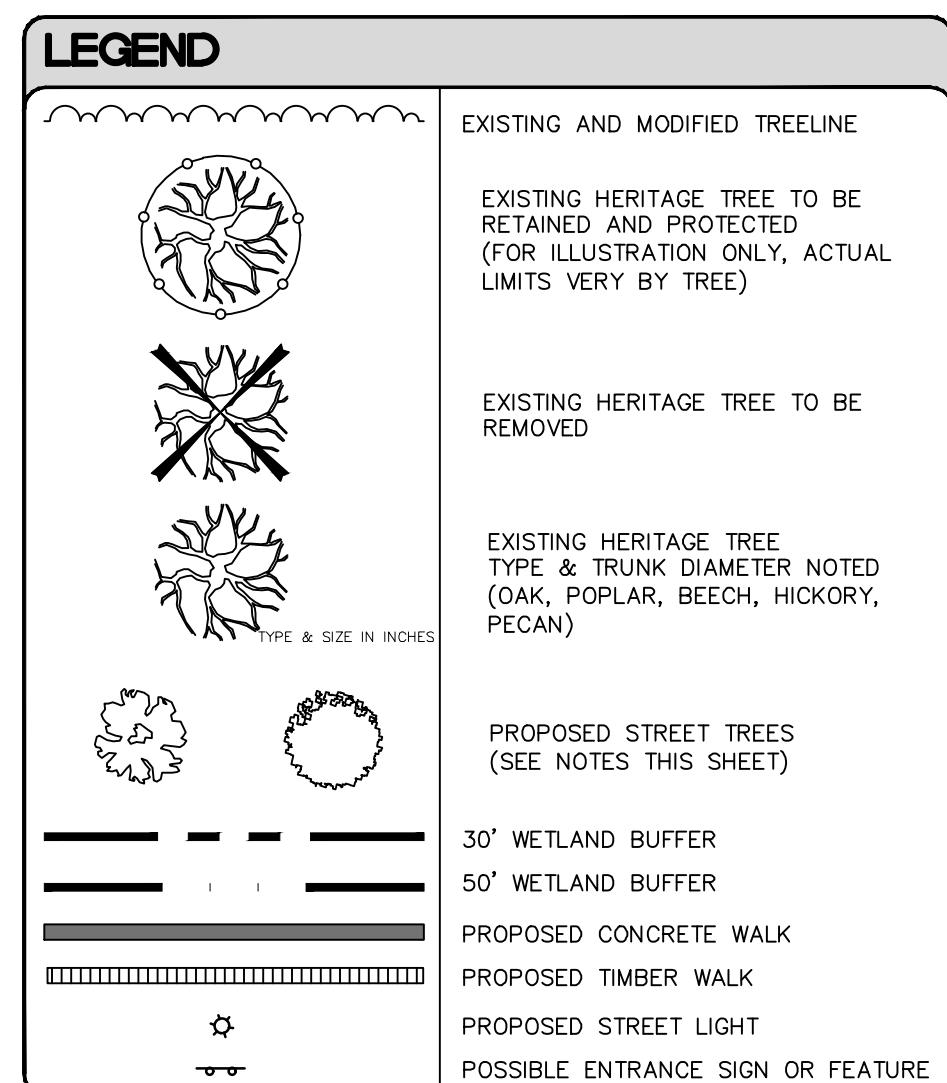
3. **HERITAGE TREES:**  
 A TOTAL OF (18) HERITAGE TREES HAVE BEEN IDENTIFIED ON THE PROPERTY. ADDITIONALLY, HERITAGE TREES ARE BELIEVED TO EXIST WITHIN OPEN SPACE AND WETLAND AREAS THAT WERE NOT SURVEYED. HERITAGE TREES ARE INTENDED TO REMAIN AND BE PROTECTED DURING CONSTRUCTION TO THE MAXIMUM EXTENT PRACTICABLE. A TOTAL OF (18) HERITAGE OAK AND BEECH TREE SPECIES ARE SCHEDULED FOR REMOVAL TO ACCOMMODATE PROPOSED ROADWAY AND DRAINAGE STRUCTURE IMPROVEMENTS. TREES LOCATED IMMEDIATELY ADJACENT TO OR WITHIN THE BOUNDS OF THE ROADWAY THAT DO NOT NEED TO BE REMOVED SHALL BE PROTECTED. SEE LEGEND FOR REMOVAL AND PROTECTION IDENTIFICATIONS AND THE "HERITAGE TREE PROTECTION FENCING" DETAIL THIS SHEET.

**MITIGATION CALCULATIONS:**  
 TOTAL CALIPER INCHES OF TREES TO BE REMOVED: - 517 INCHES  
 TOTAL CALIPER INCHES REQUIRED TO BE MITIGATED: - 259 INCHES

**PLANTING NOTES:**  
 A TOTAL OF (58) STREET TREES ARE SCHEDULED FOR INSTALLATION AT 50' ON CENTER AS SHOWN ON THIS PLAN. THESE TREES MAY ALSO BE USED TO MEET THE HERITAGE TREE MITIGATION REQUIREMENT. THIS EQUATES TO 4.5" CALIPER INCHES REQUIRED TO AVERAGE 259 INCHES NEEDED.  
 AT LEAST ONE HALF OF THE TREES PLANTED MUST BE OF THE SAME SPECIES AS THE HERITAGE TREES REMOVED. A TOTAL OF (29) OAK AND BEECH TREES ARE, THEREFORE, REQUIRED. THE REMAINING (29) STREET TREES MUST BE OF (2) OTHER SPECIES TO ACHIEVE THE REQUIREMENT OF HAVING (4) DIFFERENT SPECIES.

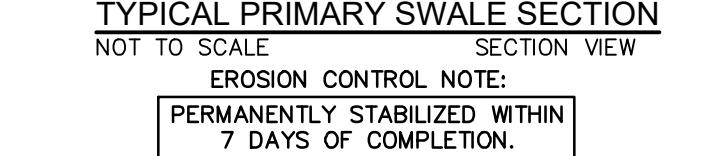
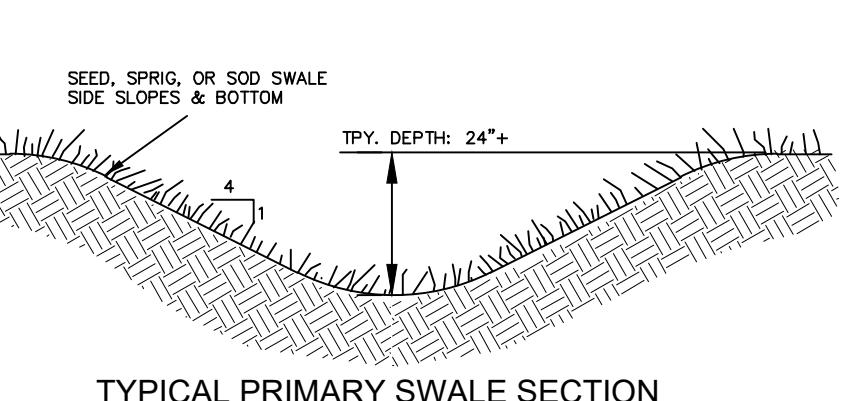
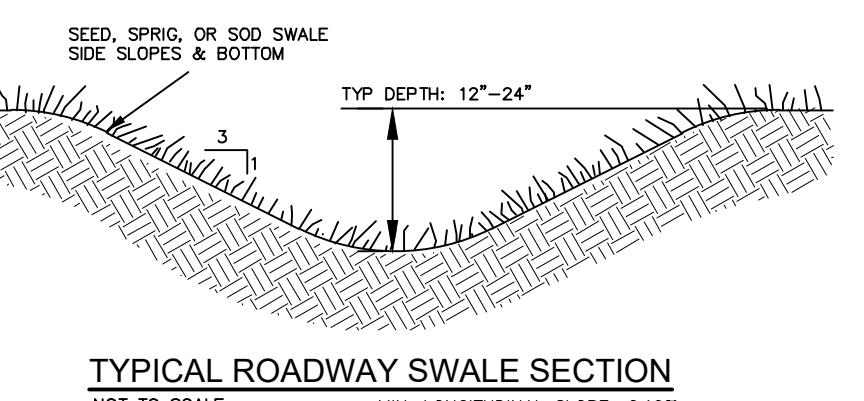
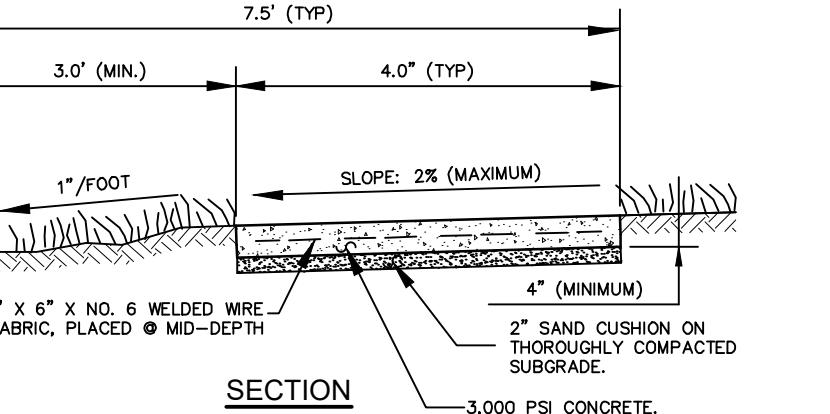
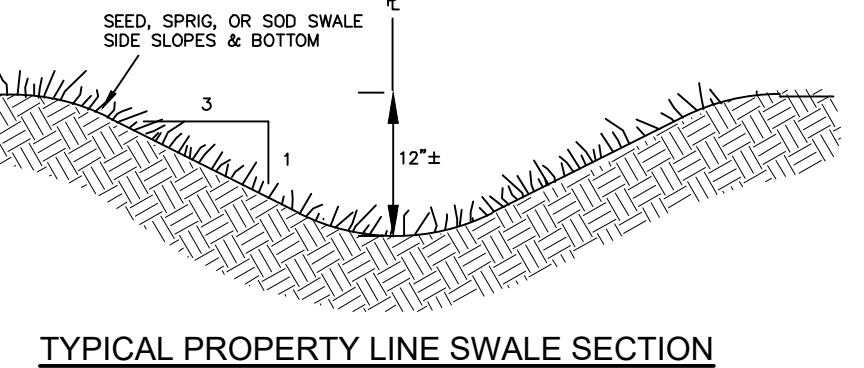
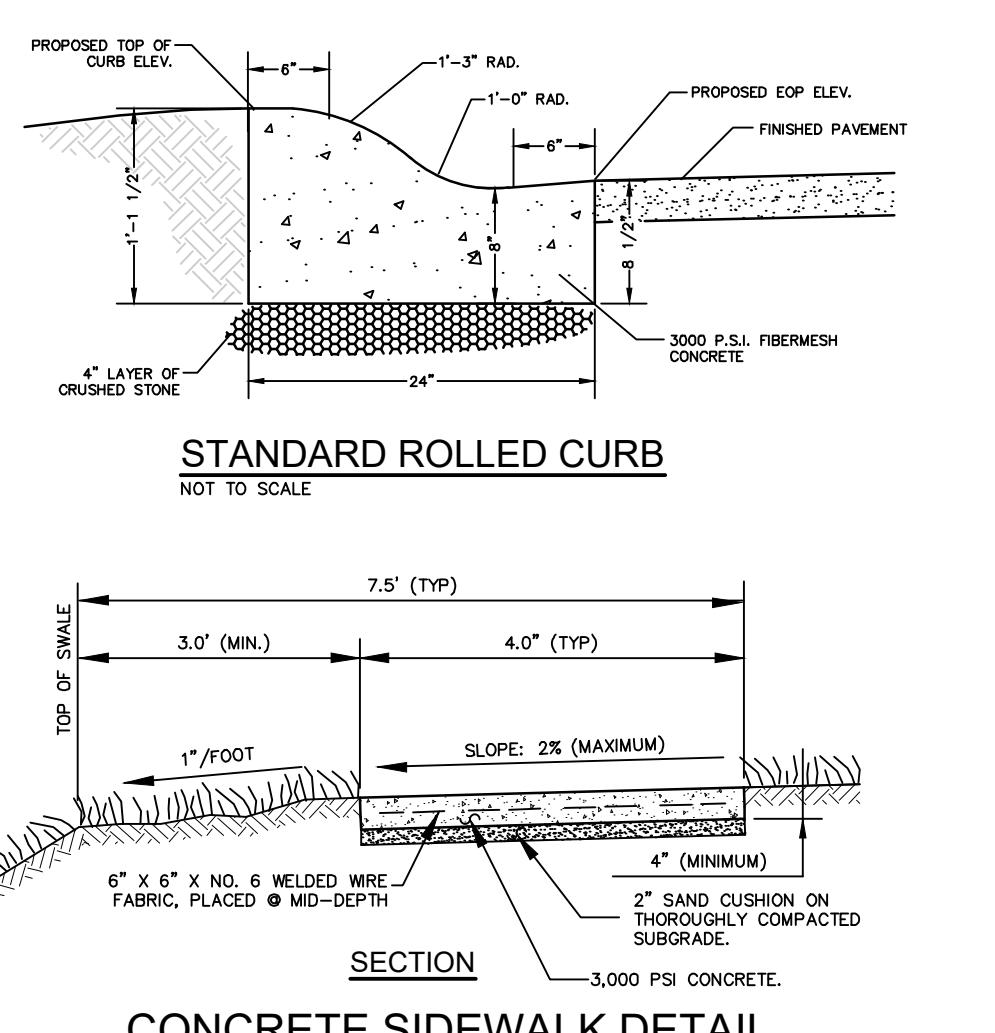
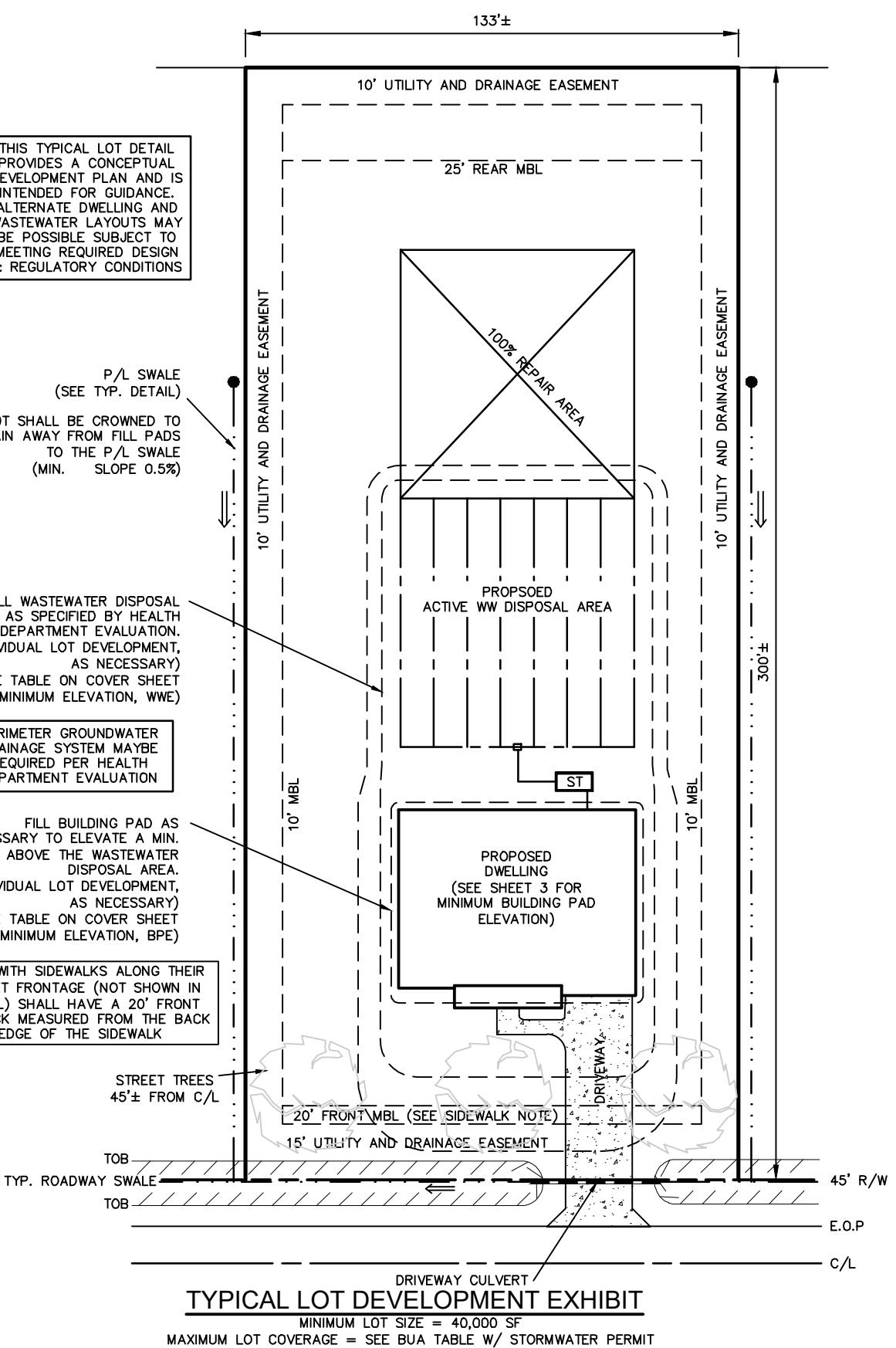
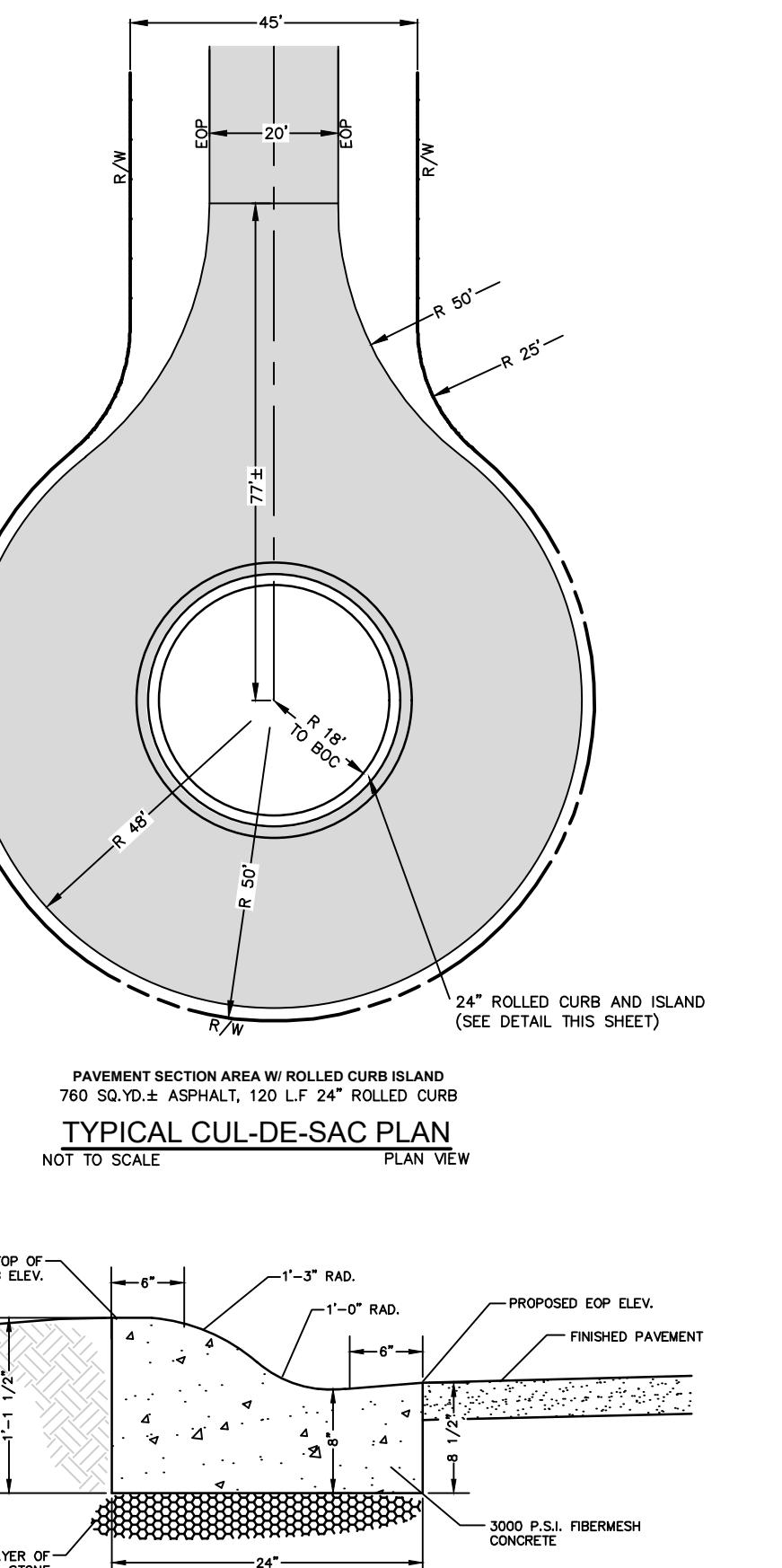
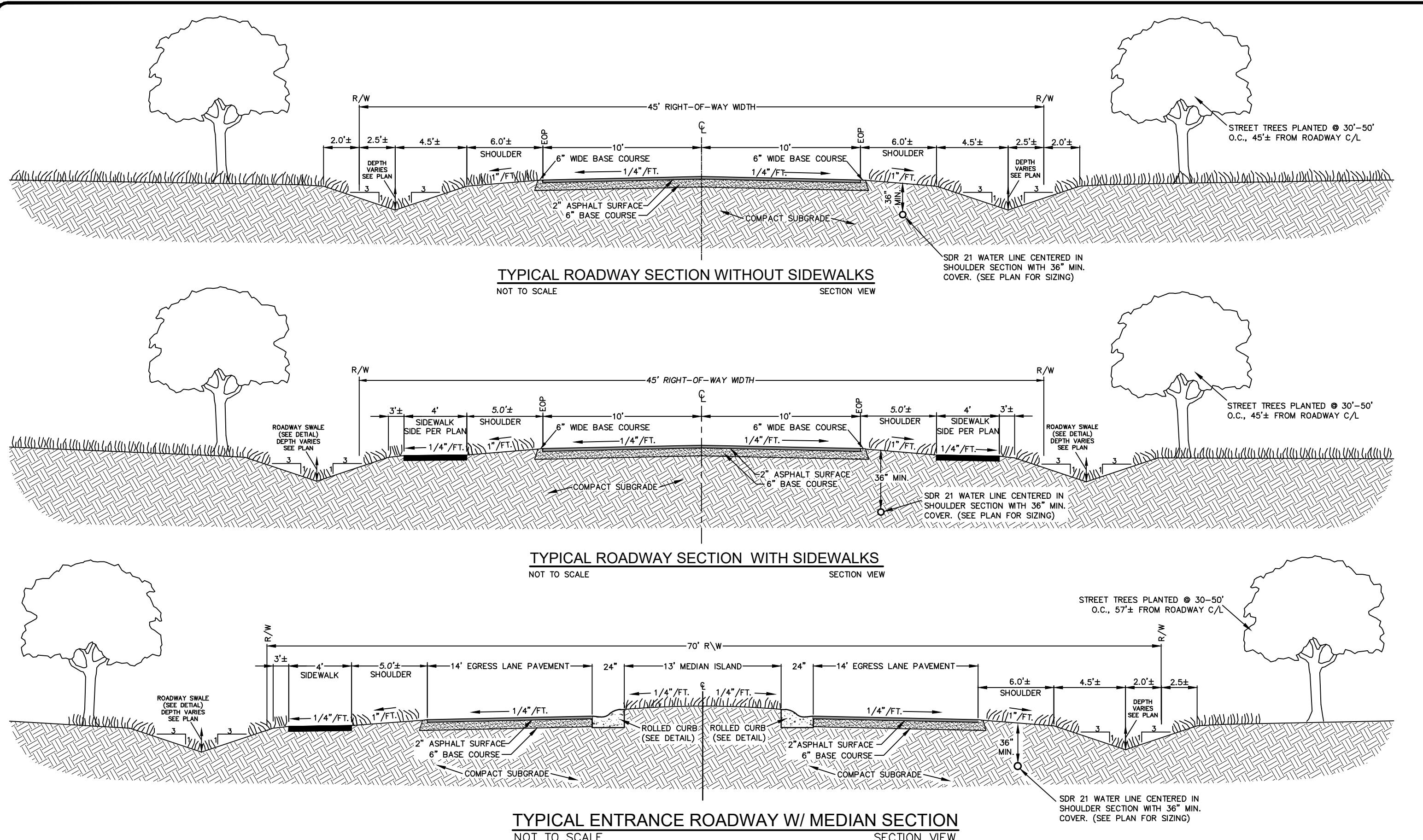
4. **TREE SPECIES AND PLANTING:**  
 TREES SHALL BE INSTALLED IN ACCORDANCE WITH THE PLANTING STANDARDS SPECIFIED IN SECTION 3.5 OF THE CURRITUCK COUNTY ADMINISTRATIVE MANUAL.  
 • CANOPY AND UNDERSTORY TREE SPECIES SHALL BE OF THOSE LISTED UNDER "TABLE 3.4.C. RECOMMENDED PLANTINGS" IN THE SAME MANUAL.  
 • TREE SPECIES SHALL BE DIVERSE, A MINIMUM OF (4) DIFFERENT SPECIES OF CANOPY TREES SHALL BE INSTALLED UNTIL EQUAL PROPORTIONS.  
 • AT INSTALLATION, CANOPY TREES SHALL HAVE A MINIMUM CALIPER OF 2 INCHES MEASURED AT 6 INCHES ABOVE GRADE. EIGHT FOOT HIGH TREES MAY BE PLANTED AS AN ALTERNATIVE. (ALSO SEE HERITAGE TREE NOTES ABOVE)  
 • AT INSTALLATION, UNDERSTORY TREES SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES MEASURED AT 6 INCHES ABOVE GRADE. SIX FOOT HIGH TREES MAY BE PLANTED AS AN ALTERNATIVE.  
 • MATERIALS SHALL BE OF A HIGH-Quality NURSERY GRADE.  
 • THE USE OF NATIVE, DROUGHT TOLERANT TREES IS ENCOURAGED.  
 • A REPUTABLE LANDSCAPE CONTRACTOR OR SUPPLIER SHALL PREPARE AN ITEMIZED SCHEDULE OF TREES TO BE INSTALLED IN ACCORDANCE WITH THIS LANDSCAPE PLAN. SCHEDULE SHALL BE REVIEWED BY CURRITUCK COUNTY LANDSCAPE ENGINEER PRIOR TO CONSTRUCTION BEING ORDERED AND INSTALLATION. ALTERNATE TREES AND SPECIFICATIONS MAY BE PRESENTED FOR REVIEW AND APPROVAL.

**ADA ACCESSIBLE WALKWAY NOTE:**  
 ALL SIDEWALKS AND BOARDWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH CURRENT BUILDING CODE AND ACCESSIBILITY CODE REQUIREMENTS. WALK SURFACES SHALL BE FIXED, FIRM AND NON-SLIP WITH A MINIMUM CLEAR WIDTH OF 4.0'. WALKS THAT ARE CONSTRUCTED 4.0' IN WIDTH SHALL EXPAND TO PROVIDE A 5.0' X 5.0' PASSING SPACE EVERY 200 LINEAR FEET OF WALK, OR LESS. CROSS SLOPES SHALL NOT EXCEED 2% AND LONGITUDINAL SLOPES SHALL NOT EXCEED 20.1(H:V) UNLESS OTHERWISE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF AN ADA RAMP WHERE THE LONGITUDINAL SLOPE SHALL NOT EXCEED 12-1(H:V).



100 0 50 100 200 400  
 1"=100'  
 GRAPHIC SCALE





REVISIONS		NO.	DATE	DESCRIPTION	BY
		1	11/25/14	HEALTH DEPT. REVIEW	MB/KW
		2	12/17/14	TRC COMMENTS	KW
		3	2/19/15	AMEND PLAN TO KEEP EASEMENT	KW
		4	2/26/15	C.C. COMMENTS	KW
		5	4/6/18	PHASE 2 MODIFICATIONS	KW
		6	5/24/18	REV. PER ARHS	KFW
					.
					.
					.

**PRELIMINARY**  
**DO NOT USE FOR**  
**CONSTRUCTION**

DATE: 10-20-14	SCALE: 1" = 100'	
DESIGNED: BPG	CHECKED: MSB	
RAWN: KFW	APPROVED: MSB	
SHEET:		
6	OF	6
CAD FILE: 454400C3DB2		
PROJECT NO: 4544		

**PRELIMINARY  
DO NOT USE FOR  
CONSTRUCTION**

DATE:	SCALE:
10-20-14	1" = 100'
SIGNERED	CHECKED

DESIGNED: BPG RAWN: KEY	CHECKED: MSB APPROVED: MSB
----------------------------------	-------------------------------------

SHEET:

6 OF 6  
CAD FILE:  
154400C3DB2

454400CSDB2  
PROJECT NO:  
4544

1544

Page 1 of 1



## Use Permit Application

OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Gate Keeper: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

### Contact Information

**APPLICANT:**

Name: Tuckers Cove LLC  
 Address: 417 Caratoke Hwy., Unit D  
Moyock, NC 27958  
 Telephone: (252) 435-2718  
 E-Mail Address: jold@qhoc.com

**PROPERTY OWNER:**

Name: Tuckers Cove LLC  
 Address: 417 Caratoke Hwy., Unit D  
Moyock, NC 27958  
 Telephone: (252) 435-2718  
 E-Mail Address: jold@qhoc.com

**LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER:** Same

### Property Information

**Physical Street Address:** Tulis Creek Road, Moyock, NC
**Location:** Moyock, NC
**Parcel Identification Number(s):** 0039-000-013A-0000
**Total Parcel(s) Acreage:** 47.18
**Existing Land Use of Property:** Residential

### Request

**Project Name:** Tuckers Cove
**Proposed Use of the Property:** Subdivision (Amend existing Use Permit)
**Deed Book/Page Number and/or Plat Cabinet/Slide Number:** 1426/499/O/25
**Total square footage of land disturbance activity:** —
**Total lot coverage:** —
**Total vehicular use area:** —
**Existing gross floor area:** —
**Proposed gross floor area:** —

### Community Meeting

**Date Meeting Held:** \_\_\_\_\_      **Meeting Location:** \_\_\_\_\_

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): The Tucker's Cove project proposes the division of approximately 47 acres into a traditional subdivision of 30 single family lots. While the type of subdivision is traditional, it has been designated with an eye toward preservation of natural features and environmentally sensitive areas of the site. Nature walks will be provided to make these areas accessible so they can be enjoyed and appreciated by the residents. This application requests the addition of 5 lots to the existing Use Permit for 25 lots.

The applicant shall provide a response to each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

A. The use will not endanger the public health or safety.

The use will adhere to County health and safety standards, including recommendations made by Albemarle Regional Health Services, all lots will front in interior streets; no lot will connect directly to Tulls Creek Road. The project should not adversely affect the public health or safety.

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

Land to the east has been developed into single family homes. This tract will be developed with similar lot sizes, but a lower density. Wetlands and much of the woodlands will be preserved. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.

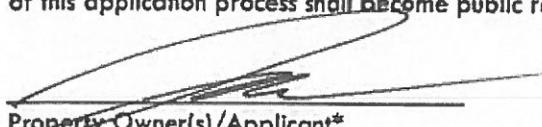
C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

The Land Use Plan classifies this area as Rural, but it has large areas of Limited Service adjoining to the east and west. It is also within the Courthouse subarea, which suggests density of 1 to 2 units per acre. The proposed development density is 0.64 unit per acre, 30% of the tract will remain as perpetual open space. The following Land Use Plan policies are relevant to & support this request. Please see attachment sheet.

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

Currituck County appears to have adequate public facilities to serve the proposed subdivision.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

  
Property Owner(s)/Applicant\*

4-2-18

Date

\*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Use Permit Application  
Page 6 of 8

## ATTACHMENT

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.

POLICY ES3: COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species.

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development.

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development.

POLICY WQ3: Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS are considered part of a lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development.

POLICY WQ6: Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.



## Currituck County

Planning and Community Development Department  
*Planning and Zoning Division*  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055 FAX 252-232-3026

To: Tucker's Cove LLC  
 Bissell Professional Group

From: Donna Voliva, Senior Planner

Date: June 12, 2018

Subject: PB 14-32 Tucker's Cove, Phase 2 Amended Preliminary Plat TRC Comments

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The following comments have been received for the June 20, 2018 TRC meeting. The amended preliminary plat will require Board of Commission's action. Revised plans that address the TRC comments must be submitted by June 25, 2018 to remain on July 16, 2018 BOC agenda. TRC comments are valid for six months from the date of the TRC meeting.

### Planning, Donna Voliva

Reviewed

1. Clarify the required open space calculation. The previous preliminary plat indicate the required open space as 13.88 acres (46.28 acres x 30% = 13.88 acres).
2. Label the preliminary plat as "Amended".
3. Provide drainage easements.
4. NOTE: The Land Use Plan classifies the property as Rural within the Courthouse subarea. The county will consider the proposed development consistent with the densities within the Courthouse subarea. However, NC DCM may consider the proposed development densities inconsistent with the Rural land use classifications.

### Currituck County Building-Fire Inspector, Bill News 252-232-6023

Reviewed

1. Fire hydrants must be within 500' of all road frontages.
2. Cul-de-sacs must be 96' in width curb to curb at the center of the cul-de-sac.
3. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in Appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
4. Fire apparatus access must be at least 20' wide, 13'6" in height, and maximum slope shall not exceed 10%.
5. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
6. By general statute parking is not allowed within 15' of a fire hydrant (FDC).
7. Dwellings greater than 4,800 square feet and/or greater than 2 stories will be calculated using the ISO commercial method.
8. Clustered mailbox locations must be accessible.
9. 4' wide boardwalk must be accessible and have turn-around/passing space 60"x60" spaced every 200' or construct 5' wide boardwalk.

10. All amenities must be accessible.

**Currituck County Code Enforcement, Stacey Smith 252-232-6027**

No Comment

**Currituck County Parks and Recreation, Jason Weeks 252-232-3007**

No Comment

**Currituck County Utilities - Water, Yama Jones 252-232-6061**

Reviewed

1. Final approval from NCDENR water supply section
2. Waterline pressure test documentation.
3. Three copies of as-built drawings as follows ( one 36" x 24" hard copy, one PDF for Harry Lee), one AutoCAD.
4. Bac-t test results.
5. Provide meters for all lots.
6. Tap fee payments for all lots.

**Currituck County Utilities - SOBWS, Benjie Carawan 252-453-2620**

No Comment

**Albemarle Regional Health Services, Joe Hobbs 252-232-6603**

Reviewed

1. Please consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot which make up this subdivision.

**Currituck County GIS, Harry Lee 252-232-2034**

Reviewed

1. Comment: Address Assignment for Tucker's Cove Subdivision

Lot 1: 100 Olmstead Ln  
 Lot 2: 102 Olmstead Ln  
 Lot 3: 104 Olmstead Ln  
 Lot 4: 108 Olmstead Ln  
 Lot 5: 110 Olmstead Ln  
 Lot 6: 112 Olmstead Ln  
 Lot 7: 114 Olmstead Ln  
 Lot 8: 116 Olmstead Ln  
 Lot 9: 113 Olmstead Ln  
 Lot 10: 111 Olmstead Ln  
 Lot 11: 102 Chapman Ln  
 Lot 12: 104 Chapman Ln  
 Lot 13: 106 Chapman Ln  
 Lot 14: 108 Chapman Ln  
 Lot 15: 110 Chapman Ln  
 Lot 16: 112 Chapman Ln  
 Lot 17: 117 Chapman Ln  
 Lot 18: 115 Chapman Ln  
 Lot 19: 113 Chapman Ln  
 Lot 20: 111 Chapman Ln  
 Lot 21: 109 Chapman Ln  
 Lot 22: 107 Chapman Ln  
 Lot 23: 105 Chapman Ln

Lot 24: 103 Chapman Ln  
 Lot 25: 101 Chapman Ln  
 Lot 26: 106 Olmstead Ln  
 Lot 27: 100 Tilden Ct  
 Lot 28: 105 Tilden Ct  
 Lot 29: 103 Tilden Ct  
 Lot 30: 101 Tilden Ct

#### **NC State Archaeology, Nathan Henry 910-251-7327**

Reviewed

1. I reviewed this project and apparently an archaeological survey has been performed on the tract in 2015 by Circa-Cultural Resource Management, LLC, Williamsburg, Virginia and submitted to Currituck County. Eighteen historic and prehistoric archaeological sites were discovered.
2. I have no record that SHPO has reviewed the project which would allow the Office of State Archaeology to review the archaeological report and recommendations of the Cultural Resource Firm.
3. I highly recommend that the developer submit the project to SHPO for review ASAP to avoid delays involving the permits since there is a good possibility that additional archaeological work will be needed.
4. Projects can be submitted electronically to: [Environmental.Review@ncdcr.gov](mailto:Environmental.Review@ncdcr.gov)

#### **NC Division of Coastal Management, Charlan Owens 252-264-3901**

Reviewed

1. Per previous comment, on the west side of the property, the drawings show "open space" between CAMA Estuarine/Public Trust waters and Lots 18 through 21. Provide clarification that individual lot owners will be prohibited from constructing improvements through the open space to obtain water access.
2. As previously noted, based on the scope of development shown for the project, a CAMA Major Permit is not required.
3. As previously noted, specific to the Currituck County Land Use Plan, the proposed number of units per acre appear to be inconsistent with the current "Rural" Future Land Use Map designation. The proposed number of units per acre also appear to be inconsistent with the "Limited Service" designation which is used on nearby properties. Should a CAMA Major Permit be needed for this development, consistency with the Land Use Plan will be required in order for a CAMA Major Permit to be approved.

#### **NC Division of Wildlife Resource Commission, Maria Dunn 252-958-3916**

Reviewed

1. Tulls Bay and Tulls Creek are designated Primary Nursery Areas by NCWRC due to their important habitat function with regard to spawning, egg, larvae, and juvenile fishes. Future water development may need to adhere to a moratorium. New dredging in these waters would not be supported. NCWRC staff will comment accordingly during DCM, DWR, and USACE permit application reviews.

#### **US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to ensure the location and layout meet the postal service requirements.

Comments were not received from:

**Currituck County Engineer, Eric Weatherly**  
**Currituck Soil and Stormwater, Will Creef**

**The following items are necessary for resubmittal:**

- 3 - full size copies of the revised preliminary plat.
- 1 - 8 1/2" x 11" reduction of the revised plans.
- 1- PDF digital copy of all new and revised documents and plans.



*The Coastal Experts*

## Currituck County Preliminary Engineering Report

### Stormwater Management Narrative and Preliminary Basis of Design

#### *Project:*

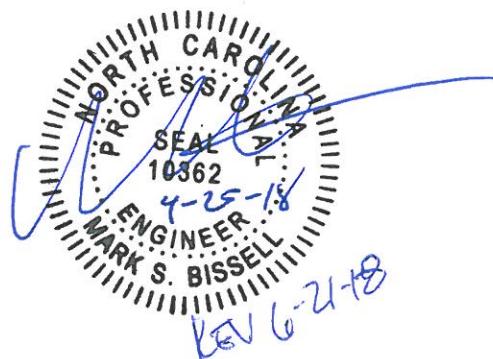
**Tucker's Cove Subdivision – Phase 2**  
(5-lot Addition)

Crawford Township, Currituck County, North Carolina

#### *Prepared By:*

**Bissell Professional Group**  
P.O. Box 1068  
3512 N. Croatan Highway  
Kitty Hawk, North Carolina 27949

April, 2018



P.O. Box 1068 • 3512 N. Croatan Hwy. • Kitty Hawk, NC 27949  
252-261-3266 • Fax: 252-261-1760 • E-mail: bpg@bissellprofessionalgroup.com

## **TUCKER'S COVE – PHASE 2**

### **STORMWATER MANAGEMENT NARRATIVE:**

#### **PROPOSED DEVELOPMENTAL ACTIVITIES**

Tucker's Cove has been approved for the development of 25 lots along with associated infrastructure. The development is currently under construction. The current proposal is to add 5 single-family lots to the existing development (lots that initially failed their health department evaluations, but have now been re-evaluated and found to be provisionally suitable for development). If approved, the development will then consist of 30 residential single family home lots served by three proposed cul-de-sac roads located on an existing 47 acre tract of land. The proposed Tucker's Cove subdivision is located off of Tulls Creek Rd., just west of New Colony Landing subdivision in Crawford Township, Currituck County, North Carolina.

All roadways, utilities, and stormwater management facilities required for the addition of these lots, with the exception of lot line swales and water service connections, will be in place upon the completion of the current construction.

#### **SITE SOILS**

The following is a summary of the soils typically found within the project boundary limits.

#### **SOIL DESCRIPTION**

The majority of the site is composed of:

Wa: Wahee Fine Sandy Loam: Nearly level, somewhat poorly drained soils on low ridges along streams and rivers that flow into the Currituck and Albemarle Sounds. Permeability is slow at 0.06-0.2 in/hr and a seasonal high water table that fluctuates between depths of 0.5 to 1.5 feet.

and:

Ro: Roanoke Fine Sandy Loam: Nearly level, poorly drained soil on broad flats and in slightly depressed waterways. Permeability is slow with a seasonal high water table at or near the surface. Permeability in the first 45" of soil is described as being 0.06 in/hr – 0.2 in/hr.

Soils to the north and west of the developable areas are Cb: Conaby Muck, most of which are classified as wetlands subject to the jurisdiction of the US Army Corps of Engineers..

A seasonal high water table elevation of about 2' msl is approximated in the area of the development's proposed BMP's based on elevations of the adjacent wetlands.

- *Information referenced from United States Department of Agriculture, Soil Conservation Service, Soil Survey of Currituck County, North Carolina*

## EXISTING SITE TOPOGRAPHY AND DRAINAGE FEATURES

The site's topography is gently sloping toward the south and west, with the last 50 to 100 feet sloping rapidly toward the wetlands, typically from about 5' msl down to sea level in the delineated wooded wetland areas.

Elevations across the property range from approx 7' msl in the northwestern lot areas receding down to approximately sea level in the wetlands. There is a series of farm ditches which run both north and south, and east to west toward the wetland. Some of the ditches will be maintained, especially the major ditch which runs along the common property lines between lots 10 through 14. Other, smaller ditches will be filled and relocated. The land drains into an existing wetland slough, which connects directly to Tulls Bay. Because of this direct connection, resulting in no property being impacted by stormwater runoff from this project, the alternative design criteria have been approved for the stormwater management design for Tucker's Cove.

## METHODOLOGY OF MANAGING STORMWATER RUNOFF

In consideration of the development's proximity to adjoining wetlands that are tributary to the nearby bay, and no downstream development that could potentially be impacted by stormwater runoff, the stormwater management for this development was designed and approved using the Alternate Stormwater Plan criteria as provided in the UDO.

This addition will not alter drainage patterns, but will simply add 5 building sites with property line swales that will be served by existing drainage infrastructure.

Calculations will be updated showing non-erosive velocities of these additions at the construction drawing approval stage.

## STORMWATER MANAGEMENT OVERVIEW

The following information is in conformance with the Currituck County Unified Development Ordinance:

- 1) Proposed impervious coverage of less than 30% for each residential lot.
- 2) Provision of vegetative conveyance swales along proposed property lines and roadway swales to collect and transport stormwater runoff from all impervious surfaces to the wetland slough.
- 3) Provision of vegetative buffers along wetlands.
- 4) Minimum Building Pad Elevations are being prescribed by lot based on exceeding the FEMA base flood elevation for the respective development areas (AE (5) and Shaded X).
- 5) Minimum First Floor Elevations will also be prescribed by lot based on exceeding the FEMA base flood elevation for each lot.
- 6) Snagging fallen trees and debris to improve existing drainageway from Tulls Creek Road to outlet (CAMA line).

**OPERATION & MAINTENANCE****SCHEDULE OF COMPLIANCE**

The developer shall maintain the responsibility for the stormwater management system until at which time a Property Owner's Association assumes responsibility. The stormwater measures are to be installed and maintained as follows:

- A.** The BMPs, swales and other vegetated conveyances shall be constructed, vegetated, and maintained to be operational.
- B.** During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
- C.** The following operation & maintenance measures must be performed on all stormwater management measures for optimum efficiency of the stormwater management system;
  - 1. Inspections- at least (1) every 6 months or after any significant rainfall event.
  - 2. Immediate repair of eroded slopes.
  - 3. General maintenance of side slopes in accordance with approved plans & specs.



**U.S. ARMY CORPS OF ENGINEERS**  
**WILMINGTON DISTRICT**

Action Id. SAW 2015-00219County: CurrituckU.S.G.S. Quad: Tulls Bay

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

**Property Owner(s):** Ned Williams.Address: 1321 Laskin Road  
Virginia Beach, VA  
23451**Agent:** Dennis Hawthorn  
Coastal Area Permit Assistance  
Address: 407 Anlger Way  
Kitty Hawk, North Carolina  
27949

Property description:

Size (acres) 50  
Nearest Waterway Tulls Bay  
USGS HUC 03010205Nearest Town Moyock  
River Basin Chowan  
Coordinates 36.494244N, -76.062655WLocation description: The property is at 1793 Tulls Creek Road, parcel #003900000130000, adjacent to Tulls Bay, east of Moyock, Currituck County, North Carolina.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

- Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**B. Approved Determination**

- There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.**
- We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.
- The wetlands on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on February 2, 2015 . Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.**
- There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our

published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

**The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901 to determine their requirements.**

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Josh Pelletier** at **910-251-4605**.

### C. Basis For Determination

There are jurisdictional wetlands as described in the 1987 Corps of Engineers Wetland Delineation Manual as well as the Atlantic and Gulf Coastal Plain Regional Supplement and are a broad continuum of wetlands associated with the Currituck Sound.

D. Remarks: Jurisdictional features were field verified on January 7, 2015.

#### **E. Attention USDA Program Participants**

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

**F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)**

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by .

\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\*

Corps Regulatory Official:

Expiration Date: **February 2, 2020**

Date: **February 2, 2015** Expiration Date: **February 2, 2020**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the attached customer Satisfaction Survey or visit <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: <u>Ned Williams</u>	File Number: <u>SAW 2015-00219</u>	Date: <u>February 2, 2015</u>
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.**

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

#### SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

#### POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,**

**Attn: Josh Pelletier**

**Washington Regulatory**

**2407 W 5<sup>th</sup> Street**

**Washington, NC 27889**

If you only have questions regarding the appeal process you may also contact:

Mr. Jason Steele, Administrative Appeal Review Officer

CESAD-PDO

U.S. Army Corps of Engineers, South Atlantic Division

60 Forsyth Street, Room 10M15

Atlanta, Georgia 30303-8801

Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

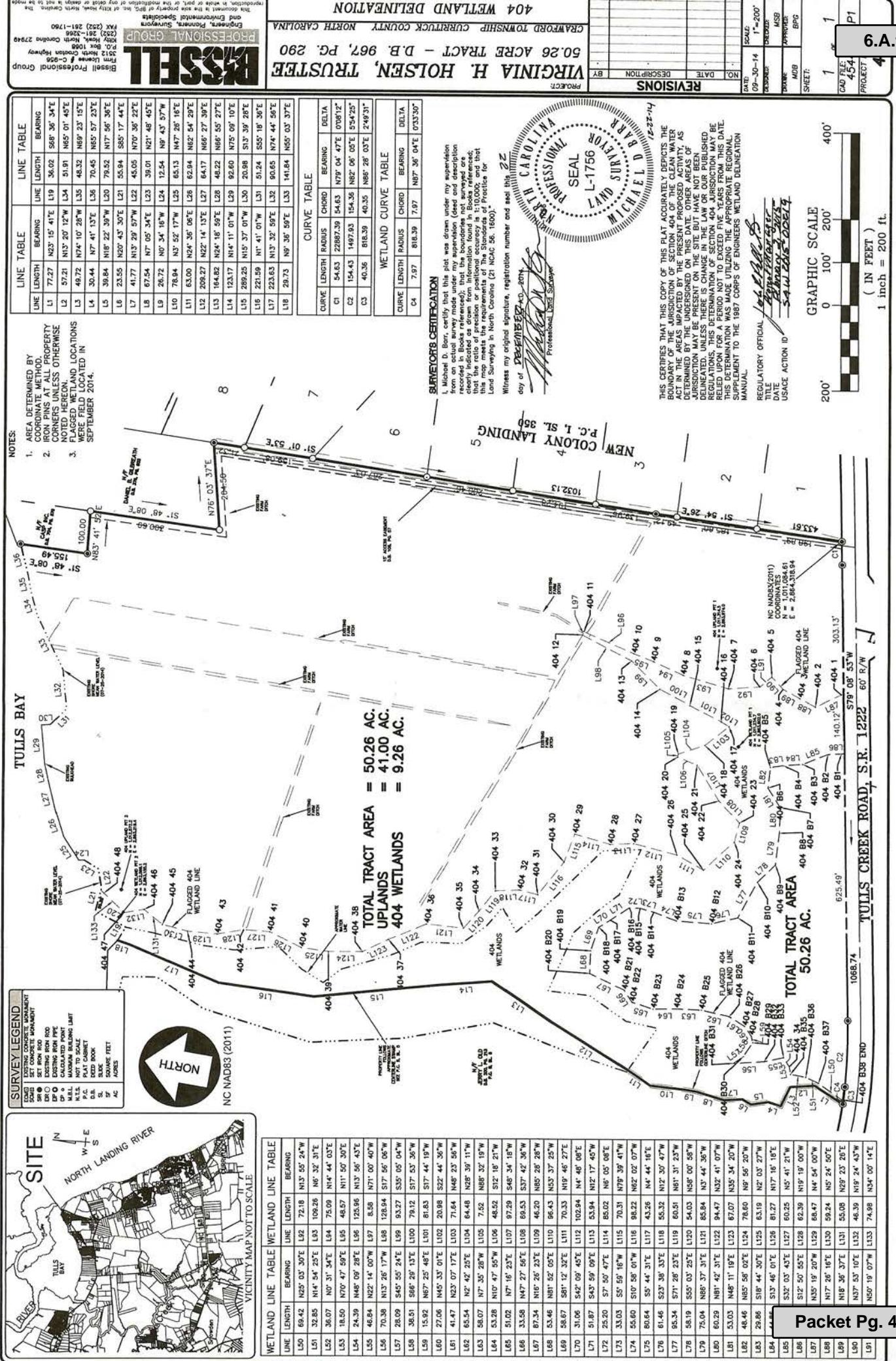
\_\_\_\_\_  
Signature of appellant or agent.

For appeals on Initial Proffered Permits send this form to:

**District Engineer, Wilmington Regulatory Division, Attn: \_\_\_\_\_, 69 Darlington Avenue, Wilmington, North Carolina 28403**

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801**  
Phone: (404) 562-5137





## Currituck County

Planning and Community Development Department

*Planning and Zoning Division*

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055 FAX 252-232-3026

To: Board of Commissioners  
 From: Planning Staff  
 Date: June 13, 2018  
 Subject: PB 18-15 Eagle Creek Golf Course and Grill Text Amendment

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In the current UDO off-premise directional signs are allowed for businesses adjoining the Currituck Sound and Atlantic Intracoastal Waterway. The signs must be placed within two miles from those businesses on property under the same ownership and in a business or mixed-use zoning district. Eagle Creek Golf Course and Grill has submitted a text amendment to modify the off-premise directional sign regulations. The proposed amendment would address the following:

- Off-premise directional signs would be allowed to be erected for businesses located within **two miles of a major arterial street**, in addition to the off-premise directional signs currently allowed two miles from the Currituck Sound and the Atlantic Intracoastal Waterway.
- Off-premise directional signs would be allowed to locate in the AG (Agricultural) zoning district, in addition to business and mixed use districts.
- Off-premise directional sign size and height would be reduced from 64 square feet and 15 feet high to a size and height similar to a street name sign.
- The off-premise directional sign could only list the business name and direction in which the business is located.
- The off-premise directional sign would no longer have to be located on property under the same ownership as the business to be identified on the sign.

Over the years, the UDO was amended to address off-premise advertising. Below is a list of UDO amendments that relate to off-premise directional signs:

- The 1992 UDO allowed off-premise directional signs for businesses in Corolla Village, businesses within 1,200 feet of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal). The sign could display the name of the business and the direction in which it was located.
- On April 4, 2011 the Board of Commissioners approved an amendment that removed off-premise directional signs from the UDO. The amendment was part of a comprehensive sign ordinance amendment that was prepared by a sign committee.
- On January 22, 2013, the Board of Commissioners approved an amendment to the UDO that allowed off-premise directional signs for existing businesses (established prior to January 1, 2013) located in a business or mixed use zoning district on the Currituck Sound or Atlantic Intracoastal Waterway. The amendment allowed off-

premise directional signs that did not exceed 64 square feet in area and 10 feet in height and applied to five businesses at that time.

- On May 4, 2015, the Board of Commissioners approved an amendment to the UDO that allowed off-premise directional signs to increase in height from 10' to 15' and clarified that electronic message boards were not allowed.

Examples:

It is important to note that a text amendment applies county wide. For example, Moyock Commons and Currituck Commercial Subdivision have approximately 2,400' of road frontage along Caratoke Highway. Approximately 13 off-premise directional signs could be erected if the proposed text amendment is adopted. The 750'+/- of Sampat Professional Center's Caratoke Highway road frontage would be allowed to erect approximately 14 off-premise directional signs. These are some of the more intense examples, but research based on tax listings and field work indicates that approximately 150 businesses on the mainland could take advantage of this text amendment.

Staff Recommendation:

Staff recommends denial of the proposed text amendment due to its inconsistency with the Land Use Plan, its inconsistency with the purpose and intent of Section 5.12 of the UDO, and it is not reasonable and in the public interest because it does not result in a logical efficient development pattern because it commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic. The inconsistent LUP policies are:

LUP 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.

LUP POLICY CA5: Currituck recognizes that 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.

Planning Board Recommendation:

The Planning Board recommends approval of the request with noted changes to allow signs consistent with the NCDOT Tourism Oriented Directional Sign program. They recommend the signs be allowed at 32 square feet and 15 feet tall.

Planning Board Discussion – June 12, 2018

Senior Planner Tammy Glave presented the staff report. The text amendment submitted by Tim Paasch, owner of Eagle Creek Golf Club & Grill, is intended to amend the Unified Development Ordinance (UDO), Chapter 5. Development Standards to allow off-premise directional signs for businesses located within two miles of a major arterial street, in addition to the off-premise directional signs currently allowed two miles from the Currituck Sound and the Atlantic Intracoastal Waterway. Ms. Glave gave examples of how many additional signs this would create if the text amendment was approved and said that staff recommends denial of the proposed text amendment due to its inconsistency with the Land Use Plan,

inconsistency with Section 5.12 of the UDO and not reasonable and in the public interest since it commercializes the landscape along the highway.

Chairman Whiteman asked for questions for staff from board members. Mr. McColley asked what businesses were currently using off-premise directional signs. Ms. Glave said two businesses, one being Coinjock Marina and the other no longer operating.

Further discussion was also held on the number of additional signs it would create, where they would be located and the size of the signs.

Chairman Whiteman asked the applicant to appear before the board. Tim Paasch presented his case for the text amendment. He said there was a previous sign when Mill Run was operating and he wanted to put the sign back up with their business name. He cited the Tourist Oriented Directional Sign (TODS) Program sponsored by the North Carolina Department of Transportation (NCDOT) which allows businesses or facilities to be signed on NCDOT highway right of way. These signs are intended to help tourists find businesses and thereby promote tourism in North Carolina.

Discussion was held on the number of businesses located off the highway and Ms. Glave said 150 businesses are within 2 miles of the highway right of way. Chairman Whiteman said if the TODS Program was used it would not cluster the highway.

Chairman Whiteman asked Mr. Paasch if he was willing to add verbiage to the text amendment including the NC definition of a tourist based business and Mr. Paasch agreed. Mr. Paasch also stated when using the TODS Program, the word "bar" cannot be on the sign. He would just put "golf course".

Mr. Thomas and Vice Chairman Ballance both agreed they would approve the text amendment with the added wording of tourist based according to the TODS Program. Discussion was held on reducing the size of the signs from 64 square feet and 15 feet high to 32 square feet and 15 feet high. Signs would also be limited to the business name and directional arrow.

With no further discussion, Chairman Whiteman asked for a motion. Mr. Thomas motioned to approve PB 18-15 Eagle Creek Golf Course and Grill Text Amendment to allow off-premise directional signs for businesses located within two miles of a major arterial street provided these businesses are tourist based, the sign will be 32 square feet and 15 feet high, with business name and directional arrow only. Mr. Balance seconded the motion and the motion was approved 4-1 with Mr. McColley opposed.

#### **RESULT: RECOMMENDED APPROVAL [4 TO 1]**

**AYES:** Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, J. Timothy Thomas, Board Member

**NAYS:** John McColley, Board Member

**ABSENT:** Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

## SECTION .1100 – TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAM

### **19A NCAC 02E .1101 TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM**

- (a) The Tourist-Oriented Directional Sign Program, hereinafter "Program," offered by the North Carolina Department of Transportation, hereinafter "Department," provides directional signing for eligible tourist attractions located on the state non-freeway system which is located within the right-of-way at intersections as specified in the Manual on Uniform Traffic Control Devices (MUTCD).
- (b) Requests for information may be directed to the State Traffic Engineer, Division of Highways, Department of Transportation, 1592 Mail Service Center, Raleigh, North Carolina 27699-1592.
- (c) Applications for participation in the program shall be accepted by the Division Engineer who is responsible for the county where the attraction is located.

*History Note: Authority G.S. 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004.*

### **19A NCAC 02E .1102 DEFINITIONS**

- (a) For purposes of the rules in this Section, the following definitions shall apply:
  - (1) Panel - A TODS for the purpose of displaying the business identification of and directional information for eligible attractions.
  - (2) Trailblazer – A TODS for the purpose of guiding tourists from the mainline intersection to the attraction.
  - (3) Attraction – Classes of businesses or facilities as described in G.S. 136-140.15(b)(2) and (3).
- (b) In applying the definitions of "tourist-oriented business" in G.S. 136-140.15, the following additional definition of terms shall be used:
  - (1) "Substantial Portion" - as used to describe the part of a business's products or services which are of interest to tourists, shall mean at least 30 percent of the products and services are unique to tourists' interests; and
  - (2) "Significant Interest" - as used to describe the actual interest that the business may have to tourists and is defined as of such unique interest to tourists, above and beyond the interest that the business's products and services may generate among residents of the immediate area, that tourists account for at least 40 percent of the total revenue of the business.
- (c) In applying the definitions of "tourist-oriented facility" in G.S. 136-140.15, the following additional definition of terms shall be used:
  - (1) "Major Portion" - 51 percent;
  - (2) "Immediate Area" - located within a 20 mile radius of the business or facility; and
  - (3) "Residing" - living in a particular place for at least four months of a given calendar year.

*History Note: Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004.*

### **19A NCAC 02E .1103 LOCATION OF TODS**

The Department shall control the erection and maintenance of official signs giving specific information of interest to the traveling public in accordance with following criteria:

- (1) The Department shall limit the placement of TODS panels to highways other than fully controlled access highways that are either in rural unincorporated areas or in towns or cities with a population of less than 40,000.
- (2) The Department shall only erect panels at intersections (at-grade). An at-grade intersection is an intersection which is controlled by stop signs or traffic signals. Trailblazers shall be installed when an attraction is not located on a state highway and further direction is needed to guide the tourist from the intersection to the attraction.
- (3) Panels shall be located in a manner to take advantage of natural terrain and to have the least impact on the scenic environment.
- (4) A separate sign panel shall be provided on the intersection approach for each eligible attraction. Panels shall be allowed in each direction only when lateral spacing is available. The number of TODS panels shall not exceed a total of six per approach with only one attraction name on each TODS panel.

- (5) The center of the mainline TODS intersection shall not be more than five driving miles from the eligible attraction and shall not be placed where prohibited by local ordinance.
- (6) If an attraction is not directly on a State highway, it is eligible for TODS panels only if both of the following requirements are met:
  - (a) It is located on a street that directly connects with a state maintained road.
  - (b) It is located so that only one TODS Trailblazer, placed on a state maintained road, will lead the tourist to the attraction.
- (7) Sign panels shall not be placed immediately in advance of the attraction if its on-premise advertising signs are readily visible from the highway.
- (8) TODS panels shall be located at least 200 feet in advance of the main intersection. Signs shall be spaced at least 200 feet apart and at least 200 feet from other traffic control devices. TODS panels shall not be located more than one-half (0.5) mile from the center of the main intersection and shall not be placed in the signing sequence for any other prior intersections.
- (9) Existing warning, regulatory, guide or other official highway signs shall take precedence over TODS.

*History Note:* Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);  
*Temporary Adoption Eff. January 1, 2003;*  
*Eff. August 1, 2004.*

#### **19A NCAC 02E .1104 ELIGIBILITY FOR PROGRAM**

- (a) An attraction is eligible to participate in the Program if it meets the criteria in G.S. 136-140-16.
- (b) The maximum distance that an attraction shall be located from the intersection containing TODS panels is five miles. Said distance shall be measured from the center of the intersection coincident with the centerline of a non-controlled access highway route or its median, along the roadways to the respective attraction. The point to be measured to for each attraction is a point on the roadway that leads to the main entrance to the attraction that is perpendicular to the corner of the nearest wall of the attraction to the intersection. The wall to be measured to shall be that of the main building or office. Walls of sheds (concession stands, storage buildings, separate restrooms,) whether or not attached to the main building shall not be used for the purposes of measuring. If the office (main building) of an attraction is located more than two-tenths (0.2) mile from a public road on a private road or drive, the distance to the office along the said drive or road shall be included in the overall distance measured to determine whether or not the attraction qualifies for TODS signing. The office shall be presumed to be at the place where the services are provided.
- (c) Interested parties may show that they meet the definition of "tourist-oriented business" or tourist oriented facility" in either of two ways:

- (1) An applicant shall certify, through the use of scientific independent surveys, business records, bank records, tax returns, or any other documents which would be admissible in a court proceeding that the applicant or facility meets each aspect of the definition of "tourist oriented business" or the definition of "tourist oriented facility." The applicant has an affirmative burden to provide documentation in support of its showing; or
- (2) An applicant may show that it is one of the following, which are presumed to be "tourist oriented businesses" or "tourist oriented facilities":
  - (A) Amusement Park: a permanent area open to the general public including at least three of the following activities: roller coasters, entertainment rides, games, swimming, concerts, and exhibitions;
  - (B) Cultural Center: a facility for cultural events including museums, outdoor theaters, or facilities that exhibit antiques or items painted or crafted by local artists;
  - (C) Facility Tour Location: a facility such as a factory, institution or a plant which conducts tours at least four times daily on a regularly scheduled year-round basis;
  - (D) Historic Site or District: a structure or area listed on the national or state historic register. An historic site must be open to the public at least three months out of each year. Historic districts shall provide the public with a single, central location, such as a self-serve kiosk, welcome center or history museum where motorists can obtain information regarding the district;
  - (E) Recreation area: an attraction which provides tourists with opportunities such as golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf) horseback riding, surfing, bicycling, boating, fishing, picnicking, hiking or rafting and where, either at the attraction or within 10 miles, all necessary equipment can be rented;
  - (F) Natural Phenomenon: a naturally occurring area which is of interest to the general public, such as a waterfall or cavern;

- (G) Zoological/Botanical Parks and Farms: a facility in which living animals or plants are kept and exhibited to the public; and
- (H) Agricultural Facility: a facility that provides tours, on-site samples of agricultural products, or produce stands.

(d) "Tourist oriented businesses" or "tourist oriented facilities" shall be businesses or facilities that are a destination for tourists and must provide products or services that meet tourists' primary needs or interests. Shopping malls, furniture stores, drug stores, movie theaters, community business districts, appliance stores, automobile or truck dealerships or garages, houses of worship, real estate offices, livestock sales facilities, sand and gravel facilities, grocery stores, gas or vehicle service stations, bars, lounges, adult establishments, adult video, book, or novelty stores, medical facilities, and restaurants are not considered either "tourist oriented businesses" or "tourist oriented facilities."

*History Note:* Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);  
*Temporary Adoption Eff. January 1, 2003;*  
*Eff. August 1, 2004.*

#### **19A NCAC 02E .1105 COMPOSITION OF SIGNS**

- (a) No TODS panel shall be displayed which would mislead or misinform the traveling public.
- (b) Any messages that interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or similar device are prohibited.
- (c) Each specific TODS panel shall include only information that is related to that specific attraction.
- (d) TODS panel and trailblazer designs shall be in conformance with the standards as specified in the MUTCD and approved by the Department prior to fabrication and shipment.

*History Note:* Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);  
*Temporary Adoption Eff. January 1, 2003;*  
*Eff. August 1, 2004.*

#### **19A NCAC 02E .1106 FEES**

- (a) The annual fee for each TODS panel or Trailblazer shall be two hundred dollars (\$200.00).
- (b) All participating businesses shall pay the annual fee prior to installation of the TODS panel(s).
- (c) The annual fee shall be paid by check or money order and is due in advance of the period of service covered by said fee. Failure to pay a fee when due is grounds for removal of the TODS panel and termination of the contract.

*History Note:* Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-350(f);  
*Temporary Adoption Eff. January 1, 2003;*  
*Eff. August 1, 2004.*

#### **19A NCAC 02E .1107 CONTRACTS WITH THE DEPARTMENT**

- (a) The Department shall perform all installation, maintenance, removal and replacement of TODS panel(s).
- (b) Applications shall be submitted to the Division Engineer for the Division in which the attraction is located, and must include a layout of the proposed TODS.
- (c) Upon approval of the application for participation in the TODS program, the applicant must agree to submit the required annual fee within 30 days of notification.
- (d) No TODS panel shall be displayed which, in the opinion of the Department, is unsightly, badly faded, or in a state of dilapidation. The Department shall remove, replace, or mask any such TODS panel. Ordinary maintenance services shall be performed by the Department.
- (e) The Department shall remove the TODS panel upon failure to pay the annual fee or for violation of any provision of the rules in this Section and the TODS panel shall be removed.
- (f) When a TODS panel is removed, it shall be taken to the Division Traffic Services Shop of the Division in which the attraction is located. The participant shall be notified in writing of such removal and given 30 days in which to retrieve his sign. After 30 days, the TODS panel shall become the property of the Department and shall be disposed of as the Department shall see fit.
- (g) Should the Department determine that trailblazing to an attraction is desirable as described in 19A NCAC 02E .1103(6), it shall be done in conformance with the standards for a TODS trailblazer as defined in 19A NCAC 02E .1102(2). The participant

shall furnish trailblazing signs required by the Department. In such trailblazer installations, only one TODS trailblazer shall be used per each TODS intersection signed.

(h) Should an attraction qualify for TODS signage at two intersections, the TODS panel shall be erected at the nearest intersection. If the participant desires signing at the second intersection also, it may be so signed provided it does not prevent another attraction from being signed.

(i) An attraction under construction shall not be allowed to apply for participation in the program if its participation would prevent an existing open attraction applicant from participating, unless the open attraction has turned down a previous opportunity offered by the Department to participate in the program as provided in the program. After approval of an application, an attraction under construction shall be allowed priority participation over another eligible attraction that opens for business prior to the time specified for opening in the application by the attraction under construction.

(j) The closest interested eligible attractions at an intersection up to a total of six TODS panels per approach to submit signed contracts shall be allowed TODS panels at that approach. Should the number of attractions at an approach increase to more than the maximum number of TODS panels allowed at that approach and a closer interested eligible participant requests installation of its TODS panels, the farthest qualifying participant shall be removed at the renewal date. Program participants may renew their respective contracts annually provided the attraction maintains program eligibility. An attraction with more than one sign displayed on any intersection approach leg shall have the additional sign(s) removed at the end of a contract period when other eligible attractions apply for space on that approach.

(k) An attraction which has been closed for remodeling or repair shall be granted one year to complete the construction, renovation, or restoration, provided the annual fee is paid and the same type of qualifying service is provided after reopening, even if under a different business name.

(l) Should a participating attraction cease to be in compliance with G.S. 136-140.16 and the rules in this Section, the Division Engineer shall notify the participant that it shall be given 30 days to bring the attraction into compliance or its TODS panel(s) shall be removed. If the attraction is removed and later applies for reinstatement, this request shall be handled in the same manner as a request from a new applicant. When a participating attraction is determined not to be in compliance with G.S. 136-140.16 and the rules in this Section for a second time within two years of the first determination of non-compliance, its TODS panel(s) shall be permanently removed. If an attraction under construction is not open on the specified date in the agreement, the participant shall be given 30 days notification to request the TODS panel installation or forfeit its panel. Future applications shall be treated in the same manner as a new applicant.

(m) The transfer of ownership of an attraction for which an agreement has been lawfully executed shall not affect the validity of the agreement for the TODS agreement provided that the appropriate Division Engineer is given notice in writing of the transfer of ownership within 30 days of the actual transfer and the application is updated.

(n) The Department shall not maintain waiting lists for the program.

*History Note: Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);*

*Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004.*

## **19A NCAC 02E .1108 APPEAL OF DECISION**

(a) Any applicant who is refused, or any participating attraction which has its contract terminated and signs removed, that believes the program is not being administered in accord with the rules in this Section, may appeal the decision of the Division Engineer to the Secretary of the Department of Transportation. The decision of the Secretary is final.

(b) The applicant or participant shall notify the Division Engineer of his decision to appeal by certified mail, return receipt requested, within 10 days of the receipt of the decision.

(c) Within 20 days from the time of submitting his notice of appeal, the applicant or participant shall submit to the Secretary a written appeal setting forth with particularity the facts upon which its appeal is based.

(d) Within 30 days from the receipt of the written appeal or within such additional time as may be agreed to between the Secretary and the appealing party, the Secretary shall make an investigation of the appeal. The Secretary shall then make findings of fact and conclusions pertaining to the appeal on behalf of the Department and the findings and conclusions shall be served upon the appealing party by certified mail, return receipt requested.

*History Note: Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);*

*Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004.*

**PB 18-18**  
**Eagle Creek Golf Club and Grill**  
**(Planning Board Version)**

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to modify off-premise directional sign standards.

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 is amended by adding the following bold underlined language and deleting the strike-through language in Section 5.12.6.D Off-Premise Directional Signs:

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

**(1) Applicability**

The standards in this section shall apply to tourist oriented businesses or facilities existing prior to June 1, 2018 located in an Agricultural, Business, and or Mixed-Use Zoning District adjoining the Currituck Sound, or Atlantic Intracoastal Waterway, or within two miles of a major arterial street. Tourist oriented businesses include the following: that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

- a. Amusement park
- b. Cultural center
- c. Facility tour locations
  - 1. Must conduct tours at least four times daily on a regularly scheduled year-round basis
- d. Historic Register structure or site:
  - 1. Must be open to the public at least three months out of the year.
- e. Recreation area
- f. Natural phenomenon
- g. Zoological/Botanical parks and farms:
- h. Agricultural Facility:

**(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) Exemptions (Sections to be renumbered accordingly)**

Off-premise directional signs erected as a part of an NCDOT program located within the NCDOT right-of-way.

**(4) 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 an Agricultural, Business, or and Mixed-Use Zoning District adjoining a major arterial street.
- (d) A maximum of one off-premise directional sign is permitted per business. A use lot shall have a maximum of one off-premise directional sign.
- (e) Off-premise directional signs shall not exceed 64 32 square feet in area and 15 feet in height.
- (f) An off-premise directional sign shall be allowed to display the name of the business only (no logo) and the direction in which it is located.
- (g) Off-premise directional signs shall not be located within the sight triangle or street right-of-way.
- (h) Off-premise directional signs shall not contain an electronic message board or be lighted in any manner.

**Item 2:** That Chapter 10 is amended by adding the following bold underlined language in Section 10.5 Definitions:

**AMUSEMENT PARK**

A permanent area open to the general public including at least three of the following activities: roller coasters, entertainment ridges, games, swimming, concerts, and exhibitions.

**CULTURAL CENTER**

Museums, outdoor theaters, or facilities that exhibit antiques or items painted or crafted by local artist.

**FACILITY TOUR LOCATION**

A facility such as a factory, institution, or a plant which conducts tours on a regularly scheduled basis.

**RECREATION AREA**

Golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf), horseback riding, surfing, bicycling, boating, fishing, picnicking, hiking or rafting and where either the attraction or within 10 miles, all necessary equipment can be rented.

**NATURAL PHENOMENON**

A naturally occurring area which is of interest to the general public, such as natural habitat areas.

**ZOOLOGICAL/BOTANICAL PARK OR FARM**

Facility in which living animals or plants are kept and exhibited to the public.

**AGRICULTURAL FACILITY**

Facility that provides tours, on-site samples of agricultural products, or produce stands.

**Item 3:** Statement of Consistency and Reasonableness:

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

- It promotes tourist oriented business on the mainland.

The request is reasonable and in the public interest because:

- It is inconsistent with the purpose and intent of Section 5.12 of the UDO because it reduces the size of allowable off-premise directional signs.

**Item 4:** 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 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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: June 12, 2008

PLANNING BOARD RECOMMENDATION: Approval

VOTE 4 AYES 1 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 7/3/18 & 7/10/18

BOARD OF COMMISSIONERS PUBLIC HEARING: 7/16/18

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

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

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

## SAMPLE MOTION WORKSHEET LEGISLATIVE HEARING

### **SUGGESTED MOTION FOR DENIAL**

I move to **deny PB 18-15** because the request is not consistent with the Land Use Plan because:

- LUP 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.
- LUP POLICY CA5: Currituck recognizes that 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.

And the request is not reasonable and not in the public interest because:

- It is inconsistent with the purpose and intent of Section 5.12 of the UDO.
- It does not result in a logical efficient development pattern because it commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic.

### **SUGGESTED MOTION FOR APPROVAL**

I move to **approve PB 18-15** because the request is consistent with the Land Use Plan because:

- It promotes tourist oriented businesses on the mainland.
- Small business start-ups, expansions, and spin-offs shall be recognized. (LUP POLICY ED4)

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

- It will direct traffic to tourist oriented business locations not fronting a major arterial street and it lessens the size of allowed off-premise directional signs.

*The Board must include conditions of approval, if any, in the motion.*

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS AMENDING SECTION 2-96(a) OF THE CURRITUCK  
COUNTY CODE OF ORDINANCES TO REQUIRE STATEMENT OF  
INTEREST FOR NOMINESS TO AN AUTHORITY BOARD OR  
COMMISSION, CLARIFY THE APPOINTMENT OF COUNTY  
COMMISSIONERS TO AN AUTHORITY, BOARD OR COMMISSION AND  
AMENDING SECTION 2-98 OF THE CURRITUCK COUNTY CODE OF  
ORDINANCES TO CLARIFY CONCURRENT MEMBERSHIP ON  
AUTHORITIES, BOARDS AND COMMISSIONS

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

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

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

PART I. Section 2-96(a) of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

## Sec. 2-96. Method of appointment to and removal from boards.

(a) One appointment to a board shall be nominated by each of the seven members of the board of commissioners which nominee shall become part of a slate of nominees to be acted on by the board of commissioners without amendment. Only persons that have filed a statement of interest with the clerk to the board shall be nominated. A person who holds the office of county commissioner may not be appointed to an authority, board or commission at the board of commissioners first meeting in December unless that person is beginning a new term of office at the first meeting in December.

PART II. Section 2-98 of the Code of Ordinances, Currituck County, North Carolina is rewritten to read as follows:

**Sec. 2-98. Multiple committee appointments prohibited.**

Other than a county commissioner, officer or employee serving ex officio, no person shall hold ~~concurrently two or more~~ than one appointments to a county authority, board, or commission.

1 PART III. All ordinances or parts of ordinances in conflict with this ordinance are  
2 hereby repealed.

3 PART IV. This ordinance is effective immediately upon adoption.  
4  
5

6 ADOPTED this 6th day of August, 2018.  
7  
8

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9 Bobby Hanig, Chairman  
10  
11 ATTEST:  
12  
13

14 Leeann Walton  
15 Clerk to the Board  
16  
17

18 APPROVED AS TO FORM:  
19  
20

21 Donald I. McRee, Jr.  
22 County Attorney  
23

24 Date adopted: \_\_\_\_\_  
25

26 Motion to adopt by Commissioner \_\_\_\_\_  
27 Second by Commissioner \_\_\_\_\_  
28

29 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS  
30

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING DISPOSAL OF REAL PROPERTY PURSUANT  
TO N.C. GEN. STAT. §160A-269**

WHEREAS, the County of Currituck is the owner of real property located within the Walnut Island Estates subdivision, Grandy, Currituck County, North Carolina.

WHEREAS, the property, consisting of an individual lot, is described as follows:

Parcel ID 107B0EE00010007 Block EE, Lot 1, Section 7 103 Bluefish Court

WHEREAS, N.C. Gen. Stat. §160A – 269 permits the County to sell property by upset bid after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$7,105.00 as submitted by Johanna Tucker, agent for James and Ursula Decesare.

WHEREAS, James and Ursula Decesare have paid the statutorily required five percent (5%) deposit for the property;

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

Section 1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure set forth in N.C. Gen. Stat. §160A – 269.

Section 2. The Clerk to the Board of Commissioners shall cause notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms established by this resolution under which the offer may be upset.

Section 3. Any person may submit an upset bid to the Office of the Clerk to the Board of Commissioners within ten (10) days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

Section 4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

Section 5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.

Section 7. The terms of the final sale are that:

- a. The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and
- b. The buyer must pay with cash at the time of closing.

Section 8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Section 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to James and Ursula Decesare.

ADOPTED this 16<sup>th</sup> day of July, 2018.

ATTEST

COUNTY OF CURRITUCK

---

Leeann Walton  
Clerk to the Board of Commissioners

---

Bobby Hanig  
Chairman of the Board

(COUNTY SEAL)

Dear Currituck County Commissioners

I am writing to you regarding a property the County owns:

Address: 103 Bluefish Court, Grandy, NC

Parcel ID: 107BOEE00010007

Walnut Island Block EE Lot 1 Sect 7

Walnut Island Estates

This property was purchased at a tax foreclosure by the county on August 30th, 2016 in the amount of \$7,105 as recorded in Deed Book and Page 1377/402.

I am a licensed real estate agent in North Carolina and represent clients, James and Ursula Decesare, that have interest in purchasing this property from the County.

We are submitting a formal request for your consideration in the sale of this property to the Decesare's.

Thank you and we look forward to hearing back from you.

Johanna Tucker, Broker/Owner

Beach House Brokers, LLC

Cell/Text: 252-202-7675

[jtuckerobx@gmail.com](mailto:jtuckerobx@gmail.com)



PRINTED ON LINE MARK PAPER. HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

0068850	11-24	CASHIER'S CHECK	6885005279
Office AU #	1210(8)		
Remitter: JAMES DECESARE			
Operator I.D.: u390232			
PAY TO THE ORDER OF		***CURRITUCK COUNTY ***	June 22, 2018
***One thousand dollars and no cents***		**\$1,000.00**	
Payee Address: Memo:	RE: DEPOSIT 103 BLUE FISH CT		VOID IF OVER US \$ 1,000.00
WELLS FARGO BANK, N.A. 3114 WESTERN BRANCH BLVD CHESAPEAKE, VA 23321 FOR INQUIRIES CALL (480) 394-3122			<i>Richard Levy</i> CONTROLLER

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Security Features Included.  Details on Back.



May 22, 2018

CAMDEN

CHOWAN

CURRITUCK

DARE

GATES

HYDE

PASQUOTANK

PERQUIMANS

TYRRELL

WASHINGTON

COLUMBIA

CRESWELL

DUCK

EDENTON

ELIZABETH CITY

GATESVILLE

HERTFORD

KILL DEVIL HILLS

KITTY HAWK

MANTEO

NAGS HEAD

PLYMOUTH

ROPER

SOUTHERN SHORES

WINFALL

Dear Commissioners,

On May 11, 2018, **Joan West** completed the Community Advisory Committee training required by G.S. 131D-32 and has been designated by the Office of the State Ombudsman to serve as a member of the Currituck County Joint Community Advisory Committee.

I would like to recommend that she be appointed by your Board for a one year term.

**Joan West**  
**132 Waters Drive**  
**Moyock, NC 27958**

If you have questions regarding this appointment, please feel free to contact me at (252) 426-5753 ext 225 or [bjordan@accog.org](mailto:bjordan@accog.org). Thank you in advance for your consideration.

Sincerely,

**Brandi Jordan, MSW**  
**Regional Long-Term Care Ombudsman**



**CURRITUCK COUNTY  
NORTH CAROLINA**

June 18, 2018  
Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Code Enforcement**

The Currituck County Board of Commissioners met in a work session at 5:00 PM to hear a presentation from Code Enforcement Officer, Stacey Smith, who used a powerpoint to review code enforcement processes and procedures. Ms. Smith discussed types of violations and timelines for enforcement of various kinds of violations. Open violations in process were reviewed and defective conditions and condemnations were defined. Ms. Smith responded to Board questions and discussed challenges with the process related to ordinance language and appeals processes. Commissioners asked Ms. Smith to recommend changes to streamline the process for more efficient enforcement. The work session concluded at 5:31 PM.

**6:00 PM CALL TO ORDER**

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

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

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ**

Reverend Kim Ferebee attended to offer the Invocation and lead the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Gilbert proposed to amend the agenda as follows:

- Item G, Commissioners Report, was moved in the agenda order to take place immediately following the Public Comment period
- A Memorandum of Understanding Between the NC Department of Health and Human Services Division of Social Services and Currituck County was added as Item A under New Business
- An appointment to the Board of Adjustment was added to Board Appointments

Commissioner Gilbert moved for approval of the amended agenda and the motion was seconded by Commissioner Payment.

The motion passed unanimously.

Approved agenda:

**Work Session**

5:00 PM Code Enforcement

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ
- 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.*

**Commissioner's Report** This item was amended and moved up in the agenda order

**Administrative Reports**

- A) Commissioner Recognition for Retired Currituck County Sheriff, Susan Johnson
- B) Hotel Feasibility Study-Presentation of Final Report by Larry Lombardi, Currituck County Economic Development Director

**Public Hearings**

- A) Public Hearing and Consideration on the Adoption of the Annual Budget for Fiscal Year 2018-2019
- B) Public Hearing and Action: PB 15-25 Grandy Solar Farm (Ecoplexus, Inc.): Currituck County Superior Court

has remanded this application back to the Board of Commissioners for consideration of conditions on the use permit for a solar facility located along the north side of Uncle Graham Road, Tax Map 108, (previously) Parcel 95E, (currently) Parcels 95G and 95H, Poplar Branch Township.

**C) Consideration and Action: PB 18-09 Muddy Acres:**  
Request for a preliminary plat/use permit for a Type II, 5 lot major, conservation subdivision on 13.33 acres located on Tulls Creek Road, Tax Map 14, Parcel 18H, Moyock Township.

**New Business**

**A) AMENDED-Department of Social Services-Memorandum of Understanding Between the North Carolina Department of Health and Human Services Division of Social Services and Currituck County.**

**B) Consideration and Action: PB 15-09 TW's Field:** A request for a two year extension of the preliminary plat/use permit for a conservation subdivision consisting of 13 residential lots located on North Currituck Road in Currituck.

**C) Consideration of a Resolution Authorizing the Retention of Legal Counsel to Represent the County in Opioid Litigation**

**D) Ordinance of the Currituck County Board of Commissioners Creating the Veterans Advisory Board**

**E) Ordinance Amending Chapter 2 of the Currituck County Code of Ordinances to Move Commissioner Comments in the Agenda Order**

**F) Board Appointments**

1. Trillium Regional Health Advisory
2. **Amended**-Board of Adjustment

**G) Consent Agenda**

1. Approval Of Minutes-June 4, 2018
2. Budget Amendments
3. Surplus Resolution-2009 Nissan Titan #6904
4. Revised Job Descriptions and Inspector Grade/Step Chart Modifications

**Commissioner's Report** *The agenda was amended and this item was moved up in the agenda order to take place after Public Comment.*

#### H) County Manager's Report

##### Adjourn

##### Special Meeting-Tourism Development Authority

Public Hearing and Consideration on Adoption of the FY 2018-2019 Annual Budget for the Tourism Development Authority

TDA Budget Amendments

##### Special Meeting-Ocean Sands Water & Sewer District

Public Hearing and Consideration on Adoption of the FY 2018-2019 Annual Budget for OSWSD

<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.***

Barbara Snowden, Currituck, provided information on events in the county that included the opening of a World War I exhibit at Moyock Library on June 29, 2018 and a list of events to be held at the Historic Courthouse on July 4, 2018. She announced Currituck's 350th Anniversary Celebration on September 15, 2018 at the Currituck County Rural Center, beginning at 10 AM.

#### COMMISSIONER'S REPORT

Commissioner Hall cautioned everyone to drive safely and take their time with tourism season here.

Commissioner White announced the Sheriff Department summer camp and although full this season, those interested in attending next year can find information on the county website or contact the Sheriff's office. He reported a meeting with Sheriff Beichert and Corolla Wild Horse Fund representatives to discuss the horse that was recently hit on the off-road area. He said the Sheriff plans to spend Thursdays in Corolla. Commissioner White discussed beach grading in the off-road, which began this week.

Commissioner Etheridge, member of the Social Services Board, recognized and thanked Ms. Sarah Banks for her service on the Social Services Board. She encouraged those interested in serving on an advisory to contact the County.

Commissioner Payment announced a memorial service for former Lower Currituck Volunteer Fire Department Chief Bill Jones, Sunday at Currituck County Middle School.

Commissioner Gilbert announced the Knotts Island Peach Festival on July 23 & 24.

Chairman Hanig thanked Barbara Snowden, on behalf of Commissioners, for efforts in coordinating the events for Currituck's 350th Anniversary Celebration.

## ADMINISTRATIVE REPORTS

### **A. Commissioner Recognition for Retired Currituck County Sheriff, Susan Johnson**

The Board of Commissioners recognized the accomplishments and career of retired Currituck County Sheriff Susan Johnson. Chairman Hanig read a Resolution of the Board of Commissioners and presented a framed copy to Ms. Johnson, who was in attendance, along with gifts of a county flag and gift basket.

### **RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS IN APPRECIATION FOR THE SERVICE OF SHERIFF SUSAN JOHNSON TO THE CITIZENS OF CURRITUCK COUNTY, NORTH CAROLINA**

**WHEREAS**, for more than twenty-eight years Sheriff Susan Johnson selflessly served Currituck County and its citizens as an employee of the Currituck County Sheriff's Department and ultimately as Sheriff and Currituck County's chief law enforcement officer; and

**WHEREAS**, when Sheriff Susan Johnson began her county career in November, 1989 the Currituck County Sheriff's Department was in charge of central communications, the county jail and law enforcement all covered by sixteen deputies, five dispatchers and four detention officers; and

**WHEREAS**, in August 2000 Sheriff Susan Johnson was appointed Currituck County Sheriff and in recognition of her ability and leadership was thereafter repeatedly elected by the citizens of Currituck County as the Currituck County Sheriff, serving until her retirement on May 31, 2018; and

**WHEREAS**, during her tenure and in response to the county's growing population, Sheriff Susan Johnson led the Currituck County Sheriff's Department transition as the only law enforcement agency in the county from a two room office and jail with capacity for only eighteen males, to an effective and efficient agency consisting of sixty-two deputies, thirty detention officers, six supporting staff, and jail with capacity for sixty-three; and

**WHEREAS**, Sheriff Susan Johnson improved the county and the lives of its citizens when she established programs like the Sheriff's Citizens Academy, Operation Medicine Drop for safe disposal of prescription medication, Community Watch programs, Project Lifesaver, an inmate roadside cleanup crew and garden to produce food for food pantries, a program to distribute child safety seats and education for proper installation and use of the seats; and

**WHEREAS**, recognizing that continuing education and contribution of self to profession and community are essential components of public service, Sheriff Susan Johnson graduated from the North Carolina Sheriffs' Association Leadership Institute; attended instructional programs at the National Center for Missing and Exploited Children; served as a member of the North Carolina Innocence Commission; Co-chaired the North Carolina Sheriffs' Association Legislative Committee; was a member of the National Sheriffs' Association; served as a member of the board for Currituck Kids, Lower Currituck Food Pantry and Juvenile Attendance Council; and

**WHEREAS**, it is right and appropriate to recognize Sheriff Susan Johnson's service to her county and the many personal sacrifices she made to ensure the public's safety and welfare during her career.

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners expresses its gratitude and appreciation for Sheriff Susan Johnson's selfless, loyal and dedicated service to the people of Currituck County and extends its congratulations and best wishes upon her well-earned retirement.

**ADOPTED** the 18th day of June, 2018.

**B. Hotel Feasibility Study-Presentation of Final Report by Larry Lombardi, Currituck County Economic Development Director**

Larry Lombardi, Economic Development Director, presented the final report of the HVS Hotel Feasibility Study performed for Currituck County. Using a powerpoint, he presented graphs and charts during review of the parameters, market segment, income and expense forecasts, and recommendations related to the report. Findings support a midscale hotel recommendation.

Mr. Lombardi responded to Commissioner questions and noted the study was formulated around a 75 room hotel. He reviewed next steps for marketing and suggested some interest already exists for hotel development in the county.

**PUBLIC HEARINGS**

**A. Public Hearing and Consideration on the Adoption of the Annual Budget for Fiscal Year 2018-2019**

County Manager, Dan Scanlon, recalled his presentation of the annual budget at the prior meeting. He said the only comment received was an email containing budget questions from the Corolla Civic Association (CCA). Mr. Scanlon reviewed the public hearing requirement and Chairman Hanig opened the Public Hearing.

Ed Cornet of Corolla presented his perspective on the budget and spoke of Corolla's rental market, beach erosion, and prior requests by the community to discuss budget items with the county. He talked about the Corolla fire district tax rate, stating there will be a shortfall.

Bill Collins of Corolla and CCA board member talked of the illegality of the Sheriff and emergency services being paid with occupancy tax (OT). He spoke of comments made at a prior meeting when a loan was requested for funding the Corolla Fire District in lieu

of OT. He said the county is less transparent with mainland projects paid through occupancy tax.

Gerri Adams of Corolla and CCA board member said she feels they are not being heard and that the government is not looking at their needs, citing the incomplete bike path and absence of a playground in Corolla as examples.

Commissioner White responded to comments related to the bike path. He reported the Board is looking for a playground location. He said the email from the CCA wasn't received until Friday afternoon and that he received no phone calls about the budget.

Barbara Marzetti of Corolla and CCA President, said it can be difficult to make time available to come to all meetings. She said the community wants to be informed and heard and they want to work with the County.

Chairman Hanig said the County has reached out to the CCA and also discussed receipt of their email on Friday afternoon. He posed questions to the County Attorney, Ike McRee, about the status of an open records request made by attorneys representing the CCA and to the County Manager regarding annual audits of OT spending, who confirmed no violations have ever been found.

With no others signed up to speak Chairman Hanig closed the Public Hearing.

Commissioner Beaumont said an erosion analysis engineering study is included in the budget. He reiterated that the Corolla fire district was created at the request of the Corolla fire department and said there is no \$1.5 million shortfall. He noted the speakers were speaking for the CCA only, as Board members, and not for all residents or owners in Corolla and Carova. Commissioner Hall referred to the \$1.5 million dollar shortfall as well, and Mr. Scanlon explained both fire and Emergency Medical Services (EMS) are in the budget item, and shows a transfer of the EMS dollars from the general fund. Mr. Scanlon said he will respond to the CCA's email by mid-week.

Commissioner Etheridge confirmed with Mr. Scanlon the Board's ability to amend the budget as needed. Mr. Scanlon confirmed a \$100,000 in OT spending is for renovations to the historic jail and OT will not be used to pay for the Moyock park.

After discussion, Commissioner Etheridge moved to accept the budget as presented. The motion was seconded by Commissioner Payment and passed unanimously.

**COUNTY OF CURRITUCK  
BUDGET ORDINANCE**  
For the Year Ending June 30, 2019

BE IT ORDAINED by the Board of Commissioners, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2018 and ending June 30, 2019.

**SECTION 1. GENERAL FUND**

**A. Estimated Resources:**

Ad Valorem Taxes	\$ 29,663,889
Other Taxes and Licenses	6,230,250
Intergovernmental Revenues	2,650,789
Permits and Fees	2,194,573
Sales and Services	731,582
Investment Earnings	100,750
Miscellaneous	419,000
	41,990,833
Transfers In	7,646,434
Fund Balance Appropriated	3,776,870
	11,423,304
TOTAL ESTIMATED RESOURCES	\$ 53,414,137

**B. Appropriations:**

Administration	\$ 894,501
Legal	407,859
Governing Body	170,647
Elections	188,653
Finance	549,573
Information Technology Services	717,632
Human Resources	165,062
Tax	588,380
Public Works	1,513,038
Register of Deeds	732,875
Court Facilities	196,803
Agency Appropriations	38,200
Central Services	682,991
Sheriff	7,295,517
Detention Center	2,426,640
Animal Control	697,499
Jury Commission	2,350
Emergency Medical Services	5,135,176
Emergency Management	214,112
Communications	1,114,380
Inspections	938,927
Fire Services	320,712
Moyock Vol Fire Department	235,443
Crawford Vol Fire Department	279,892
Lower Currituck Vol Fire Department	321,400
Corolla Vol Fire & Rescue Squad	-
Carova Bch Vol Fire Department	175,720
Knotts Island Vol Fire Department	1,017,830
Medical Examiner	20,000
Airport	424,238
Inter County Transit Authority	62,144
Soil Conservation	134,744
Forestry	80,264
Cooperative Extension	549,230
Economic Development	283,218
Planning	805,368
Health Administration	130,175

Mental Health	61,012
Social Services Administration	3,569,805
Public Assistance	616,171
County Assistance	148,689
Juvenile Justice Programs	104,417
Parks & Recreation	868,820
Rural Center	298,413
Library	606,777
Senior Center	377,807
Local Current Expense	10,505,108
Capital Outlay	1,400,000
College of the Albemarle	190,000
Notes Payable	1,576,671
Interest	79,101
Appropriations to Other Funds	3,227,068
 TOTAL APPROPRIATIONS	 <u>\$ 53,414,137</u>

## SECTION 2. TOURISM DEVELOPMENT AUTHORITY

### A. Estimated Resources:

Other taxes and licenses	10,500,000
Other revenues	192,300
Investment earnings	78,332
 TOTAL ESTIMATED RESOURCES	 <u>\$ 10,770,632</u>

### B. Appropriations:

Tourism Promotion	3,438,586
Tourism Related Expenditures	
General Tourism Related Expenditures	1,502,223
Whalehead	870,810
Transfers to other funds	4,959,013
 TOTAL APPROPRIATIONS	 <u>\$ 10,770,632</u>

## SECTION 3. REVALUATION FUND

### A. Estimated Resources:

Transfer In	121,000
 TOTAL ESTIMATED RESOURCES	 <u>\$ 121,000</u>

### B. Appropriations:

Operations	121,000
 TOTAL APPROPRIATIONS	 <u>\$ 121,000</u>

## SECTION 4. CAROVA BEACH SERVICE DISTRICT FUND

### A. Estimated Resources:

Permits and fees	20,000
Transfer In	20,000
 TOTAL ESTIMATED RESOURCES	 <u>\$ 40,000</u>

### B. Appropriations:

Operations	40,000
 TOTAL APPROPRIATIONS	 <u>\$ 40,000</u>

**SECTION 5. EMERGENCY EQUIPMENT REPLACEMENT FUND**

A. Estimated Resources:	
Investment earnings	2,500
Transfer In	267,000
TOTAL ESTIMATED RESOURCES	<u>\$ 269,500</u>
B. Appropriations:	
Capital Outlay	269,500
TOTAL APPROPRIATIONS	<u>\$ 269,500</u>

**SECTION 6. EMERGENCY TELEPHONE SYSTEM FUND**

A. Estimated Resources:	
Other taxes and licenses	213,917
Fund Balance Appropriated	35,311
TOTAL ESTIMATED RESOURCES	<u>\$ 249,228</u>
B. Appropriations:	
Operations	194,532
Capital Outlay	54,696
TOTAL APPROPRIATIONS	<u>\$ 249,228</u>

**SECTION 7. GUINEA MILL WATERSHED IMPROVEMENT FUND**

A. Estimated Resources:	
Special district taxes	16,350
TOTAL ESTIMATED RESOURCES	<u>\$ 16,350</u>
B. Appropriations:	
Operations	16,350
TOTAL APPROPRIATIONS	<u>\$ 16,350</u>

**SECTION 8. HOG BRIDGE DITCH WATERSHED IMPROVEMENT FUND**

A. Estimated Resources:	
Special district taxes	1,856
TOTAL ESTIMATED RESOURCES	<u>\$ 1,856</u>
B. Appropriations:	
Operations	1,856
TOTAL APPROPRIATIONS	<u>\$ 1,856</u>

**SECTION 9. MOYOCK WATERSHED IMPROVEMENT FUND**

A. Estimated Resources:	
Special district taxes	18,886
Fund Balance Appropriated	21,114
TOTAL ESTIMATED RESOURCES	<u>\$ 40,000</u>
B. Appropriations:	
Operations	40,000
TOTAL APPROPRIATIONS	<u>\$ 40,000</u>

**SECTION 10. NORTHWEST WATERSHED IMPROVEMENT FUND**

A. Estimated Resources:	
Special district taxes	3,036
TOTAL ESTIMATED RESOURCES	<u>\$ 3,036</u>

B. Appropriations:	
Operations	3,036
TOTAL APPROPRIATIONS	<u>\$ 3,036</u>

**SECTION 11. OCEAN SANDS NORTH & CROWN POINT WATERSHED IMPROVEMENT FUND**

A. Estimated Resources:	
Special district taxes	294,422
TOTAL ESTIMATED RESOURCES	<u>\$ 294,422</u>

B. Appropriations:	
Operations	294,422
TOTAL APPROPRIATIONS	<u>\$ 294,422</u>

**SECTION 12. WHALEHEAD WATERSHED IMPROVEMENT FUND**

A. Estimated Resources:	
Special district taxes	895,073
TOTAL ESTIMATED RESOURCES	<u>\$ 895,073</u>

B. Appropriations:	
Operations	246,359
Transfers to other funds	648,714
TOTAL APPROPRIATIONS	<u>\$ 895,073</u>

**SECTION 13. WHALEHEAD BEACH SOLID WASTE COLLECTION & DISPOSAL SERVICE DISTRICT**

A. Estimated Resources:	
Special district taxes	115,493
TOTAL ESTIMATED RESOURCES	<u>\$ 115,493</u>

B. Appropriations:	
Operations	115,493
TOTAL APPROPRIATIONS	<u>\$ 115,493</u>

**SECTION 14. COROLLA FIRE PROTECTION SERVICE DISTRICT**

A. Estimated Resources:	
Special district taxes	1,410,494
Intergovernmental revenues	139,285
Transfers from other funds	1,550,370
TOTAL ESTIMATED RESOURCES	<u>\$ 3,100,149</u>

B. Appropriations:	
County operations	2,909,749
Volunteer Fire operations	190,400
TOTAL APPROPRIATIONS	<u>\$ 3,100,149</u>

**SECTION 15. CAPITAL IMPROVEMENT FUND**

A. Estimated Resources:	
Other taxes and licenses	1,933,523
TOTAL ESTIMATED RESOURCES	<u>\$ 1,933,523</u>

<b>B. Appropriations:</b>	
Transfers out	1,933,523
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,933,523</b>

**SECTION 16. SCHOOL CAPITAL FUND**

<b>A. Estimated Resources:</b>	
Other taxes and licenses	1,974,770
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 1,974,770</b>

<b>B. Appropriations:</b>	
Transfers out	1,974,770
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,974,770</b>

**SECTION 17. TRANSFER TAX CAPITAL FUND**

<b>A. Estimated Resources:</b>	
Other taxes and licenses	1,748,700
Investment earnings	50,000
Appropriated fund balance	5,939,797
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 7,738,497</b>

<b>B. Appropriations:</b>	
Operations	700
Transfers out	7,737,797
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 7,738,497</b>

**SECTION 18. LAND BANKING FUND**

<b>A. Estimated Resources:</b>	
Transfers in	200,000
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 200,000</b>

<b>B. Appropriations:</b>	
Capital outlay	200,000
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 200,000</b>

**SECTION 19. OCEAN SANDS WATER AND SEWER FUND**

<b>A. Estimated Resources:</b>	
Special district taxes	505,954
Operating revenues	1,317,621
Investment earnings	10,989
Retained Earnings Appropriated	111,817
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 1,946,381</b>

<b>B. Appropriations:</b>	
Administration	109,793
Water Treatment Operations	580,000
Sewer Treatment Operations	428,525
Capital outlay	153,500
Debt Service	674,563
Transfer out to Construction Fund	0
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,946,381</b>

**SECTION 20. MAINLAND WATER FUND****A. Estimated Resources:**

Operating revenues	3,314,199
Investment earnings	21,543
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 3,335,742</b>

**B. Appropriations:**

Administration	407,478
Water Treatment Operations	1,021,989
Debt Service	1,466,842
Capital Outlay	439,433
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 3,335,742</b>

**SECTION 21. SOLID WASTE FUND****A. Estimated Resources:**

Operating revenues	3,384,442
Non-operating revenues	128,000
Transfers in	1,200,000
Investment earnings	30,000
Retained earnings appropriated	0
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 4,742,442</b>

**B. Appropriations:**

Administration	67,826
Solid Waste Operations	4,664,616
Capital Outlay	10,000
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 4,742,442</b>

**SECTION 22. SOUTHERN OUTER BANKS WATER FUND****A. Estimated Resources:**

Operating revenues	3,670,800
Non-operating revenues	180,665
Investment earnings	7,711
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 3,859,176</b>

**B. Appropriations:**

Administration	187,748
Water Operations	1,168,711
Capital assets	1,586,969
Debt service	915,748
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 3,859,176</b>

**SECTION 23. MAINLAND CENTRAL SEWER FUND****A. Estimated Resources:**

Operating revenues	580,863
Transfers - in	88,698
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 669,561</b>

**B. Appropriations:**

Administration	45,390
Sewer Operations	395,503
Debt service	228,668
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 669,561</b>

**SECTION 24. POST-EMPLOYMENT RETIREMENT BENEFITS FUND****A. Estimated Resources:**

Retiree benefits	458,405
Appropriated Fund Balance	42,665
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 501,070</b>

**B. Appropriations:**

Operations	501,070
	<b>\$ 501,070</b>

**SECTION 25. AD VALOREM TAX RATE ESTABLISHED**

There is hereby levied a tax rate of Forty-Eight cents (\$0.48) per One Hundred dollars (\$100) valuation of all real and personal property situated in the County of Currituck on January 1, 2018 for the purpose of raising the revenue listed as "Ad Valorem Taxes" in Section 1, Part A of this ordinance.

The rate of tax is based on estimated total valuation of property for the purpose of taxation of \$6,060,512,926 and an estimated rate of collection of 98.84%. The estimated rate of collection is based on the fiscal year ended June 30, 2017.

**SECTION 26. SPECIAL DISTRICT TAX RATES ESTABLISHED**

There is hereby levied tax rates (in cents) for Special Districts per One Hundred dollars (\$100) valuation of all real and personal property situated in said district on January 1, 2018 for the purpose of raising the revenue listed as "Special District Taxes" in Part A, Sections 6 through 11, Section 16 and Section 21 of this ordinance.

Corolla Fire Protection District	0.050
Guinea Mill Watershed Improvement District	0.010
Hog Bridge Ditch Watershed Improvement District	0.010
Moyock Watershed Improvement District	0.015
Northwest Watershed Improvement District	0.020
Ocean Sands North and Crown Point Watershed Improvement District	0.060
Whalehead Watershed Improvement District	0.155
Whalehead Beach Solid Waste Collection & Disposal Service District	0.020
Ocean Sands Water & Sewer District	0.110

**SECTION 27. ANIMAL TAX RATE ESTABLISHED**

There is hereby levied an animal tax of Three dollars (\$3.00) for all male and spayed female dogs and Six dollars (\$6.00) for all fertile female dogs listed for taxes as of January 1, 2018.

**SECTION 28. SOLID WASTE COLLECTION AND DISPOSAL RATE ESTABLISHED**

There is hereby established a disposal fee pursuant to Section 11-5(a) of the Solid Waste Ordinance of Seventy-three dollars (\$73.00) per ton for in-County waste and Eighty-three dollars (\$83.00) per ton for out-of-County waste.

There is hereby levied an annual solid waste collection and disposal availability fee pursuant to Section 11-5(b) of the Solid Waste Ordinance of Two Hundred Seventy dollars (\$270) for all units on the Southern Outer Banks and One Hundred Fifty dollars (\$150) for all units located elsewhere within the County of Currituck.

**SECTION 29. EMPLOYEE COMPENSATION**

Employee compensation is included in summary form. Individual employee salaries are hereby approved and set as presented in the supporting documents presented as part of the budget deliberation process and officially filed with the Human Resources Director.

**SECTION 30. OTHER FEES**

The County of Currituck charges various fees. These fees are detailed in the Master Fee schedule that is presented in the appendix of the budget document.

**SECTION 31. DISBURSEMENT OF SCHOOL APPROPRIATIONS**

The amount here within appropriated as School Local Current Expense shall be disbursed to the school finance officer in twelve (12) equal monthly installments.

The amount here within appropriated as School Capital Outlay shall be disbursed to the school finance officer according to a mutually agreed disbursing schedule.

A quarterly progress report shall be furnished by the Board of Education to the Board of Commissioners detailing the extent to which all school capital outlay and school capital construction monies have been expended.

**SECTION 32. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners.
- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners.
- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an official report on such transfers at a regular meeting of
- d. He may make inter-fund loans for a period of not more than sixty (60) days.
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

**SECTION 33. CONTRACTUAL OBLIGATIONS**

The County Manager and the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.
- c. They 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.
- d. They may execute grant agreements to and from public and non-profit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- e. They 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 34. MEMORANDA****A. Officers:**

Daniel F. Scanlon II is the Budget Officer  
 Leeann Walton is the Clerk to the Board  
 Eileen M. Wirth is the Deputy Clerk to the Board  
 Sandra L. Hill is the Finance Director  
 Bridget T. Brinkley is the Deputy Finance Director  
 Tracy L. Sample is the Tax Collector  
 Michelle Rose is the Deputy Tax Collector

**B. Facsimile Signatures:**

The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile stamps, plates or other devices.

**C. Official Depositories**

The official depositories of the County of Currituck are:  
 Bank of America, North Carolina  
 Branch Bank and Trust, North Carolina  
 North Carolina Cash Management Trust, Charlotte, North Carolina  
 Towne Bank of Currituck, North Carolina  
 First National Bank, North Carolina  
 Wells Fargo, North Carolina

**D. Bank for Imprest Expenditure Accounts for Health Benefits:**

Citibank, N.A.

E.	Daily deposits will be made in accordance with G.S. 159-32 and are required by all departments when the amount of money held on hand sums to Five Hundred dollars (\$500).
F.	Returned Check or Electronic Funds Transfer Fees:  The County will assess a returned check charge consistent with G.S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds.
G.	Policy on Appropriations:  The Board of County Commissioners will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.
<b>SECTION 35. USE OF BUDGET</b>	
The Budget Officer and the Finance Director shall use this budget ordinance for administration of the budget and for the accounting system.	
ADOPTED this 18th day of June 2018.	
ATTEST:	
Leeann Walton Clerk to the Board	
<b>RESULT:</b> <b>APPROVED [UNANIMOUS]</b> <b>MOVER:</b> Mary "Kitty" Etheridge, 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	

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

) Recess

Chairman Hanig called a brief recess at 7:07 PM. The meeting reconvened at 7:15 PM.

**B. Public Hearing and Action: PB 15-25 Grandy Solar Farm (Ecoplexus, Inc.):**

To: Board of Commissioners  
 From: Planning Staff  
 Date: June 8, 2018  
 Subject: Ecoplexus/Currituck Sunshine Farm, Use Permit Remand

This use permit is returning to the Board of Commissioners following the Court of Appeals decision requiring the board to approve the Ecoplexus use permit application. The Court of Appeals further ruled that the board may hear and require reasonable terms for Ecoplexus to comply with development standards including that Ecoplexus secure any required approvals of other local, state, and federal authorities' and agencies' permits required to operate the solar array. A copy of the Court of Appeals' decision is attached. (See Attachment 1) Ecoplexus provided draft conditions that have been reviewed by staff. (See Attachment 2). Staff prepared a comparison chart reflective of the proposed conditions and the language in effect at the time of the original use permit hearing as follows:

Topic	Ecoplexus Draft Conditions	UDO Language in Effect at Original Hearing	Suggestion
Setbacks	300' setback from residential zone/use 100' setback from all other property lines	300' setback from residential zone/use 100' setback from all other property lines	Acceptable
Maximum Height	15'	15'	Acceptable
Screening	Type D at residential zone/use property lines and Type C at all other property lines	Type D at residential zone/use property lines and Type C at all other property lines	Acceptable - in place prior to construction
Unwanted Vegetation/Weeds	Allow to grow to a height of 30"	Maintained as not to create a fire hazard	24" maximum height for unwanted vegetation/weeds (draft text amendment)
Groundwater monitoring wells	Not provided	Required	Require as per standards in effect on April 4, 2016

Topic	Ecoplexus Draft Conditions	UDO Language in Effect at Original Hearing	Suggestion
SEF Impact Analysis	No change from original submittal	Required	Acceptable
Decommissioning Plan	Not Provided	Required	Require
Decommissioning Performance Guarantee	Not addressed	Required prior to building permit. 115% - salvage value	Require at 115% - salvage value
Pollinator Habitat	Provided	Not Required	Acceptable
Construction Activity	7am-8pm daily	n/a	Acceptable

Based on the table above, staff suggests the following items be addressed:

1. Limit unwanted vegetation/weed height to 24" as that has been determined during the most recent solar text amendment draft language to be the maximum height to prevent a fire hazard.
2. Groundwater monitoring well and testing requirements. The board may wish to remove this requirement in lieu of the UL 1703 Safety Certification.
3. Provide a decommissioning plan.
4. Provide a decommissioning performance guarantee prior to building permit.

There are outstanding drainage issues that must be addressed with the county engineer:

1. All of the outlet flows and levels were reduced or are similar except the outlet at the northeast corner of the site. The ditch level went up from 9.03' to 9.20' and the flow increased from 5.77 cfs to 7.13 cfs. The report says the peak is brief with less total flow. It is recommended the flow and water level be reduced in the northeast area of site so that the post-development does not exceed the pre-development from an equal storm event.

Attachment 1 – Court of Appeals Decision -(See Agenda Packet)

Attachment 2 - Draft Conditions for Ecoplexus Grandy Solar Project 5/16/2018

Attachment 3 – Site Plan

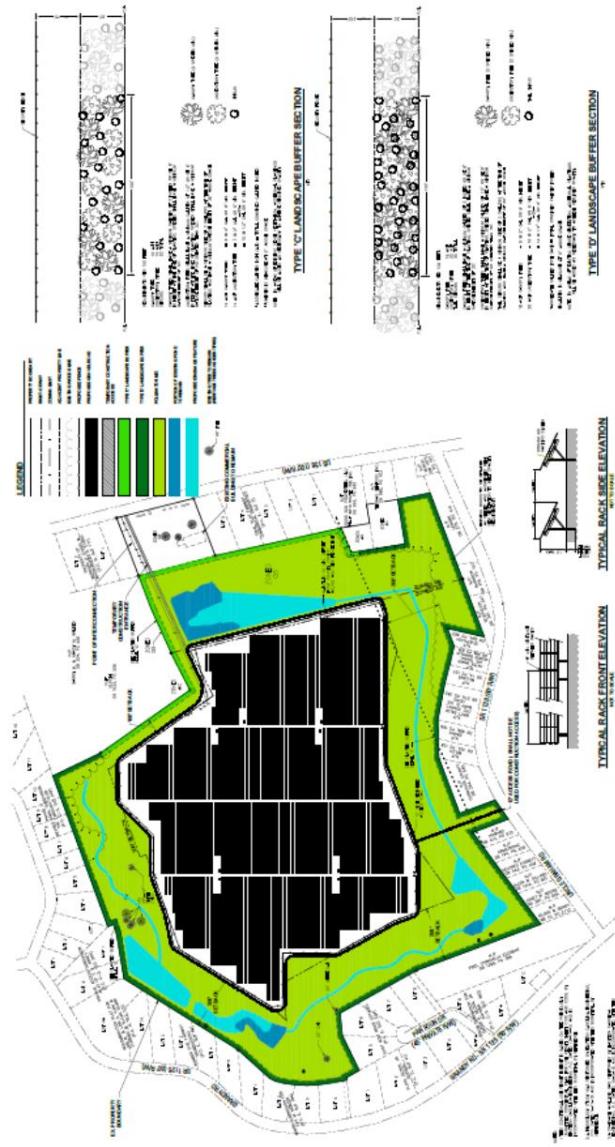
Attachment 4 – Original Use Permit Staff Report

Attachment 5 – Sample Motion Sheet (See Agenda Packet)

## Attachment 2-Draft Conditions

1. **Storm Water Drainage:**
  - a. Applicant has obtained a Drainage Analysis Report from Eastern Carolina Engineering, Inc, dated October 5, 2016 and submitted the Report to the Currituck County Planning and Engineering Staff. The Currituck County Staff and the Currituck County Engineer have reviewed and approved the Report.
  - b. Applicant agrees to construct and maintain the drainage system as recommended in the Report and approved by the Currituck County Engineer and other required regulatory agencies.
2. **Landscaping Buffers:**
  - a. Per the Currituck Ordinance, Section 5.2.6 Perimeter Landscape Buffers, all of the residential area will be screened using a Type "D" Opaque buffer and the commercial area will be screened using, a Type "C" semi-opaque buffer. The Type "D" Buffer will extend 8,500 linear feet and the Type "C" will extend 2,600 linear feet.
  - b. Pollinator species will be integrated into the seeding plan. Pollinator grasses typically take 2 to 3 years to become established.
3. **Construction Issues:**
  - a. Dust will be suppressed during construction per NC DEQ Practice Standards and Specification 6.84 Dust control.
  - b. Landscape buffers will be installed prior to pile driving.
  - c. All Storm Water control measures will be installed after buffer installation and before pile driving.
  - d. Construction activities will be limited from 7 am - 8 pm for all activities
4. **Maintenance issues:**
  - a. The area inside the solar farm and the fence outer perimeter will be planted with native, low growing pollinator plants as the long term vegetative cover within the solar array. Once established, mowing will occur annually, however, if vegetation such as weeds or other unwanted species grow to a height above the leading edge of the module (approximately 30 inches) the site will be mowed as needed to prevent shading on the solar modules.
5. **Site Access:**
  - a. Temporary Construction access will be off Highway 158.
  - b. Permanent site access will be off Uncle Graham Road.

### Attachment 3



**EXHIBIT FOR CONDITIONAL USE PERMIT**  
GRANDY PV1 - GOOSE CREEK SOLAR PARK - June 5, 2018

ecoplexus



**TIMMONS GROUP**

Communication: Minutes for June 18, 2018 (Approval Of Minutes for June 18, 2018)

## Attachment 4

APPLICATION SUMMARY	
<b>Property Owner:</b> Currituck Sunshine Farms 5504 N Prospect Rd Peoria Heights IL 61616	<b>Applicant:</b> Ecplexus Inc. 650 Townsend St #310 San Francisco CA 94103
<b>Case Number:</b> PB 15-25	<b>Application Type:</b> Use Permit
<b>Parcel Identification Number:</b> 0108000095E0000	<b>Existing Use:</b> Closed Golf Course
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 101.53
<b>Request:</b> Solar Array  <i>Note: In 2007 the property owner petitioned the BOC to rezone 67.07 acres from A to R and 11.41 acres from A to GB to reduce the golf course to an "Executive-style" with 9 holes plus housing and to expand the GB consistent with the GB to the north and allow compatible business uses. The BOC denied the 67.07 acre rezoning and approved the 11.41 acre rezoning.</i>	<b>Zoning:</b> AG

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	SINGLE FAMILY DWELLINGS & RETAIL	AG AND GB
SOUTH	SINGLE FAMILY DWELLINGS & RETAIL	AG AND GB
EAST	SINGLE FAMILY DWELLINGS & RETAIL	GB
WEST	SINGLE FAMILY DWELLINGS	AG

- Ecplexus, Inc. seeks a use permit for a 20 megawatt solar array on the abandoned Goose Creek Golf Course in Grandy. If approved, the applicant states that the facility would produce clean, renewable energy for an average of 1,900 local homes, in addition to providing short-term economic stimulus and job creation along with long-term tax revenue while requiring no provisions of additional services or infrastructure.
- The solar PV Facility will consist of direct current (DC) photovoltaic solar modules (panels) arranged in rows that are affixed to a metal racking structure and attached to the ground with either driven posts or helical ground screws. The whole concept of efficient solar power is to

absorb as much light as possible while reflecting as little light as possible, so solar panels are designed to produce less glare and reflectance than standard window glass.

- Based on the limited amount of impervious coverage intended for this site, it will be exempted from the Stormwater Manual. It is anticipated that the amount of coverage created for this site will be below 10 percent of the site. Stormwater runoff will be handled by the existing ditch system on the site. Where necessary for placement of equipment or for access, existing ditches will be filled or rerouted and new grass lined drainage swells will be created as approved by Soil and Water.
- The following use standards shall apply (UDO Section 4.2.3.H).
  - Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.
  - Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.
  - The solar panels, equipment, and associated security fencing shall be screened from rights-of-way and developed land by a Type C buffer.
  - The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.
  - The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
  - Operations, maintenance, and decommissioning plans are required.
  - All components of the solar array (including security fencing) shall be setback at least 300 feet from all exterior property lines.
  - Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.
    - Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.
  - Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in an amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor.

## INFRASTRUCTURE

STORMWATER/DRAINAGE	THE PONDS ON THE PROPERTY ARE TO BE FILLED IN. THEY ARE NONJURISDICTIONAL WETLANDS. AN EROSION AND SEDIMENTATION CONTROL PERMIT WILL BE REQUIRED FROM NCDEQ IF MORE THAN ONE ACRE IS DISTURBED. THERE WILL BE NO INCREASE IN STORMWATER RUNOFF FROM THE PROPERTY, ACCORDING TO THE APPLICANT.
LIGHTING	THE APPLICANT PROPOSES NO EXTERIOR LIGHTING TO BE INCLUDED AS PART OF THE FACILITY.
LANDSCAPING	THE SOLAR PANELS, EQUIPMENT, AND ASSOCIATED SECURITY FENCE SHALL BE SCREENED FROM RIGHTS-OF-WAY AND DEVELOPED LAND BY A TYPE C BUFFER.
WATER/WASTEWATER	THE PROJECT WILL NOT USE WATER OR WASTEWATER.
TRANSPORTATION/ACCESS	THE PROPERTY HAS ROAD FRONTAGE/ACCESS ON UNCLE GRAHAM ROAD (SR 1128).

**RECOMMENDATIONS****TECHNICAL REVIEW COMMITTEE**

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:
  - a. Appropriate ground cover/grass is required. (UDO Section 4.2.3.H) Please note the proposed groundcover.
  - b. Operations, maintenance, and decommissioning plans are required prior to issuance of a building permit.
  - c. Post a performance guarantee to ensure proper decommissioning prior to the issuance of a building permit.
  - d. Street address must be posted on the property.
  - e. Ground water monitoring wells shall be installed and initial testing data provided prior to the issuance of the building permit and then annually thereafter to show compliance with EPA Nation Primary Drinking Water standards. Please show well locations on the plan.

**PLANNING BOARD**

THE PLANNING BOARD RECOMMENDS ADOPTION OF THE USE PERMIT SUBJECT TO THE SAME CONDITIONS OUTLINED IN THE TRC COMMENTS AND THE FOLLOWING:

1. UNCLE GRAHAM ROAD SHALL NOT BE USED FOR CONSTRUCTION AND HEAVY EQUIPEMENT TRAFFIC, BUT MAY BE USED AS THE PRIMARY ACCESS TO THE SITE ONCE CONSTRUCTION IS COMPLETE. CARATOKE HIGHWAY IS TO BE USED FOR THE CONSTRUCTION AND HEAVY EQUIPMENT TRAFFIC.
2. THEY SYSTEM SHALL BE ANCHORED TO SUSTAIN 120MPH WINDS AS CALLED FOR IN THE BUILDING CODE.

**USE PERMIT REVIEW STANDARDS**

**A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. IT IS STAFF'S OPINION THAT THE EVIDENCE IN THE RECORD, PREPARED IN ABSENCE OF TESTIMONY PRESENTED AT A PUBLIC HEARING, SUPPORTS THE PRELIMINARY FINDINGS.**

**The use will not endanger the public health or safety.**

PRELIMINARY APPLICANT FINDINGS:

1. THE SOLAR PHOTOVOLTAIC TECHNOLOGY IS AN EXTREMELY SAFE FOR OF ELECTRICAL GENERATION AND HAS NO POLLUTANTS, DISCHARGES, OR EMISSIONS OF TOXIC COMPOUNDS DURING ITS USE.
2. SECURITY FENCING WILL SURROUND THE SITE.
3. CODE COMPLIANT WIRING PRACTICES AND MATERIALS WILL BE USED.
4. BONDING OF ALL METALS TO PREVENT FIRE IN THE CASE OF A GROUND FAULT.
5. THE PANELS ARE RATED TO 150 MPH WIND SPEEDS.
6. THE RACKING SYSTEM WILL BE ENGINEERED TO WITHSTAND A MINIMUM OF 120 MPH THREE SECOND WIND GUST.

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

PRELIMINARY APPLICANT FINDINGS:

1. THE SOLAR FACILITY IS A VERY BENIGN, INNOCUOUS LAND USE. THE FACILITY WILL PRODUCE NO ODORS, AIR EMISSIONS, OR HAZARDOUS MATERIAL. ADDITIONALLY, IT WILL NOT PRODUCE ANY NOISES THAT ARE DISCERNIBLE BEYOND THE INTERIOR OF THE FACILITY. ADDITIONALLY, AFTER

CONSTRUCTION OF THE FACILITY IS COMPLETE, VEHICULAR TRIPS TO/FROM THE SITE WILL CONSIST OF A SINGLE PICKUP TRUCK SEVERAL TIMES A YEAR FOR ROUTINE MAINTENANCE.

2. THE SOLAR FACILITIES ARE GENERALLY CONSIDERED TO BE LESS NOXIOUS USES THAN TRADITIONAL AGRICULTURE, GIVEN THAT FARMING CAN CREATE NUISANCE IN THE FORM OF DIRT KICKED UP BY TRACTORS, ODORS FROM FERTILIZER APPLICATION, AND MIGRATION OF PESTICIDES AND HERBICIDES FROM THE SOIL INTO THE GROUNDWATER.
3. ECOPLEXUS HAS COMMISSIONED A LICENSED REAL ESTATE APPRAISER THAT PERFORMED A NUMBER OF "MATCHED PAIR ANALYSES" FOR ITS SOLAR DEVELOPMENTS IN NORTH CAROLINA. NONE OF THE ANALYSES PRODUCED ANY EVIDENCE OF DELETERIOUS IMPACTS ON PROPERTY VALUES DUE TO THE PRESENCE OF THE SOLAR FACILITY.
4. THE PROPOSED USE WILL BE IN HARMONY WITH THE SURROUNDING AREA, NOTING THAT THE PROPOSED FACILITY CAN ACTUALLY ENHANCE IT. FOR EXAMPLE, WHILE TRADITIONAL AGRICULTURE PRODUCES DUST AND RUNOFF, THE PROPOSED SOLAR FARM WILL PRODUCE NEITHER. NOR IS THERE ANY TRAFFIC CREATED AFTER THE CONSTRUCTION PERIOD HAS FINISHED.
5. THE PROPOSED FACILITY REPRESENTS A CONSISTENT, PREDICTABLE LAND USE THAT WILL BE IN HARMONY WITH THE SURROUNDING AREA BY NOT CONTRIBUTING TO URBANIZATION OF THE LANDSCAPE.

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

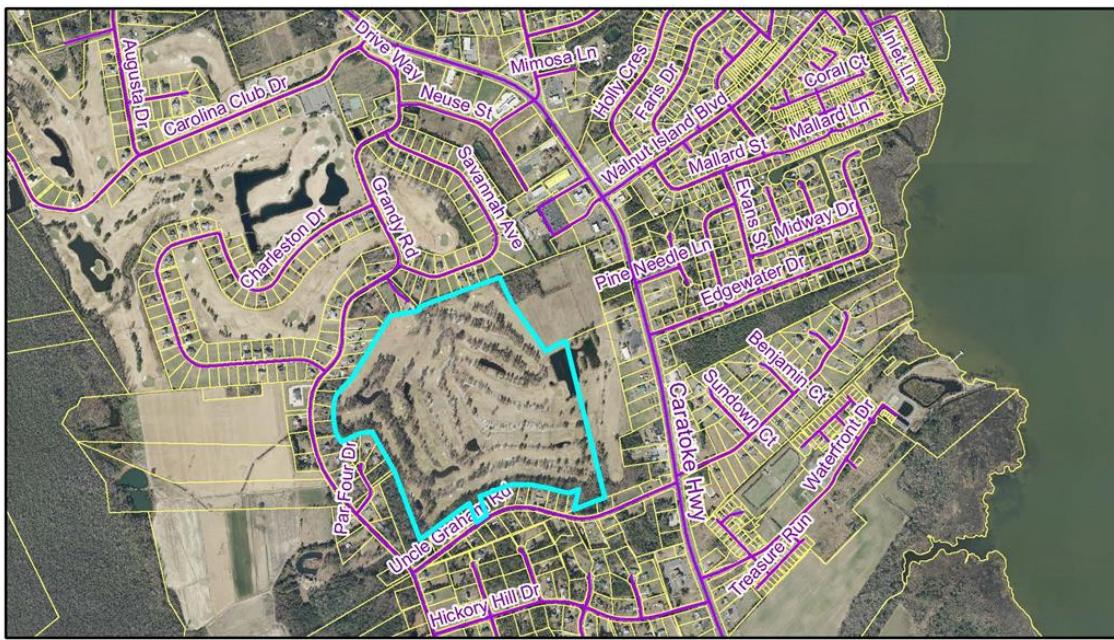
**PRELIMINARY STAFF FINDINGS:**

1. THE LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE GRANDY SUBAREA. AREAS DESIGNATED AS FULL SERVICE ARE THOSE PARTS OF THE COUNTY WHERE A BROAD RANGE OF INFRASTRUCTURE AND SERVICE INVESTMENTS HAVE BEEN PROVIDED OR WILL BE MADE AVAILABLE BY THE PUBLIC AND/OR PRIVATE SECTORS. THE PROPOSED USE IS IN KEEPING WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:
  - a. POLICY ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. POLICY ID1: Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, alternative energy, agriculture and food, and local existing business support.

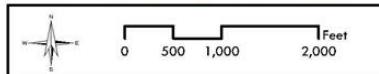
**The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.**

**PRELIMINARY STAFF FINDINGS:**

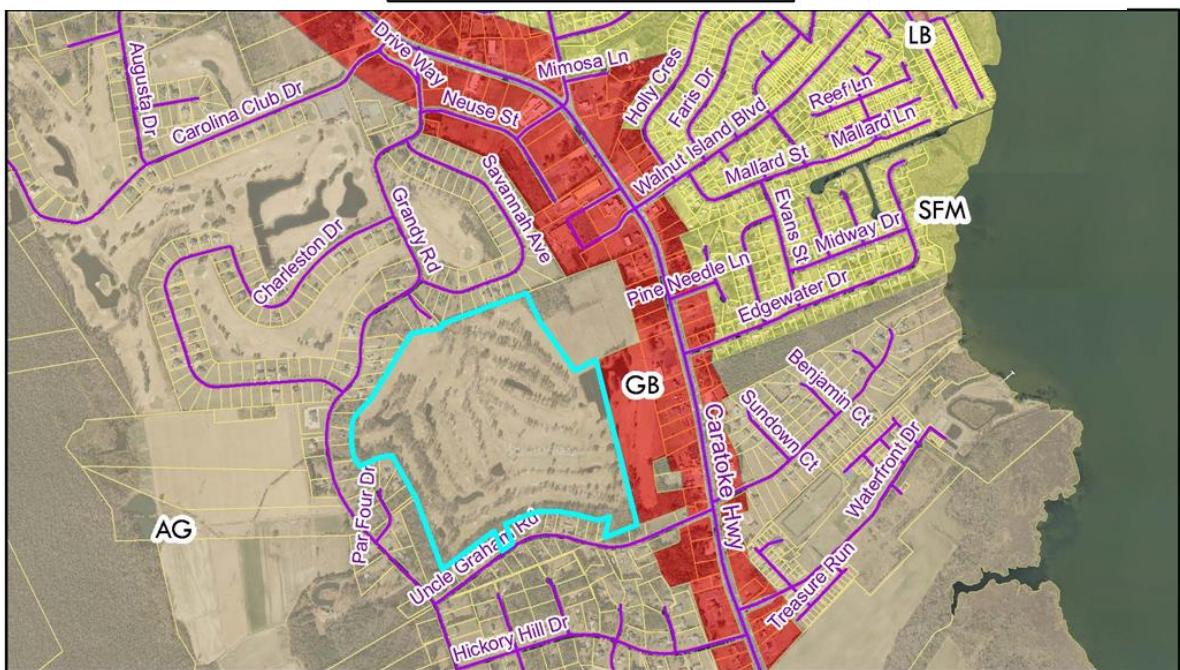
- a. The use will not create any burden on public facilities and will have no impact on schools.



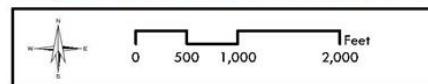
PB 15-25 Grandy Solar Farm  
Use Permit  
Aerial Photo



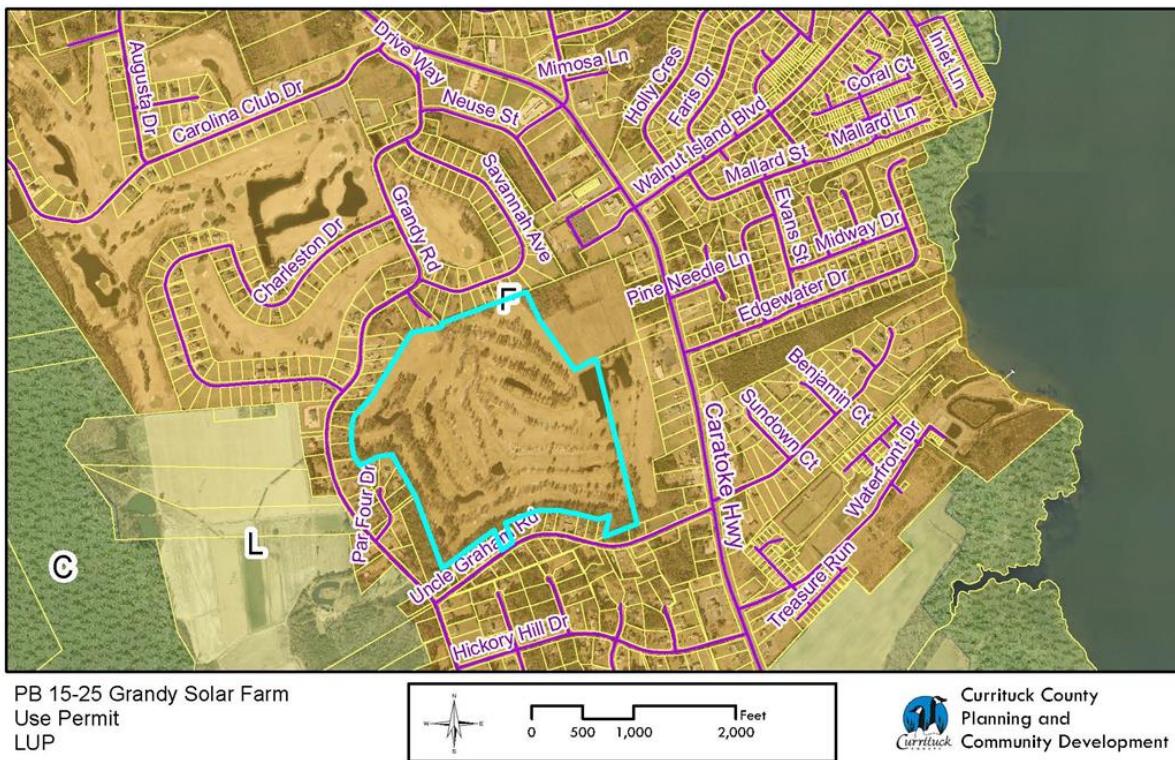
Currituck County  
Planning and  
Community Development



PB 15-25 Grandy Solar Farm  
Use Permit  
Zoning



Currituck County  
Planning and  
Community Development



County Attorney, Ike McRee, reviewed the Board's denial of the original application in April, 2016. The applicant appealed which ultimately resulted in a Court of Appeals ruling remanding the case back to Superior Court to reverse the denial of the use permit. Mr. McRee said no more evidence is required and Commissioners must issue the permit, although reasonable conditions may be considered and imposed by the Board per the ordinance that was in place at the time Ecoplexus made its application.

Parties were sworn in and testimony was provided prior to the public hearing.

Laurie LoCicero, Planning and Community Development Director, reviewed the application and conditions agreed to by Ecoplex, along with additional conditions recommended by staff. Ms. LoCicero responded to Commissioner questions related to the application and conditions. She described Type C and Type D buffers, confirmed acceptability of the decommissioning plan and addressed construction hours, dust abatement, enforcement of conditions, stormwater and drainage. Parcel location and site plans were reviewed.

Representatives provided sworn testimony on behalf of the applicant:

Mike Fox, Attorney for Ecoplexus, confirmed the conditions discussed by Ms. LoCicero were agreed to. Mr. Fox clarified several of the conditions presented by staff including groundwater monitoring, stormwater and decommissioning.

Jim Haley, Project Engineer, responded to Board questions regarding pile driving. He said pile driving on weekends could be restricted.

Kim Hamby, Stormwater Engineer for the project, testified that flooding will be lessened

with the dewatering system.

Chairman Hanig opened the Public Hearing.

David Rice of Grandy Road said he borders the site location and expressed concern related to flooding and reduced property values.

John McColley of Grandy Road asked the Board to consider conditions submitted in 2016 by Mr. Steve Fentress at the initial application. He expressed concerns with drainage and noted Mr. Fentress had calculated there were 12 million gallons of water in the large pond. He said the use may affect migratory patterns and that it is not in harmony with the neighborhood.

With no others signed up nor wishing to speak Chairman Hanig closed the Public Hearing.

Chairman Hanig reiterated the Board must approve the application but they can help ensure what is approved is satisfactory for the neighboring community.

Eric Weatherly, County Engineer, was sworn in to respond to questions from Commissioners. He spoke about current stormwater issues at location and said he will work with Ecoplexus and the community. A drainage issue may exist to the west and he will take a look.

Mr. McColley returned and discussed connectivity of drainage ditches on other properties. Ms. Hamby said drainage is already interconnected and confirmed the stormwater plan will not make drainage worse and will improve in some areas.

Mr. ET Smith of Corolla was sworn in to provide comment. He talked about migratory water fowl and said the position of a solar array could disrupt flight patterns.

Mr. Fox, when asked, declined to agree to a continuance, citing the legal restrictions. He reviewed the few additional conditions not included in the staff recommendations that were discussed during the hearing, after which the Board moved forward with a motion.

Commissioner Beaumont moved to approve PB 15-25 (amended by Commissioner Beaumont from 18-07, after the motion) Currituck Sunshine Farms Use Permit because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO). Specifically, the use will not endanger the public safety or public health because security fencing will surround the site; the panels are rated to 150 MPH wind speeds; the racking system will be engineered to withstand a minimum of 120 MPH three second wind gusts; and the panels used and all construction will comply with UL 1703 Safety Certification, which is required for the panels. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located because Ecoplexus has commissioned a licensed real estate appraiser that performed a number of "matched pair analyses" for its solar developments in North Carolina. None of the analyses produced any evidence of deleterious impacts on property values due to the presence of

a solar facility. The use is in conformity with the following policies of the 2006 Land Use Plan (LUP) plans, specifically Policy ID1: Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, alternative energy, agriculture and food, and local existing business support. The use will not exceed the county's ability to provide adequate public facilities in that the use will not create any burden on public facilities and will have no impact on schools. With the additional language based upon county staff's recommendation, specifically, 300 foot setback from residential zone use and 100 foot setback from all other property lines, a maximum fixture height of anything on the site to be 15 feet; screening will be Type D at residential zone use property lines and Type C at all other property lines to be in place prior to construction; unwanted vegetation and weeds will be 24 inches maximum height; groundwater monitoring wells will be as per UDO standards that were in effect on April 4, 2016; decommissioning performance guarantee will be required at 115% salvage value to be renewed every other year also as per the UDO that was in effect at the time of this original application. Construction activity will be from 7 AM till 8 PM, Monday through Friday, during post-driving, and the construction would be requested to remain within that time window as much as possible. During the dewatering and for stormwater control, stormwater constraint features to be installed prior to the evacuation of water from the ponds within the facility that quiet pumps would be used as brought up by Ecoplexus' engineer to be used during the dewatering. No chemicals will be used to control vegetative growth on the property throughout the life of the project.

The construction site entrance location was confirmed.

Commissioner Payment seconded the motion and the motion passed unanimously.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, 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

### C. Consideration and Action: PB 18-09 Muddy Acres:

#### APPLICATION SUMMARY

<b>Property Owner:</b> Landmark Custom Homes and Design, Inc.	<b>Applicant:</b> Landmark Custom Homes and Design, Inc.
<b>Case Number:</b> PB 18-09	<b>Application Type:</b> Preliminary Plat/Use Permit
<b>Parcel Identification Number:</b> 0014000018H0000	<b>Existing Use:</b> Vacant
<b>Land Use Plan Classification:</b> Rural	<b>Parcel Size (Acres):</b> 4 parcels @ 0.81 acres 1 parcel @ 9.7 acres.
<b>Number of Units:</b> 5	<b>Project Density:</b> .375 units/acre
<b>Required Open Space:</b> 8 acres (60%)	<b>Provided Open Space:</b> 8 acres (60%)

**SURROUNDING PARCELS**

	LAND USE	ZONING
NORTH	RESIDENTIAL/UNDEVELOPED	SINGLE FAMILY MAINLAND
SOUTH	UNDEVELOPED/INACTIVE FARMLAND	SINGLE FAMILY MAINLAND
EAST	RESIDENTIAL (DUSTIN ACRES)	CONDITIONAL SFM
WEST	RESIDENTIAL/UNDEVELOPED	AGRICULTURE

The applicant is requesting approval of a preliminary plat and use permit for a 5 lot conservation subdivision along Tulls Creek Rd. Normally subdivisions of 20 lots or less do not require use permits. Due to the number of prior subdivisions from the parent parcel, the 5 proposed lots constitute a Type II Major Subdivision, which requires a use permit.

The subdivision consists of 13.3 acres and proposes 35,000 square foot lots with the remaining 8 acres reserved for open space. The conservation area consists of 5.2 acres of wooded wetlands and 2.8 acres of historical farmland. The open space will contain the stormwater control features for the subdivision. The site lies adjacent to Dustin Acres subdivision which received conditional rezoning (C-SFM) on July 8, 2014 for a similar subdivision layout. Dustin Acres did not require a use permit due to available capacity in the school system. Waterleigh subdivision is adjacent to the rear boundary of Muddy Acres and has received preliminary plat approval for 275 lots. The 2006 land use plan classifies the site as Rural. The Moyock Small Area Plan shows the site as limited service.

Due to the narrow configuration of the subject property there is space for only one street that terminates in a cul de sac. The lot configuration in Dustin Acres is not conducive to interconnectivity with Muddy Acres. These factors produced a connectivity score of 1 which does not comply with the minimum score of 1.2 required by the UDO. The UDO allows flexibility with regard to connectivity scores when it is not possible to achieve the required score due to existing road configurations, or adjacent existing development patterns.

**INFRASTRUCTURE**

WATER	PUBLIC
SEWER	SEPTIC
TRANSPORTATION	PEDESTRIAN: CIRCULATION NOT REQUIRED FOR 5 OR FEWER LOTS CONNECTIVITY SCORE: 1.0
STORMWATER/DRAINAGE	
SCHOOLS	ELEMENTARY STUDENTS GENERATED: 1 MIDDLE SCHOOL STUDENTS GENERATED: 0 HIGH SCHOOL STUDENTS GENERATED: 0
LANDSCAPING	STREET TREES (30 FEET ON CENTER)
COMPATIBILITY	SIMILAR USE AND LOT SIZE TO SURROUNDING AREAS
RECREATION AND PARK AREA DEDICATION	PAYMENT-IN-LIEU OF DEDICATION (1,238.65)
RIPARIAN BUFFERS	50 FOOT WETLAND BUFFER

**RECOMMENDATIONS****TECHNICAL REVIEW COMMITTEE**

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
  - a. A 30 foot wide buffer shall be called out on the plat.
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
  - a. Due to similar residential uses in the surrounding area, there are no conditions of approval necessary to ensure compliance with the UDO.

## USE PERMIT REVIEW STANDARDS

**A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. IT IS STAFF'S OPINION THAT THE EVIDENCE IN THE RECORD, PREPARED IN ABSENCE OF TESTIMONY PRESENTED AT A PUBLIC HEARING, SUPPORTS THE PRELIMINARY STAFF FINDINGS**

**The use will not endanger the public health or safety.**

**PRELIMINARY APPLICANT FINDINGS:**

The proposed use of a single family residential dwelling subdivision will not endanger the public health or safety. The proposed subdivision will benefit the public health and safety by:

- constructing a watermain extension to serve the proposed lots with domestic water supply;
- managing stormwater runoff per the Currituck County Stormwater Manual requirements which is in excess of the amount that the State requires for water quality improvements. This excess amount of storage will not only aide in increasing the management of water quality, but will provide additional management for stormwater runoff and flooding;
- laying out proposed lot lines to best suit the onsite wastewater evaluations provided by ARHS. Each lot will acquire an onsite wastewater improvement permit prior to construction commencement;
- Obtaining review and approval of necessary NCDOT permits such as Right of Way Encroachment Agreements and Street and Driveway Access Permits. Since NCDOT will have an opportunity to review the subdivision, the owner will have the chance to address any health or safety concerns they may have.

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

**PRELIMINARY APPLICANT FINDINGS:**

The adjacent and abutting lands consist of single family residences and residential subdivision of same characteristics as the proposed residential subdivision. The proposed lots are between 35,500 and 42,047 square feet in size. These lots sizes are similar in size to the adjacent subdivision and residential lots. The proposed subdivision also proposes a cul-de-sac road which is equivalent in design to the adjacent subdivisions. Proposing a subdivision of such similar nature as adjacent lands and development will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

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

**PRELIMINARY STAFF FINDINGS:**

The proposed subdivision is in general conformity with the County's Land Use Plan and current UDO. The proposed subdivision will be held to the UDO standards for layout,

screening, and other requirements. The Moyock Small Area Plan classifies the site as Limited Service on the Future Land Use Map.

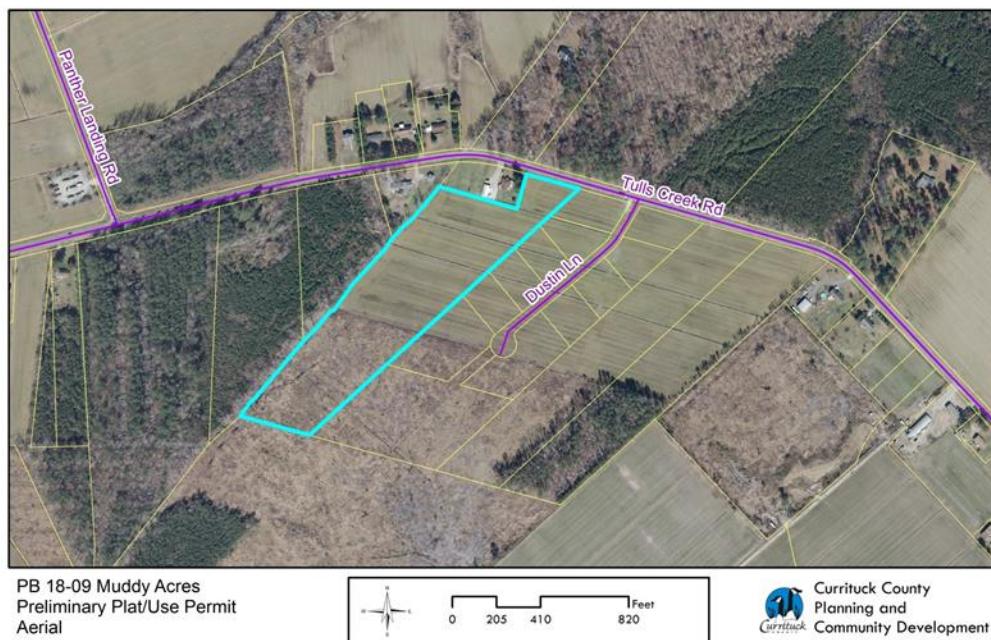
**The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.**

**PRELIMINARY STAFF FINDINGS:**

1. Utility services are available to the site and onsite wastewater disposal will be designed and permitted in accordance with the State Rules and Standards. The location of the proposed subdivision is already within defined school, fire & rescue, and law enforcement areas. The proposed subdivision layout is designed to conform with the North Carolina Fire Code along with the County Fire Official's preferred hydrant location and equipment reaches. The proposed subdivision will not exceed the County's ability to provide adequate public facilities.
2. The student generation rates are as follows:
  - a. Elementary Students Generated: 1
  - b. Middle School Students Generated: 0
  - c. High School Students Generated: 0

**2018 School Capacity Percentages**

Elementary (Moyock to Coinjock Bridge + GW)	83%
Middle School (Entire County)	78%
High School (Entire County)	80%



Parties were sworn and Laurie LoCicero, Planning and Community Development Director, reviewed the application with the Board, which was continued from the meeting of May 21, 2018. Ms. LoCicero responded to Board questions related to drainage and said the applicant is prepared to speak to drainage at this time and to the effect of the subdivision on neighboring property values.

Sworn testimony was provided on behalf of the applicant to support the application:

Brad Smith of Landmark Homes, project applicant, clarified items related to the pond location, pond maintenance and drainage. Mr. Smith said there will be covenants with a maintenance requirement for the pond.

Certified Appraiser Mr. Kim Tate testified as to his assessment of similarly situated property and their effects on neighboring properties. He noted no negative impact on marketability.

Dylan Tillet, Engineer with Quible and Associates, discussed drainage and septic issues on the neighboring property.

Chairman Hanig opened the public hearing.

Cameron Tabor, Tulls Creek Road, said he didn't have a septic issue until other homes were built that he continues to have concerns with the pond that abuts his property.

No others were signed up nor wished to speak and Chairman Hanig closed the public hearing.

Commissioner Gilbert moved to approve PB 18-09 with the staff recommendations that the project will not endanger the public health or safety because it is a residential single-family dwelling subdivision consisting of .8 acre lots; it will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located because the surrounding properties are largely used for single-family dwellings and agriculture and appraisals are included in the package. It is in conformity with the Land Use Plan because it is located in the fastest growing area of the county that continues to evolve as a full service community under the Moyock Small Area Plan. It will not exceed the county's ability to provide adequate public facilities because public water is available at the site and it consists of only five lots which will generate a minimal impact on county schools. Pond maintenance shall be maintained by the developer until the homeowners association takes over and that the pond maintenance be included in those covenants with fees to maintain the pond.

Commissioner White seconded the motion and the motion passed unanimously.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM 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

## NEW BUSINESS

**A. Department of Social Services-Memorandum of Understanding Between the North Carolina Department of Health and Human Services Division of Social Services and Currituck County.**

Samantha Hurd, Director of the Currituck County Department of Social Services, summarized a new statutory requirement, HB 630, adopted by the General Assembly that establishes performance and administrative responsibilities for social services departments. She addressed concerns with some of the high thresholds related to foster care and child protective services and answered questions posed by Commissioners.

County Attorney, Ike McRee, reiterated that we may be entering into an agreement with which we cannot comply. He said there have been various drafts of the agreement and reviewed some of the provisions and challenges with regard to meeting some parameters. Mr. McRee recommended adoption of the Resolution which authorizes the County Manager and Social Services Director to sign the memorandum of understanding on behalf of the county and includes language related to the county's concerns with the agreement. Mr. McRee responded to questions from the Board related to the agreement and Commissioners discussion included what implications might be should the county fail to reach parameters.

Commissioner Etheridge moved for approval to have the County Manager and Director sign the Memorandum of Understanding between North Carolina Department of Health and Human Services and Currituck County and also pass the Resolution regarding House Bill 630, Required Agreement between the North Carolina Department of Health and Human Services and Currituck County Department of Social Services. The motion was seconded by Commissioner Gilbert. The motion passed on a vote of 5-2, with Chairman Hanig and Commissioner Beaumont opposed.

<b>RESULT:</b>	<b>APPROVED [5 TO 2]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	Mike H. Payment, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner
<b>NAYS:</b>	Bobby Hanig, Chairman, Paul M. Beaumont, Commissioner

**B. Consideration and Action: PB 15-09 TW's Field: A request for a two year extension of the preliminary plat/use permit for a conservation subdivision consisting of 13 residential lots located on North Currituck Road in Currituck.**

Planning and Community Development Director, Laurie LoCicero, reviewed the application with the Board. The applicant was not present and Ms. LoCicero said no reason was provided by the applicant when their request for a 24 month preliminary plat extension was submitted. Commissioners discussed continuing the item until a reason was provided but chose to move forward, as the application would expire prior to the next meeting requiring the applicant to restart the entire process.

After discussion, Commissioner Gilbert moved to extend the preliminary plat for TW's field for 24 months. The motion was seconded by Commissioner Etheridge and the motion carried unanimously.

The Board of Commissioners directed staff to provide the reason for the extension.

<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

**C. Consideration of a Resolution Authorizing the Retention of Legal Counsel to Represent the County in Opioid Litigation**

Ike McRee, County Attorney, discussed the rising opioid crisis and recent lawsuits counties and cities have entered into against pharmaceutical companies. He reviewed allegations made against the pharmaceutical companies and noted nearby counties Pasquotank and Dare counties have engaged. He reviewed the Resolution with the Board of Commissioners and confirmed there will be no cost to the County unless an award is received. Mr. McRee responded to Board questions.

Commissioner White moved for approval and the motion was seconded by Commissioner Gilbert. The motion passed unanimously.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS DECLARING THAT OPIOID ABUSE, ADDICTION, MORBIDITY AND MORTALITY IS DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE AND AUTHORIZING THE ENGAGEMENT OF LEGAL REPRESENTATION TO INITIATE LITIGATION TO ABATE THE OPIOID CRISIS**

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Currituck County; and

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Currituck County; and

WHEREAS, the opioid crisis unreasonably interferes with rights common to the general public of Currituck County; involves a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Currituck County; includes the delivery of controlled substances in violation of State and Federal law and regulations; and

WHEREAS, the opioid crisis is having an extended and far reaching impact of the general public, health, and safety, of residents and citizens of Currituck County and must be abated; and

WHEREAS, the violation of any laws of the State of North Carolina, or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the residents and citizens of Currituck County; and

WHEREAS, the Currituck County Board of Commissioners has the authority to seek abatement and redress of activity that unreasonably interferes with rights common to the general public of Currituck County and/or involve a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Currituck County;

WHEREAS, Currituck County has expended, is expending, and will continue to expend in the future County funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality within Currituck County; and

WHEREAS, the Currituck County Board of Commissioners have received information that indicates that the manufacturers and wholesale distributors of controlled substances have distributed in areas surrounding Currituck County, North Carolina, may have violated Federal and/or State laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market.

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

Section 1. The opioid crisis must be abated for the benefit of Currituck County and the health, safety and welfare of its residents and citizens.

Section 2. The Chairman of the Board is authorized to execute an agreement engaging legal representation in the form and for the purpose set forth in Exhibit A to this resolution which Exhibit is incorporated herein by reference.

Section 3. This resolution is effective upon its adoption.

ADOPTED the 18th day of June, 2018.

<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. Ordinance of the Currituck County Board of Commissioners Creating the Veterans Advisory Board**

County Attorney, Ike McRee, reviewed the purpose and ordinance document which would establish the Veterans Advisory Board in Currituck County. After presentation, Commissioner Gilbert moved for approval. The motion was seconded by Commissioner White and passed unanimously.

Chairman Hanig commented on the large population of veterans in Currituck County and stated his appreciation for the Board's willingness to create the advisory board, noting it is long overdue. He thanked the Dare County VFW and recognized Mr. ET Smith for his efforts, who proposed the idea to the Board of Commissioners in a June work session.

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a board of commissioners may appoint advisory boards, committees, councils and agencies composed of qualified and interested county

residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the board of commissioners.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new division to Chapter 2, Article III to read as follows:

**DIVISION 11. VETERANS ADVISORY BOARD**

**Sec. 2-281. - Created.**

The Veterans Advisory Board is created pursuant to G.S. 153A-76.

**Sec. 2-282. - Composition.**

The Veterans Advisory Board shall be composed of seven members who represent veteran program participants; veteran service agencies, veterans, and members of the general public interested in veteran affairs. One member of the board of commissioners shall be appointed by the board of commissioners to serve on the Veterans Advisory Board *ex officio* without a vote for a two year term.

**Sec. 2-283. - Appointment and terms of members.**

The Veterans Advisory Board shall be appointed by and serve at the pleasure of the Board of Commissioners in the manner set forth in sections 2-96 and 2-97 of this code. The initial Veterans Advisory Board is to consist of three appointees for a term of one year and four appointees for a term of two years. Thereafter, all appointments are to be for terms of two years.

**Sec. 2-284. - Compensation of members.**

Members of the Veterans Advisory Board shall be paid the sum per meeting provided by the board of commissioners in the county fee schedule and shall be reimbursed for expenses incurred by them in the course of their duties upon the presentation of proper vouchers for those expenses.

**Sec. 2-285. - Removal of members.**

The board of commissioners shall have the right to remove any member appointed to the Veterans Advisory Board at will and appoint a replacement member.

**Sec. 2-286. - Duties.**

The Veterans Advisory Board is charged with the following duties:

- (1) assist county veterans by serving as liaison with the community and government agencies to coordinate services and activities benefitting county veterans and their families;
- (2) solicit information and provide updates to the community about community activities honoring veterans;
- (3) report advisory committee activities to the board of commissioners; and
- (4) perform such other duties as may be authorized or directed by resolution of the board of commissioners.

**Sec. 2-287. - Function as advisory body.**

The Veterans Advisory Board shall have no legislative powers of its own but shall simply be an advisory body to the board of commissioners concerning the matters with which it is charged, and the board of commissioners will receive and consider the advisory board's recommendations.

**Sec. 2-288. - Officers.**

The Veterans Advisory Board shall appoint annually from its membership a chairman and any other officers as it may deem necessary for the orderly conduct of its business.

**Sec. 2-289. - Meetings.**

The Veterans Advisory Board shall hold meetings once quarterly and at hours as may be fixed by the board. Special meetings may be held on call of the chairman upon 48 hours' notice to all members of the board. A copy of the minutes of all meetings shall be submitted to the county manager. All meetings or other business of the board shall be conducted in accordance with the Open Meetings Law.

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

**PART III.** This ordinance is effective immediately upon adoption.

ADOPTED this 18<sup>th</sup> day of June, 2018.

<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

**E. Ordinance Amending Chapter 2 of the Currituck County Code of Ordinances to Move Commissioner Comments in the Agenda Order**

County Attorney, Ike McRee, reviewed the ordinance modification which moves Commissioner Reports up in the meeting agenda order. Commissioner Payment moved for approval after review and the motion was seconded by Commissioner Gilbert. The motion passed unanimously.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-65 OF THE CURRITUCK COUNTY, NORTH CAROLINA CODE OF ORDINANCES PROVIDING FOR THE LOCATION OF COMMISSIONER COMMENTS ON THE AGENDA**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-71 a board of commissioners may adopt its own rules of procedure in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure.

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

PART I. Sec. 2-65 of the Code of Ordinances, Currituck County, North Carolina is rewritten to read as follows

**Sec. 2-65. - Order of business.**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- (1) Call to order;
- (2) Invocation and pledge of allegiance;
- (3) Approval of agenda;
- (4) Public comment;
- (5) ~~Administrative reports~~ Commissioner reports;
- (6) ~~Public hearings~~ Administrative reports;
- (7) ~~Old business~~ Public hearings;
- (8) ~~New business~~ Old business;
- (9) ~~Board appointments~~ New business;
- (10) ~~Consent agenda~~ Board appointments;
- (11) ~~Approval of minutes~~ Consent agenda;
- (12) ~~Commissioner reports~~ Approval of minutes;
- (13) County manager's report;
- (14) Adjournment.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 18th day of June, 2018.

<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

## F) Board Appointments

### 1. Trillium Regional Health Advisory

Chairman Hanig moved to nominate Barbara Courtney to serve on the Trillium Regional Health Advisory. Commissioner Gilbert seconded the motion and the motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bobby Hanig, 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

### 2. Commissioner Appointee to Trillium Regional Health Advisory Board

Commissioner Etheridge was nominated by Chairman Hanig to serve on the Trillium Regional Health Advisory. Commissioner Gilbert moved for approval and the motion was seconded by Commissioner Payment. The motion carried unanimously.

<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

### 3. Amended-Board of Adjustment

Commissioner Hall moved to nominate Bill Rawson for the Board of Adjustment. The motion was seconded by Commissioner Gilbert and passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike D. Hall, 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

## G) Consent Agenda

Commissioner Gilbert moved for approval and the motion was seconded by Commissioner White.

Mr. Scanlon reviewed specific budget amendments for Commissioner Etheridge related to salary and position placements, after which the consent agenda was unanimously approved.

<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

### 1) Approval Of Minutes-June 4, 2018

#### 1. Minutes for June 4, 2018

#### 2. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12544-590004	Capital Outlay - Crawford	\$ 25,000	
12544-545000	Contract Services		\$ 25,000
		<u>\$ 25,000</u>	<u>\$ 25,000</u>
<b>Explanation:</b>	Crawford Volunteer Fire Department (12544) - Transfer budgeted funds for 50% cost of Crawford Fire Truck engine replacement. This will be funded through the FY 2018 contract funds. The remaining 50% will be funded through FY 2019 contract funds.		
<b>Net Budget Effect:</b>	Fire Services Fund (12) - No change.		

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-590000	Capital Outlay	\$ 2,500	
10750-502100	Salaries - Overtime		\$ 2,500
		<b>\$ 2,500</b>	<b>\$ 2,500</b>

**Explanation:** Social Services Administration (10750) - Transfer budgeted funds for emergency HVAC replacement in the Social Services Administrative building.

**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
10510-503500	Salaries - Temp. Services		\$ 2,500
10510-503000	Salaries - Part Time	\$ 2,500	
		<b>\$ 2,500</b>	<b>\$ 2,500</b>

**Explanation:** Sheriff (10510) - Transfer funds for temporary increase in part-time hours.

**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
10480-557300	Excise Tax on Deeds	\$ 70,000	
10320-410000	Deed Stamp Excise Tax		\$ 70,000
		<b>\$ 70,000</b>	<b>\$ 70,000</b>

**Explanation:** Register of Deeds (10480) - Increase appropriations for increase in collections of excise taxes on deeds.

**Net Budget Effect:** Operating Fund (10) - Increased by \$70,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-5113000	Utilities	\$ 800	
63838-545002	Contracted Services - Disposal	\$ 200,000	
63838-545800	White Goods Disposal	\$ 10,000	
63838-558400	Solid Waste Disposal Tax	\$ 3,000	
63838-571500	Recycling		\$ 30,000
63838-561000	Professional Services		\$ 10,000
63320-413500	White Goods		\$ 4,190
63330-449900	Solid Waste Grants		\$ 6,391
63340-462000	Tipping Fees		\$ 80,000
63360-470000	Utilities Charges		\$ 30,000
63380-482000	Recycling - Used Oil		\$ 700
63838-482500	Recycling - Scrap Metal		\$ 26,000
63390-499900	Fund Balance Appropriated		\$ 26,519
		<u>\$ 213,800</u>	<u>\$ 213,800</u>
<b>Explanation:</b>	Solid Waste (63838) - Increase appropriations to reflect increased revenues and for operations for the remainder of this fiscal year.		
<b>Net Budget Effect:</b>	Solid Waste Fund (63) - Increased by \$173,800.		

### 3. Surplus Resolution-2009 Nissan Titan #6904

## RESOLUTION

**WHEREAS**, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County	Description (Year & Make/Model)	Serial Number
Asset Tag 6904	2009 Nissan Titan (Full size crew cab)	1N6AA07C29N302498

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

**ADOPTED**, this 18th day of June 2018.

Bobby Hanig  
County of Currituck, Board of Commissioners

Leeann Walton  
Clerk to the Board (Seal)

#### 4. Revised Job Descriptions and Inspector Grade/Step Chart Modifications

##### H) County Manager's Report

No report.

##### ADJOURN

Prior to adjournment, Commissioners discussed the North Carolina Department of Transportation's upcoming meeting regarding the widening of South Mills Road.

##### Motion to Adjourn Meeting

With no further business, Commissioner Gilbert made a motion to adjourn. The motion was seconded by Commissioner White and passed unanimously, concluding the meeting of the Board of Commissioners.

<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

## **SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners held a special meeting sitting as the Tourism Development Authority immediately following adjournment of the June 18, 2018, 6:00 PM regular meeting of the Board of Commissioners. The special meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

### **Public Hearing and Consideration on Adoption of the FY 2018-2019 Annual Budget for the Tourism Development Authority**

County Manager, Dan Scanlon, reviewed the statutory requirements for adoption of the annual budget and public hearing requirements. He noted the only comments related to the budget were received on Friday in an email from the Corolla Civic Association.

Chairman Hanig opened the Public Hearing. With no one signed up nor wishing to speak the Public Hearing was closed.

Commissioner Payment moved to approve the Tourism Budget. The motion was seconded by Commissioner Gilbert and passed unanimously.

## CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY

## BUDGET ORDINANCE

For the Year Ending June 30, 2019

BE IT ORDAINED by the Currituck County Tourism Development Authority, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2018 and ending June 30, 2019.

## SECTION 1. OCCUPANCY TAX

## A. Estimated Resources:

Occupancy Tax	10,500,000
Other revenues	192,300
Investment earnings	78,332
Appropriated Fund Balance	-
	<u>10,770,632</u>
TOTAL ESTIMATED RESOURCES	\$ <u>10,770,632</u>

## B. Appropriations:

Occupancy Tax - Promotion	\$ 3,573,636
Occupancy Tax - Tourist related	7,196,996
	<u>10,770,632</u>
TOTAL APPROPRIATIONS	\$ <u>10,770,632</u>

The information above is presented in summary form. Complete detailed information is available in the County budget.

## SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners on a quarterly basis.
- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.
- d. He may make interfund loans for a period of not more than sixty days (60).
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

**SECTION 3. CONTRACTUAL OBLIGATIONS**

The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.
- c. They 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.
- d. They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- e. They 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 4. MEMORANDA**

## A. Officers:

Daniel F. Scanlon II is the Budget Officer  
 Leeann Walton is the Clerk to the Board  
 Eileen Wirth is the Deputy Clerk to the Board  
 Donald Ikerd McRee is the County Attorney  
 Sandra L. Hill is the County Finance Director  
 Bridget T. Brinkley is the Deputy Finance Director

## B. Facsimile Signatures:

The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile machines, stamps, plates or other devices.

## C. Official Depositories:

The Official depositories are:  
 Towne Bank of Currituck, Moyock, North Carolina  
 Bank of America, North Carolina  
 Branch Bank and Trust, North Carolina  
 North Carolina Cash Management Trust, Charlotte, North Carolina  
 Wells Fargo, North Carolina

## D. Daily Deposits:

Daily deposits will be made in accordance with G.S. 159-32 and are required by all departments when the amount of money held on hand sums to Five Hundred dollars (\$500).

## E. Returned Check or Electronic Funds Transfer Fees:

The Tourism Development Authority will assess a returned check charge consistent with G. S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds. The penalty for returned checks and electronic funds transfers for payment of taxes are governed by G. S. 105-357(2).

## F. Policy on Appropriations:

The Tourism Development Authority will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.

**SECTION 5. USE OF BUDGET ORDINANCE**

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

ADOPTED this 18th day of June 2018.

Bobby Hanig, Chairman  
Currituck County Tourism Development Authority

ATTEST:

Leeann Walton  
Clerk to the Board

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

### TDA Budget Amendments

County Manager, Dan Scanlon, reviewed the budget amendment.

Commissioner Gilbert moved for approval and the motion was seconded by Commissioner White. The motion passed unanimously.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 18th day of June 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-545100	Credit Card Processing Fees	\$ 1,000	
15447-531000	Fuel	\$ 1,000	
15447-545000	Contract Services	\$ 22,000	
15448-554000	Insurance	\$ 1,300	
15320-415000	Occupancy Tax		\$ 25,300
		<b>\$ 25,300</b>	<b>\$ 25,300</b>
<b>Explanation:</b>	Occupancy Tax - Promotions (15442); Occupancy Tax -Tourism Related (15447); and Whalehead Operations (15448) - Increase appropriations for operations and for Vector Management for the remainder of this fiscal year.		
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) - Increased by \$25,300.		

<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 MEETING OF THE TDA

There was no further business and Commissioner Beaumont made a motion to adjourn. Commissioner Etheridge seconded the motion and the motion passed unanimously. The meeting of the Tourism Development Authority was adjourned.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, 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-OCEAN SANDS WATER & SEWER DISTRICT

The Currituck County Board of Commissioners held a special meeting sitting as the Ocean Sands Water and Sewer District Board following adjournment of the June 18, 2018, 6:00 PM regular meeting of the Board of Commissioners. The special meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

#### **Public Hearing and Consideration on Adoption of the FY 2018-2019 Annual Budget for OSWSD**

County Manager, Dan Scanlon, reviewed the requirements for adoption of the budget and the public hearing. He said no comments were received related to the proposed budget.

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

Commissioner Beaumont moved for approval and the motion was seconded by Commissioner White. The motion passed unanimously.

## OCEAN SANDS WATER AND SEWER DISTRICT

## BUDGET ORDINANCE

For the Year Ending June 30, 2019

BE IT ORDAINED by the Ocean Sands Water and Sewer District, a blended component unit of the County of Currituck, North Carolina, that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2018 and ending June 30, 2019.

## SECTION 1. OCEAN SANDS WATER AND SEWER DISTRICT

## A. Estimated Resources:

Special District Taxes	505,954
Operating charges	1,304,000
Other revenues	13,621
Investment earnings	10,989
Retained earnings appropriated	111,817
	<u>1,946,381</u>
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 1,946,381</b>

## B. Appropriations:

Salaries & Benefits	\$ 157,525
Operations	960,793
Debt service	674,563
Capital Outlay	153,500
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,946,381</b>

The information above is presented in summary form. Complete detailed information is available in the County budget.

## SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners on a quarterly basis.
- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.
- d. He may make interfund loans for a period of not more than sixty days (60).
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

**SECTION 3. CONTRACTUAL OBLIGATIONS**

The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.
- c. They 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.
- d. They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- e. They 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 4. MEMORANDA**

## A. Officers:

Daniel F. Scanlon II is the Budget Officer  
 Leeann Walton is the Clerk to the Board  
 Eileen Wirth is the Deputy Clerk to the Board  
 Donald Ikerd McRee is the County Attorney  
 Sandra L. Hill is the County Finance Director  
 Bridget T. Brinkley is the Deputy Finance Director

## B. Facsimile Signatures:

The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile machines, stamps, plates or other devices.

## C. Official Depositories:

The Official depositories of the Tourism Development Authority are:  
 Towne Bank of Currituck, Moyock, North Carolina  
 Bank of America, North Carolina  
 Branch Bank and Trust, North Carolina  
 North Carolina Cash Management Trust, Charlotte, North Carolina  
 Wells Fargo, North Carolina

## D. Daily Deposits:

Daily deposits will be made in accordance with G.S. 159-32 and are required by all departments when the amount of money held on hand sums to Five Hundred dollars (\$500).

## E. Returned Check or Electronic Funds Transfer Fees:

The Ocean Sands Water and Sewer District will assess a returned check charge consistent with G. S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds. The penalty for returned checks and electronic funds transfers for payment of taxes are governed by G. S. 105-357(2).

## F. Policy on Appropriations:

The Ocean Sands Water and Sewer District will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.

**SECTION 5. USE OF BUDGET ORDINANCE**

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

ADOPTED this 18th day of June 2018.

Bobby Hanig, Chairman  
 Ocean Sands Water and Sewer District

ATTEST:

Leeann Walton  
 Clerk to the Board

<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

### ADJOURN MEETING OF THE OSWSD

With no further business, Commissioner Etheridge moved to adjourn. The motion was seconded by Commissioner Gilbert and passed unanimously, concluding the special meeting of the Ocean Sands Water and Sewer District Board.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, 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

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS AUTHORIZING CURRITUCK COUNTY TO ENGAGE IN  
ELECTRONIC PAYMENTS AS DEFEINED N.C. GEN. STAT. §159-28 OR  
N.C. GEN. STAT. §115C-441**

WHEREAS, it is desirable that the county engage in electronic payments of funds as defined by N.C. Gen. Stat. §159-28 or N.C. Gen. Stat. §115C-441; and

WHEREAS, pursuant to 20 NCAC 03.0409 a county's finance director may be authorized to adopt a written policy outlining procedures for pre-auditing obligations incurred by electronic payments; and

WHEREAS, pursuant to 20 NCAC 03.0410 a county's finance director may be authorized to adopt a written policy outlining procedures for disbursing public funds by electronic transfer.

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

Section 1. Currituck County is authorized to engage in electronic payments as defined by N.C. Gen. Stat. §159-28 or N.C. Gen. Stat. §115C-441.

Section 2. The Currituck County Finance Director is authorized to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by 20 NCAC 03.0409 and to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by 20 NCAC 03.0410.

Section 3. This resolution shall take effect immediately upon its adoption.

This the 16th day of July, 2018.

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Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

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Clerk to the Board of Commissioners

(COUNTY SEAL)

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS APPROVING THE CURRITUCK COUUNTY  
DETENTION CENTER MEDICAL CARE PLAN PURSUANT TO N.C. GEN.  
STAT. §153A-225**

WHEREAS, N.C. Gen. Stat. §153A-225 provides that each county that operates a local confinement facility shall develop a plan for providing medical care for prisoners in the facility; and

WHEREAS, the prisoner medical care plan must be approved by district health director after consultation with the area mental health, developmental disabilities, and substance abuse authority if it is adequate to protect the health and welfare of the prisoners; and

WHEREAS, upon a determination that the prisoner medical care plan is adequate to protect the health and welfare of the prisoners it must be adopted by the county's governing board; and

WHEREAS, the Currituck County Detention Center Medical Plan was approved by R. Battle Betts, Jr., Albemarle Regional Health Center Director, on June 7, 2018.

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

Section 1. The Currituck County Detention Center Medical Plan attached to this resolution as Exhibit A is adopted.

Section 2. This resolution is effective upon adoption.

This the 16th day of July, 2018

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Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

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Clerk to the Board of Commissioners

(COUNTY SEAL)



Detention Center  
County of Currituck

413 Maple Road  
Maple, North Carolina  
27956

Telephone  
(252) 453-2194  
Fax  
(252) 453-2198

Matthew W. Beickert  
Sheriff

POLICY 400.0  
CURRITUCK COUNTY DETENTION CENTER  
MEDICAL PLAN REVIEW

I HAVE REVIEWED THE CURRITUCK COUNTY DETENTION CENTER INMATE MEDICAL PLAN AND THERE ARE NO CHANGES REQUIRED.

Matthew Beickert

Sheriff

Date

6-27-18

R. Battle

Albemarle Regional Health  
Center Health Director

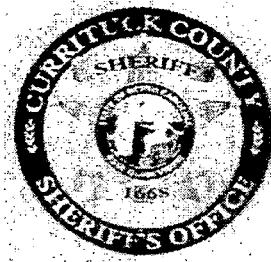
Date

06-27-2018

Date

6-7-18

EXHIBIT A



Detention Center  
County of Currituck  
P.O. Box 114  
Currituck, North Carolina 27929

Telephone  
(252) 453-2194  
Fax  
(252) 453-2198

Matthew W. Beickert  
Sheriff

### INMATE MEDICAL CARE PLAN

#### DIRECTIVE 400.0-A

**DIRECTIVE STATEMENT:** In order to be in compliance with Currituck County Detention Center Policy 400.0 and The North Carolina Minimum Jail Standards, the Currituck County Detention Center in cooperation with Southern Health Partners (Contracted Medical HealthCare Providers) has developed this medical plan.

#### SPECIFIC PROCEDURES:

1. To promote the health and well being of inmates confined to the Currituck County Detention Center, a medical care plan has been developed to provide routine and emergency healthcare services to inmates.
2. Under no circumstances will any inmate be denied emergency or non-emergency care because of an inability to pay the inmate medical co-payment.

#### INMATE MEDICAL PLAN:

1. SEE ATTACHMENT A.

INMATE MEDICAL CAREPLAN  
ATTACHMENT A

North Carolina Minimum Jail Standards compliance:

**1. Receiving Screening**

Upon the arrival of each inmate at the Currituck County facility, a preliminary health assessment (Receiving Screening) will be performed by trained detention officers.

At a minimum, the assessment will include the following:

- A. Documentation of current illnesses and health problems including medications taken and special health requirements.
- B. Documentation of mental health problems, dental problems and allergies.
- C. Behavior observation, including state of consciousness, mental status, appearance, conduct, tremors, sweating.
- D. Inquiry into use of alcohol and other drugs, including types, methods, date/time last taken and problems arising out of use.
- E. Notation of body deformities and ease of movement.
- F. Observation of persistent cough or lethargy.  
Condition of skin including, trauma markings, bruises, lesions, jaundice, rashes and infestations and needle marks or other indications of drug abuse.
- G. Status classification to succinctly identify the inmate's health status.
- H. Referral of the inmate for emergency health services or additional health services, as may be necessary.

If as a result of the receiving screening it is apparent that an inmate requires medical attention, then the inmate will immediately be referred for treatment. The appropriate level of treatment (i.e. treatment in-house by a member of the professional health services staff or referral to a hospital or other community-based health service) should be made after a thorough evaluation of the inmate's condition.

Health care standards require that information regarding access to health care services be communicated orally and in writing to inmates upon their arrival at the detention facility. To meet these standards, SHP will use notices, printed in both English and Spanish. These will be posted in the Intake area advising them of how to access the health care delivery system, in addition to the verbal and written/document notification which is provided at booking.

## 2. Daily Triage of Complaints

- A. In order to ensure that inmate health problems and requests are addressed promptly, appropriately and efficiently, we use a structured triage procedure, proven effective in other detention settings.
- B. Our Medical Director (Physician) always oversees the triage system that is followed by all health care personnel. This ensures that the inmates received the appropriate level of care and that their complaints are properly processed and resolved.
- C. Inmates have the ability to access the triage system by submitting a health care request form. These requests are received and processed daily by the health care staff, and as a first step in the triage system the inmate is then seen by a member of the professional nursing staff and appropriate treatment is administered within the scope of the Nurse Practice Act. Those inmates requiring a higher level of service will be referred to the physician, physician assistant, or other appropriate professional practitioner in a timely manner.
- D. If the Physician or other practitioner determines that the inmate's medical needs are more extensive or specialized than can be addressed within the facility's health care program, an appropriate referral to outside medical services will be provided.
- E. Sick call must be conducted on-site by a physician or a physician assistant under the direction of a physician. The majority of inmates to be seen by the physician will have been screened as part of the formal triage system. However, this will not preclude an inmate who had not been triaged or who has a sudden or acute

problem, from requesting to see the physician during the time the physician is on-site at the facility.

F. Appropriate documentation will be recorded and maintained for all inmates seen at sick call. This information will be incorporated into the inmate's permanent medical record as appropriate. An inmate's medical record will contain appropriate entries completely documenting each sick call encounter (i.e., an inmate's specific health request, the assessment of the health care professional who saw the inmate, the prescribed treatment plan, and any follow-up encounters). This will ensure that all inmates' health requests are promptly and properly handled, documented, and followed through to a satisfactory resolution.

### **3. Special Medical Program**

A. We will provide all special health care services required including, but not limited to, care for inmates who are chronically or terminally ill, physically handicapped, developmentally disabled or inmates with special mental health needs or convalescing inmates. Individual treatment plans will be developed for all chronically ill, terminally ill and convalescing inmates. Examples of chronic illness include diabetes, hypertension, asthma and epilepsy.

Convalescing inmates include those recovering from fractures, inpatient surgical procedures, and hepatitis and other communicable diseases. The type of treatment will be determined by the needs of the individual inmate, but may include such things as medications, special diets, physical therapy, laboratory tests or dressing changes. Each treatment plan will be initiated by the physician and will be detailed in the individual's medical record.

B. We will keep a list of inmates with special needs and maintain schedules for medical treatment in accordance with our established protocols for each illness. For example, weekly blood sugars are obtained on all diabetics receiving insulin, Dilantin levels are monitored monthly on epileptic inmates, and blood pressure evaluations are performed as clinically indicated on inmates receiving anti-hypertensive drugs.

C. Medical determination of a tendency towards suicide or a history of seizures will result in the inmate being assigned to quarters that have close supervision.

D. We realize that communicable diseases, such as tuberculosis (TB), HIV and hepatitis require special attention in inmate populations. We have developed an Infection Control Program that incorporates education, diagnosis and treatment of inmates. Testing for HIV occurs at time of intake, if conditions indicate that such testing is necessary. If diagnosed with a disease, appropriate steps are taken towards treatment.

More specifically, our Infection Control Program includes, but is not limited to:

- A. Surveillance procedures to detect inmates with infectious and communicable diseases, appropriate immunizations to prevent these diseases and proper treatment and care for inmates with these diseases.
- B. The decontamination of medical equipment and proper disposal of sharps and medical bio-hazardous wastes.
- C. Strict adherence to universal precautions by health care workers to prevent exposure to blood-borne pathogens.

We will also dispose of all medically-related infectious and hazardous waste in accordance with all state and federal regulations. We follow and assure compliance with Occupational Health and Safety Administration (OSHA) guidelines for infection control procedures.

#### **4. Pharmaceuticals and Medical Supplies**

- A. An agreement has been set in place to order all prescribed medications from a contracted corporate pharmacy vendor. Any STAT medications may be ordered from a local pharmacy provider. STAT medications are classified as medications which need to be started immediately and a supply of such medications is not currently on-site within the medical unit. The corporate pharmacy vendor will supply the SHP Formulary and ordering sheets to the

facility for the placement of orders. All orders received before 3:00 p.m. EST, will be shipped out for next day delivery.

- B. SHP shall comply with all applicable state and federal regulations regarding the prescribing, dispensing, administering, and procuring of pharmaceuticals. All employees must review the ordering procedures for pharmaceuticals. No medications will be ordered with a physician's order. All re-orders must be approved through the physician also. Medications are prescribed only when clinically indicated, not for disciplinary purposes.
- C. All pharmaceuticals must be stored appropriately, in accordance with their storage instructions (i.e. refrigeration, etc.). Security storage (under lock and key) must be maintained for all prescribed medications. Only the nurse and health services staff will have access to the medications. If applicable, a key may be given to security in case of emergencies. All narcotics are to be kept under separate lock and key from other medications.
- D. The nurse and Medical Director as needed should perform a periodic review of all pharmacy orders. A narcotic count must be performed on a regular basis and the nurse and/or physician should review all reports. Copies of all count sheets are to be kept on file for review and/or audit.
- E. All expired pharmaceuticals must be destroyed accordingly. The corporate pharmacy vendor will perform this service on a quarterly basis, or sooner if needed. The nurse must call the pharmacy directly to the schedule this services when needed. Also, a Sharps Count must be kept by all nursing staff with all count sheets to be kept on file for review and/or audit.
- F. Diabetic inmates may be allowed to draw and administer their own insulin under the supervision of a health care staff member, and/or under security's approval.

G. All pharmaceuticals will be maintained in the medication room and only personnel authorized to give medications will have access to this area. The medication room area will be locked at all times and only authorized personnel will have keys.

H. The pharmacist will be responsible to select all generic equivalent drug products used in the correctional facility. All drug products utilized will be those of a certified Food and Drug Administration approved manufacturers. In addition, the corporate pharmacy vendor will conform to all federal laws, State statutes, and the state Board of Pharmacy regulations concerning drug products.

I. All drug recalls will be the responsibility of the pharmacist. Collection and return of recalled drugs will be the pharmacists, responsibility at the dispensing level and the nurse's responsibility, upon notification, at the drug administrator level.

J. All outdated, unused, deteriorated drugs will be the responsibility of the pharmacist to return and destroy during their quarterly inspections. Control substances returned or otherwise destroyed will be in compliance with federal and state regulations.

K. The corporate pharmacy vendor according to the State Pharmacy Law shall label all prescription. Each prescription will contain the following information: Name/address of the dispensing pharmacy; Name of the prescriber; Name of patient; Directions for use; Date the prescription was originally filled; Name of drug and strength.

L. All floor stock shall be reviewed and authorized by the Medical Director. Floor stock will be issued as non-prescription floor stock, prescription floor stock, and emergency floor stock drugs. Only

persons authorized to prescribe within the state with the facility is located may order floor stock to be kept within the medical unit.

## 5. Emergency Medical, Dental, and Mental Health

- A. Certain members of the professional health care staff, including the physician, will have twenty-four (24) hour on-call responsibility for any emergency that may arise. In the event of an emergency or in response to any medical need, the nursing on-call staff must be called and will immediately respond by telephone to work with security staff to evaluate the inmate. Other appropriate medical personnel will be notified if necessary. The inmate will be transferred to a hospital emergency room for further treatment, if clinically indicated and agreed to by the SHP on-call medical authority.
- B. When emergency transportation is required, medical personnel will decide whether an ambulance or security van is required and coordinate appropriate transportation with the detention administration and security.

### Dental Care

- A. Dental treatment shall be provided according to an established treatment plan/order, and based on established priorities. Consultation to the dentist and/or dental specialist will be available. Dental treatment will be scheduled on an as needed basis, for the earliest appointment time available. Medical staff should notify the dentist of requested treatment in advance of services being performed.
- B. The Medical Director will review all prescriptions for approval. Any substitutions for prescribed narcotics/medications should be confirmed with the Dentist, but may just be changed by the Medical Director to confirm with the jail policy (no narcotics, etc.).

### Mental health and chemical dependency withdrawal

- A. Inmates reporting the use of alcohol, opiates, stimulants, sedatives, hypnotic drugs, or other substances will be evaluated for their degree of reliance upon and potential for withdrawal from these

substances and possible intoxicification or overdose. Upon completion of the screening process, patients indicating such uses must be immediately referred to the medical staff for further evaluation and treatment.

B. Detoxification will be carried out only under medical supervision and initiated by the medical staff with physician overview on an individual care basis. All detainees found to be demonstrating the signs and symptoms of drug/alcohol withdrawal will be seen by the Medical Director and his treatment plan will be followed. Inmates experiencing severe, life threatening intoxicification or withdrawal must be seen by the Medical Director and upon his orders may be transferred to a licensed acute care facility, or the local emergency room for treatment. The Jail Administrator must receive authorization of this transfer.

C. Detox inmates must be monitored on a consistent basis and all findings charged in his/her medical record. Documentation of the patient's status during detoxification is very important and must be reviewed by all medical staff members when needed in order to maintain patient care while incarcerated.

D. Detox inmates may be referred to the designated mental health provider or a local program for assessment regarding dependency issues.

E. Pregnant females who have drug/alcohol dependency will promptly be referred to the Medical Director for appropriate treatment methods. The Medical Director may have established treatment protocols.

F. Inmates who are on Methadone will be referred to the Medical Director for appropriate withdrawal treatment plans to be used.

G. Medical staff will verify a patient's history and medication prior to Inception of services. Physician will review the information and make referrals as appropriate.

H. Treatment services may include on-site and/or off-site crisis intervention. Not all treatments include the prescribing of psychotropic medications. Crisis intervention is to be initiated if patient is a threat to themselves and others.

### **Pregnant Inmates**

A. All verified and confirmed pregnant inmates will be referred to the designated prenatal clinician who can provide obstetric services including regular prenatal care, medical exams, activity level advice, safety precautions, nutrition guidance and counseling. The inmate will be prescribed prenatal vitamins while incarcerated, and applicable laboratory and diagnostic testing will be performed.

B. The Jail Administrator must be notified of the inmate's pregnancy and on-going treatment. Detention Officers should be alerted to the inmate's due date as it approaches and she should be under close observation around that time.

C. Medical staff will document inmate's previous health history and other births. An outside specialty clinic visits will also be documented and noted in the patient's chart, along with services rendered noted in the file. Medical staff must utilize the Pregnancy Flow Sheet to monitor the pregnancy. The Medical Director should review the flow sheet on a consistent basis, maybe at the established chronic clinics reviews.

D. Pregnant inmates needing specialized obstetric services will be referred to the appropriate provider.

E. The designated mental health provider may be asked to participate in the treatment plan regarding the patient. Issues which may be discussed are any psychotropic medications needs and/or depressions issues the patient may experience due to separation from the baby after the birth.

### **6. Medical Records**

A. All medical records will be kept in the medical unit or, if inactive, in a secure place accessible to medical personnel. The Jail

Administrator should be consulted as to the space needed for the storage of inactive files.

B. All medical encounters will be entered into the medical record using either a narrative or S.O.A.P. format. The medical record will contain the following elements and all laboratory reports, consult reports, discharge summaries, and diagnostic studies will be reviewed and initialed by the physician before placement in the medical record:

1. Master Problem List (if a chronic condition patient);
2. Receiving Screening form;
3. Admission Data/History and Physical Assessment form;
4. Physicians' Orders form;
5. Progress Notes;
6. Laboratory studies; Diagnostic studies; Dental records;
7. Psychiatric and psychological reports;
8. Consultant's reports; x-ray reports;
9. Medication Administration Records;
10. Consent forms; Discharges summaries;
11. Release of Responsibility and Authorization for Release of Information Forms;
12. Sick Call Request forms;
13. Specialized treatments plans;
14. All other relevant and medically related materials;
15. Transfer forms

C. When an inmate is reincarcerated, the prior record, if one exists, will be reactivated and reviewed by the medical staff. The inmate will have one (1) medical record that contains a record of all medical services that are rendered.

All forms must be signed and dated appropriately.

#### **Confidentiality of Health Records**

A. HIPAA regulations apply to any protected health information such as information that concerns a person's social security number, date of birth, physical or mental health, healthcare, or payment information that could be used to identify an individual. That

information must be blocked from a disclosure of such information. While individuals are in a detention facility, SHP can use or disclose an inmate's protected health information to another detention facility, correctional institution or law enforcement personnel having custody over the inmate as necessary for:

1. Provision of health care services;
2. Health and safety of the inmate or other inmates;
3. Health and safety of correctional institution personnel;
4. Health and safety of those personnel responsible for transporting or transferring of inmates;
5. Law enforcement on the institution's premises;
6. The administration and maintenance of the safety, security, and good order of the institution.

B. Further, if an inmate has escaped from custody, HIPAA does not restrict the use or disclosure of an inmate's medication information. In such situations, the correctional institution may use or disclose the inmate's personal medical information as long as that use or disclosure is consistent with applicable law and standards of ethics.

C. The inmate's medical record is considered confidential and may not be shared with unauthorized individuals or agencies without the inmate's written consent. Training will be extended to all staff upon orientation as to the importance of maintaining medical confidentiality.

## 7. Privacy

A. All medical evaluations and services are to be performed in as much privacy, with respect to security issues, as possible. The discretion is with the Medical Director, physician, or nurse providing the service.

B. Security personnel may be present if the patient poses a probable risk to the safety of the medical staff or others. Instruction on maintaining confidentiality is given to security staff that observes or hears health encounters. When cell side triage is required, medical staff must take extra precautions as to promote private

communication with the inmate.

## **8. Handling of Intoxicated Inmates**

- A. Upon completion of the screening process, patients indicating such uses must be immediately referred to the medical staff for further evaluation and treatment.
- B. Detoxification will be carried out only under medical supervision and initiated by the medical staff with physician overview on an individual care basis. All inmates found to be demonstrating the signs and symptoms of drug/alcohol withdrawal will be seen by the Medical Director and his treatment plan will be followed. Inmates experiencing severe, life threatening intoxicification or withdrawal must be seen by the Medical Director and upon his orders may be transferred to a licensed acute care facility, or the local emergency room for treatment. The Jail Administrator must receive authorization of this transfer.
- C. Pregnant females who have drug/alcohol dependency will promptly be referred to the Medical Director for appropriate treatment methods. The Medical Director may have established treatment protocols.
- D. Inmates who are on Methadone will be referred to the Medical Director for appropriate withdrawal treatment plans to be used.

## **9. Training for Officers**

- A. Training programs should be provided by a jail training coordinator or through programs funded by the county or state (depending upon the facility resources). All training programs provided by SHP must be documented and the jail training coordinator will keep attendance rosters.

B. Upon request by the Jail Administrator, the nurse shall coordinate training on the topics listed below:

1. First Aid; Suicide Prevention; CPR; Screening Techniques; Health Referrals; Medication Administration;
2. Recognizing chronic conditions/illnesses; Signs and Symptoms of Mental Illness; AIDS, Confidentiality; and the transmission of AIDS/HIV.

C. The nurse should participate in the on-going training program currently set-up through the Facility, whenever available to do so.

#### **10. Transporting inmates to outside sources for medical care**

A. The transportation officer will be notified by medical personnel when an inmate is scheduled for an appointment outside the jail. Security staff will plan the transportation. Medical staff will not inform the inmate of the date or time of the appointment. When emergency transportation is required, medical personnel will decide whether an ambulance or security van is required and coordinate appropriate transportation with the detention administration and security.

#### **11. Medical Co-Pay**

A. The medical staff is not to benefit in any way from the co-pay system. The nurse who is triaging or treating the inmate is only to complete any forms to provide information so that an inmate's account can be charged for the co-pay amount. Inmates will be charged a co-payment of \$10.00 for any non-emergency medical visit. Inmates will not be charged the co-payment if the medical visit is initiated by medical personnel, follow-up visits initiated by medical personnel, or emergency medical treatment.

#### **12. Continuity of Care**

A. Upon an inmate's admission into the jail, every effort must be made in obtaining information concerning previous and/or current treatment plans. Record request forms may be sent to the inmate's treating physician for inclusion into inmate's current medical file at

the jail. The Medical Director must be made aware of the medical records upon arrival, for his/her review as well.

B. All medications must be verified before their continuance. All verifications (or inability to verify) must be noted within the patient's chart. Once medications have been verified, the Medical Director may give a verbal order (if not on-site) to continue the medications until the next scheduled physician sick call, based upon the inmate's compliance prior to incarceration and present condition. Identified long-term and/or serious chronic conditions must be referred to the Physician for referrals or follow-up clinic visits as needed.

C. All pregnant inmates will be placed on pre-natal clinic for review by a local OB/GYN clinic. Those pregnant inmates exhibiting serious conditions may be referred to the hospital for assessment.

D. All ordered tests and/or consults are completed in a timely manner. The Medical Director must sign all outpatient service discharge summaries as evidence of review. If changes in treatment are necessary, the changes must be noted and clinical justification for an alternative treatment plan is noted.

## 12. Health Assessment

A. All history and physical data will be obtained by medical staff and recorded on an Admission Data History and Physical Exam form. The medical staff will review the Receiving Screening form and confirm all information, as well as ask for any additional medical history information that may not have been noted upon admission. The medical staff must make verification of previous history, and document such verification and/or non-verification.

B. Within 14 calendar days of arrival into the jail, inmate will receive a full health assessment by SHP medical staff. A recording of inmate's current weight, height, blood pressure reading, temperature and pulse rate will be noted on the Assessment form. Female inmates will be given a pregnancy test, if their situation deems possible pregnancy, and/or upon request.

C. The medical staff in conjunction with the Assessment form will perform a physical exam. Inmates with a chronic condition will be screened and questioned specifically about their condition. Chronic care inmates will be referred to the physician's chronic care clinic for an initial assessment and treatment plan as well.

D. Other lab and/or diagnostic testing may be required based on information received from the Receiving Screening or Assessment form. Physician's orders must be obtained for the testing, and but may be done by the medical staff as a precautionary method.

E. An inmate, who has been re-admitted into the jail and had a documented health assessment within the previous 12 months, need not be re-examined unless changes in inmate's health have been noted upon admission.

F. An inmate has the right to refuse a health assessment. Please refer to the policy Right to Refuse Treatment. If an inmate refuses a TB test, the inmate must be placed in isolation for precautionary measures, as TB is an infectious disease. Medical staff should monitor inmate until the TB testing is completed. Depending upon the reasons for the inmate's refusal, the Medical Director and/or mental health staff may be advised to speak with the inmate about his/her concerns.

G. All history and physicals must be referred to the Medical Director for review and sign-off.

13. (A) Upon receipt of an inmate's grievance, the nurse will review the information presented and speak with the inmate about the problem and possible resolution. All information about the conversation should be documented on the grievance form and filed within the inmate's medical record. All responses to inmate grievances must be timely and based on principles of adequate and prudent medical care.

(B) Detention officers will provide grievance forms to inmates upon their request. The inmate will give the completed form to a detention officer who then gives the form to the medical staff for resolution.

(C) All grievances must be reported to the corporate office along with the resolution, if applicable. An incident report may accompany a copy of the grievance and the resolution when being submitted to the corporate office. If the corporate office needs to be involved in the resolution of the problem, communication with the nurse, as well as a review of the applicable records and/or other information will begin. The nurse should notify the corporate office of the need of involvement.

(D) After the grievance has been resolved, the Jail Administrator should be notified as to the resolution.

(E) If the inmate does not agree with the resolution, an appeal may be filed citing additional information. The nurse and Jail Administrator will once again review this appeal grievance, with a copy forwarded to the corporate office for resolution. All appeals must be sent to the corporate office for review.

Sheriff, Currituck County

Date



Detention Center  
County of Currituck

413 Maple Road  
Maple, North Carolina  
27956

Telephone  
(252) 453-2194  
Fax  
(252) 453-2198

Matthew W. Beickert  
Sheriff

POLICY 400.0  
CURRITUCK COUNTY DETENTION CENTER  
MEDICAL PLAN REVIEW

I HAVE REVIEWED THE CURRITUCK COUNTY DETENTION CENTER INMATE MEDICAL PLAN AND THERE ARE NO CHANGES REQUIRED.

Sheriff

Date

Superintendent

Date

Albemarle Regional Health  
Center Health Director

Date



# Detention Center County of Currituck

413 Maple Road  
Maple, North Carolina  
27956

Telephone  
(252) 453-2194  
Fax  
(252) 453-2198

Matthew W. Beickert  
Sheriff

## POLICY 400.0 CURRITUCK COUNTY DETENTION CENTER MEDICAL PLAN REVIEW

I HAVE REVIEWED THE CURRITUCK COUNTY DETENTION CENTER INMATE MEDICAL PLAN AND THE REQUIRED CHANGES ARE LISTED BELOW:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_



**NORTH CAROLINA SHERIFFS' ASSOCIATION  
LAW ENFORCEMENT OFFICERS AND STATE OFFICIALS  
OF NORTH CAROLINA**



President  
SHERIFF STEVE BIZZELL  
Johnston County

Secretary-Treasurer  
SHERIFF WAYNE V. GAY  
Wilson County

1st Vice President  
SHERIFF JERRY G. MONETTE  
Craven County

2nd Vice President  
SHERIFF JAMES L. KNIGHT  
Edgecombe County

Telephone: (919) SHERIFF (743-7433)  
Fax: (919) 783-5272  
Post Office Box 20049 • Raleigh, N.C. 27619-0049  
Suite 120 • 225 Hillsborough Street • Raleigh, N.C.  
E-mail: ncsa@ncsheriffs.net • www.ncsheriffs.org

Chairman Executive Committee  
SHERIFF BRAD RILEY  
Catawba County

Executive Vice President  
and General Counsel  
EDMOND W. CALDWELL, JR.

EXECUTIVE COMMITTEE  
MEMBERS  
(Past Presidents):

SHERIFF TOM ALEXANDER  
Haywood County

SHERIFF W.E. "Billy" SMITH  
Lenoir County

SHERIFF EARL BUTLER  
Cumberland County

SHERIFF JIM PENDERGRAPH  
Mecklenburg County

SHERIFF WORTH HILL  
Durham County

SHERIFF DANE MASTIN  
Wilkes County

SHERIFF RONALD E. HEWETT  
Brunswick County

**GENERAL ASSEMBLY – 2007**

**HB 1473**

**SECTION 10.49. (f)** Within available State and county resources, local management entities shall work with county public health departments and county sheriffs to provide medical assessments and medication, if appropriate, for inmates housed in county jails who are suicidal, hallucinating, or delusional. LMEs shall also examine ways to provide additional treatment to persons who are determined to be psychotic, severely depressed, suicidal, or who have substance abuse disorders. To this end:

- (1) The Department shall work with LMEs, county public health departments, and county sheriffs to develop a statewide standardized evidence-based screening instrument to be used when offenders are booked. The standardized screening tool shall be implemented by January 1, 2008.
- (2) LMEs and county sheriffs shall work together to develop all of the following:
  - a. A designated LME employee who is responsible for screening the daily jail booking log for known mental health consumers.
  - b. Protocols for effective communication between the LME and the jail staff including collaborative development of medication management protocols between the jail staff and the mental health providers.
  - c. Training to help detention officers recognize signals of mental illness.





Susan D. Johnson  
Sheriff

## Detention Center County of Currituck

413 Maple Road  
Maple, North Carolina  
27956

Telephone  
(252) 453-2194  
Fax  
(252) 453-2198

### INMATE MEDICAL CARE PLAN

#### DIRECTIVE 400.0-B

**DIRECTIVE STATEMENT:** In order to comply with HB 1473, (General Assembly-2007) Section 10.49(F), the Currituck County Detention Center in cooperation with Southern health Partners (Contracted Medical HealthCare Provider) has developed this directive.

#### SPECIFIC PROCEDURES:

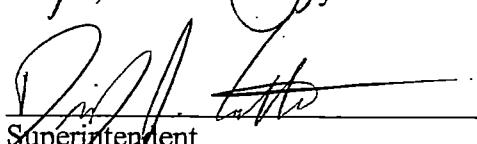
1. To promote the health and well being of inmates confined to the Currituck County Detention Center, a mental health plan has been developed to provide routine and emergency mental health services to inmates.
2. All medical assessments will be conducted on every inmate upon admission to the Detention Center by Detention Officers. If during the assessment there is an indication of a need for mental health services, the nurse will make the appropriate appointments. The nurse will review all inmate assessments on the next business day after admission. In the event of an emergency mental health problem, the procedures outlined in Currituck County Detention Center Policy and Procedure 405.0 will be followed.
3. The procedure for dispensing medication will follow Currituck County Detention Center Safety and Security Manual 400.0-A guidelines along with the Currituck County Detention Center Policy and Procedure 408.0.
4. The nurse will be responsible for scheduling all outside mental health appointments; should a reason exist.
5. Pursuant to HB 1473 Section 10.49(F) #2 letter A- The nurse from Southern Health Partners will be designated to be the Currituck County Detention Center LME.
6. Pursuant to HB 1473 Section 10.49(F) #2 letter B- The nurse (designated LME) will effectively communicate with the detention center staff for management of medication protocols and between Detention Center staff and mental health care providers. The nurse shall be the primary contact between the Detention Center and mental health care provider. In the event of the nurse's absence, the highest ranking officer on duty will perform this rule. The highest ranking officer on duty

will gather the information, point of contact and contact information and will forward this to the nurse.

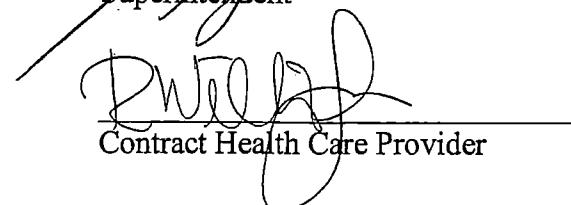
7. Pursuant to HB 1473 Section 10.49(F) #2 letter C- All detention officers will receive basic training at the State Mandated Basic Detention Officer Certification course. Furthermore, detention officers are directed to follow all applicable Currituck County Detention Center Policy and Procedure and Safety and Security Manuals, as it relates to this training. The LME may request that further training be instituted by the detention center if he/she believes that more training is required.
8. This Directive does not serve to void any Currituck County Detention Center Policy and Procedure or Safety and Security Manuals, but rather to reinforce those policies and directives.
9. At no time under any circumstances will any inmate be denied emergency or non-emergency mental health care because of an inability to pay the inmate medical co-payment.
10. All Currituck County Detention Center Policy and Procedure and Safety and Security Manuals procedures apply; as it relates to emergency mental health care occurrences.
11. Currituck County Detention Center Policy and Procedure 407.00 apply to inmate suicide and/or threat of suicide.
12. Currituck County Detention Center Safety and Security Manual 400.0-A "Inmate Medical Care Plan" provides additional instruction in order to be in compliance with HB 1473, (General Assembly-2007) Section 10.49(F).

  
Susan S. Johnson  
Sheriff, Currituck County

12/12/07  
Date

  
D. M. Lattie  
Superintendent

12-11-07  
Date

  
Contract Health Care Provider

12-11-07  
Date

Attachment C

**Ryan White Title I Program  
MEMORANDUM OF AGREEMENT**

**Between  
HEALTH AND HOME SUPPORT SERVICES, INC. (HHSS)**

**And**

**CURRITUCK COUNTY DETENTION CENTER (CCDC)**

**PURPOSE:**

To maintain appropriate referral relationships with entities that constitute key Points of Entry (points of access to the health care system for individuals with HIV disease) for the specific purpose of detailing the linkages that will be made to promote access to HIV related services by HIV infected individuals not in care. *Point of Entry is defined as those likely health care access points frequently used by traditionally underserved HIV infected individuals for medical and social service needs.*

**Health and Home Support Services, Inc.** staff will provide continuum of care to Ryan White Title I clients by providing Pre-Release Case Management to clients with HIV/AIDS incarcerated in the Currituck County Detention Center (CCDC) which include conducting intakes to services, individual needs assessments, develop service plans, coordination of post discharge care with correctional facility staff, and evaluation and updating of service plans and make appropriate referrals. Pre-Release case management services will be provided to eligible inmates with six (6) months or less to serve in a penal institution within the EMA. This linkage will assist both entities to provide innovative and proactive programs to ensure continuum of care for all clients in Norfolk EMA.

Health and Home Support Services, Inc., agrees to share and receive data for reporting purposes, as it relates to the clients receiving services:

- Patient clinical and demographic information
- Patient financial eligibility information
- Provide avenue to implement programs by providing access to our established client base
- Provide laboratory reports to appropriate agencies as necessary

Currituck County Detention Center staff will collaborate to provide a comprehensive continuum of care to Ryan White Title I clients by acting as a referring agency for its clients (for when it appears necessary) to HHSS for Pre-Release Case Management services. CCDC will allow HHSS entry to the jail to provide Pre-Release Case Management by authorized personnel. This linkage will assist both parties to ensure continuum of care for all clients in the Norfolk EMA..

**Referral Process**

CCDC will contact HHSS to notify them of each HIV/AIDS case to determine if there are HHSS Pre-Release Case Management services that would benefit the client. CCDC will arrange for HHSS to obtain the date and time for an appointment with the eligible HIV/AIDS clients. CCDC will also provide client demographics and authorization information needed to complete the referral process.

-2-

### Follow Up Mechanisms:

HHSS will provide services for 4 weeks post-release. If on-going case management is required, HHSS will link the client to the appropriate provider. Client appointments and interventions will be monitored and tracked by HHSS. HHSS will share collected data with CCDC for reporting purposes as it relates to the clients receiving Ryan White Title I services.

**Terms:** This agreement shall remain in full force and effect (upon authorized signature of both parties) for the FY 2005 Ryan White contract period ( March 1, 2005 through February 28, 2006). Either party shall have the right to terminate this agreement at any time at their convenience by giving the other agency thirty (30) days written Notice of Termination for Convenience. The Ryan White funded agency will assume responsibility of immediately providing written notification to the Grantee Administrative Office of the intent to terminate this agreement.

### Signature Section

#### Health and Home Support Services, Inc.

Signature Marilyn V. Edwards

Title Program Administrator  
DETENTION  
Currituck County Correctional Center

Signature Jay J. Edwards

Title CAPTAIN

Date 5/16/2005

Agency Health + Home Support Services, Inc.

Date 08-09-05

Agency CURRITUCK Co.

DETENTION CENTER



Detention Center  
County of Currituck  
P.O. Box 114  
Currituck, North Carolina 27929

Telephone  
(252) 232-3773  
Fax  
(252) 232-3774

Susan D. Johnson  
Sheriff

**POLICY 401.0**  
**CURRITUCK COUNTY DETENTION CENTER**  
**QUALIFICATIONS OF MEDICAL CARE PROVIDERS**

In order to be in compliance with The Currituck County Detention Center Policy and Procedure Manual (Policy 401.0) that the County Purchasing Director will check the credentials of all contract health care providers to ensure that the health care professionals to be contracted by the Detention Center are licensed, registered, certified or approved, as required under applicable state and local laws.

By my signature below I certify that the Medical Health Care Providers have met the requirements set forth in the Currituck County Detention Center Policy and Procedure Manual (Policy 401.0).

Sandra S. Hill  
County Purchasing Director,  
Currituck County

7-12-2005  
Date

Susan D. Johnson  
Sheriff, Currituck County

July 26, 2005  
Date

## **POLICY 402.0**

### **CURRITUCK COUNTY DETENTION CENTER**

### **MEDICAL REQUEST**

It is the policy of the Currituck County Detention Center to charge inmates for non-emergency medical visits. Medical care will never be refused an inmate, but the inmate's account will be debited \$10.00(charge for non-emergency medical visit) and will be deducted from the inmate's account upon any other deposits.

1. Sick call is scheduled on a daily basis.
2. The officer on duty will pass out Sick Call slips each day.
3. The slips will then be collected by 0900.
4. The Contract Medical Health Provider will determine whether the inmate's visit will be classified as non-emergency or emergency medical visit. An emergency visit will be determined as such only if it is life threatening or near life threatening (refer to Jail Policy 4.02)
5. Once the visit has been determined as a non-emergency, the Officer in Charge will go into the inmate's account and debit the amount of the visit.
6. A prisoner cash transaction will be completed. Both the inmate and the Officer in Charge will then sign the sheet.
7. The signed prisoner cash transaction will be stored in a file (separate from the prisoner medical file) in the Detention Center Intake Area.

#### **REQUEST FOR MEDICAL CARE**

Name \_\_\_\_\_

Time \_\_\_\_\_

Date \_\_\_\_\_

Complaint \_\_\_\_\_  
\_\_\_\_\_

Inmate Signature \_\_\_\_\_

Officer Issuing Request \_\_\_\_\_  
Date and Time \_\_\_\_\_

Officer Receiving Request \_\_\_\_\_  
Date and Time \_\_\_\_\_

**POLICY 403.0**  
**CURRITUCK COUNTY DETENTION CENTER**

**INCIDENT REPORT**  
**MEDICAL EMERGENCY**

**Name of Inmate:** \_\_\_\_\_

**Names of other inmates involved:**

1. _____	4. _____
2. _____	5. _____
3. _____	6. _____

**Approximate time of emergency:** \_\_\_\_\_

**Location of emergency:** \_\_\_\_\_

**Detention Center Staff assisting in the emergency:**

1. _____	4. _____
2. _____	5. _____
3. _____	6. _____

**Medical personnel summoned to attend to the emergency:** \_\_\_\_\_

**Approximate time medical personnel arrived at the scene:** \_\_\_\_\_

**Action taken by Detention staff to assist in emergency:**

---

---

**Disposition of Emergency:**

---

---

**Disciplinary action taken against any other inmates involved or who may have failed to follow orders during the time of the emergency:**

1. _____	4. _____
2. _____	5. _____
3. _____	6. _____

**Officers Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**POLICY 403.0**  
**CURRITUCK COUNTY DETENTION CENTER**  
**MEDICAL PROVIDER**  
**FIRST AID CHECK-OFF LIST**

I have inspected each one of the Currituck County Detention Center's first aid kits. The first aid kit should, at a minimum, contain the following items:

1. Different size bandages;
2. Tape;
3. Alcohol wipes or swabs;
4. Cotton swabs;
5. Antiseptic lotion, cream or liquid;
6. Scissors;
7. Tourniquet(s)/ and,
8. Hot and/or cold packs for swelling.

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Date inspected \_\_\_\_\_ Location of kit \_\_\_\_\_ Inspected by \_\_\_\_\_ Items needed \_\_\_\_\_  
 Officer notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	fee PAID
FC0782121	08-31-2019	FEE EXEMPT
SCHEDULES	BUSINESS ACTIVITY	ISSUE DATE
2,2N, 3,3N,4,5,	HOSPITAL/CLINIC	07-07-2016
CURRITUCK COUNTY DETENTION CENTER 413 MAPLE ROAD ATTN: SUSAN D. JOHNSON, SHERIFF MAPLE, NC 27956-2524		

CONTROLLED SUBSTANCE/REGULATED CHEMICAL  
REGISTRATION CERTIFICATE  
UNITED STATES DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION  
WASHINGTON D.C. 20537

Sections 304 and 1008 (21 USC 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IT IS NOT VALID AFTER THE EXPIRATION DATE.

**REPORT  
CHANGES  
PROMPTLY**

Form DEA-223/511 (4/07)

REQUESTING MODIFICATIONS TO YOUR  
REGISTRATION CERTIFICATE

To request a change to your registered name, address, the drug schedule or the drug codes you handle, please

1. visit our web site at [deadiversion.usdoj.gov](http://deadiversion.usdoj.gov) - or
2. call our customer Service Center at 1-(800) 882-9539 - or
3. submit your change(s) in writing to:

Drug Enforcement Administration  
P.O. Box 2639  
Springfield, VA 22152-2639

See Title 21 Code of Federal Regulations, Section 1301.51 for complete instructions.

You have been registered to handle the following chemical/drug codes:

## NORTH CAROLINA CONTROLLED SUBSTANCES REGISTRATION CERTIFICATE

Department of Health and Human Services

Raleigh, North Carolina

THE N.C. Controlled Substances Act of 1971 reads in part as follows:

90-103(a): A registration under G.S. 90-102 to manufacture, distribute, or dispense a controlled substance, may be suspended or revoked by the Commission upon a finding that the registrant:

- (1) has furnished false or fraudulent information in any application filed under this Article;
- (2) has been convicted of a felony under any State or federal law relating to any controlled substance; or
- (3) has had his federal registration suspended or revoked to manufacture, distribute or dispose controlled substances.

DHHS Registration Number	This Registration Expires
NC-AC 0000 3418	10/31/2018
Schedules	Business Activity
2, 2N, 3, 3N, 4, 5	Clinic
	Date Issued
	10/20/2017

Form DHHS-223



Department of  
Health and Human  
Services

Currituck County Detention Center  
Attn: Medical Department  
413 Maple Rd  
Maple NC 27956

This registration is not transferable on change of ownership, control, location or business activity

**AMENDMENT NO. ONE TO THE COUNTIES OF CAMDEN, CHOWAN, CURRITUCK,  
DARE, HYDE, MARTIN, PASQUOTANK, PERQUIMANS, TYRRELL and WASHINGTON  
OTHER POST-EMPLOYMENT BENEFITS TRUST AGREEMENT**

As allowed by Section 7.2 of the Trust Agreement, the name of the Trust is changed from:

The Counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington Other Post-Employment Benefits Trust Agreement,

to:

Albemarle and Tideland Mental Health Retirees Health Insurance Trust.

**AGREED TO AND ACCEPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**TRUSTEES**

\_\_\_\_\_  
County Manager Camden County  
\_\_\_\_\_  
County Manager Chowan County  
\_\_\_\_\_  
County Manager Currituck County  
\_\_\_\_\_  
County Manager Dare County  
\_\_\_\_\_  
County Manager Hyde County  
\_\_\_\_\_  
County Manager Martin County  
\_\_\_\_\_  
County Manager Pasquotank County  
\_\_\_\_\_  
County Manager Perquimans County  
\_\_\_\_\_  
County Manager Tyrrell County  
\_\_\_\_\_  
County Manager Washington County

**COUNTIES**

\_\_\_\_\_  
Chairman Camden County  
\_\_\_\_\_  
Chairman Chowan County  
\_\_\_\_\_  
Chairman Currituck County

\_\_\_\_ Chairman Dare County

\_\_\_\_ Chairman Hyde County

\_\_\_\_ Chairman Martin County

\_\_\_\_ Chairman Pasquotank County

\_\_\_\_ Chairman Perquimans County

\_\_\_\_ Chairman Tyrrell County

\_\_\_\_ Chairman Washington County

**COUNTIES OF CAMDEN, CHOWAN, CURRITUCK, DARE, HYDE, MARTIN,  
PASQUOTANK, PERQUIMANS, TYRRELL and WASHINGTON OTHER POST-  
EMPLOYMENT BENEFITS TRUST AGREEMENT**

This **Trust Agreement** is entered into as of the 21<sup>st</sup> day of November, 2016 (the “**Effective Date**”), by and between the counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington North Carolina (the “**Counties**”) and the sitting County Manager of each county (the “**Trustee**”);

**R E C I T A L S :**

**WHEREAS**, the former Albemarle Mental Health and the former Tideland Mental Health maintained certain post-employment benefits other than pensions for the benefit of their eligible retired employees (the “**Former Employers**”);

**WHEREAS**, the Counties wish to establish a trust pursuant to Section 159-30.1(b) of the North Carolina General Statutes, to be known as the “counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington Other-Post Employment Benefits Trust Agreement” (hereinafter the “**Trust**”), for the purpose of holding existing funds to provide post-employment benefits other than pension benefits of the former Albemarle Mental Health and Tideland Mental Health;

**WHEREAS**, this Trust is established by the Counties with the intention that the Trust qualify as an irrevocable tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Code and the regulations issued thereunder and as a tax-exempt trust under the provisions of the applicable laws of the State of North Carolina; and

**WHEREAS**, the Counties have appointed each of their County Managers as Trustees of the Trust, and the Trustees have accepted such appointment pursuant to the terms and conditions set forth in this Trust Agreement; and

**NOW THEREFORE**, for good and valuable consideration, the parties hereto agree as follows:

**ARTICLE I  
DEFINITIONS**

- 1.1     **“Administrator”** shall mean Martin County, North Carolina per the terms and conditions of a Memorandum of Agreement dated July 1, 2007 and attached as Exhibit A.
- 1.2     **“Assets”** shall mean all contributions and transfers of assets received into the Trust on behalf of the Counties, together with the income and earnings from such contributions and transfers and any increments accruing to them, net of any investment losses, benefits, expenses or other costs.
- 1.3     **“Code”** shall mean the Internal Revenue Code of 1986, as amended from time to time.
- 1.4     **“Eligible Participants”** shall mean collectively eligible retired employees of the former Albemarle Mental Health and Tideland Mental Health and their dependents and beneficiaries.

**1.5**   **“Counties”** shall mean the Counties of Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington North Carolina.

**1.6**   **“Former Employers”** shall mean the former Albemarle Mental Health and the former Tideland Mental Health organizations.

**1.7**   **“OPEB”** shall mean “other post-employment benefits,” such as medical, dental, vision, life insurance, long-term care and other similar benefits, provided to Eligible Employees, other than pension benefits.

**1.8**   **“OPEB Obligation”** shall mean, to the extent required by law, the Counties obligation to provide post-employment health care and welfare benefits to Eligible Participants to the extent of existing assets and future earnings from those assets, as specified in the Plan.

**1.9**   **“Plan”** shall mean the Former Employers OPEB obligations and the Counties satisfaction thereof to the extent of existing assets and future earnings from those assets.

**1.10**   **“Qualified Investments”** shall mean all investments authorized under Section 159-30.1(b) of the North Carolina General Statutes, including the following:

- (1)    Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.
- (2)    Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.
- (3)    Obligations of the State of North Carolina.
- (4)    Bonds and notes of any North Carolina local government or public authority, to the extent permitted in Section 159.30(c)(4) of the North Carolina General Statutes.
- (5)    Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided, that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Commissioner of Banks of the Department of Commerce of the State of North Carolina, be fully collateralized.
- (6)    Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates of particular obligation.
- (7)    Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either

(i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.

(8) Participating shares in a mutual fund for local government investment; provided, that the investments of the fund are limited to Qualified Investments hereunder, and the fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.

(9) A commingled investment pool established and administered by the State Treasurer pursuant to Sections 147-69.2 and 147-69.3 of the North Carolina General Statutes.

(10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to Sections 160A-460 through 160A-464 of the General Statutes of North Carolina, if the investments of the pool are limited to those qualifying for investment under Section 159.30(c)(4) of the North Carolina General Statutes.

(11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.

(12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:

(a) Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public authority, provided that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the

safekeeping receipt shall not be the provider of the repurchase agreement;

- (b) A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;
- (c) Such securities are free and clear of any adverse third party claims; and
- (d) Such repurchase agreement is in a form satisfactory to the local government or public authority.

(13) In connection with funds subject to the arbitrage and rebate provisions of the Code, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.

(14) Investments of the State Treasurer authorized pursuant to Section 147-69.2(b4) of the North Carolina General Statutes.

**1.11 “Trustee”** shall mean collectively the County Manager of each of the Counties.

## **ARTICLE II THE TRUST**

### **2.1 Purpose**

The purpose of the Trust is to hold assets from which to satisfy the commitment of the Former Employers to provide OPEB, as offered by the Former Employers to Eligible Participants in accordance with the Plan.

### **2.2 Trustee Accounting**

The Trustee shall be responsible only for maintaining records and maintaining accounts for the Assets of the Trust. The Administrator, per a Memorandum of Agreement dated July 1, 2007, shall be responsible for Plan-level administration and accounting for OPEB benefit payments and related activity.

### **2.3 No Diversion of Assets**

The Assets in the Trust shall be held in trust for the exclusive purpose of providing OPEB to Eligible Participants of the Former Employers and defraying the reasonable administrative and actuarial expenses of the Trust. The Assets in the Trust shall not be used for or diverted to any other purpose, except as expressly provided herein.

#### **2.4 Type and Nature of Trust**

Neither the full faith and credit nor the taxing power of the Counties is pledged to the distribution of benefits hereunder. Except for contributions and other amounts hereunder, no other amounts are pledged to the distribution of benefits hereunder. Distributions of benefits are neither general nor special obligations of the Counties, but are payable solely from the Assets of the Trust, as more fully described herein. No employee of the Former Employers may compel the exercise of the taxing power by the Counties.

Distributions of Assets under the Trust are not debts of the Counties within the meaning of any constitutional or statutory limitation or restriction. Such distributions are not legal or equitable pledges, charges, liens or encumbrances upon any of the Counties property, or upon any of their income, receipts, or revenues, except amounts in the accounts which are, under the terms of the Plan and Trust set aside for distributions. Neither the members of the governing body of the Counties nor their officers, employees, agents or volunteers are liable hereunder. In no event shall the liability of the Counties and the Trustee exceed the amounts contained in the Trust.

### **ARTICLE III ADMINISTRATIVE MATTERS**

#### **3.1 Certification to Trustee**

The governing body of each of the Counties, or other duly authorized official, shall certify in writing to the Trustee the names and specimen signatures of the individuals authorized to act on behalf of the Counties, whose names and specimen signatures shall be kept accurate by the Counties acting through its governing body or a duly authorized official. The Trustee shall have no liability if it acts upon the direction of an individual who has been duly authorized hereunder, even if that individual is no longer authorized to act, unless the Employer has informed the Trustee of such change in writing.

#### **3.2 Removal of Trustee**

Each individual Trustee shall serve during his tenure in the applicable office of each of the Counties and shall immediately cease to serve, without the necessity for formal resignation, upon termination from such office for any reason. The successor to such office, including any interim successor, shall become a successor Trustee immediately upon the assumption of such office without the need for formal appointment. A successor Trustee shall not have any liability for any action or omission by the Trustee prior to the date of his assumption of such office.

#### **3.3 Trustee Procedures**

All official meeting of the Trustee, whether held in person or by electronic means, shall be open to the public and conducted in accordance with Article 33C of Chapter 143 of the North Carolina General Statues. The Trustee shall keep a record of all official meetings,

including those official meetings held in closed session under Section 143-318.11 of the North Carolina General Statues, and shall forward all necessary communications to the Counties. Such official meeting records shall be public records within the meaning of Chapter 132 of the North Carolina General Statues. The Trustee may adopt such by-laws and regulations as it deems desirable for the conduct of its affairs. All decisions by the Trustee shall be made by the vote of the majority of the Trustee members. The Trustee may authorize one or more of such members to act for the Trustee with respect to specified Trustee duties under this Trust Agreement. A dissenting Trustee member who, within a reasonable period of time after he has knowledge of any action or failure to act by the majority, delivers his written dissent to the other Trustee members and the Counties shall not be responsible for such action or failure to act.

### **3.4 Payments from the Trust**

The Administrator shall from time to time, unless otherwise directed by the Trustee and only to the extent of Assets contained in the Trust, authorize payments out of the Assets of the Trust. Such payments may include, but are not limited to, benefit payments, insurance or stop-loss premiums, and the expenses of administering the Plan and Trust, as may be specified in the Trustee's direction.

## **ARTICLE IV THE TRUSTEE**

### **4.1 Powers and Duties of the Trustee**

Except as otherwise provided in Article V, and subject to the provisions of Article VI, the Trustee shall have full power and authority with respect to property held in the Trust to perform all acts, take all proceedings, and exercise all rights and privileges, whether specifically referred to or not in this document, as could be done, taken or exercised by the absolute owner, including, without limitation, the following:

- (a) To invest and reinvest the Assets or any part thereof in Qualified Investments pursuant to this Trust and applicable state law.
- (b) To place uninvested cash and cash awaiting distribution in any type of interest-bearing account including, without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina;
- (c) To take all of the following actions: to vote proxies of any stocks, bonds or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities and to delegate discretionary powers and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held in the Trust;

(d) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(e) To exercise all the further rights, powers, options and privileges granted, provided for, or vested in trustees generally under applicable federal or state laws as amended from time to time, it being intended that, except as herein otherwise provided, the powers conferred upon the Trustee herein shall not be construed as being in limitation of any authority conferred by law, but shall be construed as consistent or in addition thereto.

#### **4.2 Additional Trustee Powers**

In addition to the other powers enumerated above, the Trustee in any and all events is authorized and empowered:

(a) To invest funds pending required directions in a designated account as directed by the Counties or if there is no designated account, any type of interest-bearing account including without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina Trustee or any affiliate thereof;

(b) To cause all or any part of the Trust to be held in the name of the Trustee (which in such instance need not disclose its fiduciary capacity) or, as permitted by law, in the name of any nominee, and to acquire for the Trust any investment in bearer form, but the books and records of the Trust shall at all times show that all such investments are a part of the Trust and the Trustee shall hold evidences of title to all such investments;

(c) To appoint a custodian with respect to the Trust Assets;

(d) To employ such agents and counsel as may be reasonably necessary in managing and protecting the Assets and to pay them reasonable compensation from the Trust; to employ any broker-dealer, including a broker-dealer affiliated with the Trustee, and pay to such broker-dealer at the expense of the Trust, its standard commissions; to settle, compromise or abandon all claims and demands in favor of or against the Trust; and to charge any premium on bonds purchased at par value to the principal of the Trust without amortization from the Trust, regardless of any law relating thereto;

(e) To abandon, compromise, contest, arbitrate or settle claims or demands; to prosecute, compromise and defend lawsuits, but without obligation to do so, all at the risk and expense of the Trust;

(f) To exercise and perform any and all of the other powers and duties specified in this Trust Agreement or the Plan;

(g) To permit such inspections of documents at the principal office of the Trustee as are required by law, subpoena or demand by a United States agency;

(h) To comply with all requirements imposed by applicable provisions of law;

- (i) To seek written instructions from the Counties on any matter and await its written instructions without incurring any liability; provided, that if at any time the Counties should fail to give directions to the Trustee, the Trustee may act in the manner that in its discretion seems advisable under the circumstances for carrying out the purposes of the Trust;
- (j) To compensate such executive, consultant, actuarial, accounting, investment, appraisal, administrative, clerical, secretarial, medical, custodial, depository and legal firms, personnel and other employees or assistants as are engaged by the Employer in connection with the administration of the Plan and to pay from the Trust the necessary expenses of such firms, personnel and assistants, to the extent not paid by the Counties;
- (k) To act upon proper written directions of the Counties;
- (l) To pay from the Trust the expenses reasonably incurred in the administration thereof, as provided in the Plan;
- (m) To hold uninvested reasonable amounts of cash whenever it is deemed advisable to do so to facilitate disbursements or for other operational reasons;
- (n) To seek and obtain a judicial settlement of the Trustee's accounts and a judicial determination of any question in connection with the Trustee's duties and obligations under this Trust Agreement; and
- (o) To have and to exercise such other additional powers as may be advisable for the effective and economical administration of the Trust.

## **ARTICLE V** **INVESTMENTS**

### **5.1 Trust Investments**

The Trustee shall have the responsibility to select Qualified Investments for the Trust Assets and may appoint a registered investment advisor, as defined by regulations issued by the Securities and Exchange Commission, by executing a written consulting or management agreement with said registered investment advisor.

### **5.2 Trustee Fees**

Any Trustee who is an employee of any of the Counties shall receive no fee for service as a Trustee hereunder.

### **5.3 Contributions to the Trust**

The Counties may, but shall not be required, from time to time remit cash contributions and other payments under the Plan to the Trustee, which may include contributions by Eligible Participants. All contributions shall be paid to the Trustee for investment and reinvestment pursuant to the terms of this Trust Agreement. The Trustee shall not have any duty to determine or inquire whether any contributions to the Trust are in compliance with the Counties policies and/or the Plan, nor shall the Trustee have any duty or authority to compute any amount to be paid to the Trustee by the Counties, nor shall the

Trustee be responsible for the collection or adequacy of the contributions to meet the Former Employer's OPEB Obligation. The contributions received by the Trustee from the Counties, including any contributions by Eligible Participants, shall be held and administered pursuant to the terms hereof without distinction between income and principal.

#### 5.4 Records

(a) The Trustee shall keep records of meetings and the Administrator shall maintain accurate records and detailed accounts of all investments, receipts, disbursements and other transactions hereunder. Such records shall be available at all reasonable times for inspection by the Counties.

(b) The Assets of the Trust shall be valued at their fair market value on the date of valuation, as determined by the Trustee based upon such sources of information as it may deem reliable; provided, that the Counties shall instruct the Trustee as to valuation of assets for which the value is not readily determinable on an established market. The Trustee may rely conclusively on such valuations provided by the Counties and shall be indemnified and held harmless by the Counties with respect to such reliance. If the Counties fails to provide such value, the Trustee may take whatever action it deems reasonable, including employment of attorneys, appraisers or other professionals, the expense of which will be an expense of administration of the Trust. Transactions in the account involving such hard to value assets may be postponed until appropriate valuations have been received and Trustee shall have no liability therefore.

#### 5.5 Statements and Reports

(a) Periodically as requested by the Counties and within sixty (60) days after each June 30, the Trustee and the Administrator shall render to the Counties a written account showing in reasonable summary the investments, receipts, disbursements and other transactions engaged in by the Trustee during the preceding fiscal year or period with respect to the Trust. Such account shall set forth the assets and liabilities of the Trust valued as of the end of the accounting period.

(b) The Counties may approve such statements either by written notice or by failure to express objections to such statement by written notice delivered to the Trustee within ninety (90) days from the date the statement is delivered to the Counties. Upon approval, the Trustee shall be released and discharged as to all matters and items set forth in such statement as if such account had been settled and allowed by a decree from a court of competent jurisdiction.

(c) The Trustee and the Administrator shall hire a consultant to perform an actuarial valuation of the Albemarle-Tideland Retiree Liability for Healthcare benefits as of December 31, 2017 and every two years thereafter. The cost of the actuarial valuation is an eligible expense per section 3.4 of this document.

#### 5.6 Exclusive Benefit

The Assets of the Trust shall be held in trust for the exclusive purpose of providing OPEB to the Eligible Participants pursuant to the Plan and defraying the reasonable

expenses associated with providing such benefits and shall not be used for or diverted to any other purpose.

## ARTICLE VI FIDUCIARY RESPONSIBILITIES

### **6.1 More Than One Fiduciary Capacity**

Any one or more of the fiduciaries with respect to the Trust Agreement or the Trust may, to the extent required thereby or as directed by the Counties and the Administrator pursuant to this Trust Agreement, serve in more than one fiduciary capacity with respect to the Trust Agreement and the Trust.

### **6.2 Fiduciary Discharge of Duties**

Except as otherwise provided by applicable law, each fiduciary shall discharge such fiduciary's duties with respect to the Trust Agreement and the Trust:

(a) Solely in the interest of the Eligible Participants and for the exclusive purpose of providing OPEB to Eligible Participants and defraying reasonable administrative and actuarial expenses associated with providing such benefits; and

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

### **6.3 Limitations on Fiduciary Responsibility**

To the extent allowed by the law of the State of North Carolina:

(a) No fiduciary shall be liable with respect to a breach of fiduciary duty by any other fiduciary if such breach was committed before such party became a fiduciary or after such party ceased to be a fiduciary.

(b) No fiduciary shall be liable for a breach by another fiduciary except as provided by law.

(c) No fiduciary shall be liable for carrying out a proper direction from another fiduciary, including refraining from taking an action in the absence of a proper direction from the other fiduciary possessing the authority and responsibility to make such a direction, which direction the fiduciary in good faith believes to be authorized and appropriate.

### **6.4 Indemnification**

The Trustee shall not be liable for, and the Counties shall indemnify, defend and hold the Trustee harmless from and against, any claims, demands, loss, costs, expense or liability in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, arising as a result of Counties active or passive negligent act or omission or willful misconduct in the execution or performance of the Counties duties under this Trust Agreement.

In addition, the Trustee shall not be liable for, and Counties shall indemnify and hold the Trustee harmless from and against, any claims, demands, loss, costs, expense or liability arising out of or in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, in the event that the Trust loses or fails to qualify for tax exempt status under Section 115 of the Code and the regulations issued thereunder or as a tax-exempt trust under the provisions of North Carolina law, unless such results directly or indirectly from the active or passive negligent act or omission of the Trustee or an employee or agent thereof.

This section shall survive the termination of this Trust Agreement.

## **ARTICLE VII** **AMENDMENT, TERMINATION AND MERGER**

### **7.1 No Obligation to Continue Trust**

Continuance of the Trust is not assumed as a contractual obligation of the Counties.

### **7.2 Amendments**

(a) The Counties and the Trustee reserve the right to amend this Trust Agreement at any time by a written instrument executed by the Counties and the Trustee. The Trust Agreement may be amended or terminated only as provided herein.

(b) No amendment shall:

(1) Cause the Assets of the Trust to be used for or diverted to purposes other than for the exclusive benefit of Eligible Participants or for the purpose of defraying the reasonable expenses of administering the Trust; or

(2) Have any retroactive effect so as to reduce the benefits of any Eligible Participants as of the date the amendment is adopted, except that such changes may be made as may be required to permit this Trust Agreement to meet the requirements of applicable law.

### **7.3 Termination of the Plan**

Upon any termination of the Former Employer's obligation, if any, to provide OPEB pursuant to the Plan, the Assets of the Trust shall be distributed by the Trustee as directed by the Counties. From and after the date of such termination and until final distribution of the Assets, the Trustee shall continue to have all the powers provided herein as are necessary or expedient for the orderly liquidation and distribution of such assets, and the Trust shall continue until the Assets have been completely distributed in accordance with the Plan.

### **7.4 Right to Terminate**

The Counties and the Trustee may terminate this Trust by a written instrument executed by the Counties and the Trustee. Upon termination of this Trust, the Trustee shall pay all obligations of the Trust and shall apply the remaining Assets to purchase or continue OPEB for Eligible Participants to the extent possible. Notwithstanding the foregoing

provisions, the Trustee may, upon termination of the Trust and with the Counties consent, transfer any remaining Assets to the Counties or to any trust or trusts established for purposes substantially similar to those set forth herein. In no event will any remaining Assets be transferred to any entity that is not a state, political subdivision of a state, or entity the income of which is excluded from gross income under Section 115 of the Code.

### **7.5 Fund Recovery Based on Mistake of Fact**

Except as provided above, the Assets of the Trust shall never inure to the benefit of the Counties. The Assets shall be held for the exclusive purposes of providing OPEB to Eligible Participants and defraying reasonable expenses of administering the Trust. However, in the case of a contribution which is made by the Counties because of a mistake of fact, that portion of the contribution relating to the mistake of fact (exclusive of any earnings or losses attributable thereto) may be returned to the Counties, provided such return occurs within two (2) years after discovery by the Counties of the mistake. If any repayment is payable to the Counties, then, as a condition precedent to such repayment, the Counties shall execute, acknowledge and deliver to the Trustee its written undertaking, in a form satisfactory to the Trustee, to indemnify, defend and hold the Trustee harmless from all claims, actions, demands or liabilities arising in connection with such repayment.

## **ARTICLE VIII**

### **MISCELLANEOUS PROVISIONS**

#### **8.1 Nonalienation**

Eligible Participants do not have an interest in the Trust. Accordingly, the Trust shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of an Eligible Participants or any other party. Trust Assets shall not be subject to the claims of the Counties or the claims of its creditors.

#### **8.2 Saving Clause**

In the event any provision of this Trust Agreement is held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the Trust Agreement, and this instrument shall be construed and enforced as if said provision had never been included.

#### **8.3 Applicable Law**

This Trust Agreement shall be construed, administered and governed under the Code and the laws of the State of North Carolina. To the extent any of the provisions of this Trust Agreement are inconsistent with the Code or applicable state law, the provisions of the Code or state law shall control. In the event, however, that any provision is susceptible to more than one interpretation, such interpretation shall be given thereto as is consistent with the Trust Agreement being a tax-exempt trust within the meaning of the Code.

#### 8.4 Employment of Counsel

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Counties and charge the Trust) or other consultants. The Trustee shall be fully protected in relying on advice of such counsel.

#### 8.5 Gender and Number

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

#### 8.6 Headings

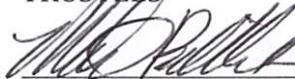
Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

#### 8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 30 day of October, 2016.

TRUSTEES



County Manager Camden County

\_\_\_\_\_ County Manager Chowan County

\_\_\_\_\_ County Manager Currituck County

\_\_\_\_\_ County Manager Dare County

\_\_\_\_\_ County Manager Hyde County

\_\_\_\_\_ County Manager Martin County

\_\_\_\_\_ County Manager Pasquotank County

\_\_\_\_\_ County Manager Perquimans County

\_\_\_\_\_ County Manager Tyrrell County

\_\_\_\_\_ County Manager Washington County

## COUNTIES

 Chairman Camden County

\_\_\_\_\_ Chairman Chowan County

\_\_\_\_\_ Chairman Currituck County

\_\_\_\_\_ Chairman Dare County

\_\_\_\_\_ Chairman Hyde County

\_\_\_\_\_ Chairman Martin County

\_\_\_\_\_ Chairman Pasquotank County

\_\_\_\_\_ Chairman Perquimans County

\_\_\_\_\_ Chairman Tyrrell County

\_\_\_\_\_ Chairman Washington County

#### **8.4 Employment of Counsel**

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Counties and charge the Trust) or other consultants. The Trustee shall be fully protected in relying on advice of such counsel.

#### **8.5 Gender and Number**

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

#### **8.6 Headings**

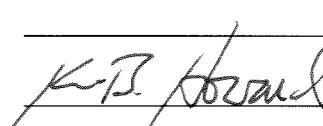
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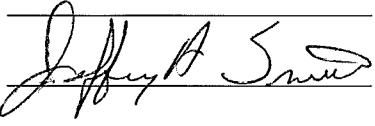
This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

**AGREED TO AND ACCEPTED** this 14<sup>th</sup> day of November, 2016.

#### **TRUSTEES**

 County Manager Camden County  
 \_\_\_\_\_ County Manager Chowan County  
 \_\_\_\_\_ County Manager Currituck County  
 \_\_\_\_\_ County Manager Dare County  
 \_\_\_\_\_ County Manager Hyde County  
 \_\_\_\_\_ County Manager Martin County  
 \_\_\_\_\_ County Manager Pasquotank County  
 \_\_\_\_\_ County Manager Perquimans County  
 \_\_\_\_\_ County Manager Tyrrell County  
 \_\_\_\_\_ County Manager Washington County

**COUNTIES**

 Chairman Camden County  
\_\_\_\_\_  
Chairman Chowan County  
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Chairman Currituck County  
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Chairman Dare County  
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Chairman Pasquotank County  
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Chairman Perquimans County  
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Chairman Tyrrell County  
\_\_\_\_\_  
Chairman Washington County

#### **8.4 Employment of Counsel**

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Counties and charge the Trust) or other consultants. The Trustee shall be fully protected in relying on advice of such counsel.

#### **8.5 Gender and Number**

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

#### **8.6 Headings**

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#### **8.7 Counterparts**

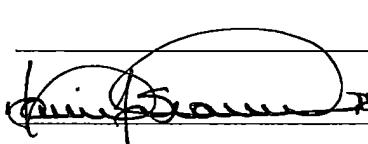
This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

**AGREED TO AND ACCEPTED** this 7<sup>th</sup> day of November 2016.

#### **TRUSTEES**

\_\_\_\_\_  
County Manager Camden County

\_\_\_\_\_  
County Manager Chowan County

  
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County Manager Currituck County

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County Manager Dare County

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County Manager Hyde County

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County Manager Martin County

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County Manager Pasquotank County

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County Manager Perquimans County

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County Manager Tyrrell County

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County Manager Washington County

**COUNTIES**

\_\_\_\_ Chairman Camden County

\_\_\_\_ Chairman Chowan County

David L. Hupp Chairman Currituck County

\_\_\_\_ Chairman Dare County

\_\_\_\_ Chairman Hyde County

\_\_\_\_ Chairman Martin County

\_\_\_\_ Chairman Pasquotank County

\_\_\_\_ Chairman Perquimans County

\_\_\_\_ Chairman Tyrrell County

\_\_\_\_ Chairman Washington County

#### 8.4 Employment of Counsel

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Counties and charge the Trust) or other consultants. The Trustee shall be fully protected in relying on advice of such counsel.

#### 8.5 Gender and Number

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

#### 8.6 Headings

Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

#### 8.7 Counterparts

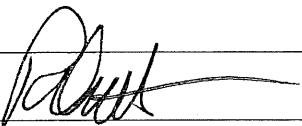
This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 10<sup>th</sup> day of October, 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

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County Manager Chowan County

  
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County Manager Currituck County

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County Manager Dare County

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County Manager Hyde County

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County Manager Martin County

\_\_\_\_\_  
County Manager Pasquotank County

\_\_\_\_\_  
County Manager Perquimans County

\_\_\_\_\_  
County Manager Tyrrell County

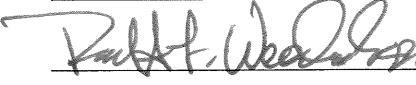
\_\_\_\_\_  
County Manager Washington County

## COUNTIES

Chairman Camden County

Chairman Chowan County

Chairman Currituck County

 Chairman Dare County

Chairman Hyde County

Chairman Martin County

Chairman Pasquotank County

Chairman Perquimans County

Chairman Tyrrell County

Chairman Washington County

#### 8.4 Employment of Counsel

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Counties and charge the Trust) or other consultants. The Trustee shall be fully protected in relying on advice of such counsel.

#### 8.5 Gender and Number

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

#### 8.6 Headings

Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

#### 8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 3<sup>rd</sup> day of October, 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

\_\_\_\_\_  
County Manager Chowan County

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County Manager Currituck County

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County Manager Dare County

  
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William (Bill) D. Rich  
County Manager Hyde County

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County Manager Martin County

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County Manager Pasquotank County

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County Manager Perquimans County

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County Manager Tyrrell County

\_\_\_\_\_  
County Manager Washington County

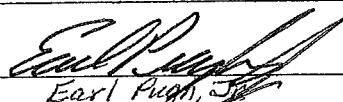
**COUNTIES**

Chairman Camden County

Chairman Chowan County

Chairman Currituck County

Chairman Dare County



Chairman Hyde County

Chairman Martin County

Chairman Pasquotank County

Chairman Perquimans County

Chairman Tyrrell County

Chairman Washington County

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#### 8.7 Counterparts

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AGREED TO AND ACCEPTED this 12<sup>th</sup> day of October, 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

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County Manager Chowan County

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County Manager Currituck County

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County Manager Dare County

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County Manager Hyde County

  
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County Manager Martin County

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County Manager Pasquotank County

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County Manager Perquimans County

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County Manager Tyrrell County

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County Manager Washington County

## COUNTIES

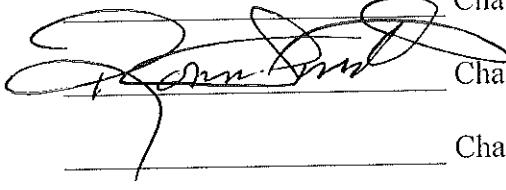
Chairman Camden County

Chairman Chowan County

Chairman Currituck County

Chairman Dare County

Chairman Hyde County

  
Chairman Martin County

Chairman Pasquotank County

Chairman Perquimans County

Chairman Tyrrell County

Chairman Washington County

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#### 8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 51<sup>st</sup> day of Nov., 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

\_\_\_\_\_  
County Manager Chowan County

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County Manager Currituck County

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County Manager Dare County

\_\_\_\_\_  
County Manager Hyde County

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County Manager Martin County

Rodney Smith \_\_\_\_\_  
County Manager Pasquotank County

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County Manager Perquimans County

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County Manager Tyrrell County

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County Manager Washington County

**COUNTIES**

\_\_\_\_ Chairman Camden County

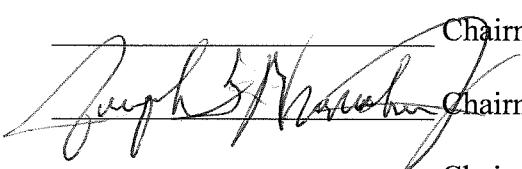
\_\_\_\_ Chairman Chowan County

\_\_\_\_ Chairman Currituck County

\_\_\_\_ Chairman Dare County

\_\_\_\_ Chairman Hyde County

\_\_\_\_ Chairman Martin County

 Chairman Pasquotank County

\_\_\_\_ Chairman Perquimans County

\_\_\_\_ Chairman Tyrrell County

\_\_\_\_ Chairman Washington County

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AGREED TO AND ACCEPTED this 1<sup>st</sup> day of November, 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

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County Manager Chowan County

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County Manager Currituck County

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County Manager Dare County

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County Manager Hyde County

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County Manager Martin County

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County Manager Pasquotank County

*Frank Heath*  
\_\_\_\_\_  
County Manager Perquimans County

\_\_\_\_\_  
County Manager Tyrrell County

\_\_\_\_\_  
County Manager Washington County

**COUNTIES**

Chairman Camden County

Chairman Chowan County

Chairman Currituck County

Chairman Dare County

Chairman Hyde County

Chairman Martin County

Chairman Pasquotank County

*Janice McKenzie Cole* Chairman Perquimans County

Chairman Tyrrell County

Chairman Washington County

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#### 8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

**AGREED TO AND ACCEPTED** this 4<sup>th</sup> day of Oct., 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

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County Manager Chowan County

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County Manager Currituck County

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County Manager Dare County

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County Manager Hyde County

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County Manager Martin County

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County Manager Pasquotank County

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County Manager Perquimans County

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County Manager Tyrrell County

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County Manager Washington County

**COUNTIES**

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Chairman Camden County

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Chairman Chowan County

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Chairman Currituck County

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Chairman Dare County

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Chairman Hyde County

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Chairman Martin County

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Chairman Pasquotank County

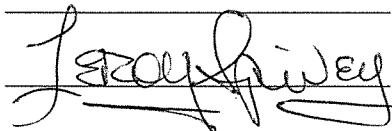
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Chairman Perquimans County

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Chairman Tyrrell County

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Chairman Washington County

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#### 8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Counties and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

**AGREED TO AND ACCEPTED** this 7<sup>th</sup> day of November 2016.

#### TRUSTEES

\_\_\_\_\_  
County Manager Camden County

\_\_\_\_\_  
County Manager Chowan County

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County Manager Currituck County

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County Manager Dare County

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County Manager Hyde County

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County Manager Martin County

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County Manager Pasquotank County

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County Manager Perquimans County

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County Manager Tyrrell County

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County Manager Washington County



**COUNTIES**

\_\_\_\_\_ Chairman Camden County

\_\_\_\_\_ Chairman Chowan County

\_\_\_\_\_ Chairman Currituck County

\_\_\_\_\_ Chairman Dare County

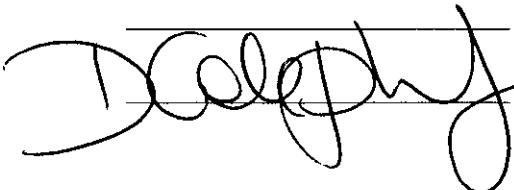
\_\_\_\_\_ Chairman Hyde County

\_\_\_\_\_ Chairman Martin County

\_\_\_\_\_ Chairman Pasquotank County

\_\_\_\_\_ Chairman Perquimans County

\_\_\_\_\_ Chairman Tyrrell County

 \_\_\_\_\_ Chairman Washington County

**EXHIBIT A**

**MEMORANDUM OF AGREEMENT  
PROVISION OF HEALTH INSURANCE BENEFITS  
for QUALIFIED RETIREES OF ALBEMARLE MENTAL HEALTH  
and TIDELAND MENTAL HEALTH**

WHEREAS, July 1, 2007 four counties from Tideland Mental Health (Tideland) merged with the six counties comprising Albemarle Mental Health (Albemarle); and

WHEREAS, certain qualified employees retired from Albemarle and Tideland and therefore were and are entitled to post retirement health insurance benefits as set forth in policies approved by the Boards of each of those agencies; and

WHEREAS, neither Albemarle or Tideland is an ongoing entity; and

WHEREAS, the ten counties that were the remaining member counties of Albemarle Mental Health upon its dissolution are Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington; and

WHEREAS, funds were provided by Tideland at the time of merger for the purpose of funding the post retirement health insurance benefits for qualified Tideland employees and funds were provided by the State of North Carolina at the time of dissolution to assist with the funding of these benefits for both Albemarle and Tideland retirees; and

WHEREAS, Martin County has agreed to handle the administration of providing the retiree health insurance and therefore Martin County has possession of the funds available for same and Martin county is willing to do so for no compensation but also has no individual liability to provide these benefits in the event the funds set aside for this purpose are exhausted; and

WHEREAS, Martin County will provide a financial report to each of the county managers no later than July 31<sup>st</sup> each year which will include at a minimum the beginning balance of the fund, charges to the fund and the ending balance of the fund; and

WHEREAS, in the event the funds are exhausted prior to the retirees no longer being eligible for coverage the counties will determine what action to take and if it is to make up the shortfall it shall be done on a per capita basis for each county; and

WHEREAS, the county managers of each county are collectively given the authority to make any necessary administrative decisions regarding these funds with the exception of decisions regarding funds being exhausted.

NOW, THEREFORE BE IT RESOLVED that each of the counties named below evidenced by the signature of the Chairman of the Board of Commissioners hereby agrees to the recitals above regarding the provision of post retirement health insurance benefits to those eligible former employees of Albemarle Mental Health and Tideland Mental Health.

**FY 17-18 SETTLEMENT FOR DELINQUENT TAXES FOR TAX YEARS 2008-2017 (G.S. 105-373)**

COLLECTION TOTALS FOR THE YEARS 2008 -2017*							
YEARS	Levy All Charge Codes	Adjustments Releases/Writeoffs	Net Levy	Interest Collected	Tax Payments*	Unpaid Balance*	% COLL
2017	32,883,985.22	-2,533.81	32,886,519.03	58,389.44	32,544,571.07	341,947.96	98.96%
2016	31,866,481.01	48,119.99	31,818,361.02	77,758.34	31,706,843.25	111,517.77	99.65%
2015	31,147,429.18	32,997.69	31,114,431.49	103,265.78	31,070,412.93	44,018.56	99.86%
2014	30,606,396.75	5,981.11	30,600,415.64	99,835.49	30,569,783.16	30,632.48	99.90%
2013	30,944,961.92	74,080.66	30,870,881.26	113,905.02	30,853,689.70	17,191.56	99.94%
2012	30,147,850.90	86,593.34	30,061,257.56	115,294.48	30,048,663.10	12,594.46	99.96%
2011	29,925,196.17	43,701.53	29,881,494.64	134,714.82	29,870,859.78	10,634.86	99.96%
2010	28,910,965.72	69,345.77	28,841,619.95	144,256.12	28,833,043.57	8,576.38	99.97%
2009	28,841,563.22	93,218.60	28,748,344.62	169,230.50	28,743,254.97	5,089.65	99.98%
2008	28,689,890.38	81,840.31	28,608,050.07	193,480.11	28,602,346.41	5,703.66	99.98%
<b>TOTALS</b>	<b>303,964,720.47</b>	<b>533,345.19</b>	<b>303,431,375.28</b>	<b>1,210,130.10</b>	<b>302,843,467.94</b>	<b>587,907.34</b>	<b>99.80%</b>

\*Collections through June 30, 2018

Respectfully Submitted

and Sworn to this the 5th day of July 2018



Tracy Sample, Tax Collector

Note: 2017 Adj/Rel/Writeoff negative  
Due to \$19,997.55 demolition fee  
198 Shortcut Rd



Phone: (252) 232-3005  
Fax: (252) 232-3568

Tracy Sample  
Tax Administrator

## **COUNTY OF CURRITUCK**

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

# **Reports of Insolvents**

**TO: Currituck County Board of County Commissioners**

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

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

<u>Year</u>	<u>Bill#</u>	<u>Name 1</u>	<u>Unpaid Principal</u>	<u>Remarks</u>
2013	107	A PLUS LAWNCARE INC	234.33	Out of Business
2013	129	ALL ABOUT BROTHERS SEAFOOD	71.01	Out of Business
2013	293	BOYCE, ROBERT (DECEASED)	42.48	Deceased
2013	357	CAROLINA COASTAL ENTERPRISES INC.	78.11	Out of Business
2013	535	CLASSY CLOSET CONSIGNMENTS	17.75	Out of Business
2013	708	GRIFFIN, HAZEL ODESSA (DECEASED)	44.70	Deceased
2013	710	GRIFFITHS ELECTRICAL CONTRACTOR	94.51	Out of Business
2013	714	GRIMES, THOMAS A (DECEASED)	43.02	Deceased

Respectfully Submitted and Sworn to this the 1st day of July 2018

A handwritten signature in black ink that reads "Tracy Sample".

Tracy Sample, Tax Collector

**Resolution Approving the Settlement with the Tax Collector for Insolvents**

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

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

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

THIS the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_ (SEAL)  
Chairman – Board of County Commissioners

Attest:

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

This instrument has been Pre  
audited in the manner required  
by The Local Government  
Budget and Fiscal Control Act

County Finance Director

NORTH CAROLINA

**LEASE AGREEMENT**

CURRITUCK COUNTY

THIS LEASE AGREEMENT, which supersedes any prior lease agreements between the parties, made and entered into this \_\_\_\_\_ day of June, 2018, by and between WILLIAM E. BRADLEY (the "Lessor") and THE COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing under the laws of the State of North Carolina, (the "Lessee");

**WITNESSETH:**

THERE WHEREAS, North Carolina General Statutes 153A-121, 153A-132.1, and 153A-136, provide that a county may regulate the storage, collection and disposal of solid waste; and

WHEREAS, North Carolina General Statute 153A-165 provides that a county may lease as lessee any real property for any authorized public purpose; and

WHEREAS, the County, in order to provide the public with a convenient method for the disposal of solid waste desires to enter into this lease for the siting and placement of a convenience center for use by the public for the disposal of solid waste;

NOW, THEREFORE, for and in consideration of the rental, specified below, and of the stipulated covenants, the Lessor and Lessee agree as follows:

1. Lessor agrees to lease to Lessee 1.1 acres, more or less, of the premises situated at 6815 Caratoke Highway, Poplar Branch Township, Grandy, North Carolina which area includes access road from Caratoke Highway.

2. The lease of the above-described premises shall be for a term of two (2) years commencing on the 1<sup>st</sup> day of July, 2018, and ending on the 30<sup>th</sup> day of June 2020.

3. The rent for the term of this lease is \$7,200.00 per year or \$600.00 per month, payable in advance without demand or notice.

4. It is understood by the parties that the leased premises will be improved for Lessee's use as a solid waste disposal center. It is mutually agreed between Lessor and Lessee that any costs incurred and all improvements made to the leased premises shall be at the expense of the Lessee.

5. Lessee agrees to keep the leased premises neat in appearance.

6. Lessee agrees to indemnify and hold Lessor harmless from any liability of any nature, which may arise in connection with Lessee's use of the leased premises, and Lessor shall indemnify and hold Lessee harmless from any liability due to conditions existing to or on the leased premises prior to the date of this lease agreement.

7. Lessee may not assign, transfer, sublease, pledge or otherwise encumber or dispose of this lease without the written consent of the Lessor, except as described in paragraph 4 of this lease agreement.

8. Upon termination of this lease agreement, any rental paid by Lessee in advance shall be returned to Lessee on a pro-rata basis.

9. Upon Termination or expiration of this lease, Lessee agrees to remove all fixtures, personal property and other improvements from the leased premises and to return the leased premises to Lessor in substantially the same condition as on the date Lessor takes possession of the premises.

10. Lessee shall have peaceful and quiet enjoyment of the premises for the term of this lease provided that Lessee pays the rent as agreed to in this lease agreement and otherwise performs all of the conditions and covenants set forth in this lease agreement.

IN WITNESS WHEREOF, Lessor and Lessee have executed this lease the day and year first written above.

LESSOR  
  
 (SEAL)  
 William E. Bradley

LESSEE

ATTEST: By: \_\_\_\_\_ (SEAL)  
 Bobby Hanig  
 Chairman, Board of Commissioners  
 \_\_\_\_\_  
 Leeann Walton  
 Clerk to the Board

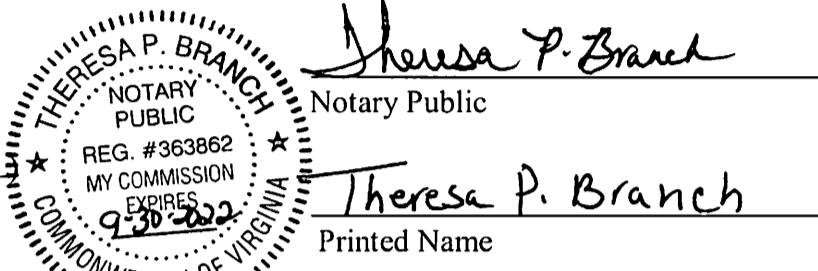
(SEAL)

STATE OF Virginia

CITY COUNTY OF Newport News

I, Theresa P. Branch, the undersigned Notary Public, certify that William E. Bradley personally came before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 29<sup>th</sup> day of June, 2018.



My Commission Expires: 9-30-2022

NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a Notary Public of the County and State aforesaid, certify that Leeann Walton personally came before me this day and acknowledged that she is the Clerk of the Currituck County Board of Commissioners for the County of Currituck, a politic body and political subdivision of the State of North Carolina, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its County Manager, sealed with its County seal and attested by her as its Clerk to the Board.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

(OFFICIAL SEAL)

\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_