



## **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.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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.

<b>COUNTY OF CURRITUCK</b>		
<b>BUDGET ORDINANCE</b>		
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.		
<b>SECTION 1. GENERAL FUND</b>		
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
		<u>41,990,833</u>
Transfers In		7,646,434
Fund Balance Appropriated		<u>3,776,870</u>
		11,423,304
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$</b>	<b>53,414,137</b>
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		<u>130,175</u>

	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
	<b>TOTAL APPROPRIATIONS</b>	<b>\$ 53,414,137</b>
<b>SECTION 2. TOURISM DEVELOPMENT AUTHORITY</b>		
	A. Estimated Resources:	
	Other taxes and licenses	10,500,000
	Other revenues	192,300
	Investment earnings	78,332
	<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 10,770,632</b>
	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
	<b>TOTAL APPROPRIATIONS</b>	<b>\$ 10,770,632</b>
<b>SECTION 3. REVALUATION FUND</b>		
	A. Estimated Resources:	
	Transfer In	121,000
	<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 121,000</b>
	B. Appropriations:	
	Operations	121,000
	<b>TOTAL APPROPRIATIONS</b>	<b>\$ 121,000</b>
<b>SECTION 4. CAROVA BEACH SERVICE DISTRICT FUND</b>		
	A. Estimated Resources:	
	Permits and fees	20,000
	Transfer In	20,000
	<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 40,000</b>
	B. Appropriations:	
	Operations	40,000
	<b>TOTAL APPROPRIATIONS</b>	<b>\$ 40,000</b>

<b>SECTION 5. EMERGENCY EQUIPMENT REPLACEMENT FUND</b>			
A. Estimated Resources:			
Investment earnings		2,500	
Transfer In		267,000	
TOTAL ESTIMATED RESOURCES		\$ 269,500	
B. Appropriations:			
Capital Outlay		269,500	
TOTAL APPROPRIATIONS		\$ 269,500	
<b>SECTION 6. EMERGENCY TELEPHONE SYSTEM FUND</b>			
A. Estimated Resources:			
Other taxes and licenses		213,917	
Fund Balance Appropriated		35,311	
TOTAL ESTIMATED RESOURCES		\$ 249,228	
B. Appropriations:			
Operations		194,532	
Capital Outlay		54,696	
TOTAL APPROPRIATIONS		\$ 249,228	
<b>SECTION 7. GUINEA MILL WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		16,350	
TOTAL ESTIMATED RESOURCES		\$ 16,350	
B. Appropriations:			
Operations		16,350	
TOTAL APPROPRIATIONS		\$ 16,350	
<b>SECTION 8. HOG BRIDGE DITCH WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		1,856	
TOTAL ESTIMATED RESOURCES		\$ 1,856	
B. Appropriations:			
Operations		1,856	
TOTAL APPROPRIATIONS		\$ 1,856	
<b>SECTION 9. MOYOCK WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		18,886	
Fund Balance Appropriated		21,114	
TOTAL ESTIMATED RESOURCES		\$ 40,000	
B. Appropriations:			
Operations		40,000	
TOTAL APPROPRIATIONS		\$ 40,000	

<b>SECTION 10. NORTHWEST WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		3,036	
TOTAL ESTIMATED RESOURCES		\$ 3,036	
B. Appropriations:			
Operations		3,036	
TOTAL APPROPRIATIONS		\$ 3,036	
<b>SECTION 11. OCEAN SANDS NORTH &amp; CROWN POINT WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		294,422	
TOTAL ESTIMATED RESOURCES		\$ 294,422	
B. Appropriations:			
Operations		294,422	
TOTAL APPROPRIATIONS		\$ 294,422	
<b>SECTION 12. WHALEHEAD WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		895,073	
TOTAL ESTIMATED RESOURCES		\$ 895,073	
B. Appropriations:			
Operations		246,359	
Transfers to other funds		648,714	
TOTAL APPROPRIATIONS		\$ 895,073	
<b>SECTION 13. WHALEHEAD BEACH SOLID WASTE COLLECTION &amp; DISPOSAL SERVICE DISTRICT</b>			
A. Estimated Resources:			
Special district taxes		115,493	
TOTAL ESTIMATED RESOURCES		\$ 115,493	
B. Appropriations:			
Operations		115,493	
TOTAL APPROPRIATIONS		\$ 115,493	
<b>SECTION 14. COROLLA FIRE PROTECTION SERVICE DISTRICT</b>			
A. Estimated Resources:			
Special district taxes		1,410,494	
Intergovernmental revenues		139,285	
Transfers from other funds		1,550,370	
TOTAL ESTIMATED RESOURCES		\$ 3,100,149	
B. Appropriations:			
County operations		2,909,749	
Volunteer Fire operations		190,400	
TOTAL APPROPRIATIONS		\$ 3,100,149	
<b>SECTION 15. CAPITAL IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Other taxes and licenses		1,933,523	
TOTAL ESTIMATED RESOURCES		\$ 1,933,523	

B. Appropriations:		
Transfers out		1,933,523
TOTAL APPROPRIATIONS		\$ 1,933,523
<b>SECTION 16. SCHOOL CAPITAL FUND</b>		
A. Estimated Resources:		
Other taxes and licenses		1,974,770
TOTAL ESTIMATED RESOURCES		\$ 1,974,770
B. Appropriations:		
Transfers out		1,974,770
TOTAL APPROPRIATIONS		\$ 1,974,770
<b>SECTION 17. TRANSFER TAX CAPITAL FUND</b>		
A. Estimated Resources:		
Other taxes and licenses		1,748,700
Investment earnings		50,000
Appropriated fund balance		5,939,797
TOTAL ESTIMATED RESOURCES		\$ 7,738,497
B. Appropriations:		
Operations		700
Transfers out		7,737,797
TOTAL APPROPRIATIONS		\$ 7,738,497
<b>SECTION 18. LAND BANKING FUND</b>		
A. Estimated Resources:		
Transfers in		200,000
TOTAL ESTIMATED RESOURCES		\$ 200,000
B. Appropriations:		
Capital outlay		200,000
TOTAL APPROPRIATIONS		\$ 200,000
<b>SECTION 19. OCEAN SANDS WATER AND SEWER FUND</b>		
A. Estimated Resources:		
Special district taxes		505,954
Operating revenues		1,317,621
Investment earnings		10,989
Retained Earnings Appropriated		111,817
TOTAL ESTIMATED RESOURCES		\$ 1,946,381
B. Appropriations:		
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
TOTAL APPROPRIATIONS		\$ 1,946,381



<b>SECTION 20. MAINLAND WATER FUND</b>			
A. Estimated Resources:			
Operating revenues		3,314,199	
Investment earnings		21,543	
TOTAL ESTIMATED RESOURCES		\$ 3,335,742	
B. Appropriations:			
Administration		407,478	
Water Treatment Operations		1,021,989	
Debt Service		1,466,842	
Capital Outlay		439,433	
TOTAL APPROPRIATIONS		\$ 3,335,742	
<b>SECTION 21. SOLID WASTE FUND</b>			
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	
TOTAL ESTIMATED RESOURCES		\$ 4,742,442	
B. Appropriations:			
Administration		67,826	
Solid Waste Operations		4,664,616	
Capital Outlay		10,000	
TOTAL APPROPRIATIONS		\$ 4,742,442	
<b>SECTION 22. SOUTHERN OUTER BANKS WATER FUND</b>			
A. Estimated Resources:			
Operating revenues		3,670,800	
Non-operating revenues		180,665	
Investment earnings		7,711	
TOTAL ESTIMATED RESOURCES		\$ 3,859,176	
B. Appropriations:			
Administration		187,748	
Water Operations		1,168,711	
Capital assets		1,586,969	
Debt service		915,748	
		\$ 3,859,176	
<b>SECTION 23. MAINLAND CENTRAL SEWER FUND</b>			
A. Estimated Resources:			
Operating revenues		580,863	
Transfers - in		88,698	
TOTAL ESTIMATED RESOURCES		\$ 669,561	
B. Appropriations:			
Administration		45,390	
Sewer Operations		395,503	
Debt service		228,668	
		\$ 669,561	

<b>SECTION 24. POST-EMPLOYMENT RETIREMENT BENEFITS FUND</b>			
A. Estimated Resources:			
	Retiree benefits		458,405
	Appropriated Fund Balance		42,665
	TOTAL ESTIMATED RESOURCES		<u>\$ 501,070</u>
B. Appropriations:			
	Operations		501,070
			<u>\$ 501,070</u>
<b>SECTION 25. AD VALOREM TAX RATE ESTABLISHED</b>			
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.			
<b>SECTION 26. SPECIAL DISTRICT TAX RATES ESTABLISHED</b>			
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
<b>SECTION 27. ANIMAL TAX RATE ESTABLISHED</b>			
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.

<b>SECTION 33. CONTRACTUAL OBLIGATIONS</b>		
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.	
<b>SECTION 34. MEMORANDA</b>		
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.	

<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

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:

<b>Topic</b>	<b>Ecoplexus Draft Conditions</b>	<b>UDO Language in Effect at Original Hearing</b>	<b>Suggestion</b>
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

<b>Topic</b>	<b>Ecoplexus Draft Conditions</b>	<b>UDO Language in Effect at Original Hearing</b>	<b>Suggestion</b>
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

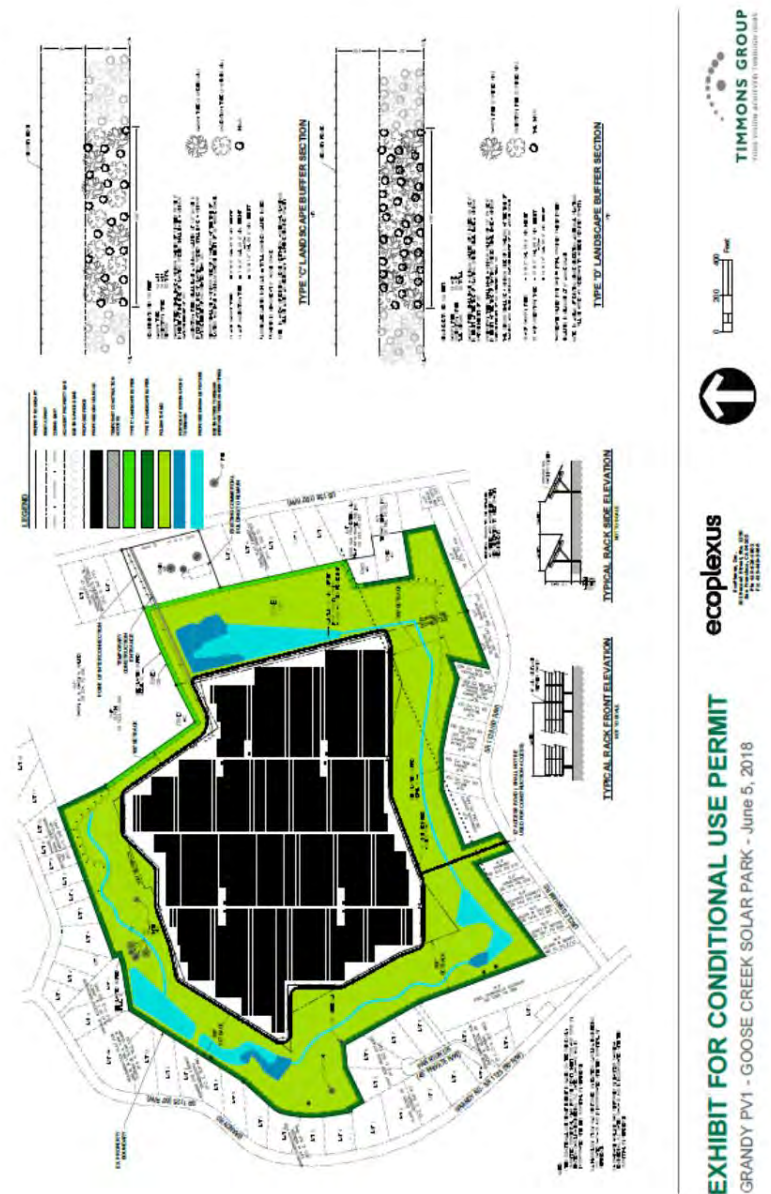
Attachment 5 – Sample Motion Sheet (See Agenda Packet)

## 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



## Attachment 4

APPLICATION SUMMARY	
<b>Property Owner:</b> Currituck Sunshine Farms 5504 N Prospect Rd Peoria Heights IL 61616	<b>Applicant:</b> Ecoplexus 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

- Ecoplexus, 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 THAT EVEN 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:

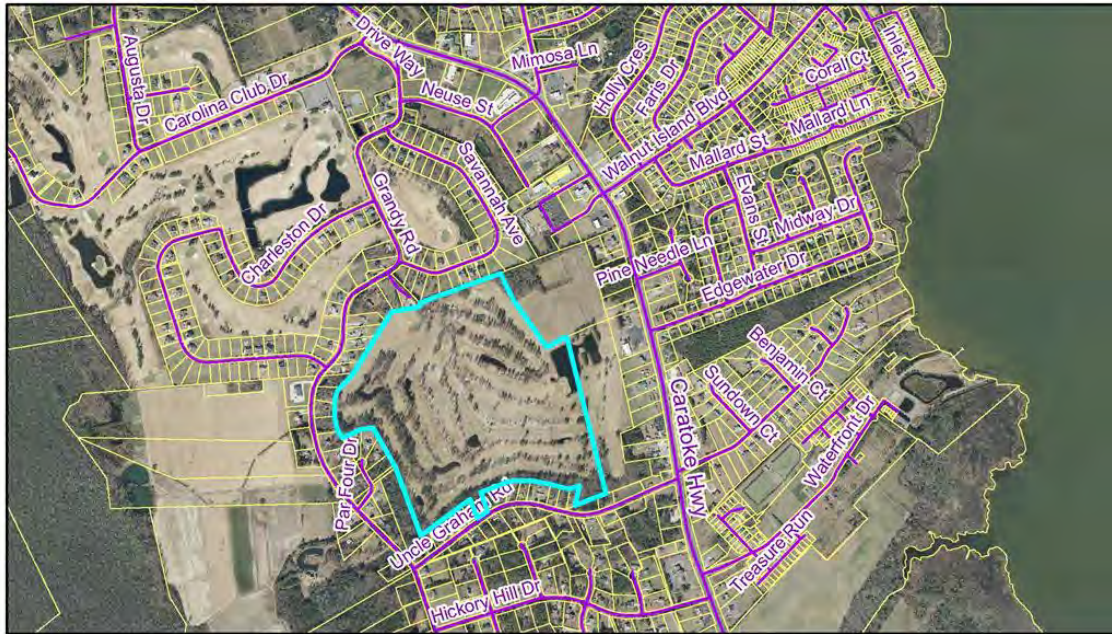
1. THE LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE GRANDY SUBAREA. AREAS DESIGNATED AS FULL SERVICE ARE THOSE PARTS OF THE COUNTY WHERE A BROAD RANGE OF INFRASTRUCTURE AND SERVICE INVESTMENTS HAVE BEEN PROVIDED OR WILL BE MADE AVAILABLE BY THE PUBLIC AND/OR PRIVATE SECTORS. THE PROPOSED 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) diversity 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.

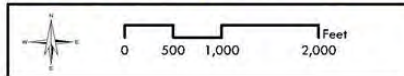
PRELIMINARY STAFF FINDINGS:

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

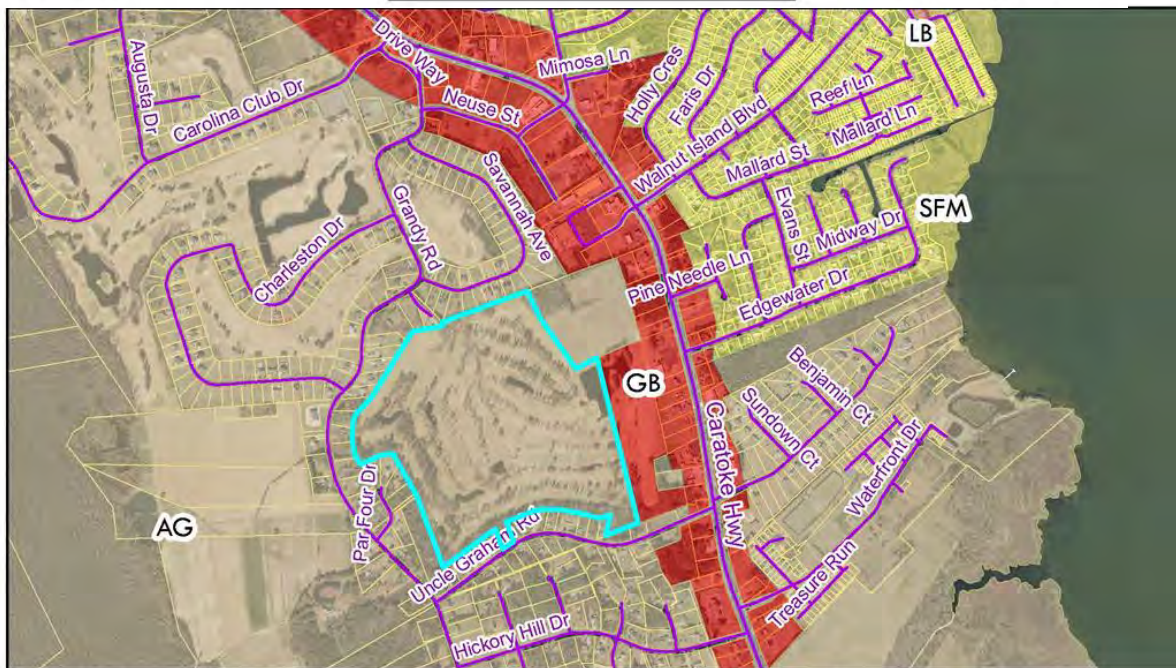




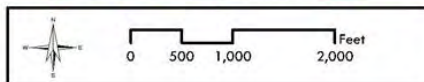
PB 15-25 Grandy Solar Farm  
Use Permit  
Aerial Photo



Currituck County  
Planning and  
Community Development

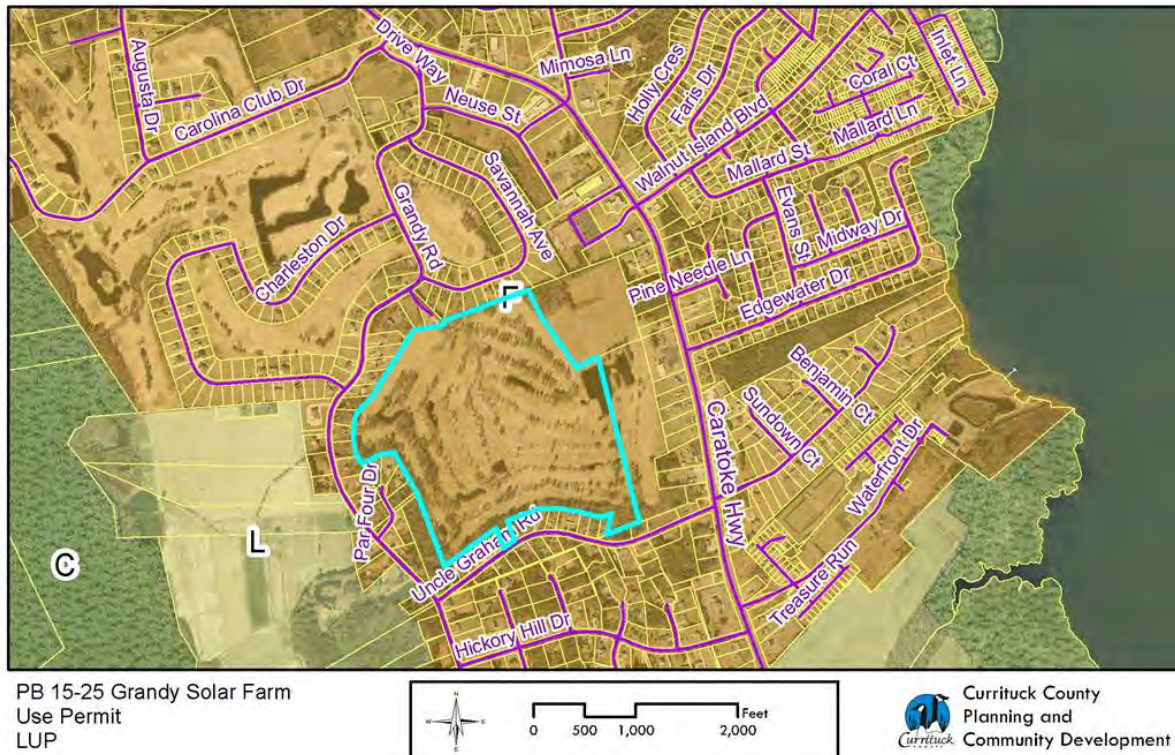


PB 15-25 Grandy Solar Farm  
Use Permit  
Zoning



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 cull 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:**

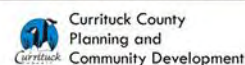
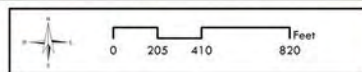
1. Utility services are available to the site and onsite wastewater disposal will be designed and permitted in accordance with the State Rules and Standards. The location of the proposed subdivision is already within defined school, fire & rescue, and law enforcement areas. The proposed subdivision layout 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%



PB 18-09 Muddy Acres  
Preliminary Plat/Use Permit  
Aerial



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 inconformity 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

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

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-590000	Capital Outlay	\$ 2,500	
10750-502100	Salaries - Overtime		\$ 2,500
		<u>\$ 2,500</u>	<u>\$ 2,500</u>
<b>Explanation:</b> Social Services Administration (10750) - Transfer budgeted funds for emergency HVAC replacement in the Social Services Administrative building.			
<b>Net Budget Effect:</b> Operating Fund (10) - No change.			
		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-503500	Salaries - Temp. Services		\$ 2,500
10510-503000	Salaries - Part Time	\$ 2,500	
		<u>\$ 2,500</u>	<u>\$ 2,500</u>
<b>Explanation:</b> Sheriff (10510) - Transfer funds for temporary increase in part-time hours.			
<b>Net Budget Effect:</b> Operating Fund (10) - No change.			
		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	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
		<u>\$ 70,000</u>	<u>\$ 70,000</u>
<b>Explanation:</b> Register of Deeds (10480) - Increase appropriations for increase in collections of excise taxes on deeds.			
<b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$70,000.			

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
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		
<p><b>WHEREAS,</b> THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.</p>		
County		
Asset Tag	Description (Year & Make/Model)	Serial Number
6904	2009 Nissan Titan (Full size crew cab)	1N6AA07C29N302498
<p><b>NOW, THEREFORE, BE IT RESOLVED,</b> that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>		
<p><b>ADOPTED,</b> this 18th day of June 2018.</p>		
<p>Bobby Hanig County of Currituck, Board of Commissioners</p>		
<p>Leeann Walton Clerk to the Board</p>		
		(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>

<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 10,770,632</b>
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**B. Appropriations:**

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

<b>TOTAL APPROPRIATIONS</b>	<b>\$ 10,770,632</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 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.								

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

<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.

<b>OCEAN SANDS WATER AND SEWER DISTRICT</b>									
<b>BUDGET ORDINANCE</b>									
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.									
<b>SECTION 1. OCEAN SANDS WATER AND SEWER DISTRICT</b>									
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>				
	TOTAL ESTIMATED RESOURCES				<u>\$ 1,946,381</u>				
B. Appropriations:									
	Salaries & Benefits			\$	157,525				
	Operations				960,793				
	Debt service				674,563				
	Capital Outlay				153,500				
	TOTAL APPROPRIATIONS			\$	<u>1,946,381</u>				
The information above is presented in summary form. Complete detailed information is available in the County budget.									
<b>SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS</b>									
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



## 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 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

Attachment: Memo to BOC 6-18-2018 (PB 15-25 Grandy Solar Farm (Ecoplexus, Inc.):)



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

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

## Attachment 1 – Court of Appeals Decision

## IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-656

Filed: 19 December 2017

Currituck County, No. 16 CVS 203

ECOPLEXUS INC., FRESH AIR ENERGY II, LLC and CURRITUCK SUNSHINE FARM, LLC, Petitioners,

v.

COUNTY OF CURRITUCK, BOARD OF COMMISSIONERS, and DAVID L. GRIGGS, in his official capacity as Chairman of the Board of Commissioners, and O.VANCE AYDLETT, JR., S. PAUL O'NEAL, MIKE D. HALL, MIKE H. PAYMENT, PAUL M. BEAUMONT, and MARION GILBERT, in their official capacities as members of the Board of Commissioners of the County of Currituck, Respondents,

and

STEVEN P. FENTRESS, DONALD LEON PROFFITT, GAIL LYNN PROFFITT, JAMES J. WIERZBICKI, MARGARET GERALDINE NEWSOME, DAVID L. RICE, LINDA L. RICE, RANDY L. MILLS, ROY W. TATE, KATHY C. TATE, FIDEL C. ESCOBAR, LAURA DARDEN and MICHELLE LYNN CUNNINGHAM, Intervenor-Respondents.

Appeal by petitioners from order entered 23 March 2017 by Judge Jerry R. Tillett in Currituck County Superior Court. Heard in the Court of Appeals 15 November 2017.

*Tuggle Duggins P.A., by Michael S. Fox, Benjamin P. Hintze and Jaye E. Bingham-Hinch, for petitioner-appellants.*

*Currituck County Attorney Donald I. McRee, Jr. for respondent-appellees.*

TYSON, Judge.

Attachment: Memo to BOC 6-18-2018 (PB 15-25 Grandy Solar Farm (Ecoplexus, Inc.):)

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

Ecoplexus, Inc., Fresh Air Energy II, LLC, and Currituck Sunshine Farm, LLC (“Petitioners”) appeal from an order affirming the decision of the Currituck County Board of Commissioners (“the Board”) to deny Petitioners’ application for a use permit to construct a solar energy array farm. We reverse and remand.

I. Background

Petitioners Currituck Sunshine Farm, LLC (“Currituck”) and Ecoplexus, Inc. (“Ecoplexus”) applied for a use permit on 11 December 2015, to construct a solar array farm on the vacant property that was previously used as Goose Creek Golf Course (“the property”), located at 6562 Caratoke Highway, Grandy, North Carolina. The golf course closed as a result of a foreclosure action in 2012 and has remained unused. Currituck owns the property, and Ecoplexus is a solar farm developer. Fresh Air Energy II, LLC (“Fresh Air”) is the proposed tenant of the solar array farm to be developed.

The property is located in an Agricultural (“AG”) Zoning District. The Currituck County Unified Development Ordinance (“UDO”) provides that a “solar array” is allowed as a permitted use on AG zoned land, subject to a use permit.

The Currituck County Planning Staff and the Planning Board unanimously recommended the application for the permit to be approved, finding Petitioners’ application fulfilled all the use permit review standards. On 4 April 2016, the

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

Currituck County Board of Commissioners held a quasi-judicial hearing to consider Petitioners' use permit application.

A. Evidence Presented by Petitioners

Ecoplexus is a developer of solar energy farms, with projects located in five states, including ten projects within North Carolina. Nathan Rogers of Ecoplexus testified regarding the design of the proposed solar energy farm. He explained the solar panels would be arranged in rows and attached to metal racking, bringing the total height to 8 to 10 feet. To comply with the UDO's 300-foot setback requirements, the majority of the existing trees on the property would remain, with Ecoplexus filling in any gaps in the natural barrier with landscaping. Mr. Rogers opined that the solar farm would be harmonious with the surrounding properties. Concerning herbicide use, Mr. Rogers testified he preferred not to use herbicides, but did not rule out the possibility of future herbicide use.

Tommy Cleveland, a licensed engineer specializing in solar energy in North Carolina, testified regarding the materials to be used. Solar panels are constructed of "very non-toxic" silicone-based cells, and the other components consist of glass, aluminum, and plastic. He testified the safety of these materials has been tested over the course of 25 to 30 years. Mr. Cleveland asserted there would be no emissions, and the electromagnetic field produced by the panels would be below international

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

occupational hazard levels, and virtually non-existent at the perimeter of the property.

Mr. Cleveland also testified solar facilities can be built to withstand hurricane force winds, and the proposed facility will be engineered to withstand winds of up to 120 mph. Because of the overall safety of solar farms, Mr. Cleveland testified there would be no negative health or safety impacts to the neighboring properties or the community from the installation of this solar energy system.

Rich Kirkland, a certified and MAI designated appraiser, testified regarding the impact of the proposed solar farm on the valuation of the surrounding properties. Mr. Kirkland stated he has visited over 170 solar farms in North Carolina, and testified that over 90 percent of properties adjoining solar farms in North Carolina are located "where homes and fields meet," between agricultural and residential areas.

Regarding the aesthetics of the proposed site, Mr. Kirkland testified the 400 foot average buffer from the proposed location of the solar panels to nearby homes is greater than the 150 foot average commonly observed in other projects across North Carolina. With the large setback buffer from the homes in the area and the natural vegetative barrier, Mr. Kirkland opined the property is a harmonious location for a solar farm.

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

Mr. Kirkland also conducted a “matched pair” analysis of four other solar farm projects. In those properties, he opined no effects were shown on either the sale or value of surrounding properties. Mr. Kirkland predicted a similar outcome for the proposed facility, and opined the construction of the solar farm would not negatively impact surrounding property values.

Kim Hamby, a North Carolina licensed engineer with 20 years of experience in water management, testified regarding the surface water, impoundments, and drainage on the property. Several ponds from the golf course would be filled in to construct the solar farm. Ms. Hamby testified sufficient drainage would be provided to make up for filled ponds. The new drainage system would be installed before the ponds are filled in, and the larger existing ponds will remain along the perimeter of the property. Further, the proposed solar farm would reduce the impervious surfaces of the property and leave plenty of land to manage and absorb surface water effectively. Ms. Hamby testified the drainage plan would be submitted for review and approval by the county engineers and the North Carolina Department of Environmental Quality. Plaintiffs assert this evidence, taken together, establishes a *prima facie* case of entitlement to the use permit.

B. Evidence Presented by Respondents

Herb Eckerlin, a professor in mechanical and aerospace engineering at North Carolina State University, testified regarding the overall problems he sees with solar

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

energy. Dr. Eckerlin expressed concern with the high cost of energy in places such as California and Germany, but stated his testimony was based upon internet research. He also took issue with the legislative decision to allow only twenty percent of the value of a solar farm to be taxed, and opined Currituck County would see very little economic or tax benefit from allowing a solar farm to be approved.

Dr. Eckerlin opined that the actual number of panels or type of panels installed in solar farms would be different from what was stated in the application, and there was no local or state oversight available to address such problems. He believes all solar farm construction should cease until these issues are addressed.

Ron Heiniger, a professor in the crop, soil, and environmental science department at North Carolina State University, testified regarding the holding ponds. Holding ponds are important to maintain and control nutrient runoff from the property, and protect the surrounding environment. Dr. Heiniger asserted these holding ponds were important for containing the pesticides and herbicides applied when the property was used as a golf course, and opined this same purpose would be necessary for the proposed solar farm. He testified the federal government does not allow solar farms to be located on property owned by the United States Department of Agriculture ("USDA") in North Carolina, though he conceded a solar farm would not be in harmony in a national forest or park, which is the use of the majority of USDA-owned land located in North Carolina.

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

Bruce Sauter, a certified appraiser, testified regarding the highest and best use for the property. He had appraised Goose Creek Golf Course in 2012, prior to the foreclosure action, and concluded the highest and best use of the property would be single family homes. Mr. Sauter opined the proposed solar farm would not be harmonious with the surrounding residential community, but asserted that harmonious use is the same as highest and best use. He questioned Mr. Kirkland's opinions on land value, as Mr. Kirkland's evaluation did not consider properties in the eastern part of the state. Mr. Sauter opined it was too early to tell how land and home values would be affected in Currituck County by solar farms.

Steve Fentress, a resident of Grandy Road, testified and expressed his concerns about the proposed project. He questioned whether the amount of on-site fill would be enough to fill in the ponds, and was concerned about drainage on adjoining properties as a result of filling in the ponds. Mr. Fentress argued solar farms are an industry, and should be regulated under industrial use. He also testified as to the lack of inspections at other nearby, established solar farms, and communicated the need for such inspections, especially concerning the joining of metals from the panel to the frame.

Laura Darden, an adjoining property owner, testified regarding the current water drainage issues. One of the existing retention ponds from the defunct golf course is located near her property, and every time it rains, she states it overflows



## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

onto her property. She asserted that at least fifty percent of her property was underwater at the time of the hearing, and she was concerned that changes resulting from constructing the solar farm would only make flooding on her property worse.

C. Procedural Outcome

The Board denied Petitioners' application for a use permit for failure to comply with the Use Permit Review Standards in an order dated 2 May 2016. The Board found the proposed solar farm (1) would endanger the public health or safety, (2) would not be in harmony with the surrounding area, and (3) would not be in conformity with the 2006 Land Use Plan.

On 31 May 2016, Petitioners filed a petition for writ of certiorari, seeking review of the Board's decision in the superior court. The superior court upheld the Board's decision in an order dated 23 March 2017. Petitioners appeal.

II. Jurisdiction

Jurisdiction lies in this Court from a final order of the superior court pursuant to N.C. Gen Stat. § 7A-27(b) (2015).

III. Issues

Petitioners argue the superior court erred by affirming the Board's decision because: (1) their application for a use permit was supported by competent, substantial, and material evidence; (2) they made a *prima facie* showing entitling

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

them to the use permit; and, (3) the Board's denial was not supported by competent, substantial, and material evidence, and its decision was arbitrary and capricious.

IV. Standard of Review

"A legislative body such as the Board, when granting or denying a conditional use permit, sits as a quasi-judicial body." *Sun Suites Holdings, LLC v. Bd. of Alderman of Town of Garner*, 139 N.C. App. 269, 271, 533 S.E.2d 525, 527, *disc. review denied*, 353 N.C. 280, 546 S.E.2d 397 (2000).

"The Board's decisions 'shall be subject to review of the superior court in the nature of certiorari.'" *Dellinger v. Lincoln Cty.*, \_\_ N.C. App. \_\_, 789 S.E.2d 21, 26 (quoting N.C. Gen. Stat. § 160A-381(c) (2015)), *disc. review denied*, 369 N.C. 190, 794 S.E.2d 329 (2016). "In reviewing the Commissioners' decision, the superior court sits as an appellate court, and not as a trier of facts." *Innovative 55, LLC v. Robeson Cty.*, \_\_ N.C. App. \_\_, 801 S.E.2d 671, 675 (2017) (citation and quotation marks omitted). Under the scope of its review, a superior court may only determine whether:

- 1) the [b]oard committed any errors in law; 2) the [b]oard followed lawful procedure; 3) the petitioner was afforded appropriate due process; 4) the [b]oard's decision was supported by competent evidence in the whole record; and
- 5) [whether] the [b]oard's decision was arbitrary and capricious.

*Overton v. Camden Cty.*, 155 N.C. App. 391, 393, 574 S.E.2d 157, 159 (2002) (alterations in original) (quoting *Capital Outdoor, Inc. v. Guilford Cty. Bd. of Adjustment*, 152 N.C. App. 474, 475, 567 S.E.2d 440, 441 (2002) (citation omitted)).

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*

This Court's review of the superior court's order "is limited to determining whether the superior court applied the correct standard of review, and to determine whether the superior court correctly applied that standard." *Overton*, 166 N.C. App. at 393-94, 674 S.E.2d at 160.

"When a party alleges the Board of Commissioners' decision was based upon an error of law, both the superior court, sitting as an appellate court, and this Court reviews the matter *de novo*, considering the matter anew." *Dellinger*, \_\_\_ N.C. App. at \_\_\_, 789 S.E.2d at 26 (citation omitted). When the petitioner argues the Board's decision is arbitrary and capricious, this Court applies the whole record test. *Id.* "The whole record test requires that the trial court examine all competent evidence to determine whether the decision was supported by substantial evidence." *Morris Comm'n's, Corp. v. Bd. of Adjustment of Gastonia*, 159 N.C. App. 598, 600, 583 S.E.2d 419, 421 (2003) (citation omitted).

V. Analysis

Petitioners argue the Board improperly denied their application for a use permit, as their application was supported by competent, substantial, and material evidence. Petitioners assert this *prima facie* showing entitles them to a use permit under the standards in the UDO, and the opponents of the solar farm did not present competent or material evidence sufficient to overcome or rebut this *prima facie* showing. We agree.

## ECOPLEXUS V. CURRITUCK COUNTY

*Opinion of the Court*A. Petitioners' *Prima Facie* Showing

"When an applicant for a conditional use permit produces competent, material, and substantial evidence of compliance with all ordinance requirements, the applicant has made a *prima facie* showing of entitlement to a permit." *Howard v. City of Kinston*, 148 N.C. App. 238, 246, 568 S.E.2d 221, 227 (2002) (citation and quotation marks omitted). "Material evidence is '[e]vidence having some logical connection with the facts of consequence or the issues.'" *Dellinger*, \_\_ N.C. App. at \_\_, 789 S.E.2d at 27 (quoting Black's Law Dictionary 638 (9th ed. 2009)). "Substantial evidence is evidence a reasonable mind might accept as adequate to support a conclusion." *Humane Soc'y of Moore County v. Town of S. Pines*, 161 N.C. App. 626, 629, 589 S.E.2d 162, 165 (2003) (citation and quotation marks omitted).

While the applicant must make an initial, or *prima facie*, showing of compliance, "[t]o hold that an applicant must first anticipate and then prove or disprove each and every general consideration would impose an intolerable, if not impossible, burden on an applicant for a conditional use permit. An applicant need not negate every possible objection to the proposed use." *Woodhouse v. Bd. of Comm'rs of Town of Nags Head*, 299 N.C. 211, 219, 261 S.E.2d 882, 887-88 (1980) (citation and quotation marks omitted).

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Solar energy arrays are expressly scheduled as a permitted use in property zoned AG under section 4.1.2 of the Currituck County UDO, subject to a use permit.

Section 2.4.6 of the UDO, "Use Permit Review Standards" provides:

A use permit *shall be approved* on a finding the applicant demonstrates the proposed use will:

- (1) Not endanger the public health or safety;
- (2) Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located;
- (3) Be in conformity with the Land Use Plan or other officially adopted plan.
- (4) 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. (Emphasis supplied).

The Planning Board unanimously found Petitioners had met their burden under section 2.4.6 of the UDO as to the first three standards, and that standard (4) was not at issue in this case.

Petitioners then presented competent, material, and substantial lay and expert testimony to the Board to show: (1) solar panels are safe and generate no toxic emissions, and the proposed solar farm will be able to withstand winds up to 120 mph; (2) the proposed solar farm will not adversely affect surrounding property values, and, due to natural and supplemental vegetation buffers and setbacks, will

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be in harmony with the surrounding area; and, (3) the proposed project complies with the Land Use Plan as a full service sub-area.

B. Board's Denial of Petitioners' *Prima Facie* Showing

"Once an applicant makes [a *prima facie*] showing, the burden of establishing that the approval of a conditional use permit would endanger the public health, safety, and welfare falls upon those who oppose the issuance of the permit." *Housard*, 148 N.C. App. at 246, 558 S.E.2d at 227. If after presentation of rebuttal evidence a board denies the application, the denial must be "based upon findings which are supported by competent, material, and substantial evidence appearing in the record." *Id.*

After presentation of Petitioners' and opponents' evidence, the Board concluded the proposed solar energy farm:

- 1) Will endanger the public health or safety because:
  - a. The applicant . . . did not adequately address water drainage to ensure that the amount of water that needs to vacate the property will be able to do so safely without negative impact to adjoining properties. . . .
  - b. There is significant disparity with the amount of material that is available on the site for backfilling the ponds and . . . [backfilling] will create an additional drainage issue . . . .
  - c. Testimony . . . relative to the use of chemicals on the property, specifically herbicides is unspecified as to the use and amount. Without some limitation . . . it is going to be excessive and present a health hazard to those around it.

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2) Will not be in harmony with the area in which it is located because:

a. Expert testimony from Mr. Sauter indicates a solar farm is not the highest and best use of the property, is not in harmony with adjacent neighborhoods, and provides stark contrast to the adjacent subdivision.

3) Will not be in conformity with the 2006 Land Use Plan because:

a. It is a large facility being reverted or being used in a manner that would not be conducive in a full service district because this district is intended for community centers that include a diversity of housing types and clusters of businesses to serve the immediate area.

....

d. The use is not consistent with POLICY ID9 which states the county shall not support the development of energy producing facilities within its jurisdiction.

e. The use is not consistent with POLICY CD6 which states that appropriate office and institutional developments . . . be encouraged to locate as a transitional land use between residential areas and commercial. A solar array is classified as an institutional use, but . . . is not an appropriate transitional use.

The Board's decision must include and be based upon all of the Petitioners' evidence, or lack thereof, to show a *prima facie* case. *See Innovative 55*, \_\_ N.C. App. at \_\_, 801 S.E.2d at 676. The denial cannot be based on evidence solely presented by the opponents to the solar farm, the Board's own personal opinions, or by no evidence at all. *See id.*

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"Speculative and general lay opinions and bare or vague assertions do not constitute competent evidence" to overcome an applicant's *prima facie* showing. *Id.* at \_\_, 801 S.E.2d at 678.

Speculative assertions, mere expression of opinion, and generalized fears about the possible effects of granting a permit are insufficient to support the findings of a quasi-judicial body. In other words, the denial of a conditional use permit may not be based on conclusions which are speculative, sentimental, personal, vague, or merely an excuse to prohibit the requested use.

*Howard*, 148 N.C. App. at 246, 568 S.E.2d at 227 (citation and internal quotation marks omitted).

Regarding finding 1) a. and b., the Board wholly ignored Petitioners' expert testimony on water management, and solely considered lay witnesses' testimony of their speculative fears of worsening floods due to the present state of storm water drainage and management on adjacent properties. Even if true, this flooding is based upon current conditions from the defunct golf course and not due to conditions or uses proposed by Petitioners. Further, Petitioners asserted their desire not to use herbicides. Very little testimony addressed the use of chemicals on the property. It appears this finding is based on the generalized fear of the Board, as no competent evidence in the record supports the finding of hazardous levels of herbicide use. Finding 1) is not supported by competent, material, and substantial evidence to rebut Petitioners' *prima facie* showing, but is merely based on generalized and speculative fears and concerns. *See id.*



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Similarly, the Board erred in regards to finding 2), by only considering testimony of opponents and ignoring the expert testimony offered by Petitioners. Mr. Sauter did not present any value impact evidence of properties surrounding solar farms, but merely stated his opinion on the impact on surrounding properties. Mr. Kirkland presented data relating to the value of properties around existing solar farms. Finding 2) erroneously equates "harmonious use" with "highest and best use" after Mr. Sauter conceded that the use need not be "the highest and best use" to be "harmonious." This finding is not based on competent, material, and substantial evidence to rebut Petitioners' *prima facie* case.

It does not appear the Board used any record evidence to support its finding 3) that a solar farm is an incompatible use. Mr. Fentress, a lay witness, asserted his belief that solar farms are an industrial use, in contradiction to the Currituck County UDO specifically designating solar arrays as an appropriate and permitted use in agricultural areas, subject to a use permit. General assertions criticizing solar farms by lay witnesses do not rise to the level of competent, material, and substantial evidence to overcome the prior legislative determination to allow solar arrays as a permitted use in agricultural areas, after meeting permit requirements. *Blair Inv., LLC v. Roanoke Rapids City Council*, 231 N.C. App. 318, 325, 762 S.E.2d 524, 530 (2013). Further, no other evidence in the record supports the Board's five findings that a solar energy farm is an incompatible land use.

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The Planning Board unanimously found Full Service areas "are those parts of the county where a broad range of infrastructure and service investments have been provided." They found and recommended the proposed solar energy farm will be harmonious in a Full Service district, and supports two specific policies of the Land Use Plan as adopted by the County Commission:

- 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. (Emphasis supplied).

In contrast, the Board found the proposed solar energy farm violated Policy ID9, which states, "Currituck County shall not support the exploration or development of ENERGY PRODUCING FACILITIES within its jurisdiction including, but not limited to, oil and natural gas wells, and associated staging, transportation, refinement, processing or on-shore service and support facilities." The Board points to Policy ID9 as evidence a solar farm, as an "energy producing facility," does not conform to the 2006 Land Use Plan.

While a solar farm could be considered an "energy producing facility," the examples listed in ID9: "oil and natural gas wells and associated staging,

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transportation, refinement, processing or on-shore service and support facilities,” are distinctly different than a solar energy farm, which is clearly a form of “alternative energy.” Further, the Land Use Plan clearly indicates prior legislative support for “cluster industries identified by Currituck Economic Development such as . . . alternative energy.”

These prior legislative findings by the Board of Commissioners clearly refute the Board’s findings at bar, which are not supported by competent, material, and substantial evidence, that the proposed use would not be in conformity with a Full Service area and would be an “energy producing facility.” The Planning Board’s recommendations also reflect the current permitted developments in Currituck County, which contains two previously approved solar energy farms.

Without competent, material, and substantial evidence to overcome Petitioners’ *prima facie* showing to support its findings, it appears the Board relied on generalized lay concerns, speculation, and “mere expression of opinion” and improperly denied Petitioners’ use permit application after Petitioners had made a *prima facie* showing of entitlement to the use permit. *See Howard*, 148 N.C. App. at 246, 558 S.E.2d at 529.

VI. Conclusion

Based upon review of the whole record, Petitioners presented a *prima facie* showing of entitlement to their use permit to construct a solar energy farm in a zoning

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district where such facility is a permitted use. The Board's denial of the application was not based on competent, material, and substantial evidence to rebut the Petitioners' *prima facie* showing. "When a Board action is unsupported by competent substantial evidence, such action must be set aside for it is arbitrary." *MCC Outdoor, LLC v. Town of Franklinton Bd. of Comm'rs*, 169 N.C. App. 809, 811, 610 S.E.2d 794, 796, *disc. review denied*, 359 N.C. 634, 616 S.E.2d 540 (2005). The superior court's order affirming the Board's denial of Petitioners' application is reversed.

This matter is remanded with instructions to the superior court to further remand to the Board to approve Petitioners' application. Upon remand, the Board may hear and require reasonable terms for the Petitioners to comply with the development standards, including Petitioners securing any required approvals of other local, state, and federal authorities' and agencies' permits required to operate the solar array energy farm. *It is so ordered.*

REVERSED AND REMANDED.

Judges CALABRIA and DAVIS concur.

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

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 4 – Original Use Permit Staff Report

**APPLICATION SUMMARY**

<b>Property Owner:</b> Currituck Sunshine Farms 5504 N Prospect Rd Peoria Heights IL 61616	<b>Applicant:</b> Ecoplexus 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**

	<b>Land Use</b>	<b>Zoning</b>
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

**STAFF ANALYSIS**

- Ecoplexus, 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 equipment 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 even 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:

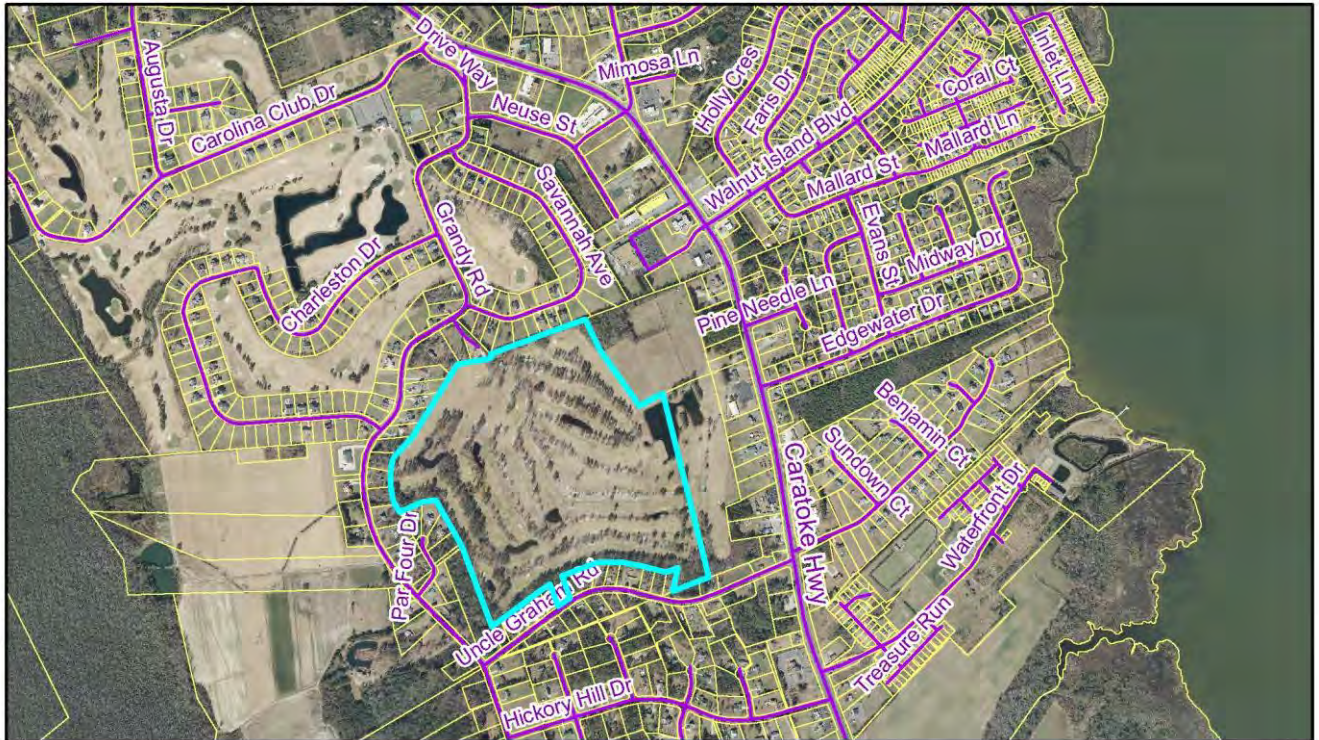
1. The Land Use Plan classifies this site as Full Service within the Grandy subarea. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. The proposed 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) diversity 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.

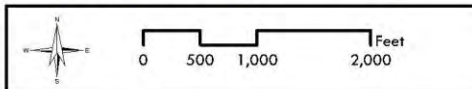
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

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

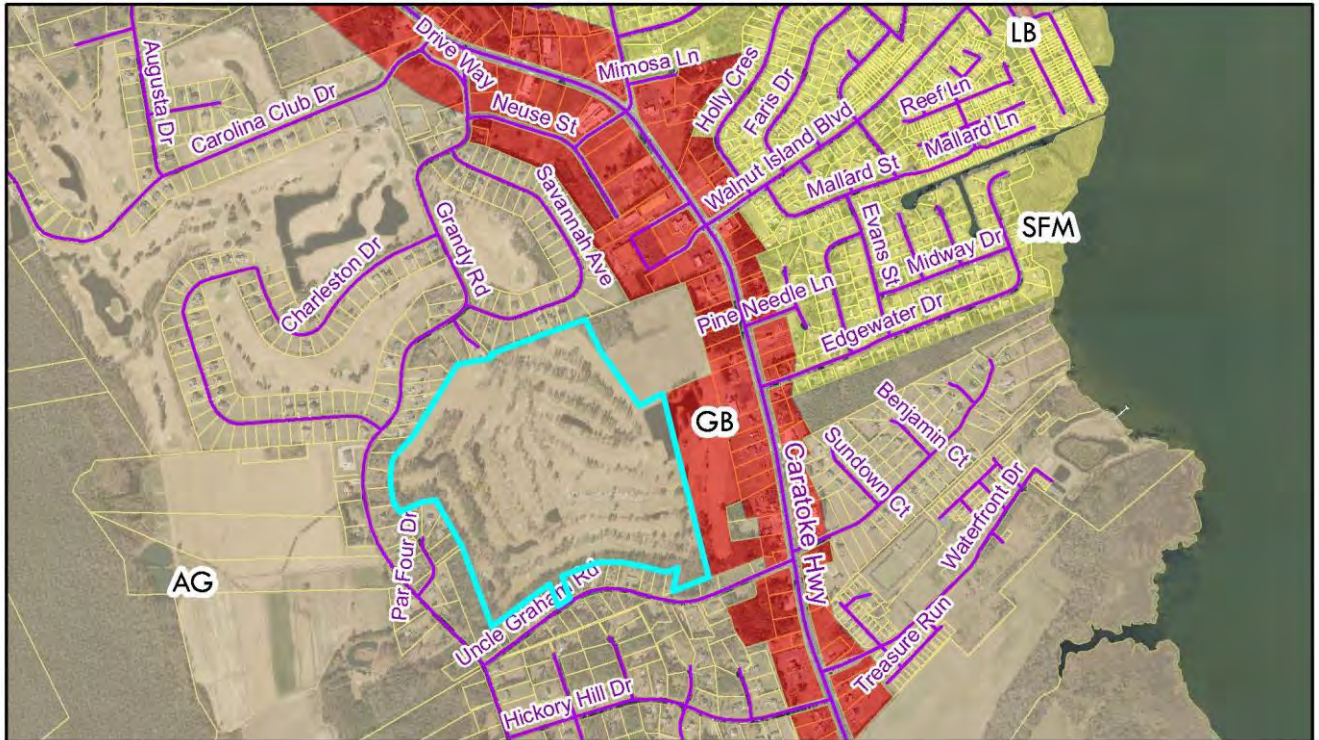


PB 15-25 Grandy Solar Farm  
Use Permit  
Aerial Photo

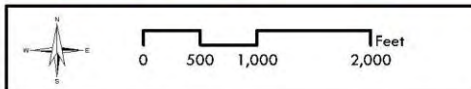


Currituck County  
Planning and  
Community Development

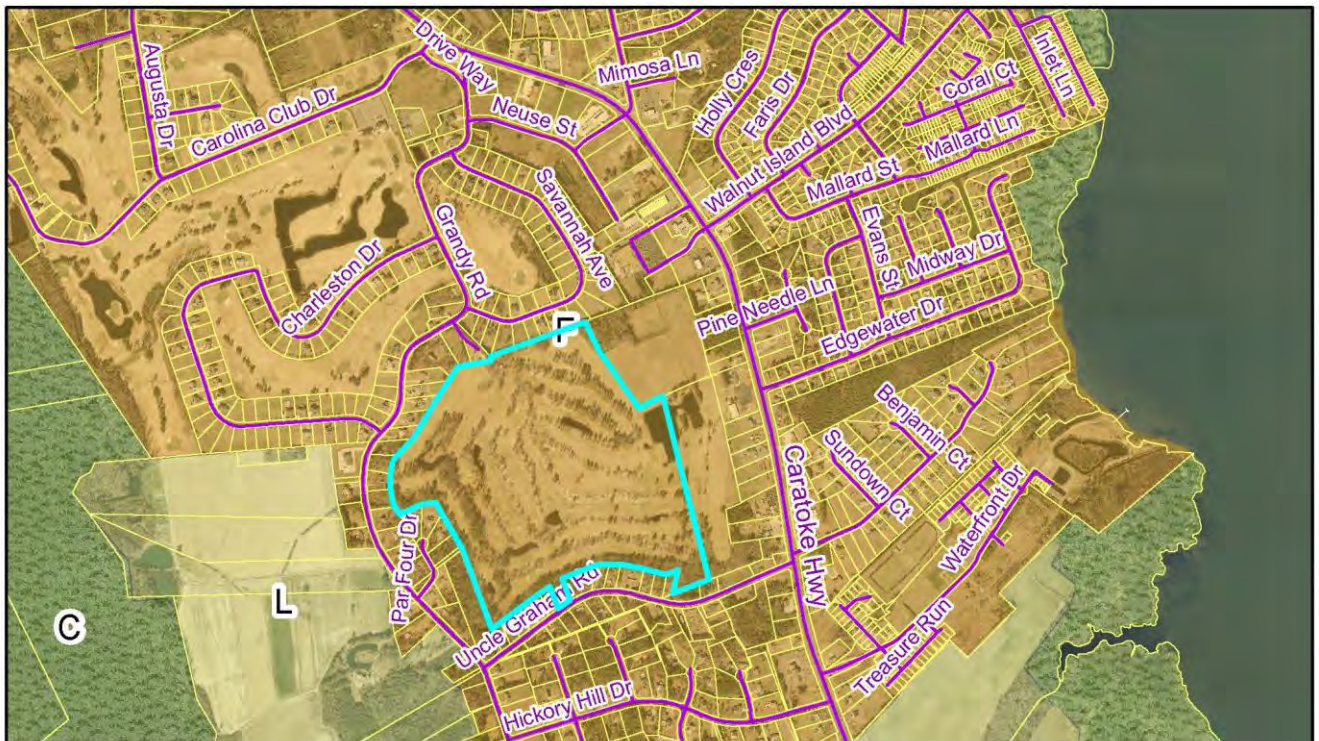




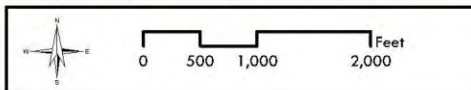
PB 15-25 Grandy Solar Farm  
Use Permit  
Zoning



Currituck County  
Planning and  
Community Development



PB 15-25 Grandy Solar Farm  
Use Permit  
LUP



Currituck County  
Planning and  
Community Development



## Attachment 5 – Sample Motion Sheet

**PB 18-07 MOTION WORKSHEET  
QUASI-JUDICIAL HEARING**

**SUGGESTED MOTION FOR APPROVAL**

I move to **approve** *PB 17-14 Currituck Sunshine Farms Use Permit* with staff recommendations:

1. That landscape screening be in place prior to construction.
2. That 24" is the maximum height for unwanted vegetation/weeds.
3. That the ground water monitoring well requirement be removed in place of the UL 1703 Safety Certification.

because the applicant has demonstrated the proposed use meets the use permit review standards of the UDO.

*The Board must include any additional conditions of approval in the motion*

**Use Permit Review Standards Work Sheet**

1. The use will not endanger the public health or safety because :
  - 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.
  - Security fencing will surround the site.
  - Code compliant wiring practices and materials will be used.
  - Bonding of all metals to prevent fire in the case of a ground fault.
  - 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 gust.
  - UL 1703 Safety Certification is required for the panels.
2. 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:
  - 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.
  - The solar facilities are generally considered to be less noxious uses that even 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.
  - 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.
  - 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.

- 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.
3. The use is in in conformity with the following policies of the 2006 Land Use Plan plans:
- 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:
    - POLICY ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversity 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.
    - 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.
4. The use will not exceed the county's ability to provide adequate public facilities:
- The use will not create any burden on public facilities and will have no impact on schools.



# STAFF REPORT PB 18-09 BOARD OF COMMISSIONERS MAY 21, 2018

## 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

## STAFF ANALYSIS

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 cull 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	
<b>Water</b>	Public
<b>Sewer</b>	Septic
<b>Transportation</b>	Pedestrian: Circulation not required for 5 or fewer lots
	Connectivity Score: 1.0
<b>Stormwater/Drainage</b>	
<b>Schools</b>	Elementary Students Generated: 1
	Middle School Students Generated: 0
	High School Students Generated: 0
<b>Landscaping</b>	Street Trees (30 feet on center)
<b>Compatibility</b>	Similar use and lot size to surrounding areas
<b>Recreation and Park Area Dedication</b>	Payment-in-lieu of Dedication (1,238.65)
<b>Riparian Buffers</b>	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

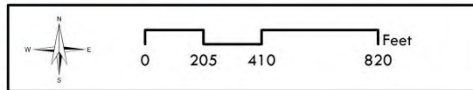
**2018 School Capacity Percentages**

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

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)



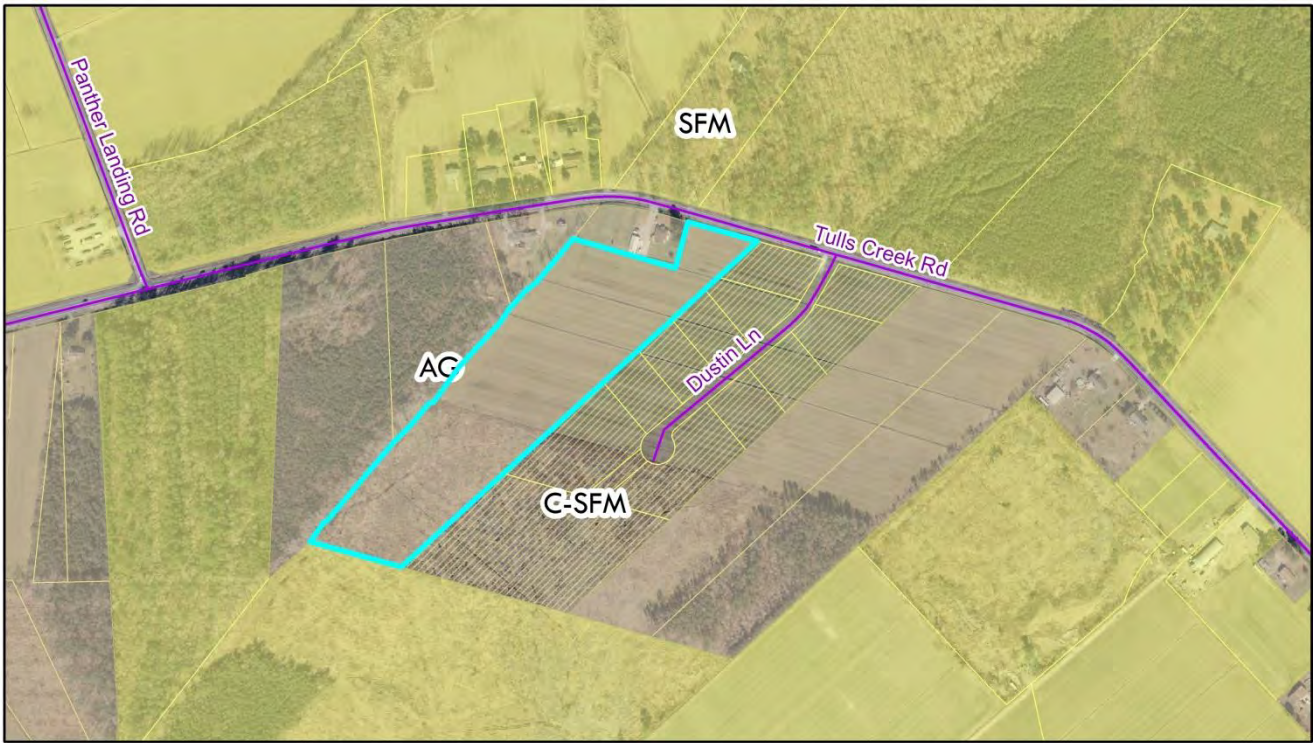
PB 18-09 Muddy Acres  
 Preliminary Plat/Use Permit  
 Aerial



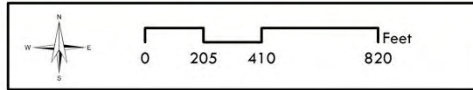
Currituck County  
 Planning and  
 Community Development


Attachment: PB 18-09 Muddy Acres Staff Report (PB 18-09 Muddy Acres)

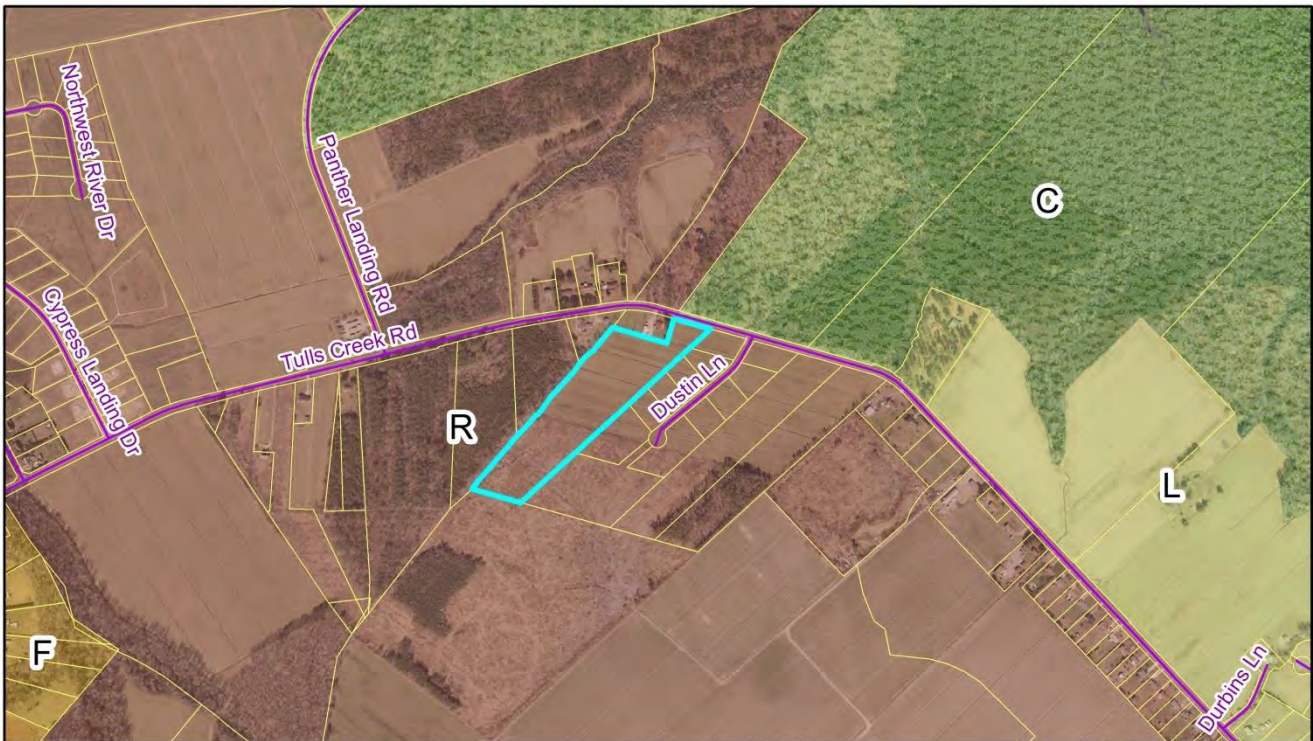




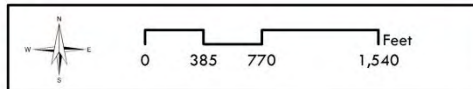
PB 18-09 Muddy Acres  
Preliminary Plat/Use Permit  
Zoning




 Currituck County  
Planning and  
Community Development

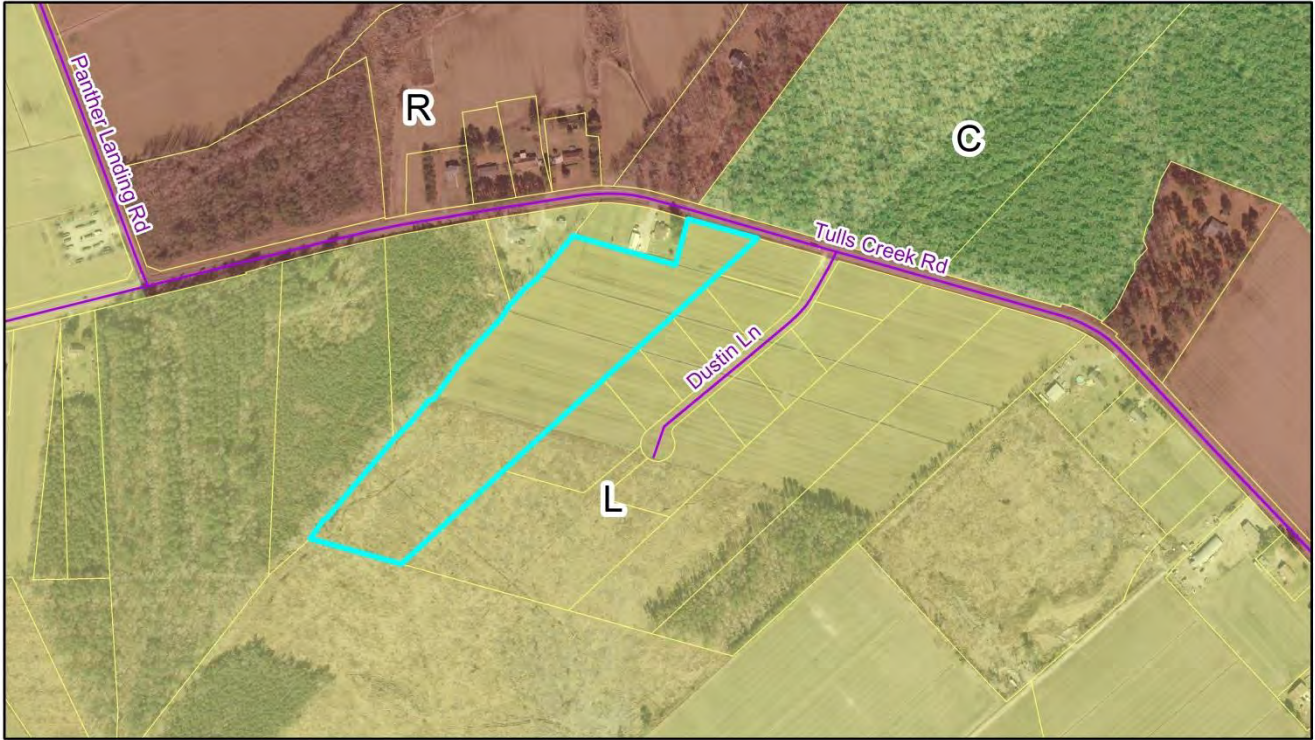


PB 18-09 Muddy Acres  
Preliminary Plat/Use Permit  
LUP Classification

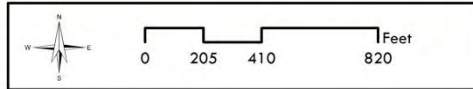



 Currituck County  
Planning and  
Community Development





PB 18-09 Muddy Acres  
Preliminary Plat/Use Permit  
Moyock Small Area Plan FLUP



 Currituck County  
Planning and  
Community Development

June 12, 2018

Re: Muddy Acres Sub-development

Moyock, North Carolina

In reference to the above stated proposed development, at the request of Brad Smith of Landmark Custom Homes and Design, Inc., I have reviewed the proposed development with the purpose of determining the effect of this development on adjacent existing homes. To determine the impact of this proposed development, if any, and measure it, a review of the general Moyock market was made to examine other home sales and resales activity of existing properties adjacent to or abutting new residential developments either in the site development phase or new construction phases, to determine if the sales of these properties had been negatively impacted by the newer development occurring. In my research and analysis, I discovered and analyzed five separate properties which demonstrate the impact of adjacent development, which are summarized below.

**206 Guinea Road, Moyock, NC** – this property initially sold 2/21/2014 for \$339,000. It resold again 12/16/2016 for \$359,900. During this period the proposed development of The Gables to its north was being discussed and prepared. After the closing of this sale in December of 2016, the adjacent landowner developed a small conservation subdivision (Mary Braxton Subdivision) and a new home was built to its east and a common area / pond conservation area was set aside to its northeast. This home resold again 12/14/2017 for \$387,000, a 7.5% plus value increase in about a twelve-month period. This property would have been impacted from any buyer perceptions relative to the ongoing development of the Gables as well as the immediately adjacent development of the conservation subdivision and a new construction home just to its east, however it showed a positive increase in value in about a 12-month period.

**740 Tulls Creek Road, Moyock, NC**- this property initially sold 2/21/2013 for \$189,900. It resold again 9/22/2017 for \$213,000. During this period, prior to its resale, the Waterleigh development was proposed and approved, with site development work in progress. This property showed a greater than 12% increase in value over the period of ownership, and its resale would have considered any impact of the impending development of Waterleigh to its rear.

**176 Eagle Creek Drive, Moyock, NC**- this property initially sold 1/6/2012 for \$246,500. It resold 1/25/2018 for \$262,000. During the time of its resale, the Lakeview development was proposed, constructed, and new homes had been sold at its rear. This property showed nearly a 6.3% increase in value over the period of ownership, and its resale would have considered any impact of the impending development of Lakeview to its rear.

**2347 Tulls Creek Road, Moyock, NC**- this property sold initially 3/14/2014 for \$185,000. It resold 8/1/2017 for \$225,000. During this timeframe, the Brumsey Woods development was in planning and

Attachment: P17116 - Muddy Acres - Appraisal Letter (PB 18-09 Muddy Acres)

proposal to its rear. This property showed nearly a 22% increase in value over the period of ownership, and its resale would have considered any impact of the impending development of Brumsey Woods to its rear.

**2337 Tulls Creek Road, Moyock, NC**- this property sold initially 11/18/2013 for \$207,500. It resold 11/23/2016 for \$222,000. During this timeframe, the Brumsey Woods development was in planning and proposal to its rear. This property showed nearly a 7% increase in value over the period of ownership, and its resale would have considered any impact of the impending development of Brumsey Woods to its rear.

The five examples indicate an average annual appreciation rate of 1.05% to about 7.5%, based on a simple 12-month(annual) average of each, which does not account for compounding. These rates bracket and falls in line with comparison of overall average sales price of all closed sales in Currituck from all of 2014 versus the average sales price of all closed sales in Currituck of 2017 to determine an “average” overall rate of appreciation, which indicates 3-5% range of average annual appreciation rate, considering all sales in Currituck county via Albemarle MLS system.

Additionally, the subdivision of Holly Ridge off Guinea Road in Moyock, NC was analyzed for the impact of the proposed and impending development of the Gables to its rear. Site development began in earnest at The Gables in late 2016 and continues currently. A review of overall sales activity of Holly Ridge indicates that the average sales price from 1/1/2017 through 12/31/2017 was \$287,921 and the median sales price was \$278,000. In 2018 thus far (1/1/18 through 6/11/2018) the average sales price in Holly Ridge is \$288,215 and the median sales price is \$278,000. This review of central tendencies in the Holly Ridge development lends support for a stable to slightly increasing trend in values in a development which abuts a proposed development which is in the infrastructure development phase.

Generally speaking, the respectful development of land adjacent to existing and consistent uses tends to support properties that are adjacent, especially if the new development properties are of a higher pricing segment than existing properties. The subject parcel is zoned AG-Agricultural and the adjacent existing property along Tulls Creek Road is also zoned AG-Agricultural. While the proposed development will have 5 individual homesites along with conservation areas, the property to the east of the development will be buffered from these homes by a sizeable conservation open area and pond.

As a further test of reasonableness, interviews were conducted with several real estate brokers active within the Moyock market and familiar the subject property and its situs. Overwhelmingly the consensus of broker responses was that there would be no negative impact on the marketability of an existing property adjacent to the proposed subject development, and in fact, most indicated that the marketability of an older existing home adjacent to a development of this sort with the proposed buffers would be enhanced by the adjacency of quality mid to upper priced newer construction (not to mention the side benefits of potentially better drainage and street appeal).



Based on the analysis of the market overall, and the subject property in particular, and upon review and analysis of competitive areas in Moyock with existing properties adjacent to new developments, it is my opinion that the proposed development of Muddy Acres would not negatively impact the marketability of adjacent existing properties.

Respectfully submitted,

**TATE APPRAISAL & CONSULTATION, INC.**



**By: Kim B. Tate, SRA, RES**  
Real Estate Appraiser  
North Carolina State License # A3660

# QUALIFICATIONS IN REAL ESTATE APPRAISING FOR

KIM B. TATE, SRA, RES  
1093 Waterlily Road  
Coinjock, NC 27923  
Phone: 252-453-9804  
E-mail: [kimbstate@earthlink.net](mailto:kimbstate@earthlink.net)

Virginia State Certified Residential Real Estate Appraiser #4001 001194  
North Carolina State Certified Real Estate Appraiser #A3660

EDUCATIONAL BACKGROUND: BA, Urban Planning & Design  
Virginia Polytechnic Institute and State University  
Blacksburg, Virginia 1982

## WORK EXPERIENCE:

2004-Present: Associate appraiser Valbridge Property Advisors /Axial Advisory Group, LLC  
1998-Present: Principle appraiser, Tate Appraisal & Consultation, Inc.  
1991-1999: Independent fee appraiser with Franklyn L. Stanfield & Associates  
12/1994-Present: Federal Housing Administration (FHA) Fee Panel  
1990-1991: Staff Appraiser, City Assessor's Office, City of Chesapeake, Virginia  
1984-1990: Staff Appraiser, David F. Vermilya & Associates, Virginia Beach, Virginia  
1983-1984: Staff Appraiser, City Assessors Office, City of Portsmouth, Virginia

## PROFESSIONAL TRAINING:

Basic and advanced appraisal courses through Appraisal Institute, IAAO, as well as proprietary educational schools to obtain state certification within states of North Carolina and Virginia.  
Yearly continuing education to maintain state certification / professional designations as well as increase knowledge and expertise.

## SCOPE OF APPRAISAL EXPERIENCE:

Appraisal of residential and commercial vacant and improved properties of various types for determining;

Market value	Leasehold value	Rent levels
Insurable value	Leased fee Interest	Compensation in eminent domain

## PROFESSIONAL AFFILIATIONS:

North Carolina Licensed Real Estate Broker  
Member: Appraisal Institute (SRA)-Past president/officer of the Hampton Roads Chapter and former regional board member.  
Member: International Association of Assessing Officers (RES)  
Member of the Albemarle Board of Realtors/MLS and the Outer Banks Board of Realtors/MLS, affiliate Tidewater Board of Realtors  
Member of the Currituck Chamber of Commerce



**NORTH CAROLINA APPRAISAL BOARD**  
**APPRAISER QUALIFICATION CARD**  
***Expires June 30, 2019***

REGISTRATION / LICENSE / CERTIFICATE HOLDER		
<b>18</b>	<b>KIMBERLY B TATE</b>	<b>19</b>
<b>A3660</b> APPRAISER NUMBER	<b>C</b> TYPE	<b>Y</b> NATIONAL REGISTRY
 APPRAISER'S SIGNATURE		 EXECUTIVE DIRECTOR

**KIMBERLY B TATE**  
**TATE APPRAISAL & CONSULTATION, INC.**  
**1093 WATERLILY RD**  
**COINJOCK, NC 27923**



## Major Subdivision Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Landmark Custom Homes and Design, Inc.  
 Address: 112 Bunch Road  
Aydlett, NC 27916  
 Telephone: (757) 286-9990  
 E-Mail Address: bsmith@buildwithlandmark.com

#### PROPERTY OWNER:

Name: Landmark Custom Homes and Design, Inc.  
 Address: 112 Bunch Road  
Aydlett, NC 27916  
 Telephone: (757) 286-9990  
 E-Mail Address: bsmith@buildwithlandmark.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Request

Physical Street Address: Tulls Creek Road, Moyock, NC 27958

Parcel Identification Number(s): 0014000018H0000

Subdivision Name: Muddy Acres Subdivision (Formerly Lot 5, Ward Acres Subdivision)

Number of Lots or Units: 5

Phase: 1

#### TYPE OF SUBMITTAL

- ☒ Conservation and Development Plan  
☐ Amended Sketch Plan/Use Permit  
☒ Preliminary Plat (or amended)  
     ☐ Type I OR ☒ Type II  
☐ Construction Drawings (or amended)  
☐ Final Plat (or amended)

#### TYPE OF SUBDIVISION

- ☐ Traditional Development  
☒ Conservation Subdivision  
☐ Planned Unit Development  
☐ Planned Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

Property Owner(s)/Applicant\*

3-28-18

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.**

### Community Meeting, if applicable

Date Meeting Held: N/A

Meeting Location: N/A



# Use Permit Review Standards, if applicable

*PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat*

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): \_\_\_\_\_

This project proposes a 5 lot conservation subdivision on an existing 13.33 acres of land in Moyock,  
Currituck County.

The applicant shall provide a response to the 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 proposed subdivision will not endanger the public health or safety. The use is proposed to  
be single family residential dwellings with no commercial or industrial uses.

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.

The proposed subdivision will not injure the value of adjoining or abutting lands. The proposed  
subdivision will be in harmony with the area which it is located, is consistent with the  
surrounding uses, and will not adversely impact adjacent property values.

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

The proposed subdivision is in general conformation 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 Map classifies the site as Limited Service on the future land use map.

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.

The proposed subdivision will not exceed the County's ability to provide adequate public facilities.  
Utility services are available to the site and onsite wastewater disposal will be designed and  
permitted in accordance with the State rules and standards.

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.



3-28-18

Property Owner(s)/Applicant\*

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.**

## Major Subdivision Design Standards Checklist

The table below depicts the design standards for a major subdivision. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

	Preliminary Plat	Construction Drawings	Final Plat
<b>GENERAL AND ZONING</b>			
Name of Subdivision, Township, County, State	X	X	X
Name, signature, license number, seal, and address of engineer, land surveyor, architect, planner, and/or landscape architect involved in preparation of the plat	X	X	X
Property owner(s) name and address	X	X	X
Site address and parcel identification number	X	X	X
North arrow and scale (1" = 100' or larger)	X	X	X
Vicinity map showing property's general location in relation to streets, railroads, and waterways	X	X	X
Zoning classification of the property and surrounding properties	X		
All applicable certificates and statements as listed in Section 3.1.1 of the Administrative Manual			X
A scaled drawing showing the following existing features within the property and within 50' of the existing property lines: boundary lines, total acreage, adjacent use types, sidewalks and pedestrian circulation courses, streets, rights-of-way, easements, structures, septic systems, wells, utilities lines (water, sewer, telephone, electric, lighting, and cable TV), fire hydrant, culverts, stormwater infrastructure (drainage pipes, ditches, etc.), water bodies, wooded areas, and cemeteries	X	X	X
Lot layout including lot line locations and dimension, total number of lots, total lot area, and lot numbers for entire tract (No future development area left undefined)	X	X	X
Location or areas to be used for non-residential and multi-family purposes, if applicable	X	X	X
Location of recreation and park area dedication (or payment in-lieu)	X	X	X
Proposed landscape plan including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan. Open space calculations must be shown on plat	X	X	
As-built for landscaping including street trees, heritage trees, and required buffers, fences, and walls. Open space calculations must be shown on plat			X
Water access and recreational equipment storage locations, if applicable	X	X	X
Cultural resources protection plan, if applicable	X	X	X
Zoning conditions and/or overlay standards listed on plat	X	X	X
Contour intervals of two feet, if required by the administrator	X	X	
Phasing schedule, if applicable	X	X	

Attachment: 1. Major Subdivision Application - signed (PB 18-09 Muddy Acres)

	Preliminary Plat	Construction Drawings	Final Plat
<b>ENVIRONMENTAL PROTECTION</b>			
Location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency	X	X	X
Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County"	X	X	X
Delineate all soil series based on Currituck County Soils Map or NC Licensed Soil Scientist.	X		
<b>STREETS, STORMWATER, AND INFRASTRUCTURE</b>			
Approximate location of streets, sidewalks, pedestrian circulation paths, and utilities	X		
Street name(s) as approved by GIS	X	X	X
Sight triangles	X	X	X
Street connectivity index	X		
Location and type of site identification signs, traffic control signs, street name signs, and directional signs.		X	
Proposed street, stormwater management infrastructure, and utility construction drawings including water, sanitary sewer, telephone, electric, fire hydrant, lighting, and cable TV. Drawings must include design data, details, and profiles.		X	
Proposed lighting plan, if street lights are proposed	X	X	
Stormwater management narrative, approximate BMP locations, and preliminary grading plan	X		
Final stormwater management narrative, BMP locations, and grading plan		X	
Building pad and first floor elevation, including datum		X	X
Engineering certificate of all required improvements installed (streets, water/sewer lines, stormwater management, and lighting)			X
As-builts for streets, stormwater management infrastructure, lighting (if applicable), sidewalks, pedestrian circulation paths, and utility construction drawings including water, sanitary sewer, telephone, electric, fire hydrant, lighting, and cable TV			X
Moumentation set and control corner(s) established			X
<b>PERMITS AND OTHER DOCUMENTATION</b>			
ARHS septic evaluations for each individual lot or letter of commitment from centralized sewer service provider	X		
NCDENR wastewater line extension permit, if applicable		X	
NCDENR wastewater plant construction permit, if applicable		X	
NCDENR wastewater system completion/connection certifications for central systems and permit to authorize wastewater flows if a dry-line construction permit was previously issued			X
NCDENR waterline extension permit, if applicable		X	
NCDENR waterline acceptance certification			X

	Preliminary Plat	Construction Drawings	Final Plat
Water/sewer district documents and approvals, if applicable			X
NCDENR approved stormwater permit (including application, plan, narrative, and calculations)		X	
NCDENR approved Soil Erosion and Sedimentation Control plan and permit		X	
NCDENR Coastal Area Management Act permits for improvements, if applicable		X	
NCDOT driveway permit		X	
NCDOT right-of-way encroachment agreement		X	
NCDOT pavement certification with asphalt test data			X
Street, open space, and stormwater infrastructure performance guarantees, if applicable			X
Fire chief certification for dry hydrant installation, if applicable			X
Geological analysis for development or use of land containing a significant dune, if applicable	X		
Economic and public facilities impact narrative, if required by administrator	X		
Copy of Homeowner's Association documents, restrictive covenants which are to be recorded, and establishment of reserve fund account.			X
<b>ADDITIONAL INFORMATION FOR CONSERVATION SUBDIVISION</b>			
Approved conservation and development plan	X		
Proposed density per acre (not including CAMA wetlands)	X		
Minimum lot area, lot width, setbacks, and lot coverage	X	X	X
Screening from major arterials	X		



## Major Subdivision Submittal Checklist – Preliminary Plat

Staff will use the following checklist to determine the completeness of your application for preliminary plat within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

## Major Subdivision Submittal Checklist – Preliminary Plat

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: Muddy Acres Subdivision (Formerly Lot 5, Ward Acres Subdivision)Applicant/Property Owner: Landmark Custom Homes and Design, Inc.

Major Subdivision – Preliminary Plat Submittal Checklist		
1	Complete Major Subdivision application	✓
2	Complete Use Permit Review Standards, if applicable	N/A
3	Application fee at Preliminary Plat (\$100 per lot) or \$250 for amended plats	✓
4	Community meeting written summary, if applicable	N/A
5	Preliminary Plat with professional's seal	✓
6	Existing features plan	✓
7	Proposed landscape plan, including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan	✓
8	Stormwater management narrative and preliminary grading plan	✓
9	Completely executed street name approval form	✓
10	Septic evaluations by ARHS for each individual lot or letter of commitment from centralized sewer service provider	✓
11	Letter of commitment from centralized water provider, if applicable	✓
12	Wetland certification letter and map, if applicable	✓
13	Geological analysis for development or use of land containing a significant dune, if applicable	N/A
14	Economic and public facilities impact narrative, if required by administrator	N/A
15	Conservation Subdivision: Approved conservation and development plan	✓
16	5 copies of plans	✓
17	1- 8.5" x 11" copy of plan	✓
18	5 hard copies of ALL documents	✓
19	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

## For Staff Only

**Pre-application Conference**

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

\_\_\_\_\_

**Comments**

\_\_\_\_\_

\_\_\_\_\_

# Use Permit Review Standards, if applicable

*PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat*

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): \_\_\_\_\_

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Currituck County.

The applicant shall provide a response to the 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.

Please see attached Use Permit Review Standards Application Cont'd. sheet.

- 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.

Please see attached Use Permit Review Standards Application Cont'd. sheet.

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

Please see attached Use Permit Review Standards Application Cont'd. 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.

Please see attached Use Permit Review Standards Application Cont'd. sheet.

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\*

**\*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.

Date

Muddy Acres Subdivision  
 Moyock, Currituck County  
 Use Permit Review Standards Application (Cont'd.)

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

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 safety or health concerns they may have.

**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.**

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.

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

The proposed subdivision is in general conformation 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 Map classifies the site as Limited Service on the further land use map.

**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.**

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 and the County Fire Official's preferred hydrant location and reaches. The proposed subdivision will not exceed the County's ability to provide adequate public facilities.



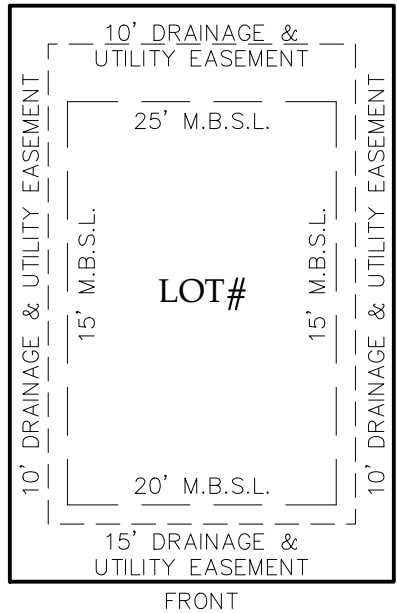
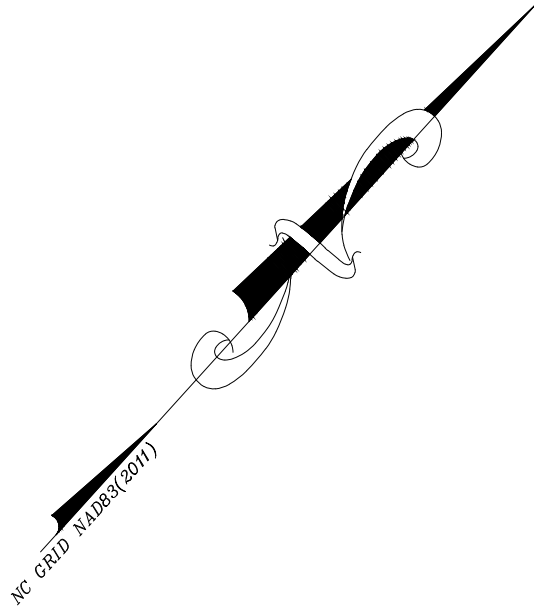


## VICINITY MAP (Moyock)

N.T.S.

### NOTES:

1. CURRENT OWNER: LANDMARK CUSTOM HOMES AND DESIGN INC.  
112 BUNCH RD  
AYDLETT, NC 27416
2. PROPERTY INFORMATION:  
PIN: 8032-01-2823  
PID: 2014000010H0000  
ADDRESS: TULL'S CREEK RD  
ZONED: AGRICULTURE (AG)
3. TOTAL PARCEL AREA = 580,124.59 sqft / 13.33 acres  
(AREAS BY COORDINATE METHOD.)
4. SUBJECT REFERENCES: DB 1420, PG 674; PG D, SL 234.
5. PROPOSED 5 LOT CONSERVATION RESIDENTIAL SUBDIVISION
6. DEVELOPMENT AREA = 232,244.59 SF / 5.33 AC  
PROPOSED LOT AREA = 182,493.97 SF / 4.19 AC  
PROPOSED R/W AREA = 44,755.62 SF / 1.04 AC
7. PROPOSED CONSERVATION OPEN SPACE = 348,480.00 SF / 8.00 AC  
PRIMARY = 222,168.00 SF / 5.10 AC  
SECONDARY = 126,312.00 SF / 2.90 AC
8. THIS SUBDIVISION IS DESIGNED FOR SINGLE FAMILY DWELLINGS 2 STORIES OR LESS AND EFFECTIVE FIRE AREA LESS THAN 4,800 sq.ft. AND SEPARATION BASED ON AVAILABLE FIRE FLOW OF 1,061 GPM AT 20 PSI.
9. SOIL TYPE: ROANOKE FINE SANDY LOAM (Ro)
10. BOUNDARY INFORMATION SHOWN BASED ON PG D, SL 234 AND ON FIELD SURVEYS BY QUIBLE & ASSOCIATES, P.C., DATED FEBRUARY 2018.
11. TOPOGRAPHIC INFORMATION SHOWN BASED ON FIELD SURVEYS BY QUIBLE & ASSOCIATES, P.C., DATED FEBRUARY 2018 AND DOWNLOADED Q12 LIDAR, VERTICAL DATUM NAVD 1988.
12. PROPERTY IS LOCATED IN NFIP FLOOD ZONES AS SHOWN AND SUBJECT TO CHANGES, BASED ON COMMUNITY CID NO. 370018; PANEL 8032; SUFFIX J.  
(MAP NUMBER 3721803200J) EFFECTIVE DATE: 12/16/2005.
13. THIS PLAN SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.



## TYPICAL LOT SETBACKS & EASEMENTS

### OWNERSHIP & DEDICATION CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, UTILITIES, ALLEYS, WALKS, RECREATION AND PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY OR HOME OWNER'S ASSOCIATION. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

### NOTARY CERTIFICATE

I, \_\_\_\_\_, A NOTARY PUBLIC OF \_\_\_\_\_ COUNTY NORTH CAROLINA, DO HEREBY CERTIFY THAT \_\_\_\_\_ PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGE THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_

### PUBLIC STREETS DIVISION OF HIGHWAY DISTRICT ENGINEER CERTIFICATE

I HEREBY CERTIFY THAT THE PUBLIC STREETS SHOWN ON THIS PLAT ARE INTENDED FOR DEDICATION AND HAVE BEEN DESIGNED OR COMPLETED IN ACCORDANCE WITH AT LEAST THE MINIMUM SPECIFICATIONS AND STANDARDS OF THE NC DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF SUBDIVISION STREETS ON THE NC HIGHWAY SYSTEM FOR MAINTENANCE.

DATE \_\_\_\_\_ DISTRICT ENGINEER \_\_\_\_\_

### EASEMENT ESTABLISHMENT STATEMENT

A 10 FOOT EASEMENT FOR UTILITIES AND DRAINAGE ALONG REAR AND SIDE PROPERTY LINES AND A 15 FOOT EASEMENT ALONG THE FRONT PROPERTY LINE IS HEREBY ESTABLISHED.

ALL SIDEWALK AREAS ARE HEREBY ESTABLISHED AS PEDESTRIAN EASEMENTS.

### FLOODWAY/FLOODPLAIN STATEMENT

USE OF LAND WITHIN A FLOODWAY OR FLOODPLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.

### STORMWATER STATEMENT

NO MORE THAN 30% OF TOTAL PARCEL SHALL BE COVERED BY IMPERVIOUS STRUCTURES AND MATERIALS, INCLUDING ASPHALT, GRAVEL, CONCRETE, BRICK STONE, SLATE, OR SIMILAR MATERIAL, NOT INCLUDING WOOD DECKING OR THE WATER SURFACE OF SWIMMING POOLS. THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE WITH THE STORMWATER PERMIT NUMBER ISSUED BY THE STATE OF NORTH CAROLINA. THE COVENANT MAY NOT BE CHANGED OR DELETED WITHOUT THE CONSENT OF THE STATE. FILLING IN OR PIPING OF ANY VEGETATIVE CONVEYANCES (DITCHES, SHALES, ETC.) ASSOCIATED WITH THIS DEVELOPMENT, EXCEPT FOR AVERAGE DRAINAGE CROSSINGS, IS STRICTLY PROHIBITED BY ANY PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

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### APPROVAL CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE CURRITUCK COUNTY ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE OFFICE OF THE CURRITUCK COUNTY REGISTER OF DEEDS WITHIN NINETY (90) DAYS OF THE DATE BELOW.

ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_

### REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

I, \_\_\_\_\_, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

### IMPROVEMENTS CERTIFICATE

I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY QUIBLE & ASSOCIATES, P.C., AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS.

REGISTERED ENGINEER, \_\_\_\_\_ DATE \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

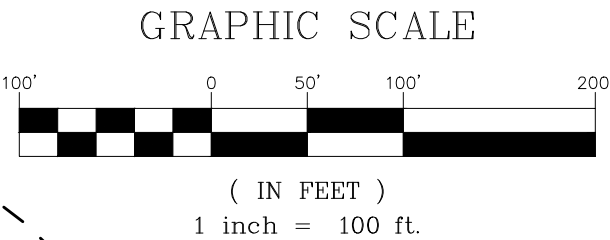
I, JOHN M. HURDLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE NOTES); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE NOTES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2018, A.D.

JOHN M. HURDLE, PLS. NC L-5204



## PRELIMINARY PLAT (1 of 3)

## MUDDY ACRES FORMERLY LOT 5 WARD ACRES

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

COMMISSION NO.	P17116
DESIGNED BY	DLT
DRAWN BY	JMH
CHECKED BY	DLT
ISSUE DATE	04/24/18

NC License#: C-0208

SINCE 1959

# Quible

## & Associates, P.C.

ENGINEERING \* CONSULTING \* PLANNING

ENVIRONMENTAL SCIENCES \* SURVEYING\*\*

\*\*SURVEYING NOT OFFERED AT BLACK MTN. OFFICE\*\*

8466 CAROLINE HWY  
POWELL'S POINT, NC 27966

90 CHURCH STREET, SUITE B  
BLACK MOUNTAIN, NC 28711

Phone: (252) 491-8147  
Fax: (252) 491-8146

administrator@quible.com

PRELIMINARY  
PLAT NOT FOR  
RECORDATION  
CONVEYANCE  
OR SALES

CERTIFICATION

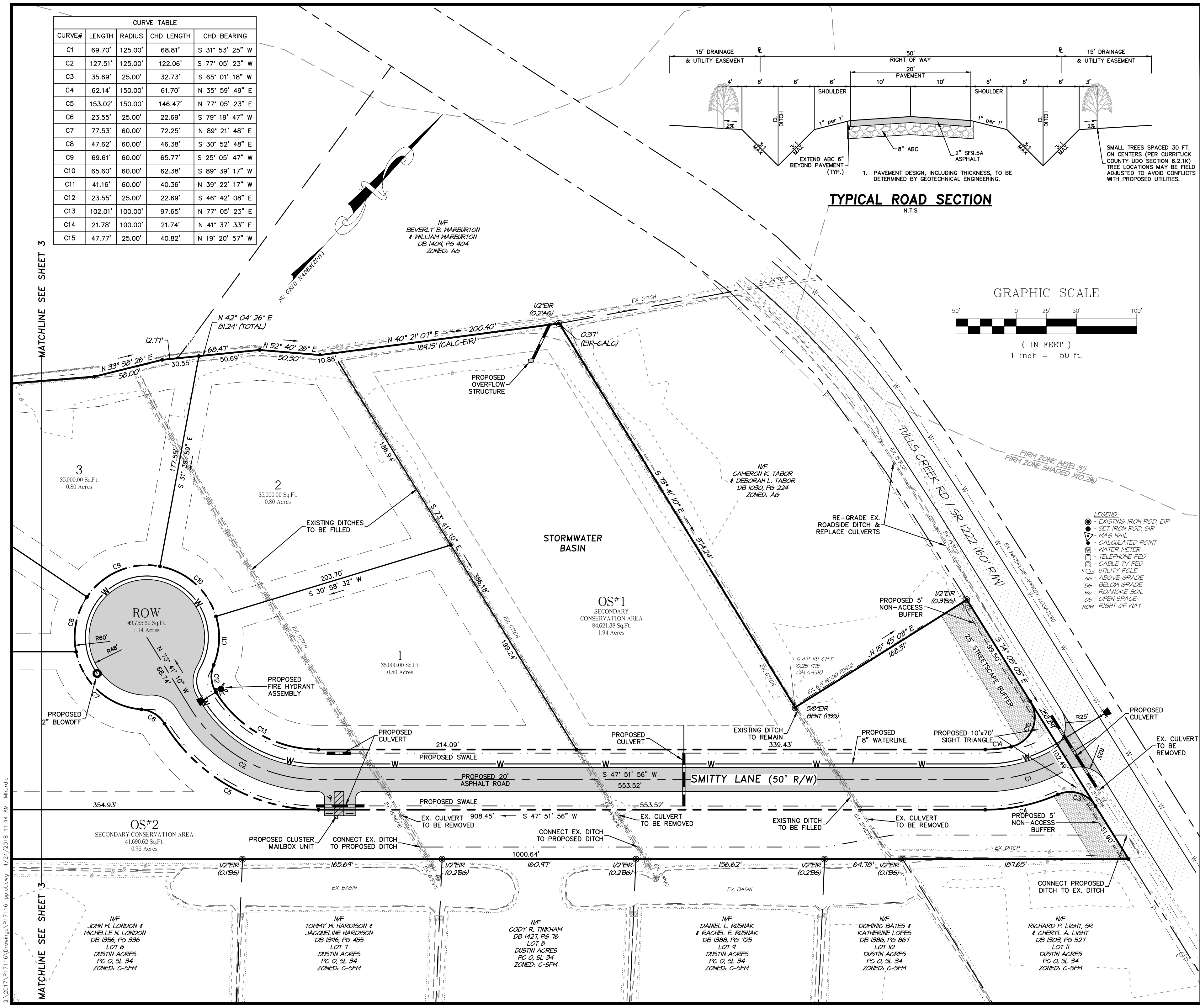
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OR LAND CONVEYANCES, UNLESS  
OTHERWISE NOTED.





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administrator@quible.com

**PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCE OR SALES**

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## PRELIMINARY PLAT (2 of 3)

# MUDDY ACRES

## FORMERLY LOT 5 WARD ACRES

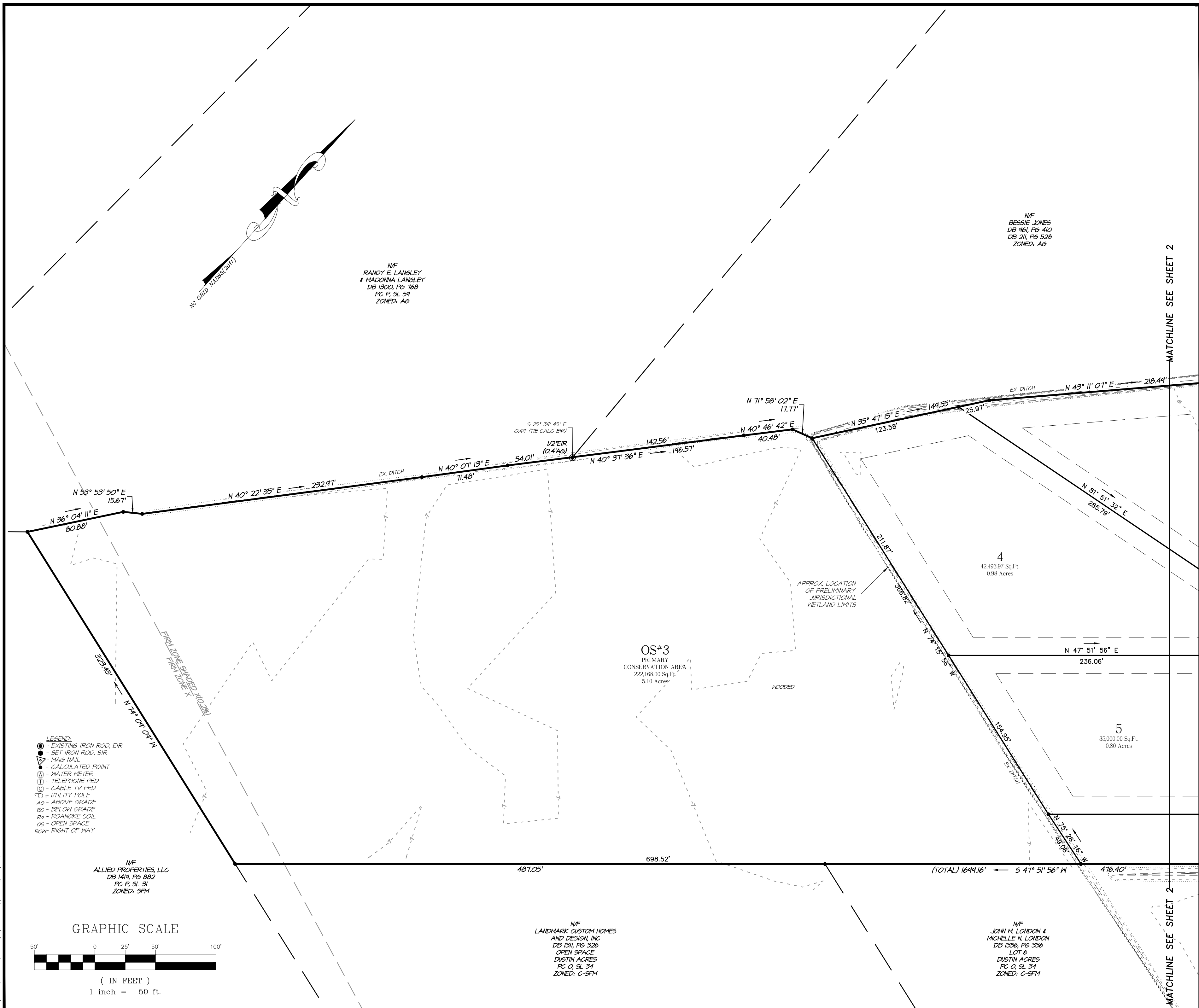
NORTH CAROLINA  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP

COMMISSION NO. **P17116**  
DESIGNED BY **DLT**  
DRAWN BY **JMH**  
CHECKED BY **DLT**  
ISSUE DATE **04/24/18**

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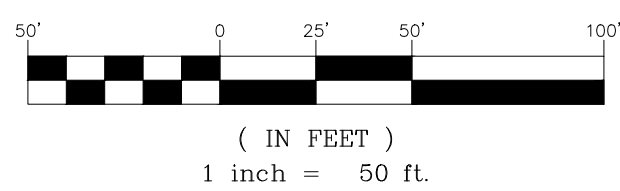
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- LEGEND:
- - EXISTING IRON ROD, EIR
  - - SET IRON ROD, SIR
  - - MAG NAIL
  - - CALCULATED POINT
  - - WATER METER
  - - TELEPHONE PED
  - - CABLE TV PED
  - - UTILITY POLE
  - AG - ABOVE GRADE
  - BG - BELOW GRADE
  - RS - ROANOKE SOIL
  - OS - OPEN SPACE
  - ROW - RIGHT OF WAY

NF  
ALLIED PROPERTIES, LLC  
DB 1419, PG 002  
PC P, SL 31  
ZONED: SFM

GRAPHIC SCALE



NF  
LANDMARK CUSTOM HOMES  
AND DESIGN, INC.  
DB 1311, PG 326  
OPEN SPACE  
DUSTIN ACRES  
PC O, SL 34  
ZONED: C-SFM

NF  
JOHN M. LONDON &  
MICHELLE N. LONDON  
DB 1356, PG 336  
LOT 6  
DUSTIN ACRES  
PC O, SL 34  
ZONED: C-SFM

NC License#: C-0208  
SINCE 1959

# Quible

**& Associates, P.C.**  
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ENVIRONMENTAL SCIENCES \* SURVEYING\*\*  
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**PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCE OR SALES**

CERTIFICATION

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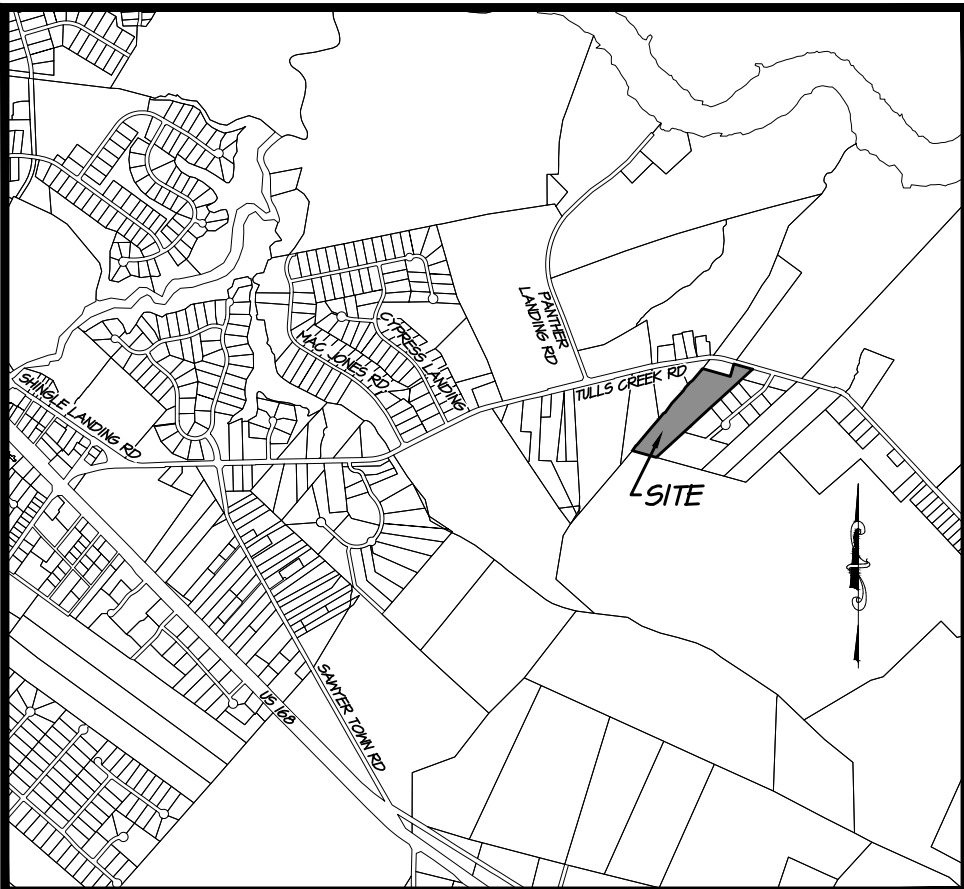
## PRELIMINARY PLAT (3 of 3)

# MUDDY ACRES

## FORMERLY LOT 5 WARD ACRES

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

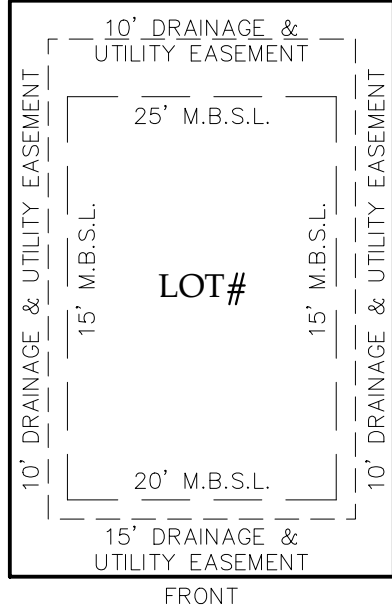
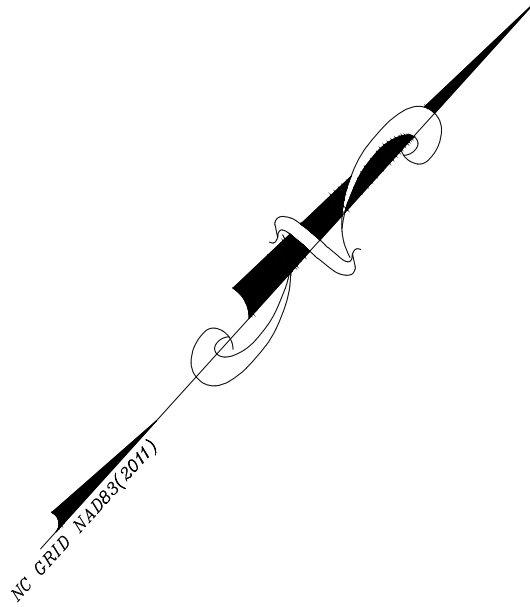
COMMISSION NO.	P171116
DESIGNED BY	DLT
DRAWN BY	JMH
CHECKED BY	DLT
ISSUE DATE	04/24/18



## VICINITY MAP (Moyock)

N.T.S.

- NOTES:**
1. CURRENT OWNER: LANDMARK CUSTOM HOMES AND DESIGN INC.  
112 BUNCH RD  
AYDLETT, NC 27416
  2. PROPERTY INFORMATION:  
PIN: 8032-B1-2823  
PID: 2014000018H0000  
ADDRESS: TULLS CREEK RD  
ZONED: AGRICULTURE (AG)
  3. TOTAL PARCEL AREA = 580,124.59 sqft / 13.33 acres  
(AREAS BY COORDINATE METHOD.)
  4. SUBJECT REFERENCES: DB 1428, PG 674; PG D, SL 234.
  5. PROPOSED 5 LOT CONSERVATION RESIDENTIAL SUBDIVISION
  6. DEVELOPMENT AREA = 232,244.54 SF / 5.33 AC  
PROPOSED LOT AREA = 184,046.66 SF / 4.22 AC  
PROPOSED R/W AREA = 48,202.93 SF / 1.11 AC
  7. PROPOSED CONSERVATION OPEN SPACE = 348,480.00 SF / 8.00 AC  
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(MAP NUMBER 3721803200J) EFFECTIVE DATE: 12/16/2005.
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## TYPICAL LOT SETBACKS & EASEMENTS

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OWNER DATE

### NOTARY CERTIFICATE

I, \_\_\_\_\_, A NOTARY PUBLIC OF \_\_\_\_\_ COUNTY NORTH CAROLINA, DO HEREBY CERTIFY THAT \_\_\_\_\_ PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGE THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

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NOTARY PUBLIC DATE

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DATE DISTRICT ENGINEER

### EASEMENT ESTABLISHMENT STATEMENT

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NO MORE THAN 30% OF TOTAL PARCEL SHALL BE COVERED BY IMPERVIOUS STRUCTURES AND MATERIALS, INCLUDING ASPHALT, GRAVEL, CONCRETE, BRICK STONE, SLATE, OR SIMILAR MATERIAL, NOT INCLUDING WOOD DECKING OR THE WATER SURFACE OF SWIMMING POOLS. THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE WITH THE STORMWATER PERMIT NUMBER ISSUED BY THE STATE OF NORTH CAROLINA. THE COVENANT MAY NOT BE CHANGED OR DELETED WITHOUT THE CONSENT OF THE STATE. FILLING IN OR PIPING OF ANY VEGETATIVE CONVEYANCES (DITCHES, SHALES, ETC.) ASSOCIATED WITH THIS DEVELOPMENT, EXCEPT FOR AVERAGE DRAINAGE CROSSINGS, IS STRICTLY PROHIBITED BY ANY PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

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### APPROVAL CERTIFICATE

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ADMINISTRATOR DATE

### REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

I, \_\_\_\_\_, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER DATE

### IMPROVEMENTS CERTIFICATE

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REGISTERED ENGINEER, DATE

### SURVEYOR'S CERTIFICATE

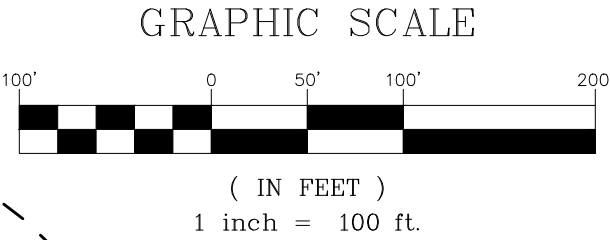
I, JOHN M. HURDLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE NOTES); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE NOTES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2018, A.D.

JOHN M. HURDLE, PLS. NC L-5204



## PRELIMINARY PLAT (1 of 3)

## MUDDY ACRES FORMERLY LOT 5 WARD ACRES

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

COMMISSION NO.	P17116
DESIGNED BY	DLT
DRAWN BY	JMH
CHECKED BY	DLT
ISSUE DATE	05/10/18

NC License#: C-0208

SINCE 1959

# Quible

## & Associates, P.C.

ENGINEERING \* CONSULTING \* PLANNING

ENVIRONMENTAL SCIENCES \* SURVEYING\*\*

\*\*SURVEYING NOT OFFERED AT BLACK MTN. OFFICE\*\*

8466 CAROLINE HWY 90 CHURCH STREET, SUITE B

POWELL'S POINT, NC 27966 BLACK MOUNTAIN, NC 28711

Phone: (252) 491-8147 Fax: (252) 491-8146

administrator@quible.com

PRELIMINARY  
PLAT NOT FOR  
RECORDATION  
CONVEYANCE  
OR SALES

CERTIFICATION

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(OR LAND CONVEYANCES, UNLESS  
OTHERWISE NOTED.

# PRELIMINARY PLAT (2 of 3)

**MUDDY ACRES  
FORMERLY LOT 5 WARD ACRES**

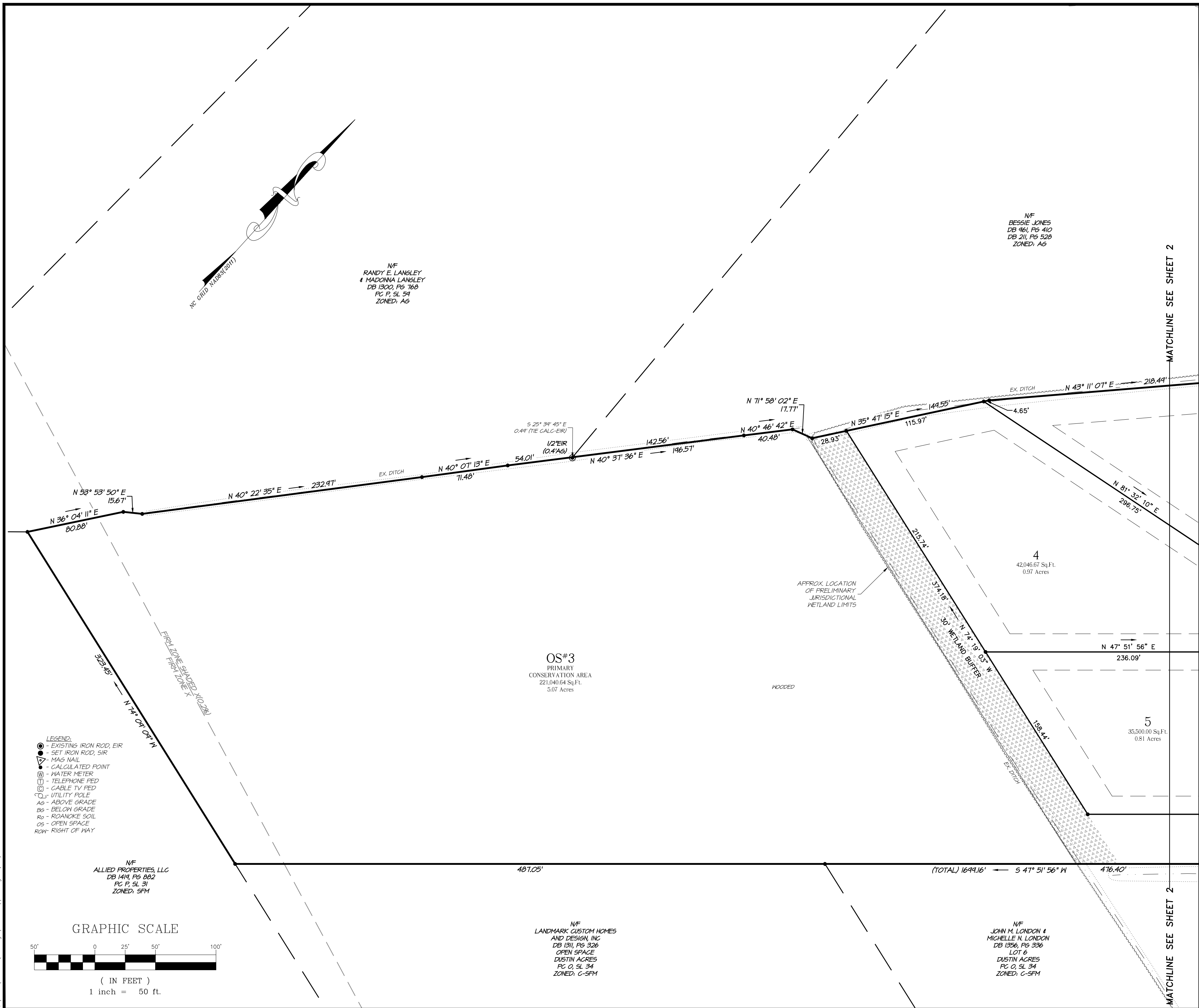
MOYOCK TOWNSHIP  
CURRITUCK COUNTY  
NORTH CAROLINA

COMMISSION NO.	P17116
DESIGNED BY	DLT
DRAWN BY	JMH
CHECKED BY	DLT
ISSUE DATE	05/10/

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NC License#: C-0208  
SINCE 1959

# Quible

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ENGINEERING \* CONSULTING \* PLANNING  
ENVIRONMENTAL SCIENCES \* SURVEYING\*\*  
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POWELL'S POINT, NC 27966  
Phone: (252) 491-8147  
Fax: (252) 491-8146  
administrator@quible.com

**PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCE OR SALES**

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OTHERWISE NOTED.

## PRELIMINARY PLAT (3 of 3)

# MUDDY ACRES

## FORMERLY LOT 5 WARD ACRES

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

COMMISSION NO.	P17116
DESIGNED BY	DLT
DRAWN BY	JMH
CHECKED BY	DLT
ISSUE DATE	05/10/18



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING  
SINCE 1959

P.O. Drawer 870  
Kitty Hawk, NC 27949  
Phone: 252-491-8147  
Fax: 252-491-8146  
web: quible.com

April 24, 2018

Jason Litteral, CFM  
Currituck County Planning and Community Development  
153 Courthouse Rd.  
Currituck, NC 27929

Re: **Preliminary Plat Application TRC Comments Response Letter**  
Muddy Acres Subdivision (formerly Lot 5, Ward Acres Subdivision)  
Moyock, Currituck County, North Carolina

Mr. Litteral:

Thank you for the TRC review comments for the Preliminary Plat of the above referenced project dated April 13, 2018. On behalf of Landmark Custom Homes and Design, Inc., Quible & Associates, P.C. hereby submits for your review the following documentation for the Preliminary Plat Application of Muddy Acres Subdivision to successfully get scheduled on the May 21, 2018 Board of Commissioners meeting agenda.

- Three (3) Full-Size (24"x36") copies of the revised Preliminary Plat
- Ten (10) 11"x17" copies of the revised Preliminary Plat
- One (1) 8.5"x11" copy of the revised Preliminary Plat
- One (1) PDF digital copy of the revised Preliminary Plat

Please find our responses listed below in blue to your review comments. A copy of the TRC review comments is enclosed for your reference.

**Planning, Jason Litteral**

Approved with comments:

1. Provide an approved wetland determination and amend the plat to show actual location. During the TRC meeting, Quible discussed the validity of the preliminary jurisdictional determination and it was agreed that this document would satisfy the County's requirements. County Staff confirmed that no further action would be required.
2. Provide sidewalks on both sides of the street for the length of the road, similar to Foxglove. During the TRC meeting, Section 5.6.10.A.(1) of the Currituck County UDO was reviewed and discussed. It was agreed that the proposed subdivision met this exemption and that sidewalks would not be required. County Staff confirmed that no further action would be required.
3. A payment-in-lieu of Recreation and Park Land Dedication in the amount of \$1,238.65 is required prior to recordation of the final plat.  
Acknowledged.

Attachment: 3. TRC Comments Transmittal (PB 18-09 Muddy Acres)

Muddy Acres Subdivision – Preliminary Plat  
April 24, 2018

4. Provide a letter from ARHS stating the lots will be suitable if the recommendations are followed.  
Quible has requested and received a statement from ARHS that satisfies this request from the County. Please see attached email. County Staff has confirmed that no further action is required.
5. Please describe the ground water lowering device recommended by ARHS for lot 3.  
Quible has inquired to ARHS regarding this requirement on the Lot 3 evaluation. It has been determined that the requirement of a ground water lowering device was intended for the original Lot 3 proposal prior to rearranging the lot layout to a 5-Lot Conservation Subdivision. The new Lot 3 in the 5-Lot Conservation Subdivision will not require a ground water lowering device. Please see the attached email from ARHS for reference. County Staff has confirmed that no further action is required.

**Currituck Soil and Water, Will Creef**

Approved

**Currituck County GIS, Harry Lee**

Address Assignment

Lot 1: 100 Smitty Ln  
Lot 2: 102 Smitty Ln  
Lot 3: 104 Smitty Ln  
Lot 4: 103 Smitty Ln  
Lot 5: 101 Smitty Ln

**Albemarle Regional Health Services, Joe Hobbs**

Please consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot that makes up this proposed sub-division.

Please review the enclosed documentation and confirm that all TRC review comments have been addressed adequately for a favorable recommendation for approval to the Planning Board. Please do not hesitate to contact me at 252.491.8147 or dtillet@quible.com should you have any questions, comments or requests for additional information.

Sincerely,  
**Quible & Associates, P.C.**

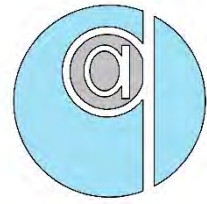


Dylan L. Tillett, P.E.

Encl.: as stated

Cc: Brad Smith, Landmark Custom Homes and Design, Inc.  
File

P.O. Drawer 870 • Kitty Hawk, NC 27949  
Telephone (252) 491-8147 • Fax (252) 491-8146



# Conservation and Development Plan

## Muddy Acres Subdivision

March 21, 2018

### General

This narrative will detail the Conservation and Development Plan for Muddy Acres Subdivision located on Tulls Creek Road in Moyock, Currituck County.

The proposed subdivision is 13.33 acres in size and is formerly known as Lot 5, Ward Acres Subdivision. The location is approximately 0.4 miles eastward from the intersection of Panther Landing Rd. & Tulls Creek Road. The existing land is vacant and consists of farmland and woods. Surrounding the property is a mixture of residential lots, woods and farmland. Four (4) drainage ditches currently run through the property and discharge to a drainage ditch that travels along the northwestern property line. Overflow runoff from the subdivision to the south (Dustin Acres) is discharged into two of these ditches which is then directed to the northwestern property line and eventually offsite toward Northwest River.

The Owner is proposing a 5-lot conservation subdivision with associated improvements such as a street, sidewalks, a stormwater management wet detention basin, domestic water supply, and other associated utilities. The primary conservation areas for this project are U.S. Army Corps of Engineers (USACE) designated 404 wetlands and the secondary conservation areas are historical farmlands. The 404 wetlands conservation area is approximately bounded by the existing woods line on the southern portion on the property and is approximately 5.2 acres (39.0%) in size. The secondary conservation area consisting of historical farmlands is approximately 2.8 acres (21.0%) in size and is located near the north and northeast sides of the property. The remaining portion of the property is 5.3 acres in size and will be the development area of the subdivision. This area will consist of the right of way and five (5) residential lots.

The runoff from impervious surfaces in this subdivision will be conveyed via overland flow into lot line swales, then into the roadside swales which ultimately direct runoff to the onsite wet detention basin located in the northwest corner of the property.

The following narrative sections will detail the parameters of the proposed Conservation Subdivision and its compliance with County requirements.

### Summary of Existing Conditions

As stated above, the subject parcel is vacant and consists of farmland and woods. There are four drainage ditches that run across the property and connect to a drainage ditch that parallels the northwestern property line. Two of these ditches carry overflow runoff from the subdivision stormwater infrastructure to the south. Runoff from the existing farm fields is also directed to these ditches and conveyed downstream. The parcel currently has no existing impervious surfaces or improvements.

### Summary of Proposed Conditions

As previously mentioned, the project proposes a 5-lot conservation subdivision on 13.33 acres with associated improvements such as a street, sidewalks, a stormwater management wet detention basin, domestic water supply, and other associated utilities.



The primary conservation theme for this project is USACE designated 404 wetlands consisting of approximately 5.2 acres in size. This area is identified as the wooded portion of the lot and can be more accurately described as a young cutover that was logged several years ago. It totals to 39.0% of the property area. The secondary conservation theme for this subdivision will be historical farmland which will total approximately 2.8 acres in size. This area will be located along the northeast side of the property and on the north corner. It totals to 21.0% of the property area. The total conservation area for this project sums up to be 8.0 acres or 60.0% of the property. The remaining portion of the lot outside of the conservation area will be the development area and is proposed to be approximately 5.3 acres (40.0%). This area will include the proposed right of way and five (5) residential lots.

Section 7.1.3 C. (3) of the Currituck County UDO states that "Lands set aside as open space shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration". The open space proposed for this subdivision is not completely contiguous due to insufficient soil findings during onsite wastewater evaluations by Albemarle Regional Health Surfaces (ARHS). The soils near the front of the property by Tulls Creek Road have been "denied" by ARHS, resulting in locating the lots further away from the road. Due to locating the lots further away from the road, a noncontiguous open space layout has been created. This poor soil finding shall be considered a "natural feature" that would allow the design of open space to not be completely contiguous per the above referenced statement. The remainder of the open space has been designed to be contiguous.

Stormwater management improvements will be needed to control the runoff from the proposed impervious surfaces. Runoff from the proposed impervious surfaces will be collected and conveyed via lot line swales and roadside swales to the proposed wet detention basin located to the northeast corner of the property.

Three of the four ditches that are located across the subject properties are proposed to be filled and rerouted along the southeastern property line. The rerouted ditches will then tie into the existing roadside swale along Tulls Creek Road. The rerouted ditch and the existing roadside ditch will be sized accordingly to accommodate the additional flow. The fourth ditch (closest to the woods line) will remain in place and will not be disturbed. Existing runoff from the woods that is directed to this ditch will continue to flow to the ditch and then proceed downstream.

The drainage area for this subdivision closely follows the property lines on all sides and ends at the wooded portion of the parcel. The drainage area will not extend into the woods. Stormwater draining from impervious areas within this drainage area will be directed to the lot line and roadside vegetated swales via overland sheet flow and then conveyed to the wet detention basin. The vegetated swale's bottom and side slopes will be grassed according to the general seeding specifications and the runoff will undergo filtration of fine particulates and pollutants by the vegetation within it. The filtration by vegetation is considered the primary method of treatment. A secondary method of treatment is also available when the stormwater runoff is discharged into the wet detention basin. The forebay and main pool of the detention basin will be designed in accordance with the State Stormwater and Currituck County Stormwater Manual requirements. Suspended solids will settle in the wet detention basin and the vegetation surrounding the perimeter will provide nutrient uptake as well.

The storage in the pond will be sized large enough to satisfy the requirements of the Currituck County Stormwater Manual and the State Stormwater regulations. The computed 10-year post-development design storm runoff from the built-out development will be routed back to the 2-year design storm for wooded conditions. The wet detention basin will also meet the State stormwater quality measures of storing the required volume set by the NCDEQ to capture the first 1.5 inch rainfall event. Disposal of the storage will be via a drawdown orifice structure in the pond to achieve a drawdown from the temporary pool to the permanent pool between 2 to 5 days.

## Soils

Quible & Associates, P.C. will perform an on-site boring to verify soil type and determine elevations of mean high seasonal water table. Information collected on site will be compared to the United States Department of Agriculture, Soil Conservation Service Soil Survey of Currituck County, which maps the site as follows:

Ro – Roanoke fine sandy loam, 0 to 2 percent slopes

## Conclusions

The proposed conservation subdivision will provide a design that will comply with the NCDEQ and Currituck County's regulations.

**MEMORANDUM OF UNDERSTANDING (FISCAL YEAR 2018-19) BETWEEN  
THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AND  
CURRITUCK COUNTY**

**A Written Agreement Pursuant to N.C. Gen. Stat. § 108A-74, an Act of the North Carolina General Assembly**

This Memorandum of Understanding ("MOU") is made by and between the North Carolina Department of Health and Human Services, (hereinafter referred to as the "Department") and Currituck County a political subdivision of the State of North Carolina (hereinafter referred to as the "County") to comply with the requirements of law, N.C. Gen. Stat. § 108A-74. The Department and the County may be referred to herein individually as a "Party" and collectively as the "Parties."

**TERMS OF UNDERSTANDING**

In consideration of the mutual promises and agreements contained herein, as well as other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties, the Parties agree to this MOU, effective July 1, 2018, in compliance with the mandates of law enacted by the North Carolina General Assembly and in recognition of possible amendments by the General Assembly, the Parties further agree to conform to changes made to the law, notwithstanding a contractual term previously agreed upon.

**1.0 Parties to the MOU**

The only Parties to this MOU are the North Carolina Department of Health and Human Services and Currituck County, a political subdivision of the State of North Carolina.

**1.1 Relationships of the Parties**

Nothing contained herein shall in any way alter or change the relationship of the parties as defined under the laws of North Carolina. It is expressly understood and agreed that the enforcement of the terms and conditions of this MOU, and all rights of action relating to such enforcement, shall be strictly reserved to the Department and the County. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Department and County that any such person or entity, other than the Department or the County, receiving services or benefits under this MOU shall be deemed an incidental beneficiary only.

**Subcontracting:** The County shall be responsible for the performance of all of its subcontractors. The County shall disclose the names of its subcontractors to the Department within thirty (30) days of the execution thereof. The County shall also provide additional information concerning its subcontractors as may be requested by the Department within thirty (30) days of the request. The County additionally agrees not to enter into any confidentiality agreement or provision with a subcontractor or other agent to provide services related to this MOU that would prevent or frustrate the disclosure of information to the Department. Subcontractors shall be defined under this MOU to mean any party the county enters into a contractual relationship with for the complete administration of one or more social services programs covered by this MOU. Temporary employees hired by the County shall not be considered subcontractors under this MOU.



**Assignment:** No assignment of the County's obligations or the County's right to receive any funding made in any way concerning the matters covered by this MOU hereunder shall be permitted.

## 2.0 Terms of the MOU

The term of this MOU shall be for a period of one year beginning July 1, 2018 and ending June 30, 2019.

### 2.1 Default and Modification

**Default:** In the event the County fails to satisfy the mandated performance requirements as set forth in Attachments I through IX or fails to otherwise comply with the terms of this MOU, the Department may withhold State and/or federal funding. Any such withholding shall be in compliance with, and as allowed by, state and/or federal law.

**Performance Improvement/Corrective Action:** Prior to the Department exercising its authority to withhold State and/or federal funding for a failure to satisfy the mandated performance requirements or failure to comply with the terms of this MOU, the steps set forth in Attachment X will govern. For this MOU covering Fiscal Year 2018-2019, the Department will not initiate any actions set forth in Attachment X related to the mandated performance requirements until January 1, 2019. Nothing contained in this MOU or Attachment X shall supersede or limit the Secretary's authority to take any action otherwise set forth in N.C. Gen. Stat. § 108A-74.

**Waiver of Default:** Waiver by the Department of any default or breach in compliance with the terms of this MOU by the County shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this MOU unless stated to be such in writing, signed by an authorized representative of the Department and the County and attached to the MOU.

**Force Majeure:** Neither Party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

**Modification:** The terms and conditions of this MOU may only be modified by written agreement of the Parties, signed by an authorized representative of the Parties.

## 3.0 MOU Documents

The Recitals and the following attachments are incorporated herein by reference and are part of this MOU:

- (1) The portions hereof preceding the Terms of Understanding, including but not limited to the introductory paragraph and the Recitals, which are contractual as well as explanatory
- (2) The Terms of Understanding
- (3) Attachment I – Mandated Performance Requirements: Child Welfare – Child Protective Services
- (4) Attachment II – Mandated Performance Requirements: Foster Care
- (5) Attachment III – Mandated Performance Requirements: Child Support
- (6) Attachment IV – Mandated Performance Requirements: Energy

- (7) Attachment V – Mandated Performance Requirements: Work First
- (8) Attachment VI – Mandated Performance Requirements: Food and Nutrition Services
- (9) Attachment VII – Mandated Performance Requirements: Adult Protective Services
- (10) Attachment VIII – Mandated Performance Requirements: Special Assistance
- (11) Attachment IX – Mandated Performance Requirements: Child Care Subsidy
- (12) Attachment X – Corrective Action

#### 4.0 Entire MOU

This MOU and any documents incorporated specifically by reference represent the entire agreement between the Parties and supersede all prior oral or written statements or agreements between the Parties.

#### 5.0 Definitions

While "County" is used as an abbreviation above, the following definitions, some of which are contained in N.C. Gen. Stat. § 108A-74(a), also apply to this MOU:

- (1) "County department of social services" also means the consolidated human services agency, whichever applies;
- (2) "County director of social services" also means the human services director, whichever applies; and
- (3) "County board of social services" also means the consolidated human services board, whichever applies.
- (4) "Child welfare services or program" means protective, foster care, and adoption services related to juveniles alleged to be abused, neglected, or dependent as required by Chapter 7B of the General Statutes.
- (5) "Social services programs" or "Social services programs other than medical assistance" means social services and public assistance programs established in Chapter 108A other than the medical assistance program (Part 6 of Article 2 of Chapter 108A). This includes, but is not limited to, child welfare programs, adult protective services, guardianship services for adults, and programs of public assistance established in Chapter 108A. It also includes the child support enforcement program, as established in Article 9 of Chapter 110 of the General Statutes, and the North Carolina Subsidized Child Care Program.

To the extent that any term used herein is defined by a statute or rule applicable to the subject matter of this MOU, the statutory or rule definition shall control. For all remaining terms, which are not defined by statute or rule, those terms shall have their ordinary meaning. Should any further definition be needed, the Parties agree that the meanings shall be those contained in the current version (as of the time the dispute or question arises) of Black's Law Dictionary, and if not defined therein, then of a published unabridged modern American English Language Dictionary published since the year 2000.

#### 6.0 Audit Requirements

The County shall furnish to the State Auditor, upon his/her request, all books, records, and other information that the State Auditor needs to fully account for the use and expenditure of state funds in accordance with N.C.G.S. § 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.



## **7.0 Record Retention**

The County shall retain records at its own expense in accordance with applicable State and Federal laws, rules, and regulations. The County shall facilitate and monitor the compliance of its subcontractors with all applicable requirements of record retention and disposition.

In order to protect documents and public records that may be the subject of Department litigation, the Department shall notify the County of the need to place a litigation hold on those documents. The Department will also notify the County of the release of the litigation hold. If there is no litigation hold in place, the documents may be destroyed, disposed of, or otherwise purged through the biannual Records Retention and Disposition Memorandum from the Department's Controller's Office.

## **8.0 Liabilities and Legal Obligations**

Each party hereto agrees to be responsible for its own liabilities and that of its officers, employees, agents or representatives arising out of this MOU. Nothing contained herein is intended to alter or change the relationship of the parties as defined under the laws of the State of North Carolina.

## **9.0 Confidentiality**

Any medical records, personnel information or other items exempt from the NC Public Records Act or otherwise protected by law from disclosure given to the Department or to the County under this MOU shall be kept confidential and not divulged or made available to any individual or organization except as otherwise provided by law. The Parties shall comply with all applicable confidentiality laws and regulations, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the administrative simplification rules codified at 45 Parts 160, 162, and 164, alcohol and drug abuse patient records laws codified at 42 U.S.C. §290dd-2 and 42 CFR Part 2, and the Health Information Technology for Economics and Clinical Health Act (HITECH Act) adopted as part of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

## **10.0 Secretary's Authority Undiminished**

Certain functions delegated to the County pursuant to this MOU are the duty and responsibility of the Department as the grantee of federal grant funds. The Parties understand and agree that nothing in this MOU shall be construed to diminish, lessen, limit, share, or divide the authority of the Secretary of the Department to perform any of the duties assigned to the Department or its Secretary by the North Carolina General Statutes, the terms and conditions of the federal funds and their applicable laws and regulations or other federal laws and regulations regarding any federal funding which is used by the Department to reimburse the County for any of its duties under this MOU.

## **11.0 MOU does not Diminish Other Legal Obligations**

Notwithstanding anything to the contrary contained herein and to facilitate the mandated performance requirements of N.C. Gen. Stat. § 108A-74, the Parties acknowledge and agree that this MOU is not intended to supersede or limit, and shall not supersede or limit, the County's obligations to comply with all applicable: 1) federal and state laws; 2) federal and state rules; and 3) policies, standards, and directions of the Department, as all such currently exist and may be amended, enacted, or established hereafter.

## 12.0 Notice

The persons named below shall be the persons to whom notices provided for in this MOU shall be given. Either Party may change the person to whom notice shall be given upon written notice to the other Party. Any notice required under this MOU will only be effective if actually delivered to the parties named below. Delivery by hand, by first class mail, or by email are authorized methods to send notices.

### For the Department of Health and Human Services, Division of Social Services

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Wayne Black, Director Division of Social Services 2401 Mail Service Center Raleigh, NC 27699-2401	Wayne Black, Director Division of Social Services NC DHHS Dorothea Dix Campus, McBryde Building Phone: 919-527-6338 Fax: 919-334-1018 Email wayne.black@dhhs.nc.gov

### For Currituck County:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS

## 13.0 Responsibilities of the Department

The Department hereby agrees that its responsibilities under this MOU are as follows:

- (1) The Department shall develop mandatory performance requirements for each social services program based upon standardized metrics utilizing reliable data. The mandated performance requirements are identified in Attachments I through IX.
- (2) The Department shall provide supervision, program monitoring and technical assistance to the counties in the administration of social services programs.
- (3) The Department shall provide leadership and coordination for developing strategies that address system-level barriers to the effective delivery of social services programs, including but not limited to: the Administrative Office of Courts, the LME/MCO, Department of Public Instruction, and the Department of Public Safety.
- (4) The Department shall have the following administrative responsibilities:
  - a. Staff Training and Workforce Development:
    - i. Develop training requirements for county personnel and provide guidance for adequate staffing patterns related to the provision of social services programs. The Department will publish annually, a list of required and recommended trainings for county personnel directly involved in the administration of social services programs covered under this MOU.



- ii. Develop training curricula and provide, timely, adequate access to statewide training opportunities for county personnel related to the provision of social services programs. Training opportunities may include in-person, self-guided, web-based and remotely facilitated programs.
  - iii. The Department will publish a training calendar, at least quarterly, notifying the counties of training opportunities.
  - iv. Provide timely written guidance related to new federal or state statutes or regulations. The Department will provide information in advance of the effective date of new policy to the extent possible, including interpretations and clarifications of existing policy.
  - v. Provide technical assistance and training in areas where quality control, monitoring or data indicates a lack of correct application of law, rule or policy.
- b. Compliance Monitoring:
  - i. Monitor and evaluate county compliance with applicable federal and state laws, rules and policies.
  - ii. Provide feedback to counties with recommended changes when necessary.
  - iii. Monitor that all financial resources related to the provision of social services programs covered by this MOU are utilized by the county in compliance with applicable federal and state laws.
- c. Data Submission:
  - i. Maintain and review data submitted by counties pursuant to the mandatory performance requirements.
  - ii. Provide counties with reliable data related to their performance measurements as well as accuracy and timeliness of programs in accordance with state and federal program guidelines. This includes but is not limited to processing applications and recertification, quality control standards, program statistics and fiscal information.
  - iii. The Department shall be responsible for the maintenance and functionality of its information systems utilized in the statewide administration of social services programs covered by this MOU.
- d. Communication:
  - i. Provide counties with clarification or explanation of law, rule or policy governing social services programs when necessary or as requested.
  - ii. Disseminate policy on social services programs and provide counties with timely information on any updates to policy.
  - iii. Provide timely information to counties on any changes to federal law or policy made known to the Department.
  - iv. Provide counties with a timely response to requests for technical assistance or guidance.
  - v. Maintain all policies covering social services programs in a central, accessible location. Policies will be updated, to the extent possible, in advance of the effective date of any new policies or policy changes.
  - vi. Provide counties with an opportunity to submit questions, concerns and feedback related to the administration of social services programs to the Department and provide County a timely response to such communication.
  - vii. Communicate proactively with the County Director of Social Services on matters that effect social services programs covered under this MOU.
  - viii. Communicate directly with the County Manager, Governing Boards, and the County Director of Social Services on matters including but not limited to,

corrective action, and significant changes to law, rule and policy that impact the administration of social services programs covered by this MOU.

e. Inter-agency Coordination:

- i. Provide guidance to counties in the event they are unable to reach a resolution on a conflict of interest that arises related to the provision of social services programs covered by this MOU.
- ii. Provide guidance for county DSS personnel on federal and state Emergency Management, mass shelter, Business Continuity Plan (BCP) and Continuity of Operations Plan (COOP) requirements.
- iii. Coordinate with and communicate to county DSS agencies regarding available and required training opportunities associated with DSS Mass Shelter, BCP and COOP responsibilities.
- iv. Assist and support counties as needed in implementation of operational functions of mass shelter operations and as needed during other emergencies as they arise.

- (5) The Department shall timely meet all of its responsibilities contained in this MOU. "Timely" shall be defined consistent with timeliness requirements set forth in relevant statute, regulation, and policy. Where timeliness is not otherwise defined, "timely" shall mean within a reasonable time under the circumstances.

#### 14.0 Responsibilities of the County

The County hereby agrees that its responsibilities under this MOU are as follows:

- (1) The County shall adhere to the mandated performance requirements for each social services program as identified in Attachments I through IX.
- (2) The County shall comply with the following administrative responsibilities
  - a. Staff Requirements and Workforce Development:
    - i. The personnel, including new hires and existing staff, involved in the County's provision of social services programs covered by this MOU shall complete all required and necessary training, which is documented as required by federal and state law and policy.
  - b. Compliance:
    - i. Perform activities related to its social services programs in compliance with all applicable federal and State laws, rules, regulations and policies. Nothing contained herein is intended to, nor has the effect of superseding or replacing state law, rules or policy related to social services programs.
    - ii. Develop and implement internal controls over financial resources related to the County's social services programs to ensure that all financial resources are used in compliance with applicable federal and state laws.
    - iii. Provide and adhere to corrective action plans as required based on monitoring findings and the Single Audit.
  - c. Data Submission:
    - i. Maintain accurate, thorough records of all social services programs covered by this MOU, in particular, records related to the mandated performance requirements that can be accessed for the purpose of data collection, service provision, monitoring or consultation
    - ii. Ensure reliable data entry into state systems utilized for the administration of social services programs covered under this MOU.



- iii. Provide, upon request, data to the state for the purpose of, but not limited to, conducting monitoring, case file reviews, error analysis and quality control.
    - iv. Utilize data to understand the performance of their county and to conduct analysis and implement changes where needed if performance measures are not being met.
  - d. Communication:
    - i. Respond and provide related action in a timely manner to all communications received from the Department.
    - ii. Provide timely information on all matters that have a potential negative impact on the social services programs they administer, including but not limited to, litigation risks (not including child welfare cases governed by Chapter 7B or adult services cases governed by Chapter 35A or 108A), network and computer issues, or data breaches.
    - iii. Provide timely information regarding temporary or permanent changes to the Social Services Governing Board. or the County Social Services Director, including retirements, separations, or any leave of absences greater than two calendar weeks.
  - e. Inter-agency Cooperation:
    - i. Ensure that county social services personnel complete required training and are prepared to engage in Disaster Management, mass shelter, BCP and COOP operations.
    - ii. Ensure that all plans and systems are in place to meet potential disaster (natural, technical, otherwise) response requirements.
    - iii. Engage with DHHS, state Emergency Management and local leadership in associated efforts.
    - iv. Assist or operate mass shelter operations or other required disaster management responsibilities.
- (3) The County shall timely meet all its responsibilities contained in this MOU. "Timely" shall be defined consistent with timeliness requirements set forth in relevant statute, regulation, policy or as otherwise required by the Department. If timeliness is not otherwise defined, "timely" shall mean within a reasonable time under the circumstances.

#### 15.0 Data Security and Reporting

**Data Security:** The County shall adopt and apply data privacy and security requirements to comply with all applicable federal, state, department and local laws, regulations, and rules. To the extent that the Department and the county have already entered into one or more data privacy agreements covering all or any portion of the work to be performed under this MOU, the Parties hereby adopt and incorporate such agreements by reference into this MOU as if fully set forth herein.

**Duty to Report:** The County shall report all privacy and security incidents related to the provision of social services programs covered by the MOU to the Department and the Privacy and Security Office within twenty-four (24) hours after the privacy and security incident is first discovered, provided that the County shall report a breach involving Social Security Administration data or Internal Revenue Service data within one (1) hour after the incident is first discovered. During the performance of this MOU, the County is to notify the Department of any contact by the federal Office for Civil Rights (OCR) received by the County related to the provision of social services programs covered by the MOU. In case of a privacy and security



incident, the County, including any subcontractors or agents it retains, shall fully cooperate with the Department.

#### 16.0 Miscellaneous

**Choice of Law:** The validity of this MOU and any of its terms or provisions, as well as the rights and duties of the parties to this MOU, are governed by the laws of North Carolina. The Parties, by signing this MOU, agree and submit, solely for matters concerning this MOU, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this MOU and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

**Amendment:** This MOU may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Department and the County. The Parties agree to obtain any necessary approvals, if any, for any amendment prior to such amendment becoming effective. Also, the Parties agree that legislative changes to state law shall amend this MOU by operation of law to the extent affected thereby.

**Effective Date:** This MOU shall become effective July 1, 2018 and shall continue in effect until June 30, 2019.

**Signature Warranty:** Each individual signing below warrants that he or she is duly authorized by the party to sign this MOU and to bind the party to the terms and conditions of this MOU.

#### Currituck County

BY: \_\_\_\_\_  
Name

BY: \_\_\_\_\_  
Name

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

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

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

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

#### North Carolina Department of Health and Human Services

BY: \_\_\_\_\_  
Secretary, Department of Health and Human Services

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

**ATTACHMENT I — MANDATED PERFORMANCE REQUIREMENTS:  
Child Welfare - CPS Assessments**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
1	The County will initiate 95% of all screened-in reports within required time frames	NC General statute 7B.302; 10A NCAC 70A .0105; Chapter VIII: Child Protective Services, Section 1408 - Investigative & Family Assessments
2	For all children who were victims of maltreatment during a twelve month period, no more than 9% received a subsequent finding of maltreatment	CFSR; Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

**ATTACHMENT II— MANDATED PERFORMANCE REQUIREMENTS:  
Child Welfare - Foster Care**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
1	The County will document permanency goals for 95% of foster youth within 60 days of a child entering custody or for whom the county has placement authority.	1201 Child Placement Services - Chapter VIII Case Reviews: B-Required Time Frames for Case Reviews
2	The County will ensure that 95% of all foster youth have face-to-face visits by the social worker each month.	1201, Chapter V., Out of Home Placement Family Services Improvement Act of 2006 (Public Law 109-288) Title IV B

The below system performance measures require county and state level system collaboration and improvements to successfully meet targets.

	<b>System Performance Measure</b>	<b>Authority for the system performance measure</b>
1	The County will provide leadership for ensuring that 41% of children who enter foster care in a 12-month period are discharged to permanency within 12 months of entering foster care.  DHHS will work with each county to identify growth targets.	CFSR: Permanency Outcome 1: Children have permanency and stability in their living situations.
2	The County will provide leadership for ensuring that of children who enter foster care in a 12-month period who were discharged within 12 months to reunification, kinship care, guardianship, or adoption, no more than 8.3% re-enter foster care within 12 months of their discharge.  DHHS will work with each county to identify growth targets.	CFSR: Safety Outcome 1: Children are, first and foremost protected from abuse and neglect
3	The County will provide leadership for ensuring that of all children who enter foster care in a 12-month period in the county, the rate of placement moves per 1000 days of foster care will not exceed 4.1%.  DHHS will work with each county to identify growth targets.	1201 Child Placement Services - Chapter IV Placement Decision Making: C-Maintaining One Single Stable Foster Care Placement  CFSR: Permanency Outcome 1: Children have permanency and stability in their living situations.



**ATTACHMENT III— MANDATED PERFORMANCE REQUIREMENTS:  
Child Support**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
1	The county will achieve its given annual percentage of paternities established for children born out of wedlock.	Section 342. "FEDERAL AND STATE REVIEWS AND AUDITS," of PRWORA, Section 454 of Title IV-D of the Social Security Act; 42 U.S.C. 658a. P.L. 105-200  NCGS 110- 129.1  Chapter B, Topic 09, Section B - Incentives Overview, Section C - Performance Factors and Incentives
2	The county will achieve its given annual percentage of child support cases that are under an order.	Section 342. "FEDERAL AND STATE REVIEWS AND AUDITS," of PRWORA, Section 454 of Title IV-D of the Social Security Act; 42 U.S.C. 658a. P.L. 105-200  NCGS 110- 129.1  Chapter B, Topic 09, Section B - Incentives Overview, Section C - Performance Factors and Incentives
3	The county will achieve its given annual percentage of current child support paid.	Section 342. "FEDERAL AND STATE REVIEWS AND AUDITS," of PRWORA, Section 454 of Title IV-D of the Social Security Act; 42 U.S.C. 658a. P.L. 105-200  NCGS 110- 129.1  Chapter B, Topic 09, Section B - Incentives Overview, Section C - Performance Factors and Incentives
4	The county will achieve its given annual percentage of cases that received a payment towards arrears.	Section 342. "FEDERAL AND STATE REVIEWS AND AUDITS," of PRWORA, Section 454 of Title IV-D of the Social Security Act; 42 U.S.C. 658a. P.L. 105-200  NCGS 110- 129.1  Chapter B, Topic 09, Section B - Incentives Overview, Section C - Performance Factors and Incentives
5	The county will meet its annual goal of total child support collections.	Section 342. "FEDERAL AND STATE REVIEWS AND AUDITS," of PRWORA, Section 454 of Title IV-D of the Social Security Act; 42 U.S.C. 658a. P.L. 105-200  NCGS 110- 129.1  Chapter B, Topic 09, Section B - Incentives Overview, Section C - Performance Factors and Incentives

**ATTACHMENT IV— MANDATED PERFORMANCE REQUIREMENTS:  
Energy Programs**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
<b>1</b>	The County will process 95% of Crisis Intervention Program (CIP) applications within one (1) business day for applicants with no heat or cooling source.	Energy Program Manual Section 400.03 d Federal Requirement 42 USC8621-8630 NC State Rule 10A N.C.A.C ch. 71V
<b>2</b>	The County will process 95% of Crisis Intervention Program (CIP) applications within two (2) business days of the application date for applicants who have a heat or cooling source.	NC Energy Programs Manual Section 400.03 A.2.d. Federal Requirement 42 USC8621 -8630 NC State Rules 10A N.C.A.C ch. 71V



**ATTACHMENT V— MANDATED PERFORMANCE REQUIREMENTS:  
Work First**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
<b>1</b>	The County will collect documentation from 50% of all Work-Eligible individuals that demonstrates completion of the required number of hours of federally countable work activities.	Work First Manual Section 001 Manual Section 003 TANF State Plan FFY 2016 - 2019 NC GS 108A-27.2(10) NC GS 108A-27.6(1) NC GS 108A-27.13(a) NC GS 108A-27.14(a) NC GS 108A-27.14(b)
<b>2</b>	The County will collect documentation from 90% of two-parent families with Work Eligible individuals that verifies that the they have completed the required number of hours of federally countable work activities.	Work First Manual Section 001 Work First Manual Section 003 TANF State Plan FFY 2016 - 2019 NC GS 108A-27.2(10) NC GS 108A-27.6(1) NC GS 108A-27.13(a) NC GS 108A-27.14(a) NC GS 108A-27.14(b)
<b>3</b>	The County will process 100% Work First applications within 45 days of receipt.	Work First Manual Section 104 TANF State Plan FFY 2016 - 2019 NC GS 108A-31
<b>4</b>	The County will process 100% Work First recertifications no later than the last day of the current recertification period.	Work First Manual Section 104 TANF State Plan FFY 2016 - 2019 NC GS 108A-31

**ATTACHMENT VI— MANDATED PERFORMANCE REQUIREMENTS:  
Food and Nutrition Services**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
<b>1</b>	The County will process 95% of expedited FNS applications within 4 calendar days from the date of application.	FNS Manual Section 315 FNS_AL_1-2015 Federal Requirement 7 CFR 273.2
<b>2</b>	The County will process 95% of regular FNS applications within 25 days from the date of application.	FNS Manual Section 315 FNS_AL_1-2015 Federal Requirement 7 CFR 273.2
<b>3</b>	The County will ensure that 95% of FNS recertifications are processed on time, each month.	FNS Manual Section 425 Federal requirement 7 CFR 273.2
<b>4</b>	The County will ensure that 100% of Program Integrity claims are established within 180 days of the date of discovery.	FNS Manual Section 800 Federal Requirement 7 CFR 273.18

**ATTACHMENT VII— MANDATED PERFORMANCE REQUIREMENTS:  
Adult Protective Services (APS)**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
1	The County will complete 95% of APS evaluations involving allegations of abuse or neglect within 30 days of the report.	NCGS § 108A-103 (d) (4)
2	The County will complete 85% of APS evaluations involving allegations of exploitation within 45 days of the report.	NCGS § 108A-103 (d) (4)

**ATTACHMENT VIII— MANDATED PERFORMANCE REQUIREMENTS:  
Special Assistance (SA)**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
1	The County will process 85% of Special Assistance for the Aged (SAA) applications within 45 calendar days of the application date.	10A NCAC 71P .0604; SA Policy 3110 II. D. 2.
2	The County will process 85% of Special Assistance for the Disabled (SAD) applications within 60 calendar days of the application date.	10A NCAC 71P .0604; SA Policy 3110 II. D. 2.

**ATTACHMENT IX— MANDATED PERFORMANCE REQUIREMENTS:  
Child Care Subsidy**

	<b>Performance Measure</b>	<b>Authority for the performance measure</b>
1	The County will process 95% of Child Care Subsidy applications within 30 calendar days of the application date.	North Carolina Subsidized Child Care Assistance policy



## ATTACHMENT X— CORRECTIVE ACTION

The following steps for corrective action covering this MOU do not impact or change any Program Improvement Plan or Corrective Action Plan between the Department and a County or County Department of Social Services that is in effect as of July 1, 2018.

Further, the Department will not take any action towards developing a Performance Improvement Plan or Corrective Action Plan related to the performance requirements contained within this MOU for a County or County Department of Social Services until January 1, 2019.

### 1. Non-Compliance with performance requirements or terms of the MOU

- a. In the event a County Department of Social Services (County DSS)\*\* fails to satisfy a performance requirement for three consecutive months or fails to comply with a term of this MOU, the Department will provide the County DSS with written notification identifying the relevant performance requirement or term and how the County DSS failed to satisfy it.
- b. Upon receipt of notification, the County DSS shall promptly provide the Department with written acknowledgment of receipt.
- c. If the County DSS does not agree that it failed to satisfy the performance requirement or comply with the terms of the MOU, it shall set forth, in writing, the basis for its disagreement. If the County DSS believes its failure to adhere to a mandated performance requirement or term of this MOU is due in whole or in part upon the failure of the Department to meet any of its responsibilities under this MOU or other external factors (i.e., limited court dates, continuances, etc.), the County DSS shall set forth in writing how the failure of the Department or external factors to meet its responsibility to the County DSS contributed to the inability of the County DSS to meet the mandated performance standard or other term of this MOU. This notice shall be received by the Department, along with all supporting documentation, within 10 business days of the County DSS' receipt of the Department's written notification of non-compliance.
- d. If written notice is received in accordance with subsection (c) of this section, the Department will provide the appropriate division director with the all documentation received. Following a review of all documentation, the division director will provide the county with a decision to proceed in developing the performance improvement plan or to rescind the notice of non-compliance.

### 2. Performance Improvement Plan

- a. The County DSS and Department shall work together to develop a performance improvement plan to address the non-compliance. The Parties will consider and address the County DSS's written disagreement with the identified non-compliance, if any, in the development of the performance improvement plan.
- b. The performance improvement plan shall include, at a minimum:
  - i. The role and responsibility of DHHS in providing support to the County DSS to address the non-compliance.
  - ii. The specific actions the County DSS will take to address the non-compliance and ensure ongoing compliance.

- c. The performance improvement plan shall be signed by the Department and the County DSS Director. A copy of the performance improvement plan will be sent to the chair of the DSS Governing Board.

### **3. Continued Non-Compliance**

- a. In the event a County DSS continues to fail to satisfy a performance requirement or comply with the terms of the MOU for an extended period of time and is not meeting the terms of the performance improvement plan, the County DSS and the Department will enter into a corrective action plan, not to exceed a period of twelve months. An extended period of time is defined as three consecutive months, or five months out of a twelve-month period measured beginning with the first month after which the performance improvement plan is signed.
- b. The corrective action plan shall include, at a minimum:
  - i. A strategy to ensure regular supervisory oversight of the social services program at issue;
  - ii. A detailed strategy to ensure the issue central to the non-compliance is addressed and corrected;
  - iii. A strategy to ensure program and case documentation is both sufficient and completed within time frames prescribed by law, rule or policy; and
  - iv. A plan for the continuous review of the corrective activities by both the County Director of Social Services, the County DSS Governing Board, and the Department.
- c. The corrective action plan will be signed by the Department and the County DSS Director. A copy of the corrective action plan will be sent to the Chair of the DSS Governing Board, the County Manager, and the Chair of the Board of County Commissioners.

### **4. Failure to Complete Corrective Action Plan/Urgent Circumstances**

- a. In the event a County DSS fails to complete the corrective action plan or otherwise fails to comply with the terms of the corrective action plan, the Department may exercise its authority under the law, and this MOU, to withhold federal and/or state funding.
- b. In circumstances of continuous extended non-compliance or other urgent circumstances, the Secretary may also exercise her statutory authority to assume control of service delivery in the County pursuant to N.C.G.S. 108A-74.

\*\* In the event the performance requirement or term of the MOU falls outside of the authority of the County DSS, the notification of non-compliance will be sent to the County, and all subsequent steps contained herein shall be followed by the County.



## 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 5, 2018

Subject: TW's Field, Preliminary Plat Extension

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On June 30, 2016, the Technical Review Committee approved the preliminary plat for TW's Field. This is a conservation subdivision consisting of 13 residential lots located on North Currituck Road in Currituck. The preliminary plat approval is due to expire on June 30, 2018.

On May 24 2018 William Brumsey, III (developer) submitted a request for preliminary plat extension of the subdivision. Mr. Brumsey is requesting a 24 month preliminary plat extension.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may grant a two year extension of the preliminary plat one time for good cause.

Attachment: TW's Field PP Extension June 2018 (PB 15-09 TW's Field)





**BRUMSEY AND BRUMSEY, P.L.L.C.**

ATTORNEYS

P.O. BOX 100, 2883 CARATOKE HWY.

CURRITUCK, NORTH CAROLINA 27929

TELEPHONE: (252) 232-2252 - FACSIMILE (252) 232-3038

William Brumsey, III

William Brumsey, IV

May 24, 2018

Mrs. Tammy Glave  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929

Re: Request for an extension for ~~Final~~ <sup>Preliminary</sup> Plat Approval for T.W's Field; 15-09-

Dear Tammy:

I request that I be given a two year extension for ~~final~~ <sup>Preliminary</sup> plat approval for the above captioned subdivision. The preliminary plat was approved in July 2016. I spoke with Donna Voliva about this several weeks ago.

Please call with any questions.

Sincerely yours,



William Brumsey, III

WBIII/em

cc: Edward T. Hyman

Attachment: Brumsey Request (PB 15-09 TW's Field)



**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.

\_\_\_\_\_  
Bobby Hanig, Chair  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners

(COUNTY SEAL)

## **AUTHORITY TO REPRESENT**

RE: CURRITUCK County, North Carolina civil suit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

CURRITUCK COUNTY, NORTH CAROLINA (hereinafter “CLIENT”) hereby retains the law firm MCHUGH FULLER LAW GROUP, PLLC, pursuant to the North Carolina Rules of Professional Responsibility, on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing CURRITUCK County, North Carolina, including, but not limited to, filing a claim for public nuisance to abate the damages caused thereby. **Michael Jay Fuller, Jr., Esq.** of the law firm MCHUGH FULLER LAW GROUP, PLLC shall serve as LEAD COUNSEL. CLIENT authorizes lead counsel to employ and/or associate additional counsel, with consent of CLIENT, to assist LEAD COUNSEL in the just prosecution of the case. CLIENT consents to the participation of the following firms:

GREENE, KETCHUM, FARRELL, BAILEY & TWEEL, LLP  
419 11th Street  
Huntington, West Virginia

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA  
316 South Baylen Street  
Pensacola, Florida

BARON & BUDD, PC  
3102 Oak Lawn Avenue #1100  
Dallas, Texas

HILL PETERSON CARPER BEE & DEITZLER PLLC  
500 Tracy Way  
Charleston, West Virginia

POWELL & MAJESTRO  
405 Capitol Street, Suite P-1200  
Charleston, West Virginia

MCHUGH FULLER LAW GROUP  
97 Elias Whiddon Rd  
Hattiesburg, Mississippi

GARRY WHITAKER LAW, P. C.  
One North Marshall Street, Suite 350  
Winston-Salem, North Carolina 27101

Paul D. Coates  
Attorney at Law  
Pinto, Coates, Kyre & Bowers, PLLC  
3203 Brassfield Rd.  
Greensboro, N.C. 27410

In consideration, CLIENT agrees to pay twenty-five percent (25%) of the total recovery (gross) in favor of the CLIENT as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). Total fees and expenses shall not exceed thirty-five percent (35%) of the gross recovery. The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. CLIENT grants Attorneys an interest in a fee based on the gross recovery. If a court awards attorneys' fees, Attorneys shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **There is no fee if there is no recovery.**

McHUGH FULLER LAW GROUP, PLLC and the other law firms, hereinafter referred to as the "Attorneys," agree to advance all litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated. Litigation expenses not directly related to client will be apportioned among the litigants on a fair and reasonable basis. **There is no reimbursement of litigation expenses if there is no recovery.**

The CLIENT acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this employment will preclude other employment by the Attorneys, the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers performing the services and the fact that the fee is contingent upon a successful recovery.

This litigation is intended to address a significant problem in the community. The litigation focuses on the manufacturers and wholesale distributors and their role in the diversion of millions of prescription opiates into the illicit market which has resulted in opioid addiction, abuse, morbidity and mortality. There is no easy solution and no precedent for such an action against this sector of the industry. Many of the facts of the case are locked behind closed doors. The billion dollar industry denies liability. The litigation will be very expensive and the litigation expenses will be advanced by the Attorneys with reimbursement contingent upon a successful recovery. The outcome is uncertain, like all civil litigation, with compensation contingent upon a successful recovery. Consequently, there must be a clear understanding between the CLIENT and the Attorneys regarding the definition of a "successful recovery."

The Attorneys intend to present a damage model designed to abate the public health and safety crisis. This damage model may take the form of money damages or equitable remedies (e.g., abatement fund). The purpose of the lawsuit is to seek reimbursement of the costs incurred in the past fighting the opioid epidemic and/or to recover the funds necessary to abate the health and safety crisis caused by the unlawful conduct of the manufacturers and wholesale distributors. The CLIENT agrees to compensate the Attorneys, contingent upon prevailing, by paying 25% of any settlement/resolution/judgment, in favor of the CLIENT, whether it takes the form of monetary damages or equitable relief. For instance, if the remedy is in the form of monetary damages, CLIENT agrees to pay 25% of the gross amount to Attorneys as compensation and then reimburse the reasonable litigation expenses. If the remedy is in the form of equitable relief (e.g., abatement fund), CLIENT agrees to pay 25% of the gross value of the equitable relief to the Attorneys as compensation and then reimburse the reasonable litigation expenses. To be clear, Attorneys shall not be paid nor receive reimbursement from public funds. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall

not be considered public funds for purposes of calculating the contingent fee. Under no circumstance shall the CLIENT be obligated to pay any Attorneys fee or any litigation expenses except from moneys expended by defendant(s) pursuant to the resolution of the CLIENT's claims. If the defendant(s) expend their own resources to abate the public health and safety crisis in exchange for a release of liability, then the Attorneys will be paid the designated contingent fee from the resources expended by the defendant(s). CLIENT acknowledges this is a necessary condition required by the Attorneys to dedicate their time and invest their resources on a contingent basis to this enormous project. If the defendant(s) negotiate a release of liability, then the Attorneys should be compensated based upon the consideration offered to induce the dismissal of the lawsuit.

The division of fees, expenses and labor between the Attorneys will be decided by private agreement between the law firms and subject to approval by the CLIENT. Any division of fees will be governed by the North Carolina Rules of Professional Conduct including: (1) the division of fees is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation and agrees to be available for consultation with the CLIENT; (2) the CLIENT agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in this writing; and (3) the total fee is *reasonable*.

LEAD COUNSEL shall appoint a contact person to keep the CLIENT reasonably informed about the status of the matter in a manner deemed appropriate by the CLIENT. The CLIENT at all times shall retain the authority to decide the disposition of the case and maintain absolute control of the litigation.

Upon conclusion of this matter, LEAD COUNSEL shall provide the CLIENT with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm, as required in Rule 1.05 (e)(3) of the North Carolina Rules of Professional Conduct. The closing statement shall be signed by the CLIENT and each attorney among whom the fee is being divided.

Nothing in this Agreement and nothing in the Attorneys' statement to the CLIENT may be construed as a promise or guarantee about the outcome of this matter. The Attorneys make no such promises or guarantees. Attorneys' comments about the outcome of this matter are expressions of opinion only and the Attorneys make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

SIGNED, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

COUNTY OF CURRITUCK

\_\_\_\_\_  
Chairman, Board of Commissioners

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



Accepted:

7.C.b

MCHUGH FULLER LAW GROUP, PLLC  
97 Elias Whiddon Rd  
Hattiesburg, MS 39402  
(601) 261-2220

By \_\_\_\_\_

Michael J. Fuller, Jr., Esq.

\_\_\_\_\_

Date

*Lead Counsel*

Attachment: Authority to Represent CURRITUCK County Opioid Litigation (Resolution-Opioid Litigation)

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS AMENDING CHAPTER 2, ARTICLE III OF THE  
CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING A NEW  
DIVISION 11 VETERANS ADVISORY BOARD**

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.

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

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

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

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

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

11 The Veterans Advisory Board is charged with the following duties:

12 (1) assist county veterans by serving as liaison with the community and  
13 government agencies to coordinate services and activities benefitting county  
14 veterans and their families;

15 (2) solicit information and provide updates to the community about  
16 community activities honoring veterans;

17 (3) report advisory committee activities to the board of commissioners; and

18 (4) perform such other duties as may be authorized or directed by resolution  
19 of the board of commissioners.

20  
21 **Sec. 2-287. - Function as advisory body.**

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Bobby Hanig, Chairman

ATTEST:

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

APPROVED AS TO FORM:

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

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

Motion to adopt by Commissioner \_\_\_\_\_

Second by Commissioner \_\_\_\_\_

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

S:\Legal\Ordinances\

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

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

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

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

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

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

- 15          (1) Call to order;
- 16          (2) Invocation and pledge of allegiance;
- 17          (3) Approval of agenda;
- 18          (4) Public comment;
- 19          (5) ~~Administrative reports~~ Commissioner reports;
- 20          (6) ~~Public hearings~~ Administrative reports;
- 21          (7) ~~Old business~~ Public hearings;
- 22          (8) ~~New business~~ Old business;
- 23          (9) ~~Board appointments~~ New business;
- 24          (10) ~~Consent agenda~~ Board appointments;
- 25          (11) ~~Approval of minutes~~ Consent agenda;
- 26          (12) ~~Commissioner reports~~ Approval of minutes;
- 27          (13) County manager's report;
- 28          (14) Adjournment.

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



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

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

4  
5 ADOPTED this 18th day of June, 2018.

6  
7  
8 \_\_\_\_\_  
9 Bobby Hanig, Chairman

10 ATTEST:

11  
12 \_\_\_\_\_  
13 Leeann Walton  
14 Clerk to the Board

15  
16  
17 APPROVED AS TO FORM:

18 \_\_\_\_\_  
19 Donald I. McRee, Jr.  
20 County Attorney

21  
22 Date adopted: \_\_\_\_\_

23  
24 Motion to adopt by Commissioner \_\_\_\_\_

25 Second by Commissioner \_\_\_\_\_

26 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

27 S:\Legal\Ordinances\



## CURRITUCK COUNTY NORTH CAROLINA

June 4, 2018

Minutes – Regular Meeting of the Board of Commissioners

### WORK SESSION

#### 1. 5:00 PM Veterans Assistance Committee Presentation-E.T. Smith

The Board of Commissioners attended a work session at 5:00 PM in the Historic Courthouse Conference Room to discuss creating a Veterans Advisory Council in Currituck County. Chairman Hanig introduced Mr. E.T. Smith, an Army Veteran and Corolla Resident, who had been asked by the Veteran's Administration to reach out to Currituck County to aid with the establishment of a Veterans Advisory board. Mr. Smith reviewed duties, goals, Board makeup, the appointment process and needed resources. He distributed a document for Board review which detailed provisions of neighboring Dare County's Veterans Assistance Council. Commissioners agreed on the need for outreach to the county's veterans and agreed to establish the Veterans Advisory at their next meeting. Commissioner Beaumont expressed an interest in serving as Commissioner on the advisory board.

#### 6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met in regular session at 6:00 PM in the Historic Currituck Courthouse located at 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	Absent	
Bob White	Commissioner	Present	

Chairman Hanig called the meeting to order.

#### A) Invocation & Pledge of Allegiance-Bishop Emma Jones, Living Word Church

Bishop Jones did not attend. Commissioner Beaumont gave the Invocation and led the Pledge of Allegiance.

#### B) Approval of Agenda

Commissioner Gilbert amended the agenda as follows:

- A Resolution of the Currituck County Board of Commissioners Opposing North

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)

Carolina General Assembly Proposal to Eliminate a District Court Judge Position in the First Judicial District to the Consent Agenda was added to New Business.

- New Business Item B, Commissioners Report, was moved in the agenda order to take place after the public comment period.
- A Board Appointment was added to New Business.

Commissioner Gilbert moved for approval of the agenda and Commissioner Beaumont seconded the motion. The motion passed unanimously.

Approved agenda:

### **Work Session**

5:00 PM Veterans Assistance Committee Presentation-E.T. Smith

### **6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Bishop Emma Jones, Living Word Church

B) Approval of Agenda

### **Public Comment**

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

**Commissioner's Report:** *The agenda was amended and this item was moved from New Business to take place after Public Comment.*

### **Administrative Reports**

A) **Presentation of County Budget for Fiscal Year 2018-2019**

### **Public Hearings**

A) **PB 18-10 Clifford C. Byrum, Jr.:** Text Amendment to modify the Unified Development Ordinance, Chapter 10. Definitions and Measurements regarding the craft distillery definition to regulate the use by production volume instead of building size.

B) **PB 18-11 Julie Christian:** Text Amendment to modify the Unified Development Ordinance, Chapter 10. Definitions and Measurements to allow medical aesthetics tattooing in the General Business Zoning District.

**New Business****A) AMENDED-Board Appointment: Fire and EMS Advisory Board****B) Consent Agenda**

1. Approval Of Minutes-May 21, 2018
2. Budget Amendments
3. Revisions to Master Fee Schedule
4. Board of Equalization and Review-Minutes Approval
5. Resolution for Sole Source Purchase of Voting Ballot Machines
6. Proclamation-70th Anniversary of the Shawboro Ruritan Club
7. Knotts Island Ruritans-Peach Festival Event Application
8. **AMENDED**-Resolution of the Currituck County Board of Commissioners opposing North Carolina General Assembly Proposal to Eliminate a District Court Judge Position in the First Judicial District

**~~C) Commissioner's Report~~ *Item was amended and moved to take place after Public Comment*****D) County Manager's Report****Special Meeting of the Tourism Development Authority**

Presentation of Tourism Development Authority Budget for FY 2018-2019

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

Presentation of FY 2018-19 Budget for Ocean Sands Water & Sewer District

**Closed Session**

Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and in Order to Protect the Attorney-Client Privilege.

**Adjourn**

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

**PUBLIC COMMENT**

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)

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

Ben Wilson of Currituck asked Commissioners to look at amending the beach parking permit ordinance to allow all Currituck County residents to receive two guest passes or to allow for purchase at a reduced rate.

## **COMMISSIONER'S REPORT**

Chairman Hanig thanked county staff and the Corolla Fire Department for their efforts in installing beach parking signage in time for Memorial Day. He announced the need for members to serve on the regional Trillium Health Board and the county Senior Citizens Advisory Board. He recalled the earlier work session discussion and said there will be a need for members to serve on the Veterans Advisory.

Commissioner White reported the traffic lane shift on the off-road beach is working well and people with children like having the safe zone. He said there will be grading of the beach to maintain the area in conjunction with the change in driving pattern. Commissioner White said he is looking for someone willing to serve on the Board of Adjustment.

Commissioner Beaumont said as a follow-up on the White House visit, he recently spoke with White House contact Bill Kirkland about Whalehead dredging and stormwater issues at Carova Beach. He said the White House will be contacting the Army Corp of Engineers on our behalf since they have yet to contact the county directly.

Commissioner Gilbert provided a report on the Currituck County Animal Shelter and their recent success with adoptions at an event in Pennsylvania. She encouraged people to visit the shelter and to attend the Animal Services and Control Advisory Board meetings, held the first Thursday of each quarter. Commissioner Gilbert said the Northeast Workforce Development Board is looking for a Currituck business partner to serve and those interested can contact her directly or the county for more information. Chairman Hanig served as Chairman of the Board for four years and said it was a rewarding Board to sit on. Commissioner Gilbert thanked all who participated in the Let Summer Begin fundraising event for Currituck Kids over the weekend.

Commissioner Payment conveyed the sad news that longtime volunteer firefighter and former Chief of Lower Currituck Volunteer Fire and Rescue, Bill Jones, had passed away.

## **ADMINISTRATIVE REPORTS**

### **A. Presentation of County Budget for Fiscal Year 2018-2019**

Dan Scanlon, County Manager, began with a review of the General Statute and his duty as budget officer. Using a powerpoint, he presented the Fiscal Year 2018-2019 annual budget to the Board of Commissioners. He said the budget is available to the public on the county website or in paper form at the Manager's office. Mr. Scanlon's presentation included an overview of the General Fund budget. He noted the county's .48 cent tax rate would remain. He presented information on the tax base and highlighted particular aspects of general fund revenues and expenditures, operating budget items, education funds, personnel and debt management. Capital projects, including budget amounts for the Public Safety Center and Moyock Community Park were reviewed. The total annual budget is \$75,602,000.



After review the Public Hearing on the budget was set for the June 18, 2018, Board of Commissioners meeting for consideration and possible adoption to become effective July 1, 2018.

## PUBLIC HEARINGS

### A. PB 18-10 Clifford C. Byrum, Jr.:

Planning and Community Development Director, Laurie LoCicero, reviewed the text amendment application for the Board of Commissioners. She said the Planning Board revised the requested number of cases to 52,000, down from 52,600, and that approval was recommended with the modification. Ms. LoCicero responded to questions from Commissioners.

Applicant, Clifford Byrum, presented to the Board and explained the storage space needed for the aging process for products would take up much of the square footage, as well as limit his opportunity to expand the business. He said he is asking for the removal of the 4,000 square foot size limitation on the facility. Mr. Byrum responded to questions posed by the Board related to production quantities and elaborated on the size of the bottles and cases. He described the Caratoke Highway business location. After discussion, Commissioner Beaumont suggested that a stipulation be put in to better quantify the maximum production of product.

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

Commissioner White moved to approve PB 18-10 because the request is consistent with the Land Use Plan. In addition to recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions and spin-offs shall also be recognized (Policy ED3); the request is reasonable and in the public interest because it allows Currituck County to regulate an emerging industry in the same standards used by that industry; in addition, include approval of staff recommendation of 52,000 cases annually and no more than 100,000 proof gallons annually.

Commissioner Payment seconded the motion. The motion passed unanimously.

To: Board of Commissioners  
 From: Planning Staff  
 Date: May 29, 2018  
 Subject: PB 18-10 Clifford C. Byrum Jr., Craft Distillery

The enclosed text amendment, submitted by Clifford C. Byrum Jr., is intended to revise Chapter 10 of the UDO to define Craft Distilleries based on volume produced in lieu of the current building square footage threshold. The UDO currently classifies breweries by volume produced. The text amendment proposes to regulate distilleries similarly.

According to the American Distilling Institute, the production limit for a Craft Distillery is 52,600 cases per year.

**Planning Board Recommendation - May 10, 2018**

Mr. Craddock made a motion to approve with the change to the limited number of cases being 52,000 since it is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans; is not in conflict with any provision of this Ordinance or the County Code of Ordinances and is required by a change. Mr. O'Brien seconded the motion and the motion carried unanimously.

**RESULT: RECOMMENDED APPROVAL - WITH CHANGE TO 52,000 LIMITED CASES PER YEAR**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member

**Planning Board Discussion**

Chairman Whiteman during the work session had questioned the case number limit of 52,600 and referenced the online site for the American Distilling Institute showing that the number is actually 52,000. Also, Larry Lombardi represented Mr. Byrum and a phone conference was held during the work session that included Mr. Byrum, staff and board members. Mr. Byrum said he miscalculated the number of cases and agreed that the number should be changed to 52,000.

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

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 10 of the Unified Development Ordinance is amended by deleting the following strikethrough language and adding the underlined language.

**CRAFT DISTILLERY**

An establishment where spirituous liquor is produced on-site, and which shall include a tasting room in which guests or customers may sample the products. ~~The building in which the craft distillery operates shall not exceed 4,000 square feet.~~ Craft distilleries shall not produce more than 52,600 cases annually.

**Item 3:** 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 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

## **B. PB 18-11 Julie Christian:**

Planning and Community Development Director, Laurie LoCicero, reviewed the text amendment application for the Board of Commissioners which would add medical aesthetics tattooing to the general business zoning. She said concerns were expressed by the Planning Board with the use in the General Business district and whether someone could have a home occupation with the many residential homes included in the General Business district. Ms. LoCicero said home occupancy standards would be difficult to meet. Approval was recommended with language changes proposed by the Planning Board.

Ms. LoCicero responded to questions from the Board of Commissioners.

Julie Christian, Applicant, presented. She said medical aesthetic tattooing is a term developed by the Planning Board, and discussed other names for permanent cosmetic tattooing. She explained North Carolina is unregulated in the industry and licensing falls to the counties. Ms. Christian said she is licensed in Virginia and she discussed her training and certification. She distributed pictures showing samples of the aesthetics tattooing and discussed the differences in training and craft between body art tattooing and medical aesthetics tattooing. She responded to Board questions during presentation.

Commissioners expressed concern that others may open without taking care to have proper standards for cleanliness. The Board viewed the terminology as misleading and could present as a medical-related facility. Ms. Christian said she does prefer the "permanent cosmetics" terminology. She confirmed she wishes to teach the process to others.

Chairman Hanig open the public hearing, and with no one signed up nor wishing to speak, the public hearing was closed.

Commissioner Gilbert said she was not comfortable with the text amendment and wanted further conversation and research and moved to deny the text amendment. The motion was revised to delay a decision until some additional text is brought back before the Board. The motion was seconded by Commissioner Etheridge. The motion did not pass with a vote of 3-3. Commissioners Gilbert, Payment and Etheridge voted in favor and Chairman Hanig and Commissioners Beaumont and White were opposed.

Commissioner Beaumont moved for approval of PB 18-11 because the request is consistent with the Land Use Plan because new and expanding 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 in Currituck County. The request is reasonable and in the public interest because it will allow a specialized service to locate within the General Business and Limited Business zoning districts, with the exception of titling it Medical Aesthetic Tattooing, it will read Permanent Cosmetic Tattooing.

Commissioner White seconded the motion. After some confirmation and clarification of language and definitions included in the text amendment, the motion passed unanimously.

To: Planning Board

From: Planning Staff

Date: May 10, 2018

Subject: PB 18-11 Julie Christian, Medical Aesthetics Tattooing

The enclosed text amendment submitted by Julie Christian is intended to revise Chapter 10 of the Unified Development Ordinance to allow Medical Aesthetics Tattooing in the General Business (GB) Zoning District. The current ordinance allows tattooing only in the LI and HI zoning districts and does not acknowledge different types of tattooing. Medical Aesthetics tattooing, as defined below, is a professional service conducted in an office setting similar to a doctor or dentist. Including Medical Aesthetics Tattooing in the definition of *Professional Services Office* will allow the use in the MXR, GB, LB, CC, and VC zoning districts.

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 10 of the Unified Development Ordinance is amended by deleting the following strikethrough language and adding the underlined language.

#### **OFFICE, PROFESSIONAL SERVICES**

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, medical aesthetics tattooing, and similar professions.

#### **TATTOO PARLOR**

An establishment whose principle business activity, ~~either in terms of operation or as held out to the public~~, is the practice of producing body art including but not limited to one or more of the following: (1) the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

#### **BODY ART**

Art made on, with, or consisting of the human body. The most common forms of body art are tattoos and body piercings. Other forms include scarification, branding, subdermal implants, scalpel, shaping, and body painting. Body art is decorative in nature and does not include medical aesthetics tattooing.

**MEDICAL AESTHETICS TATTOOING**

An advanced form of cosmetic tattooing performed by a permanent cosmetics technician. Services provided include but are not limited to the following:

- The diminishment of the appearance of scar tissue due to traumatic injury
- Enhancement of lip symmetry due to a cleft lip
- Restoration of the areola complex
- Restoration of the appearance of hair loss due to alopecia
- Vitiligo color restoration
- Permanent cosmetics

Medical aesthetics tattooing does not include services defined as body art.

**Item 3:** 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 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

<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, Bob White, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Commissioner

**NEW BUSINESS****A. AMENDED-Fire and EMS Advisory Board**

Commissioner Beaumont moved to nominate Bill Bailey for reappointment to the Fire and EMS Advisory Board. The motion was seconded by Commissioner White and passed unanimously.

<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, Bob White, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Commissioner

**B) Consent Agenda**

Commissioner Gilbert moved for approval of the Consent Agenda. Mr. Scanlon was asked



by Commissioner Etheridge to review a budget amendment related to employee leave balance payouts for the Elections Department. With no further questions or discussion, the motion was seconded by Commissioner Payment. The motion passed unanimously.

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

## 1) Approval Of Minutes-May 21, 2018

### 1. Minutes for May 21, 2018

### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
61818-590000	Capital Outlay		\$ 1,500
61818-514500	Training & Education	\$ 1,500	
		\$ 1,500	\$ 1,500
<b>Explanation:</b>	Mainland Water (61818) - Certification training for staff.		
<b>Net Budget Effect:</b>	Mainland Water Fund (61) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10750-511000	Telephone & Postage		\$ 1,500
10750-513000	Utilities		\$ 3,000
10750-514000	Travel	\$ 4,000	
10750-514500	Training & Education	\$ 1,000	
10750-148000	Fees to Officials		\$ 500
10750-519500	TANF Emergency Assistance	\$ 400	
10750-519800	TANF Transportation		\$ 400
10750-561000	Professional Services	\$ 4,800	
10760-561000	Prof Services-Nonreimbursable		\$ 4,800
		\$ 10,200	\$ 10,200

**Explanation:** SOCIAL SERVICES ADMIN (750) - Move funds to cover increased travel expenses due to required services staff training and professional services costs that are eligible for 100% Family Reunification Fund reimbursement and were originally budgeted as non-reimbursable expenditures.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-533200	Lab Tests	\$ 11,000	
67878-553000	Dues and Subscriptions	\$ 4,000	
67878-545000	Contracted Services		\$ 15,000
		\$ 15,000	\$ 15,000

**Explanation:** Mainland Central Sewer (67878) - Move money from Contracted Services to Lab Tests and Dues and Subscriptions to cover costs for additional sewer sampling and testing.

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

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10430-502000	Salaries - Regular	\$ 8,500	
10430-503000	Salaries - Part-time	\$ 750	
10430-505000	FICA	\$ 708	
10430-506000	Insurance Expense		\$ 750
10430-507000	Retirement Expense	\$ 1,126	
10430-511000	Telephone & Postage		\$ 500
10430-514000	Travel		\$ 500
10430-516000	Repairs & Maintenance		\$ 300
10430-557100	Software License Fee	\$ 117	
10380-488400	ABC Profits		\$ 9,151
		\$ 11,201	\$ 11,201

**Explanation:** Elections (10430) - Increase appropriations to pay out leave balances for employees leaving the office and for additional software license fees.

**Net Budget Effect:** Operating Fund (10) - Increased by \$9,151.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10460-590000	Capital Outlay	\$ 15,000	
10460-516000	Maintenance & Repair	\$ 5,500	
10460-502000	Salaries		\$ 10,000
10460-506000	Insurance Expense		\$ 10,000
10460-531400	Equipment Fuel		\$ 500
		\$ 20,500	\$ 20,500

**Explanation:** Public Works (10460) - Transfer budgeted funds for unanticipated repairs/HVAC replacements.

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

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12543-514503	Travel/Training/Educ - Moyock	\$ 601	
12543-516003	Repairs & Maintenance	\$ 2,981	
12543-531003	Gas	\$ 1,000	
12543-532103	Fire Supplies	\$ 59	
12543-536103	Personal Protective Equipment	\$ 1,473	
12543-545000	Contracted Services	\$ 1,083	
12543-590003	Capital Outlay	\$ 3,166	
12543-511003	Telephone & Postage		\$ 1,200
12543-513003	Utilities		\$ 500
12543-516103	Building & Grounds		\$ 900
12543-532003	Supplies		\$ 750
12543-544003	Volunteer Assistance		\$ 3,411
12543-554003	Insurance		\$ 3,602
		<u>\$ 10,363</u>	<u>\$ 10,363</u>

**Explanation:** Moyock VFD (12543) - Transfer for operations.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
12546-536006	Uniforms	\$ 730	
12546-545000	Contract Services	\$ 525	
12546-553006	Dues & Subscriptions		\$ 1,255
		<u>\$ 1,255</u>	<u>\$ 1,255</u>

**Explanation:** Corolla VFD (12546) - Transfer for operations.

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

### 3. Revisions to Master Fee Schedule

### 4. Board of Equalization and Review-Minutes Approval

### 5. Resolution for Sole Source Purchase of Voting Ballot Machines

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)

# **RESOLUTION AUTHORIZING THE PURCHASE OF ELECTION VOTING BALLOT MACHINES FROM ELECTION SYSTEMS & SOFTWARE THROUGH SOLE SOURCE PURCHASE**

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

WHEREAS, the Currituck County Board of Elections has been using their current M100 tabulators for nearly 20 years, and the equipment has become obsolete making it difficult to find replacement parts. Due to these issues and natural wear and tear, the machines are jamming and the ballots are not stacking correctly when fed into the machine, frequently causing a halt to the voting process until the jams are cleared by the Chief Judge, and;

WHEREAS, the Currituck County Board of Elections tested the proposed DS200 tabulators during the 2018 One-Stop Early Voting Process. During this 18 day trial period the DS200's did not jam after receiving 955 ballots and the ballots stacked neatly in the bins, and;

WHEREAS, Election Systems & Software, is supplying the county with fifteen (15) Model DS200 Scanners with Internal Backup Battery, fifteen (15) Plastic Ballot Boxes with Steel Doors and e-Bins, fifteen (15) Paper Rolls and twenty (20) 4GB Jump Drives, equipment installation, Project Management Day Services, Equipment Operations Training Services, Election On-Site Support Services, and;

WHEREAS, the Board of Commissioners for Currituck County, North Carolina declares the following property as surplus and authorizes its use as a trade-in with \$7,500.00 trade-in allowance: Asset tags #6235-6249 for the Model 100 Scanners and Model 100 Ballot Boxes, and;

WHEREAS, the total price of the fifteen (15) Model DS200 Scanners with Internal Backup Battery, fifteen (15) Plastic Ballot Boxes with Steel Door and e-Bins, fifteen (15) Paper Rolls and twenty (20) 4GB Jump Drive, equipment installation, Project Management Day Services, Equipment Operations Training Services, Election On-Site Support Services is \$93,953.50 including the trade-in allowance of \$7,500.00 for the Model 100 Scanners and Model 100 Ballot Boxes; and

WHEREAS, the Elections System and Software voting system is the only voting system approved by the State of North Carolina for use in North Carolina counties.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$93,953.50 with Election Systems & Software for the sole source purchase of a Model DS200 Scanner and associated accessories in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Election Systems & Software for the acquisition apparatus, materials, trade-in approval and equipment acquisition described in this resolution and the proposed contract.

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

This the \_\_\_\_<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

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

## **6. Proclamation-70th Anniversary of the Shawboro Ruritan Club**

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)



## SHAWBORO RURITAN 70<sup>TH</sup> ANNIVERSARY PROCLAMATION

**WHEREAS:** the Shawboro Ruritan Club in Currituck County, North Carolina was issued the 248<sup>th</sup> Charter on September 7, 1948, from Ruritan National, and;

**WHEREAS:** Ruritan Clubs unify the efforts of individuals, organizations and institutions in the community toward making it an ideal place in which to live, and;

**WHEREAS:** as a duly chartered Ruritan Club, the Shawboro Ruritan Club has continued to maintain its commitment to the Ruritan principles, and;

**WHEREAS:** the Shawboro Ruritan Club, one of five Ruritan Clubs in Currituck County, has 65 years of continuous Fellowship, Goodwill and Community Service for the Shawboro region of Currituck County and;

**WHEREAS:** through the promotion of Fellowship and Goodwill it has created a better place to live and work, and;

**WHEREAS:** through the promotion of Community Service its initiatives are focused on the welfare of its entire constituency thereby creating opportunities and a better way of life for all.

**NOW THEREFORE BE IT RESOLVED:** The Board of Commissioners of Currituck County would like to recognize the Shawboro Ruritan Club for its 70 years of Fellowship, Goodwill and Community Service to the well-being of the citizens of Currituck County.

**ADOPTED** this 4<sup>th</sup> day of June, 2018:

\_\_\_\_\_  
Bobby Hanig, Chairman

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

### 7. Knotts Island Ruritans-Peach Festival Event Application

### 8. AMENDED-Resolution of the Currituck County Board of Commissioners opposing North Carolina General Assembly Proposal to Eliminate a District Court Judge Position in the First Judicial District

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
OPPOSING NORTH CAROLINA GENERAL ASSEMBLY PROPOSAL TO  
ELIMINATE A DISTRICT COURT JUDGE POSITION IN THE FIRST JUDICIAL  
DISTRICT**

Communication: Minutes for June 4, 2018 (Approval Of Minutes-June 4, 2018)

WHEREAS, there is pending in the North Carolina General Assembly House Bill 717, with Options B and Option C, that if enacted would eliminate one of five district court judge positions in the First Judicial District; and

WHEREAS, the First Judicial District is a geographically sprawling district comprised of seven Northeastern North Carolina counties that are not easily reached due to separation by the Albemarle Sound; and

WHEREAS, twenty years ago, with support and justification established by the First Judicial District judiciary, attorneys, law enforcement and others that regularly have matters before the district court, the number of district judge positions was increased from four to five to respond to an ever increasing caseload and delayed resolution of cases; and

WHEREAS, the demand on the district court continues to increase particularly in Currituck County which is one of the fastest growing counties in the State of North Carolina; and

WHEREAS, the North Carolina General Assembly has also added to the burden of counties and the district court by requiring faster disposition of juvenile custody and placement matters, that are in the exclusive jurisdiction of the district court, with financial consequences to the counties for failure to meet deadlines established by the state; and

WHEREAS, the reduction in days that the district court is operational in the First Judicial District will delay justice for numerous parties seeking resolution to their legal issues and lend truth to the adage that "justice delayed is justice denied".

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

Section 1. Currituck County opposes House Bill 717 with Options B and C, or any other legislation, which eliminates a district court judge position in the First Judicial District.

Section 2. The Clerk to the Board of Commissioners is directed to forward a copy of this resolution to the county's legislative delegations, Speaker of the House Tim Moore and President Pro Tempore of the Senate Phil Berger.

Section 3. This resolution is effective upon adoption.

ADOPTED this the 4<sup>th</sup> day of June, 2018.

### **C) County Manager's Report**

Mr. Scanlon reminded Commissioners of the upcoming North Carolina Department of Transportation meeting on the proposed widening of Short Cut Road.

### **RECESS**

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

### **SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners held a Special Meeting sitting as the Tourism Development Authority. The special meeting took place during a recess of the 6:00 PM regular meeting held on June 4, 2018, in the Board Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

#### **1. Presentation of Tourism Development Authority Budget for FY 2018-2019**

Tameron Kugler, Director of Travel & Tourism, was seated with the Tourism Development Authority and Dan Scanlon, County Manager, presented the proposed budget for Fiscal

Year 2018-19. He began with an explanation of occupancy tax appropriations breakdowns and restrictions and reviewed funds related to promotion, tourism-related expenditures, Whalehead operations budget, and presented costs that would include additional services for visitor population.

Connecting Corolla Plan and professional services for gathering data on beach erosion rates and initial civil work or development of the county's ten acre parcel on the beach were included as capital projects.

A date of June 18, 2018, was set for Public Hearing for possible adoption and an effective date of July 1, 2018. The budget is available for review on the county website or in paper form in the Manager's office.

### **ADJOURN TOURISM DEVELOPMENT AUTHORITY**

With no further business, Commissioner White moved to adjourn. The motion was seconded by Commissioner Gilbert and passed unanimously, concluding the special meeting of the Tourism Development Authority.

<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, Bob White, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Commissioner

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

The Currituck County Board of Commissioners held a Special Meeting sitting as the Ocean Sands Water and Sewer District Board. The special meeting took place during a recess of the 6:00 PM regular meeting held on June 4, 2018, in the Board Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

#### **1. Presentation of FY 2018-19 Budget for Ocean Sands Water & Sewer District**

County manager, Dan Scanlon, reviewed the Fiscal Year 2018-2019 budget proposed for the Ocean Sands Water & Sewer District representing water and sewer operations on the Currituck Outer Banks.

After review a date of June 18, 2018, was set for public hearing and possible adoption with an effective date of July 1, 2018.

### **ADJOURN OCEAN SANDS WATER & SEWER DISTRICT**

With no further business Commissioner Payment moved to adjourn. The motion was seconded by Commissioner White 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>	Mike H. Payment, Vice Chairman
<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, Bob White, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Commissioner

## CLOSED SESSION

The regular meeting of the Board of Commissioners was reconvened.

### 1. Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and in Order to Protect the Attorney-Client Privilege.

Chairman Hanig requested a motion to enter closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and in order to protect the attorney-client privilege. Commissioner Etheridge moved to enter closed session and was seconded by Commissioner Payment. The motion passed unanimously and the Board went into closed session.

<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, Bob White, Commissioner
<b>ABSENT:</b>	Mike D. Hall, Commissioner

## ADJOURN

### Motion to Adjourn Meeting

The Board returned from Closed Session and there was no further discussion. Commissioner Etheridge made a motion to adjourn and Commissioner Beaumont seconded the motion. The motion passed unanimously and the Board of Commissioners meeting was concluded at 8:50 PM.

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

Number 20180122

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of Jun 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12544-590004	Capital Outlay - Crawford	\$ 25,000	
12544-545000	Contract Services		\$ 25,000
		<u>\$ 25,000</u>	<u>\$ 25,000</u>

**Explanation:** 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.

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

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

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

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

Attachment: BAs-Reg\_Jun 18\_BOC (Budget Amendments)



Number

20180123

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of Jun 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

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

**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.

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

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

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

Attachment: BAs-Reg\_Jun 18\_BOC (Budget Amendments)

Number

20180124

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of Jun 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-503500	Salaries - Temp. Services		\$ 2,500
10510-503000	Salaries - Part Time	\$ 2,500	
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

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

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

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

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

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

Attachment: BAs-Reg\_Jun 18\_BOC (Budget Amendments)

Number

20180125

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of Jun 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10480-557300	Excise Tax on Deeds	\$ 70,000	
10320-410000	Deed Stamp Excise Tax		\$ 70,000
		<u>\$ 70,000</u>	<u>\$ 70,000</u>

**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.

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

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

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

Attachment: BAs-Reg\_Jun 18\_BOC (Budget Amendments)

Number 20180126

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 18th day of Jun 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

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

**Explanation:** Solid Waste (63838) - Increase appropriations to reflect increased revenues and for operations for the remainder of this fiscal year.

**Net Budget Effect:** Solid Waste Fund (63) - Increased by \$173,800.

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

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

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

Attachment: BAs-Reg\_Jun 18\_BOC (Budget Amendments)

## 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			
<u>Asset Tag</u>	<u>Description (Year &amp; Make/Model)</u>	<u>Dept</u>	<u>Serial Number</u>
6904	2009 Nissan Titan (Full size crew cab)	Planning	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)

Attachment: Surplus Resolution-2009 Nissan Titan (Surplus Resolution-Nissan Titan 2009 Asset #6904)



## CURRITUCK COUNTY JOB DESCRIPTION

### JOB TITLE: AIRPORT MANAGER, BUSINESS DEVELOPMENT AND AIRPORT OPERATIONS

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

#### AIRPORT

#### GENERAL STATEMENT OF JOB

Under general supervision, performs responsible administrative, managerial and supervisory work in both providing critical staff support and business development work for Currituck County Economic Development, and directing the operations of Currituck County Regional Airport (ONX), a public-use, General Aviation airport,

This position is dually responsible for managing various projects and tasks in support of Currituck County Economic Development, and directing the operations, administration, maintenance, and security of the Currituck County Regional Airport. The Business Development and Airport Operations Manager is a mid-level management position, requiring considerable initiative, expertise and collaborative spirit with the ability to balance day-to-day activities with long and short term projects.

Additional responsibilities may be assigned. Reports to the Director of Economic Development and the Assistant Public Services Director/Assistant County Engineer.

#### SPECIFIC DUTIES AND RESPONSIBILITIES

#### ESSENTIAL JOB FUNCTIONS

#### **BUSINESS DEVELOPMENT MANAGER, ECONOMIC DEVELOPMENT**

Provides professional level management support to the Director of Economic Development in the promotion of Currituck County & Currituck Regional Airport to retain, expand and recruit business and spur job creation.

Performs work to support Currituck County Economic Development Advisory Board, including the development of meeting agendas, minutes, project reports, data and other critical support material as instructed by the Director of Economic Development. Serves as staff liaison to the Economic Development Advisory Board.

Works closely with Director of Economic Development and marketing consultants on content development and contract management for the ThinkCurrituck.com website, to include: database updates (properties, current events, announcements, business list), promotional flyers, blog posts, E-blasts, etc.

Assists Department Director of Economic Development in managing and executing promotional strategies formulating budgets, contracts and hired consultants. Provides capable and critical overview and feedback regarding Currituck County Regional Airport promotional and marketing materials.

Works closely with the Economic Development Advisory Board, Currituck Chamber of Commerce, Currituck County Travel & Tourism Department, NCDOT Division of Aviation, NC Department of Commerce, and other strategic alliance partners to support and promote Currituck County to various business clients.

Assists the Department Director of Economic Development in representing the County on Airport & Economic Development boards and committees. As directed, travels to meetings throughout the region concerning Currituck County Regional Airport & Economic Development. Establishes and strengthens relationships with State, Regional and Federal officials.

~~Provides direct client recruitment support in responding to new business queries, developing relocation packages, attending meetings and directing County resources. In partnership with Director of Economic Development, maintains database of new business inquiries of active prospects, clients and projects and any corporate aircraft landing at the Currituck County Regional Airport, i.e. Home Depot officials.~~

~~Works with Economic Development Director on marketing strategies to promote airport facilities and services to expand business and attract aviation related tenants; devises new methods to increase revenues. Responsible for management and updating of all airport information available online and in print via ThinkCurrituck.com, CurrituckGovernment.com, AirNav.com, etc.~~

### **AIRPORT OPERATIONS MANAGER, CURRITUCK COUNTY REGIONAL AIRPORT**

Plans, organizes and directs airport operations, security and maintenance services, emergency situations, and for long range expansion in response to demand.

Performs operational, administrative or any tasks as needed regarding the daily operations or performing the technical aspects of airport functions.

Analyzes business, operational and maintenance functions; recommends modifications, and alternative solutions to improve operations and facilities; develops emergency response plans and formulates procedures for use in event of aircraft fire or other emergencies;

Determines and assigns project priorities based on operational needs and Federal Airport Certification requirements.

Develops and implements operational plans and procedures for aviation facility; confers with federal officials, departmental representatives, tenants and prospective tenants regarding design and development of facilities;

Evaluates quality and effectiveness of airport programs and services and makes sound recommendations to improve operations and facilities.

Prepares and manages annual and capital budgets; projects revenues; recommends and justifies budget for approval; maintains accounting for budget, and approves purchases.

Manages fuel system: updates computerized Fuel Management system on a regular basis; orders and coordinates delivery of fuel; ensures fuel farm is maintained in a safe and secure manner.

Formulates, oversees, updates and enforces Airport Rules & Regulations, Minimum Operating Standards, internal operational procedures, aircraft landing, taxiing, take-off patterns, and aircraft safety arrangements for Currituck County Regional Airport.

Responsible for the establishment, encouragement and continued practice of polite, friendly, customer-oriented service by all County employees and contractors for all travelers, pilots, tenants and other guests of Currituck County Regional Airport.

Supervises lineman staff and private contractors involved in security, trades, equipment operation, custodial, administration, accounting, etc.

Coordinates, and educates where necessary, Airport tenants in safety, security, rules and regulations, and interaction with County Finance Office, and other areas. Maintains required federal, state and local records, including FAA; ensures compliance with all regulations including OSHA safety and health.

Oversees hiring and training of County airport staff; recommends discipline and dismissal of staff to the ~~Economic Development Director~~ Assistant Public Services Director/Assistant County Engineer, County Engineer and County Manager.

Develops and executes marketing strategies to promote airport facilities and services and to expand business and attract aviation-related tenants; devises new methods to increase revenues.

Consults with Attorney on hanger and business tenant contracts; confers with property management to initiate lease preparation and renovation of facilities to accommodate tenants.

Consults with and coordinates projects with engineering staff; coordinates maintenance and repair activities to minimize impact on operations.

Works with ~~Economic Development Director~~ Assistant Public Services Director/Assistant County Engineer on preparation and management of annual and capital budgets; provides annual reporting and forecasting for airport revenues and expenses; recommends fee changes; maintains accounting for budget; requisitions and approves purchases through County finance department.

Establishes and maintains effective working relationships with associates and tenants; promotes effective interrelationships with leasing tenants, fixed base operators, business and guest passengers, federal, state and local officials, and the general public.

~~Works with Economic Development Director on marketing strategies to promote airport facilities and services to expand business and attract aviation-related tenants; devises new methods to increase revenues. Responsible for management and updating of all airport information available online and in print via ThinkCurrituck.com, CurrituckGovernment.com, AirNav.com, etc.~~

Ensures the maintenance, repair and state of all airport facilities including runways, ramps, taxiways and roadways meet Federal Airport Certification requirement

Work is performed under general direction of the ~~Economic Development Director~~ Assistant Public Services Director/Assistant County Engineer. Work is evaluated through annual performance evaluations, supplemented by-weekly meetings and quarterly reports regarding ~~economic development and~~ airport business operations.

Work includes short and long range planning and budgeting, supervising staff and contractors. Work involves ensuring that facilities are in operational condition at all times and in compliance with FAA safety regulations; developing and recommending policies, procedures, and fee structures for approval by the Board of County Commissioners. ; ~~and serving as staff liaison to the Economic Development Advisory Board.~~

This employee operates with considerable latitude that requires discretion and judgment grounded in extensive technical aviation knowledge and business acumen to make independent professional and managerial decisions. Tact and diplomacy are required in contacts with pilots, corporate and business executives, the general public, employees, local officials and advisory board members.

The employee is subject to hazards in the work including indoor and outside environmental conditions; significant noise and vibrations; physical conditions such as proximity to moving mechanical parts, electrical current; working in high places, narrow aisles, crawl spaces and areas which could cause claustrophobia; and exposure to high heat, chemicals, oils, fumes, dusts, odors, or poor ventilation.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens.

### ADDITIONAL JOB FUNCTIONS

~~Assist with operational, administrative or any tasks as needed in supervising the daily operations or performing the technical aspects of airport functions.~~

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

### MINIMUM TRAINING AND EXPERIENCE

Graduation from four year college with a degree in Aviation Management, Business Administration or related field and at least four (4) years of considerable, progressively responsible airport, ~~economic development~~, business administration, management; or any equivalent combination of education and experience. Must have demonstrated experience in management of personnel.

### SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

~~Certification in advanced airport safety and operations.~~

Ability to pass a security background check.

### MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Must be able to perform basic life functions including climbing, balancing, standing, walking, pushing, pulling, lifting, grasping, talking, hearing, and repetitive motions.

Must be able to perform medium work involving exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds constantly to move objects.

Must have visual acuity to prepare and analyze data and figures; to develop budget figures; operate a computer terminal; to read extensively; to inspect small defects, parts or moving equipment and to use measurement devices; to operate equipment; and to inspect work and determine accuracy and thoroughness.

### KNOWLEDGE, SKILLS AND ABILITIES

Considerable knowledge of and skill in utilizing principles of leadership, supervision, organization, and administration.

Considerable knowledge of regional and local economic development issues and relevant NC Statutes covering public information, public meetings law, and client confidentiality.

Skill in analyzing business, operational and maintenance issues and in developing alternative solutions or approaches.

Thorough understanding and knowledge of marketing principles, promotional activities and general sales practices.

Thorough & considerable knowledge of FAA rules, regulations and federal certification standards for operating a general aviation airport, and of airport operations, management and development.

Considerable knowledge of equipment, tools and facilities required for safe, efficient operation of an airport.

Considerable knowledge of modern practices and principles of accounting and budgeting as applied to airport operations.

Considerable knowledge of the occupational hazards and safety precautions involved in the work.

Ability to establish and maintain effective working relationships with pilots, business executives, federal, state and local officials, customers, County departments heads, employees, and the general public.

Ability to be tactful and courteous in dealing with the customers and the general public.

Ability to keep accurate records and to prepare reports.

Ability to interpret and utilize technical sketches and plans.

ED: 06/18/2018 (REV BOC)  
ED: 4/21/2014 (REV BOC)



## **CURRITUCK COUNTY JOB DESCRIPTION**

### **JOB TITLE: BUILDING INSPECTOR (I, II, III) PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

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

Under general supervision, performs supervisory and skilled inspection work for the county Planning & Community Development Department in securing compliance with established codes governing one or more of the following areas of the building trades: electrical, fire, building (construction and energy), mechanical, and plumbing. Work involves interpreting, applying and enforcing rules and regulations relating to the construction of new buildings and the repair of existing buildings; inspecting electrical installations for quality of workmanship, materials and safety precautions; and interpreting, applying and enforcing rules and regulations for plumbing and mechanical system installations in new and existing buildings. Employee is also responsible for enforcing the fire code, inspecting buildings and facilities for electrical and fire hazards, and reviewing plans and specifications for new construction. Work also involves preparing and maintaining inspection reports and records, assisting the general public with inquiries pertaining to building codes and permit procedures, reviewing plans, issuing permits, assisting with zoning and CAMA regulations and serves as a member of the Storm damage assessment team. Reports to the Chief Building Inspector.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES**

##### **ESSENTIAL JOB FUNCTIONS**

Inspects buildings in the process of construction, alteration or repair for compliance with building code requirements, approved plans, and construction and safety practices; examines plot plans, structural framing, insulation installation, and general arrangement of building facilities for quality of design, materials and workmanship.

Inspects electrical installations and facilities for compliance with code requirements; checks plans and specifications for the proper installation and connections of fixtures; investigates complaints concerning buildings that may not comply with electrical codes.

Inspects heating, ventilation and air conditioning systems of building structures; reviews newly issued building permits along with plans and specifications for proper heating, ventilation and air conditioning systems; assists and advises contractors and others regarding pertinent regulations.

Inspects plumbing systems of building structures; reviews newly issued building permits along with plans and specifications for proper plumbing systems; assists and advises contractors and others regarding pertinent regulations.

## **BUILDING INSPECTOR (I, II, III)**

Inspects new and existing facilities for compliance with fire code requirements; checks plans and specifications for the proper installation. Investigates complaints concerning buildings that may not comply with the fire code.

Inspects new and existing residences, businesses, schools and other buildings for conformance with safety standards, zoning codes and ordinances; inspects mobile homes issues inspection certificates for approved installation; informs public concerning code regulations.

Enforces state and local building codes, issuing stop-work orders and pursuing other legal remedies, as necessary, to stop violations; testifies in court, as necessary.

Prepares and maintains reports and records pertaining to inspections and code enforcement work.

Reviews and studies building code regulations to maintain knowledge of changes in building codes and ordinances; completes necessary classes to maintain required inspection certification.

### **ADDITIONAL JOB FUNCTIONS**

Assists in enforcing CAMA regulations.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Member of storm damage assessment team.

Performs other related work as required.

### **MINIMUM TRAINING AND EXPERIENCE**

Graduation from high school, supplemented by special training in building inspection, and some experience in residential and/or commercial electrical building, mechanical or plumbing construction work; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

### **SPECIAL REQUIREMENTS**

Possession of a certificate from the North Carolina Code Officials Qualification Board at a level specified by the County and State for area(s) of inspection. Possession of valid North Carolina driver's license.

### **AREAS OF CERTIFICATION**

Electrical, building ~~(includes energy insulation)~~, plumbing, mechanical, and fire.

## BUILDING INSPECTOR (I, II, III)

### CLASS LEVELS

New employees must hold stated certification.

**Building Codes Inspector I** - Probationary, Limited or Standard Level I in building, plumbing, electrical, **fire** and mechanical.

**Building Codes Inspector II** - Standard level 2 certification in at least 2 areas with a probationary level 2 in the remaining areas.

**Building Codes Inspector III** - Standard level 3 certification in at least 2 areas with a probationary level 3 in the remaining areas.

### MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

**Physical Requirements:** Must be physically able to operate a variety of machinery and equipment, including typewriters, copiers, calculators, levels, measuring tapes, electrical diagnostic equipment, etc. Must be physically able to operate a motor vehicle. Must be able to exert up to 50 pounds of force occasionally, and/or up to 25 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Requires the ability to maintain body equilibrium when bending, stooping, crouching, climbing, reaching and/or stretching arms, legs or other parts of body, and to physically maneuver over and/or upon varying terrain, surfaces or physical structures. Physical demand requirements are of those for Medium Work.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

**Interpersonal Communication:** Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments or directions from superiors.

**Language Ability:** Requires the ability to read a variety of reports, correspondence, permits, diagrams, etc. Requires the ability to prepare a variety of correspondence, reports, forms, etc., using prescribed formats. Requires the ability to speak to people with poise, voice control, and confidence.

**Intelligence:** Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

**Verbal Aptitude:** Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including architectural, construction, electrical, plumbing, engineering, and mechanical terminology.

## BUILDING INSPECTOR (I, II, III)

**Numerical Aptitude:** Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; perform calculations involving variables, formulas, square roots and polynomials.

**Technological Aptitude** Requires the ability to utilize computers, tablets, and cell phones. Requires the ability to utilize Microsoft Word, Excel, Power Point, and Publisher. Experience with Munis Permitting software and AutoCAD desired.

**Form/Spatial Aptitude:** Requires the ability to inspect items for proper length, width and shape.

**Motor Coordination:** Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment and hand tools.

**Manual Dexterity:** Requires the ability to handle a variety of items, such as keyboards, control knobs, switches, hand tools, etc. Must have minimal levels of eye/hand/foot coordination.

**Color Discrimination:** Requires the ability to differentiate between colors and shades of color.

**Interpersonal Temperament:** Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

**Physical Communication:** Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

## **KNOWLEDGE, SKILLS AND ABILITIES**

Considerable knowledge of modern building, plumbing, electrical and mechanical construction practices, materials and equipment of the various stages of construction when violations and defects should be observed and corrected.

Considerable knowledge of state and local ordinances and codes administered through the Planning and Community Development Department applicable to the inspector's area of certification.

Considerable knowledge of the approved methods and practices involved in the installation, construction, repair and maintenance of a variety of electrical and mechanical equipment.

Considerable knowledge of the geographical layout of the County.

Ability to use common office equipment.

Ability to use common measurement and electrical system diagnostic equipment, and hand tools.

Ability to detect and locate defective workmanship in construction or repair of buildings.

**BUILDING INSPECTOR (I, II, III)**

Ability to interpret blueprints, diagrams, specifications, codes and building regulations.

Ability to exercise tact, courtesy and firmness with property owners, architects, engineers, developers, contractors and the general public.

Ability to physically maneuver on scaffolds, structural members and in cramped quarters to accomplish thorough inspections.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

ED: 06/18/2018 (BOC REV)

~~ED: 07/07/2014 BOC REV~~



## CURRITUCK COUNTY JOB DESCRIPTION

**JOB TITLE: CUSTODIAN**

**PUBLIC WORKS DIVISION**

**PUBLIC SERVICES DEPARTMENT**

**NORTH CAROLINA COOPERATIVE EXTENSION, CURRITUCK COUNTY CENTER**

### **GENERAL STATEMENT OF JOB**

Under general supervision, performs a variety of custodial work in the care and maintenance of County buildings and facilities. Work involves sweeping, mopping and using vacuum cleaners to clean floors; washing walls, woodwork and fixtures; and policing buildings to empty trash receptacles and pick up debris, etc. Reports to the County Extension Director or designee ~~Building Superintendent/Solid Waste Director.~~

### **ESSENTIAL JOB FUNCTIONS**

Dusts and cleans desks and other furniture.

Sweeps, mops, scrubs and vacuums floor surfaces; schedules floor work to ensure least possible disruption of work routines in buildings and offices.

Cleans and sanitizes restroom facilities and fixtures, and replenishes paper supplies and soap as necessary.

Cleans windows, walls, woodwork, blinds and light fixtures.

Empties trash receptacles and deposits collected refuse in proper receptacles; deposits recyclable material in proper receptacles.

Patrols buildings to inspect for safety or maintenance problems; addresses or reports problems as necessary; unlocks facility ~~County buildings~~ in the mornings. Secures facility at close of business.

Serves as point of contact for groups utilizing the facility. Occasional after hours and weekend work required.

~~Stocks supplies in central supply room as received.~~

Procures and maintains inventory of janitorial supplies (cleaning supplies and products, paper and soap supplies, trash can liners, etc.)

Polices the buildings and grounds daily looking for any abnormalities, picking up trash, litter or other debris; notifies appropriate staff person ~~Maintenance~~ when there is an issue that needs to be addressed with buildings and grounds.

Maintains book of Safety Data Sheets (SDS) for all products used in the performance of duties.

Basic computer operations for retrieving work orders, time clock, email and schedule of operations.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens. Must follow rules, methods and safe handling in connections with blood borne pathogens.

### **ADDITIONAL JOB FUNCTIONS**

Emergency or accident cleanup on call for spills, messes, broken glass, etc.

May supervise community service workers.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other duties as assigned.

### **CUSTOMER SERVICE**

This is a front-line position for providing excellent customer service to members of the general public and other County employees through personal contact.

### **MINIMUM TRAINING AND EXPERIENCE**

Demonstrated ability to read and write, with graduation from high school preferred, and some experience in custodial work; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

### **SPECIAL REQUIREMENTS**

Possession of a valid North Carolina driver's license.

### **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

**Physical Requirements:** Must be physically able to operate a variety of machinery and equipment, including vacuum cleaners, brooms, mops, etc. Must be able to exert up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects. Physical demand requirements are for light to medium work.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

**Interpersonal Communication:** Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments or directions from superiors.

**Language Ability:** Requires the ability to read simple correspondence and forms. Requires the ability to prepare time sheets and leave slips using prescribed format. Requires the ability to speak to people with poise, voice control and confidence.

**Intelligence:** Requires the ability to apply common sense understanding to carry out instructions furnished in written, oral or diagrammatic form; to deal with problems involving several concrete variables in or from standardized situations.

**Verbal Aptitude:** Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in standard English.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using janitorial equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as switches, levers, handles, hand tools, etc., Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and hear: (Talking – expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.)

### **KNOWLEDGE, SKILLS AND ABILITIES**

General knowledge of the standard methods, materials and equipment employed in janitorial work.

General knowledge of the physical layout of County buildings and facilities.

Some knowledge of cleaning procedures and the use of cleaning materials.

Ability to use common cleaning tools and equipment.

Ability to understand and follow oral and written instructions.

Ability to perform medium physical work.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

ED: 06/18/2018 (REV BOC)

~~ED: 08/21/2017 (REV BOC)~~

Building Inspection's Grade and Step Chart

BOC approved 7-1-2018  
~~BOC approved 7-1-2005~~

Building Inspectors can advance from a level I to a level III by classes and State testing for advanced certification. Currituck County has agreed to support career advancement for Building Inspectors per the following chart.

All Inspectors are hired at step 1 of the respective grade. Completion of the 6 month probation advances the employee to step 2. Step 3 is the permanent salary step which is achieved at one year of employment.

Building Inspector Trainee	Grade 56 step 1-3
Probationary Level I	Grade 57 step 1-4
one certificate	= one step
two certificates	= two steps
three certificates	= three steps
four certificates	= four steps
five certificates = Level I	= next grade
Probationary Level II/Fully qualified Level I Inspector	Grade 59 step 1-4
one certificate	= one step
two certificates	= two steps
three certificates	= three steps
four certificates	= four steps
five certificates = Level II	= next grade
Probationary Level III/Fully qualified Level II Inspector	Grade 61 step 1-4
one certificate	= one step
two certificates	= two steps
three certificates	= three steps
four certificates	= four steps
five certificates = Level III	= next grade
Fully qualified Level III Inspector	Grade 63 step 1-4
Chief Building Inspector/fully qualified Level III	Grade 66 64

\*Materials, fees, travel and travel time are all compensable.

Number

TDA2018021

## BUDGET AMENDMENT

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.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-545100	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
		<u>\$ 25,300</u>	<u>\$ 25,300</u>

**Explanation:** 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.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$25,300.

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

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

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

Attachment: BAs-TDA June 18\_SM (TDA-Budget Amendments)