



## **CURRITUCK COUNTY NORTH CAROLINA**

May 3, 2021

Minutes – Regular Meeting of the Board of Commissioners

### **WORK SESSION**

#### **1. 4:00 PM Planning Department Staff Reports / Noise Ordinance Amendment**

The Board of Commissioners met at 4:00 PM in the Board Meeting Room of the Historic Courthouse for a work session.

##### **Noise Ordinance Amendment:**

Following consideration of an amendment to the Noise Ordinance at the April 5 and April 19, 2021, Board meetings, Commissioners requested a work session when questions were raised about impacts the changes may have on residential communities, particularly in Corolla. County Attorney, Ike McRee, reviewed the changes with the Board. He confirmed there are no changes proposed to increase allowable decibel levels, a concern of many in Corolla. The amendment would allow amplified sound permits to be issued in residential areas and would provide for an increase in the number of permits that can be issued. Mr. McRee said the limitations in the ordinance affected the ability to hold weddings in both large residential homes and venues such as Whalehead in Historic Corolla Park, which would be limited to only two per year.

Commissioners discussed concerns with allowing more amplified sound permits in residential areas. Sheriff Matt Beickert was in attendance and spoke about the application process and requirements associated with permits issued through the Sheriff's Office. He said approximately sixty permits are issued annually in Corolla, the majority located in the Whalehead subdivision. He said some locations have had multiple permits issued. The department receives about 150 noise complaints annually in Corolla overall. Sheriff Beickert responded to several questions posed by Commissioners.

The Board considered the importance of the wedding industry on the Outer Banks and the negative effects of restricting residential permits. Following a discussion of appropriate decibel levels and the effective response by the Sheriff's office to resolve complaints, Commissioners asked that the County Attorney craft language to allow some permitting in residential areas with sound restrictions while still allowing weddings to take place. Mr. McRee made some recommendations and agreed to prepare the ordinance to be heard on May 17, 2021, for possible adoption.

Commissioners addressed utility easements for historic drainageways, and following a brief discussion, settled on a 25' setback for residential subdivisions and leaving a 50' setback if in working farmland. If farmland is rezoned residential, the easement will convert to the 25' setback.

**Staff Reports:**

Mr. Stikeleather recalled a recent meeting with Planning and Community Development where staff had asked for guidance as to what information they should include in planning staff reports that would most benefit Commissioners in their decision making process. A variety of sample staff reports were distributed to Board members, and each section was examined for Commissioners to determine whether the information should remain or be stricken from the report.

After reviewing Use Permit staff reports, Commissioners requested the "Recommendation" be removed. Instead, they asked staff to include both a statement of "ordinance compliance" and for staff concerns to be presented. During review, Mr. McRee confirmed that findings under the Use Permit Review Standards are necessary to support conclusions related to policy or testimony. Commissioners requested staff continue to prepare motion sheets for meetings and asked that space be made available for note taking. No other changes were made.

The staff report for a Preliminary Plat/Use Permit was reviewed and Commissioners made no changes and directed that the adequate public facilities information remain as is.

Commissioners began discussing the county's Adequate Public Facilities ordinance, particularly as it relates to schools. Donna Voliva, Assistant Planning Director, provided information on both the student Average Daily Membership (ADM) and student Committed Capacity numbers, and explained the difference between the two and how the data can be used in the planning and approval process. Following discussion, Commissioners directed Planning staff to update ADM and committed capacity numbers more frequently, from twice a year to quarterly.

Time ran short and Mr. Stikeleather suggested a second work session to complete reviews for rezoning and text amendment staff reports. He said the Adequate Public Facilities ordinance could also be discussed at a later date in more detail with Commissioners. The Work Session concluded at 5:49 PM.

**6:00 PM CALL TO ORDER**

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

| Attendee Name          | Title        | Status  | Arrived |
|------------------------|--------------|---------|---------|
| Michael H. Payment     | Commissioner | Present |         |
| Paul M. Beaumont       | Commissioner | Present |         |
| J. Owen Etheridge      | Commissioner | Present |         |
| Mary "Kitty" Etheridge | Commissioner | Absent  |         |
| Selina S. Jarvis       | Commissioner | Present |         |
| Kevin E. McCord        | Commissioner | Present |         |
| Bob White              | Commissioner | Present |         |

Chairman Payment called the meeting to order and announced the earlier work session.

**A) Invocation & Pledge of Allegiance**

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

**B) Approval of Agenda**

Commissioner White moved to amend the agenda. The Administrative Reports presentation by the Economic Improvement Council was removed. The amendment to the county's Noise Ordinance, scheduled under Old Business, was withdrawn and rescheduled for the May 17, 2021, regular meeting of the Board.

Commissioner McCord seconded the motion and the agenda was approved as amended.

Approved agenda:

**Work Session**

4:00 PM Planning Department Staff Reports / Noise Ordinance Amendment

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

**Public Comment**

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

**Commissioner's Report****County Manager's Report****County Attorney's Report****Administrative****Reports**

~~A) Economic Improvement Council-Dr. Landon Mason, Executive Director~~  
~~This item was~~

~~removed from the agenda. Presenters were unable to attend.~~

**Old Business**

~~A) Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain~~

**~~Decibel Levels~~ Removed from consideration, to be heard at the May 17, 2021 BOC Meeting.**

**New Business**

- A) A Resolution of the Board of Commissioners Opposing NC Senate Bill 455 to Decriminalize Non-Statutory Criminal Offenses and Violations**
- B) A Resolution of the Board of Commissioners Opposing NC Senate Bill 349/House Bill 401-Increase Housing Opportunities**
- C) Consideration for Approval of Engineering Design Proposal for Moyock Wastewater Treatment Plant**
- D) Consideration for Approval of Design Proposal for Moyock Elementary School Renovation and Addition**
- E) Consent Agenda**
  - 1. Budget Amendments
  - 2. Project Ordinance-Moyock Sewer Upgrades and Expansion
  - 3. Project Ordinance-Moyock Elementary School Expansion-Design
  - 4. Resolution Authorizing Design-Build Construction Delivery Method for the Fuel Farm Renovation Project
  - 5. Proclamation of the Board of Commissioners Declaring May 2021 as Older Americans Month
  - 6. Approval of Commissioner Travel to NCACC Annual Conference, August 2021
  - 7. Approval Of Minutes-April 19, 2021/BOC-BOE Joint Mtg

**Adjourn**

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Bob White, Commissioner   |
| <b>SECONDER:</b> | Kevin E. McCord, Commissioner   |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

**PUBLIC COMMENT**

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

Chairman Payment opened Public Comment. No one was signed up nor wished to speak and Public Comment was closed.

### **COMMISSIONER'S REPORT**

Commissioner McCord reported on a recent house fire in the county and acknowledged the efforts of firefighters on scene for their efforts. He encouraged citizens to support local fire departments and all first responders.

Chairman Payment also acknowledged the efforts of firefighters and asked for continued support of the county's fire departments. He reminded everyone to drive carefully in light of traffic picking up resulting in more accidents on the highway.

Commissioner White reported on the noise ordinance amendment discussed at the earlier work session. In response to email comments received from the public, he stressed the decibel levels set out in the ordinance are not changing, which was the main concern of many writers. He addressed a parking change recently implemented by the Sheriff's office on the off-road area that allows parking to begin after the first half mile from the north beach ramp. Commissioner White said an ordinance would be on the next meeting agenda that will re-establish vehicle parking to begin after the first mile and a half.

Commissioner Jarvis acknowledged the Proclamation on the meeting Consent Agenda to recognize May as Older Americans Month. She said help is needed in the community and encouraged people to volunteer to deliver meals to home-bound seniors. For information, call 232-3505.

### **COUNTY MANAGER'S REPORT**

County Manager, Ben Stikeleather, reported the status of the county's agreement with the North Carolina Wildlife Resources Commission to initially fund and eventually assume operations of the Center for Wildlife Education in Historic Corolla Park. He foresees no changes to the educational programming at this time. He announced the county's Senior Centers re-openings that will include in-house nutrition services several days a week. The Inter-County Public Transportation System will also resume operation. He updated the Board on the culvert repair at the Shawboro waste convenience site and expects completion within a couple of days.

### **COUNTY ATTORNEY'S REPORT**

County Attorney, Ike McRee, said he participated in a virtual meeting with the North Carolina Association of County Commissioners to discuss an agreement to settle the Opioid litigation in which the county is involved. He reviewed the anticipated settlement and distribution plan agreement in which counties involved would receive eighty percent of any settlement amount. Currituck County would stand to receive \$1,349,474 if the settlement is agreed to by the counties and cities involved. He said spending would be restricted to fund education and training initiatives and collaborative efforts between local jurisdictions would be allowed. A copy of the agreement was distributed to Board members for review. Mr. McRee feels comfortable supporting the settlement offer. Mr. McRee updated the Board on departmental activity and noted 141 contracts have been reviewed by the Legal office since January.

### **ADMINISTRATIVE REPORTS**

**A. Economic Improvement Council-Dr. Landon Mason, Executive Director**

The presenters were unable to attend. The item was removed from the agenda.

**OLD BUSINESS****A. Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-31, 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels**

The agenda was amended and this item was rescheduled to be considered at the May 17, 2021 Board of Commissioners meeting.

**RESULT:****WITHDRAWN****Next: 5/17/2021 4:00 PM****NEW BUSINESS****A. A Resolution of the Board of Commissioners Opposing NC Senate Bill 455 to Decriminalize Non-Statutory Criminal Offenses and Violations**

County Manager, Ben Stikeleather, introduced the two Resolutions for consideration by the Board of Commissioners. The resolutions oppose legislation introduced in the North Carolina General Legislature that takes authority away from local governments. Following a brief review of a Resolution opposing legislation to decriminalize and establish maximum fines for non-statutory criminal offenses, Commissioner J. Owen Etheridge moved for approval. Commissioner Beaumont seconded the motion. The motion carried, 6-0.

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS OPPOSING NORTH CAROLINA SENATE BILL 455 (“AN ACT TO DECRIMINALIZE NON-STATUTORY CRIMINAL OFFENSES AND VIOLATIONS”)**

**WHEREAS**, the legislation proposed in SB 455 (“An Act to Decriminalize Non-Statutory Criminal Offenses and Violations”) is of great concern to Currituck County and other local governments within North Carolina; and

**WHEREAS**, the proposed bill would prohibit criminal enforcement of local ordinances and change violations to an infraction punishable by no more than a \$50 fine; and

**WHEREAS**, criminal penalties are an effective tool for local governments in enforcing ordinances; and

**WHEREAS**, the enforcement of criminal penalties is not abused, nor applied recklessly or carelessly; and

**WHEREAS**, a conviction of an infraction and \$50 fine is not an effective deterrent for those who violate county ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that copies of this resolution be sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 455 from becoming law.

ADOPTED this 3<sup>rd</sup> day of May, 2021.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | J. Owen Etheridge, Commissioner   |
| <b>SECONDER:</b> | Paul M. Beaumont, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

**B. A Resolution of the Board of Commissioners Opposing NC Senate Bill 349/House Bill 401-Increase Housing Opportunities**

After a brief review by Ben Stikeleather, County Manager, of the Resolution to oppose Senate Bill 349/House Bill 401 which proposes to take away local zoning and land use authority from local jurisdictions, Commissioner Beaumont moved for approval. The motion was seconded by Commissioner McCord. The motion carried, 6-0.

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS OPPOSING SENATE BILL 349/HOUSE BILL 401 ("INCREASE HOUSING OPPORTUNITIES")**

**WHEREAS**, the legislation proposed in SB 349/HB 401 ("Increase Housing Opportunities") is of great concern to the County of Currituck and other local governments within North Carolina; and

**WHEREAS**, provisions within this legislation would severely diminish or even eliminate the ability of local government to determine what is best for its community or even allow community input or involvement in the decision-making process; and

**WHEREAS**, development would become uncontrolled and reckless with little to no regard for property owners rights, not to mention the added stress and demand on a local government's infrastructure which would eventually lead to declining property values; and

**WHEREAS**, county officials were elected by their citizens for a reason, and if not for the efforts put forth by elected officials and county staff in utilizing effective and proven zoning processes including community input, local governments could not protect and preserve the quality of life citizens have come to enjoy; and

**WHEREAS**, a one-size fits all approach to land use is radical, reckless and irrational- a blatant attack on local land use decision-making; and

**WHEREAS**, uniform legislation for all local governments under one statewide zoning mandate would eliminate the single-family zoning designation and allow multi-family housing in every neighborhood with no minimum parking requirements in place to ensure adequate parking for all; and

**WHEREAS**, increased housing does not guarantee more affordable housing, nor does this legislation.

**NOW, THEREFORE BE IT RESOLVED** that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 349/HB 401 from becoming law and to work together to find real ways to advance affordable housing opportunities.

Adopted this the 3<sup>rd</sup> day of May, 2021.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Paul M. Beaumont, Commissioner  |
| <b>SECONDER:</b> | Kevin E. McCord, Commissioner   |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

#### **C. Consideration for Approval of Engineering Design Proposal for Moyock Wastewater Treatment Plant**

Ben Stikeleather, County Manager, reviewed the proposal submitted by Hazen and Sawyer for the Moyock Wastewater Treatment Plant. Staff recommended approval of the proposal along with authorization for the County Manager to execute contracts.

Commissioner White moved for approval and Commissioner Beaumont seconded the motion. The motion carried, 6-0.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Bob White, Commissioner   |
| <b>SECONDER:</b> | Paul M. Beaumont, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

#### **D. Consideration for Approval of Design Proposal for Moyock Elementary School Renovation and Addition**

Ben Stikeleather, County Manager, reviewed the \$1,110,807 design proposal for the Moyock Elementary School Expansion and Renovation project. The design includes eleven new classrooms allowing for an additional 150 students and renovations to existing areas.

Commissioner J. Owen Etheridge moved for approval. The motion was seconded by Commissioner McCord. The motion carried, 6-0.



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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | J. Owen Etheridge, Commissioner   |
| <b>SECONDER:</b> | Kevin E. McCord, Commissioner   |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

### E) Consent Agenda

Commissioner Beaumont moved for approval of Consent Agenda. Commissioner Jarvis seconded the motion. The motion carried, 6-0.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Paul M. Beaumont, Commissioner  |
| <b>SECONDER:</b> | Selina S. Jarvis, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

### 1. Budget Amendments

|                           |   | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>  |   |   |
| 41990-587051              | T T - School Capital Construction   | \$ 1,000,000                            |   |
| 41320-411002              | Article 42 Addtl Supp Sales Tax   |   | \$ 500,000                              |
| 41390-499900              | Appropriated Fund Balance   |   | 500,000                                 |
| 51390-495041              | T F - School Capital Reserve  |   | 1,000,000                               |
| 51848-597100              | Moyock Elem School 2022   | 1,000,000                               |   |
|                           |   | <u>\$ 2,000,000</u>                     | <u>\$ 2,000,000</u>                     |
| <b>Explanation:</b>       | School Capital Reserve (41990); School Construction (51848) - Increase appropriations for design of an elementary school to be located in Moyock. |   |   |
| <b>Net Budget Effect:</b> | School Capital Reserve Fund (41) - Increased by \$1,000,000.  |   |   |
|                           | School Multi-year Construction Fund (51) - Increased by \$1,000,000.  |   |   |

|                           |   | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| Account Number            | Account Description   |   |   |
| 10480-545700              | Microfilm Processing  | \$ 3,227                                |   |
| 10480-545100              | Data Processing   |   | \$ 1,972                                |
| 10480-545200              | Record Management   |   | 1,255                                   |
|                           |   | \$ 3,227                                | \$ 3,227                                |
| <b>Explanation:</b>       | Register of Deeds (10480) - Transfer budgeted funds for operations for the remainder of this fiscal year.   |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.  |   |   |
|                           |   | Debit                                   | Credit                                  |
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| Account Number            | Account Description   |   |   |
| 41990-587051              | T T - School Capital Construction   | \$ 900,000                              |   |
| 41390-499900              | Appropriated Fund Balance   |   | \$ 900,000                              |
| 51390-495041              | T F - School Capital Reserve  |   | 900,000                                 |
| 51848-597008              | Moyock Elem School Addition 2021  | 600,000                                 |   |
| 51848-594007              | Moyock Middle School Addition 2021  | 300,000                                 |   |
|                           |   | \$ 1,800,000                            | \$ 1,800,000                            |
| <b>Explanation:</b>       | School Capital Reserve (41990); School Construction (51848) - Increase appropriations for design of additions to the existing Moyock Elementary School and Moyock Middle School.  |   |   |
| <b>Net Budget Effect:</b> | School Capital Reserve Fund (41) - Increased by \$900,000.<br>School Multi-year Construction Fund (51) - Increased by \$900,000.  |   |   |
|                           |   | Debit                                   | Credit                                  |
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| Account Number            | Account Description   |   |   |
| 10511-514000              | Travel  |   | \$ 3,200                                |
| 10511-516000              | Repairs & Maintenance   | \$ 2,000                                |   |
| 10511-516200              | Repairs & Maintenance - Vehicles  | 2,500                                   |   |
| 10511-531000              | Fuel  |   | 2,500                                   |
| 10511-532000              | Supplies  | 1,200                                   |   |
| 10511-547000              | Meals   |   | 13,000                                  |
| 10511-561000              | Professional Services   | 3,000                                   |   |
| 10511-590000              | Capital Outlay  | 10,000                                  |   |
|                           |   | \$ 18,700                               | \$ 18,700                               |
| <b>Explanation:</b>       | Detention Center (10511) - Transfer funds from Travel to Vehicle Repairs to cover the increased costs of wear and tear on vehicles this year; transfer to Supplies to offset the rising costs due to Pandemic; transfer to Repairs due to several projects that need completion; transfer from Meals to Capital Outlay in order to complete the project of new HVAC system in Cellblock C and D; and transfer to Professional services to cover the increase in hospital and dentists visits. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.  |   |   |

|                           |  | Debit                                   | Credit                                  |
|---------------------------|--|---|---|
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 10640-553000              | Dues and Subscriptions   | \$ 300                                  |   |
| 10640-516100              | Building Supplies  | 2,800                                   |   |
| 10640-521100              | Equipment Lease  |   | \$ 600                                  |
| 10640-514500              | Training & Education   |   | 2,500                                   |
|                           |  | <u>\$ 3,100</u>                         | <u>\$ 3,100</u>                         |
| <b>Explanation:</b>       | Cooperative Extension (10640) - To cover the cost of new refrigerator needed for kitchen in auditorium and additional subscription fees for virtual programming and education. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.   |   |   |
|                           |  | Debit                                   | Credit                                  |
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 61818-553000              | Dues & Subscriptions   | \$ 1,000                                |   |
| 61818-590000              | Capital Outlay   |   | \$ 1,000                                |
|                           |  | <u>\$ 1,000</u>                         | <u>\$ 1,000</u>                         |
| <b>Explanation:</b>       | Mainland Water (61818) - Transfer funds for increases in dues for this fiscal year.  |   |   |
| <b>Net Budget Effect:</b> | Mainland Water Fund (61) - No change.  |   |   |

|                           |  | Debit                                   | Credit                                  |
|---------------------------|--|---|---|
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 10530-526000              | Advertising  |   | \$ 2,000                                |
| 10530-514000              | Travel   |   | 3,000                                   |
| 10530-514500              | Training/Education   | \$ 3,000                                |   |
| 10530-561200              | Billing Fees   | 20,000                                  |   |
| 10530-590000              | Capital Outlay   | 7,000                                   |   |
| 10530-545000              | Contract Services  |   | 4,000                                   |
| 10530-561000              | Professional Services  |   | 21,000                                  |
|                           |  |   |   |
| 10541-514000              | Travel   |   | 1,800                                   |
| 10541-516000              | Repairs & Maintenance  | 1,800                                   |   |
|                           |  |   |   |
|                           |  | <u>\$ 31,800</u>                        | <u>\$ 31,800</u>                        |
| <b>Explanation:</b>       | Emergency Medical Services (10530); Fire Services (10541) - Transfer budgeted funds for operations for the remainder of this fiscal year. Capital outlay will be used for DMV costs associated with new vehicle purchases. Also, repairs will be made to the Waterlily Fire Station. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.   |   |   |
|                           |  | Debit                                   | Credit                                  |
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 10650-545000              | Contract Services  | \$ 1,000                                |   |
| 10650-553000              | Dues & Subscriptions   |   | \$ 1,000                                |
|                           |  |   |   |
|                           |  | <u>\$ 1,000</u>                         | <u>\$ 1,000</u>                         |
| <b>Explanation:</b>       | Economic Development (10650) - Transfer budgeted funds for increased contract costs.   |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.   |   |   |
|                           |  | Debit                                   | Credit                                  |
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 220548-590000             | Capital Outlay   | \$ 9,000                                |   |
| 220548-511015             | Telephone & Postage  | 1,000                                   |   |
| 220548-531015             | Gas  | 1,300                                   |   |
| 220548-536115             | Personal Protective Equipment  |   | \$ 9,000                                |
| 220548-506000             | Health Insurance Expense   |   | 2,300                                   |
|                           |  |   |   |
|                           |  | <u>\$ 11,300</u>                        | <u>\$ 11,300</u>                        |
| <b>Explanation:</b>       | Knotts Island Fire (220548) - Transfer budgeted funds for remainder of this fiscal year.   |   |   |
| <b>Net Budget Effect:</b> | Knotts Island Fire Service District (220) - No change.   |   |   |

|                           |   | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| Account Number            | Account Description   |   |   |
| 10540-514000              | Travel  |   | \$ 8,000                                |
| 10540-516200              | Vehicle Maintenance   | \$ 5,000                                |   |
| 10540-545100              | Credit Card Fees  | 3,000                                   |   |
|                           |   | <u>\$ 8,000</u>                         | <u>\$ 8,000</u>                         |
| <b>Explanation:</b>       | Inspections (10540) - The Inspections Department is requesting to move money to the Vehicle Maintenance Fund to cover the \$2,500 deductible for a recent accident. The request to move money to the Credit Card Fees Fund is due to the increase in building permits; also, COVID has caused an increase of online transactions that require payment by credit card. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.  |   |   |
|                           |   | Debit                                   | Credit                                  |
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| Account Number            | Account Description   |   |   |
| 210546-516006             | Repairs & Maintenance   | \$ 7,000                                |   |
| 210546-532106             | Fire Supplies   | 2,000                                   |   |
| 210546-514506             | Travel/Training/Etc   |   | \$ 2,000                                |
| 210546-536006             | Uniforms  |   | 4,000                                   |
| 210546-553006             | Dues & Subscriptions  |   | 3,000                                   |
|                           |   | <u>\$ 9,000</u>                         | <u>\$ 9,000</u>                         |
| <b>Explanation:</b>       | Corolla Volunteer Fire Department (210546) - Transfer budgeted funds for operations for the remainder of this fiscal year.  |   |   |
| <b>Net Budget Effect:</b> | Corolla Fire District (210) - No change.  |   |   |
|                           |   | Debit                                   | Credit                                  |
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| Account Number            | Account Description   |   |   |
| 67878-553000              | Dues and Subscriptions  | \$ 5,000                                |   |
| 67878-511010              | Data Transmission   | 500                                     |   |
| 67878-545100              | Credit Card Fees  | 2,500                                   |   |
| 67878-557100              | Software License Fee  | 183                                     |   |
| 67878-533800              | Chemicals   |   | \$ 3,683                                |
| 67878-506000              | Health Insurance Expense  |   | 4,500                                   |
|                           |   | <u>\$ 8,183</u>                         | <u>\$ 8,183</u>                         |
| <b>Explanation:</b>       | Mainland Sewer (67878) - Transfer budgeted funds for increased fees for this fiscal year.   |   |   |
| <b>Net Budget Effect:</b> | Mainland Sewer Fund (67) - No change.   |   |   |

|   |                               | Debit                                   | Credit                                  |
|---|-------------------------------|---|---|
|   |                               | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>   | <u>Account Description</u>    |   |   |
| 10510-557100  | Software License Fee          | \$ 241                                  |   |
| 10510-506000  | Health Insurance              |   | \$ 241                                  |
|   |                               | \$ 241                                  | \$ 241                                  |
| <b>Explanation:</b> Sheriff (10510) - Transfer budgeted funds to cover increase in software license fees.   |                               |   |   |
| <b>Net Budget Effect:</b> Operating Fund (10) - No change.  |                               |   |   |
|   |                               | Debit                                   | Credit                                  |
|   |                               | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>   | <u>Account Description</u>    |   |   |
| 10790-514000  | Travel                        |   | \$ 50                                   |
| 10790-514800  | Fees Paid to Officials        |   | 600                                     |
| 10790-532000  | Supplies                      | \$ 5,650                                |   |
| 10790-545000  | Contracted Services           |   | 5,000                                   |
|   |                               | \$ 5,650                                | \$ 5,650                                |
| <b>Explanation:</b> Library (10790) - Transfer budgeted funds to supplies to cover additional supplies necessary for library programming during the COVID19 pandemic.                       |                               |   |   |
| <b>Net Budget Effect:</b> Operating Fund (10) - No change.  |                               |   |   |
|   |                               | Debit                                   | Credit                                  |
|   |                               | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>   | <u>Account Description</u>    |   |   |
| 10430-532001  | Elections HAVA Grant Supplies | \$ 22,394                               |   |
| 10430-590000  | Capital Outlay HAVA Grant     | 9,845                                   |   |
| 10330-445200  | Election Grants               |   | \$ 32,239                               |
|   |                               | \$ 32,239                               | \$ 32,239                               |
| <b>Explanation:</b> Elections (10430) - Increase appropriations to record 2020 HAVA funds CFDA # 90.404 Agreement NC20101001-027. Capital outlay will be 11 carts to be used for elections. |                               |   |   |
| <b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$32,239.  |                               |   |   |

|                           |  | Debit                                   | Credit                                  |
|---------------------------|--|---|---|
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 20609-545000              | Contract Services  | \$ 3,700                                |   |
| 20609-531400              | Equipment Fuel   | 1,500                                   |   |
| 20609-516000              | Repairs & Maintenance  |   | \$ 5,200                                |
|                           |  | <u>\$ 5,200</u>                         | <u>\$ 5,200</u>                         |
| <b>Explanation:</b>       | Whalehead Stormwater District (20609) - Transfer funds for water quality sampling services and landscaping and to fill all generators before the summer season begins. |   |   |
| <b>Net Budget Effect:</b> | Whalehead Stormwater District Fund (20) - No change.   |   |   |
|                           |  | Debit                                   | Credit                                  |
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 10430-511000              | Telephone & Postage  | \$ 500                                  |   |
| 10430-532100              | Ballot Programs & Imprint  |   | \$ 500                                  |
| 10752-519200              | Special Assistance for Blind   | 26                                      |   |
| 10750-506000              | Health Insurance Expense   |   | 26                                      |
| 10606-553000              | Dues & Subscriptions   | 25                                      |   |
| 10606-516000              | Repairs & Maintenance  |   | 25                                      |
| 10420-589000              | OSD Reserve  | 2,000                                   |   |
| 10420-532000              | Supplies   | 500                                     |   |
| 10420-561000              | Professional Services  |   | 2,500                                   |
| 10441-590003              | BOC Meeting Room Technology  | 2,000                                   |   |
| 10441-506000              | Health Insurance Expense   |   | 2,000                                   |
| 200981-502000             | Salaries   | 57,120                                  |   |
| 200981-505000             | FICA   |   | 5,250                                   |
| 200981-507000             | Retirement Expense   |   | 17,672                                  |
| 200981-532000             | Supplies   |   | 22,818                                  |
| 200981-545000             | Contract Service   |   | 11,380                                  |
|                           |  | <u>\$ 62,171</u>                        | <u>\$ 62,171</u>                        |
| <b>Explanation:</b>       | Transfer budgeted funds for operations for the remainder of this year.   |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.   |   |   |
|                           | CARES Act COVID19 Fund (200) - No change.  |   |   |

|  |                             | Debit                                   | Credit                                  |
|--|-----------------------------|---|---|
|  |                             | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>  | <u>Account Description</u>  |   |   |
| 57878-588000   | Contingency                 |   | \$ 1,100,000                            |
| 57878-590001   | Moyock Sewer Expansion 2022 | \$ 1,100,000                            |   |
|  |                             | \$ 1,100,000                            | \$ 1,100,000                            |
| <b>Explanation:</b> Moyock Sewer Construction Fund (57878) - Transfer contingency funds for design and project administration for upgrade and expansion of the Moyock Sewer system. This phase will include detailed design, regulatory coordination, bidding and construction services for a new 100,000 gpd oxidation ditch package treatment plant with high-rate basins with an option for 200,000 gpd by Hazen and Sawyer P.C., contract \$998,000 with additional funds for soil testing or other reimburseable costs. |                             |   |   |
| <b>Net Budget Effect:</b> Moyock Sewer Construct Fund (57) - No change.  |                             |   |   |

## 2. Project Ordinance-Moyock Sewer Upgrades and Expansion

### COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

**SECTION 1.** The project authorized is for design, bidding and construction administration for Upgrades and Expansion of the Moyock Sewer System.

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

|                             |                     |
|-----------------------------|---------------------|
| Moyock Elementary School #2 | \$ 1,000,000        |
|                             | <u>\$ 1,000,000</u> |

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

|                        |                     |
|------------------------|---------------------|
| School Capital Reserve | \$ 1,000,000        |
|                        | <u>\$ 1,000,000</u> |

**SECTION 4.** The Finance Director is hereby directed to report, on a quarterly basis, on the



financial status of each project element delineated in Section 2 above.

#### **SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

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

#### **SECTION 6. CONTRACTUAL OBLIGATIONS**

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

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

#### **SECTION 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 3<sup>rd</sup> day of May 2021.

### **3. Project Ordinance-Moyock Elementary School Expansion-Design**

#### **COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE**

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

**SECTION 1.** The project authorized is for design for elementary school located in Moyock. This phase will be to select a contractor and design the school expansions. Any excess funds for that portion of these projects will be applied toward construction costs.

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

|                             |                     |
|-----------------------------|---------------------|
| Moyock Elementary School #2 | \$ 1,000,000        |
|                             | <u>\$ 1,000,000</u> |

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

|                        |                     |
|------------------------|---------------------|
| School Capital Reserve | \$ 1,000,000        |
|                        | <u>\$ 1,000,000</u> |

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

#### **SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

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

#### **SECTION 6. CONTRACTUAL OBLIGATIONS**

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

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

#### **SECTION 7. USE OF BUDGET ORDINANCE**

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

#### **4. Resolution Authorizing Design-Build Construction Delivery Method for the Fuel Farm Renovation Project**

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING DESIGN-BUILD CONSTRUCTION DELIVERY METHOD FOR THE  
FUEL FARM RENOVATION PROJECT**

**WHEREAS**, pursuant to N.C. Gen. Stat. §143A-128.1A, a county may utilize the design-build delivery method for construction contracts; and,

**WHEREAS**, in order to utilize the design-build delivery method, the governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for this project; and,

**WHEREAS**, the criteria proposed and its application to the Fuel Farm Renovation Project is the following:

Criteria 1 - *The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.* Through the Engineering, Public Works, and Legal departments, the County has professional personnel with the experience and qualifications needed to thoroughly define the project requirements prior to issuance of a Request for Qualifications for design-builders.

Criteria 2 - *The time constraints for the delivery of the project.* The fuel farm equipment is aged and failing. Renovation of the fuel farm is urgent to ensure the county is able to maintain fuel services. The Board of Commissioners has resolved that this project should be completed in the most time-effective and efficient manner available. The design-build delivery method will allow for the project to be completed expeditiously.

Criteria 3 - *The ability to ensure that a quality project can be delivered.* Within the Engineering Department and Public Works Department, the County has adequate professional and experienced personnel to ensure that the Design-Build firm will provide a quality project within budget constraints established by the Board.

Criteria 4 - *The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* Within the Engineering, Public Works, and Legal departments, the County has professional and experienced personnel that are knowledgeable of design-build projects.

Criteria 5 - *A good-faith effort to comply with N.C. Gen. Stat. §143-128.2, N.C. Gen. Stat. §143-128.4, and to recruit and select small business entities.* The County complies with N.C. Gen. Stat. §143- 128.2 and N.C. Gen. Stat. §143- 128.4. The County will require contractors to comply with the HUB goals set by the Board of Commissioners.

Criteria 6 - *The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified.* The design-build delivery method provides a one team approach, which leads to lower costs and shorter project timeline. Project time constraints and process efficiency make the design-build option more appealing than the traditional construction delivery methods.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners adopt these written criteria and determine that the design-build delivery method is approved for utilization on the Fuel Farm Renovation Project. Further, this Resolution shall be effective on and after the 3<sup>rd</sup> day of May 2021.

**ADOPTED this, the 3<sup>rd</sup> day of May 2021.**

**5. Proclamation of the Board of Commissioners Declaring May 2021 as Older Americans Month**

**OLDER AMERICANS MONTH 2021**

***A PROCLAMATION***

**WHEREAS**, Currituck County includes a growing number of older Americans who have built resilience and strength over their lives through successes and difficulties; and

**WHEREAS**, Currituck County benefits when people of all ages, abilities, and backgrounds are included and encouraged to share their successes and stories of resilience; and

**WHEREAS**, Currituck County recognizes our need to nurture ourselves, reinforce our strength, and continue to thrive in times of both joy and difficulty; and

**WHEREAS**, Currituck County can foster communities of strength by:

- creating opportunities to share stories and learn from each other;
- engaging older adults through education, recreation, and service; and
- encouraging people of all ages to celebrate connections and

resilience.

**NOW, THEREFORE**, we the Currituck County Board of Commissioners do hereby proclaim May 2021 to be Older Americans Month. We urge every resident to recognize older adults and the people who support them as essential contributors to the strength of our community.

Dated this 3<sup>rd</sup> day of May, 2021.

**6. Approval of Commissioner Travel to NCACC Annual Conference, August 2021**

**7) Approval Of Minutes-April 19, 2021/BOC-BOE Joint Mtg**

**1. Minutes for April 19, 2021**

**2. BOC/BOE Joint Mtg-03232021****ADJOURN****Motion to Adjourn Meeting**

There was no further business and Commissioner White moved to adjourn. Commissioner J. Owen Etheridge seconded the motion. The motion carried and the meeting adjourned at 6:31 PM.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Bob White, Commissioner   |
| <b>SECONDER:</b> | J. Owen Etheridge, Commissioner   |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Mary "Kitty" Etheridge, Commissioner  |

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS AMENDING CHAPTER 9, ARTICLE II, SECTION 9-31,  
9-33 AND SECTION 9-36 OF THE CURRITUCK COUNTY CODE OF  
ORDINANCES**

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-133 a county may regulate, restrict, or prohibit the production or emission of noises or amplified speech, music or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, it is desirable to amend the ordinance to clarify the use categories for which permits for amplified sound permits or permits to exceed decibel levels may be issued in accordance with current practice and by removing the limitation on the frequency of applications for an outdoor amplified sound permit or permit to exceed certain decibel levels which will not limit the Currituck County Sheriff's ability to determine the propriety of permit issuance in a certain vicinity or ability to impose conditions on such permits.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 9-31(12) of the Code of Ordinances to read as follows:

(12) *Classification of use occupancies:* Use occupancies shall be as follows:

a. *Residential use:* All premises containing habitually occupied sleeping quarters. ~~However, p~~Premises containing transient commercial sleeping quarters are considered commercial uses. Hospitals, nursing homes, schools, libraries, and churches are considered residential uses.

b. *Transient residential use:* Residential use premises where the term of occupancy, possession, or tenancy of the property is for less than thirty (30) consecutive days.

~~b.c.~~ *Public space:* Any area owned, utilized or occupied by a municipal, county, state or federal agency, including, but not limited to, park or recreation areas and streets and sidewalks.

~~e.d.~~ *Commercial business:* All premises where sales, professional or other commercial activities are legally permitted, except that residences with lawful home occupations are considered residential.

~~d.e.~~ *Manufacturing or industrial:* All premises where goods or wares are made, warehoused or stored or where manufacturing is legally permitted.

~~e.f.~~ *Agricultural:* All premises which are bona fide farms or which are characterized by farming activities as the primary use of the premises.

~~f.g.~~ In classifying uses under this section, the zoning classification of an area may be considered, however, the actual use of premises shall control when the use and the zoning classification conflict. Any area not otherwise classified under this section shall be considered commercial.

~~g.h.~~ In case of multiple use the more restrictive use category shall prevail.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 9-31(12) of the Code of Ordinances to read as follows:

**Sec. 9-33. Maximum permitted sound levels by use occupancy.**

(a) The use of sound amplifying equipment is limited to the conditions specified in this section.

(b) Outdoor amplified sound, including a live musical group or individual using sound amplifying equipment, may be produced only if an authorized agent of the sponsoring business, organization or group has been granted an "outdoor amplified sound permit." This permit must be signed by a representative of the business, organization or group holding or sponsoring the event at which the outdoor amplified sound will be produced.

(c) Except as allowed in subsection (d) below, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Table 1 when measured at or beyond the point on the property line closest to the dwelling located on the property from which the sound complaint originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum

sound level permitted by use occupancy shall be determined ~~on the basis of~~ based on the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multifamily housing unit shall be measured from any point which is at least 25 lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

TABLE 1  
SOUND LEVELS BY USE OCCUPANCY

| Use Occupancy Category                           | Time                | Sound Level Limit (dB(A)) |
|--|---------------------|---------------------------|
| <u>Residential and Transient residential use</u> | 7:00 a.m.—9:00 p.m. | 60                        |
|  | 9:00 p.m.—7:00 a.m. | 50                        |
|  |                     |                           |
| Mobile home park                                 | 7:00 a.m.—9:00 p.m. | 60                        |
|  | 9:00 p.m.—7:00 a.m. | 50                        |
|  |                     |                           |
| Public space, commercial or business             | 7:00 a.m.—9:00 p.m. | 60                        |
|  | 9:00 p.m.—7:00 a.m. | 50                        |
|  |                     |                           |
| Manufacturing or industrial                      | At all times        | 70                        |

(d) Sound levels ~~in excess of~~ more than the limits established in Table 1 will be permitted in public space, commercial or business space, manufacturing, industrial space, and transient residential space, but not on residential space, as follows:



1 TABLE 2

|  | Without<br>Permit<br>(dB(A)) | With Permit<br>to exceed<br>(dB(A)) |
|--|------------------------------|-------------------------------------|
| Friday evening<br>(5:00 p.m.—11:00 p.m.)                   | 65                           | 80                                  |
|  |                              |                                     |
| Saturday<br>(10:00 a.m.—11:00 p.m.)                        | 65                           | 80                                  |
|  |                              |                                     |
| Holidays (as defined in section 9-31)<br>(Noon—11:00 p.m.) | 65                           | 80                                  |

2 (e) No property owner shall allow a noise-related nuisance or health or safety  
3 hazard to be created or maintained by or on account of tenants of the property owner.  
4 For purposes of this subsection, a noise-related nuisance or health or safety hazard  
5 shall be deemed to exist when a tenant or group of tenants at a specific location  
6 receives a third citation for a noise ordinance violation pursuant to this article. The  
7 property owner shall be liable for the costs of remedying the nuisance or health or  
8 safety hazard in accordance with the provisions of section 9-40. A property owner may  
9 be held liable for the costs of abating the nuisance or remedying the health or safety  
10 hazard only if the property owner has been notified in writing, via actual delivery or  
11 certified mail, of the first two ordinance violations.

12 A property owner shall be liable for the costs of abating the nuisance or  
13 remedying the health or safety hazard upon the third and any subsequent action by  
14 the same tenant at a specific location, provided the third violation occurs at least 15  
15 days from the date of actual receipt of notice of the second violation. It shall be a  
16 complete defense to a citation under the subsection if the owner of the real property  
17 involved can prove that he or she is actively pursuing an eviction process according  
18 to law, and that the eviction process was begun prior to the date of the third or any  
19 subsequent violation by the same tenant at specific location.

20 (f) Notwithstanding the above, the playing of any musical instrument or  
21 electronic sound-amplification equipment in such manner or with such volume, or the  
22 keeping of any animal or bird which makes frequent or long, continued sounds, or the

1 use of any automobile, motorcycle or vehicle so out of repair or in such manner as to  
 2 create unreasonably loud, disturbing sounds, all of which would unreasonably disturb  
 3 persons of ordinary and reasonable sensibilities in the vicinity, shall be prohibited.

4 PART III. The Code of Ordinances, Currituck County, North Carolina is amended  
 5 by rewriting Section 9-36 of the Code of Ordinances to read as follows:

6 **Sec. 9-36. Permits.**

7  
 8 (a) *Who may apply:* A person or group of persons may produce or cause to be  
 9 produced sound ~~in excess of~~ more than the limits set in Table 1 only if a "Permit to  
 10 Exceed" has been obtained. With a permit granted pursuant to this section, maximum  
 11 sound levels shall be as set out in Table 2.

12  
 13 (b) *Application for permit:* Any person or group of persons desiring an "outdoor  
 14 amplified sound permit" or a "permit to exceed" shall apply as provided in this section;  
 15 and shall provide all information required. All applications for a "permit to exceed"  
 16 shall be submitted to the sheriff or ~~his~~ sheriff's designee at least 72 hours prior to the  
 17 scheduled event; ~~Failure to comply with this requirement shall be grounds for~~  
 18 denying the permit.

19  
 20 (c) *Action by sheriff:* The sheriff or ~~his or her~~ sheriff's designee shall act upon  
 21 all requests for permits. In considering and acting on all requests for permits  
 22 pursuant to this article, the ~~S~~sheriff shall consider, but shall not be limited to the  
 23 following, in issuing or denying such permit: The timeliness of the application; the  
 24 nature of the requested activity; previous experience with the applicant; the time of  
 25 the event; other activities in the vicinity of the location proposed; the frequency of the  
 26 application; the cultural or social benefits of the proposed activity; the effect of the  
 27 activity on any residential area of the county and, previous violations, if any, of the  
 28 applicant. ~~In accessing "other activities in the vicinity" and the frequency of~~  
 29 ~~applications in the vicinity, the sheriff shall not issue more than two permits per~~  
 30 ~~month within a 1,000 foot radius of each other, or issue permits for events on~~  
 31 ~~consecutive weekends (Friday and Saturday) within a 1,000 foot radius of each other.~~  
 32 ~~In considering or acting upon a request for a "permit to exceed" requested by a group~~  
 33 ~~the Sheriff or appointed designee shall limit permits granted at any specific location~~  
 34 ~~to no more than two "permits to exceed" per year.~~

35  
 36 (d) *Fee for permit:* Every application for a permit or permits shall require  
 37 payment of \$25.00 administrative fee.

38  
 39 (e) *Conditions on permits:* "Permits to exceed" and "outdoor amplified sound  
 40 permits" shall specify the duration for which noncompliance shall be permitted and  
 41 shall prescribe the conditions or requirements necessary to minimize adverse effects

upon the community or surrounding neighborhood. The sheriff or ~~his or her~~ sheriff's designee may require, but shall not be limited to, the following:

- (1) No sound speakers may be set up more than ten feet off the ground; and
- (2) That permit holder(s) change the arrangement of amplifying equipment or sound instruments upon the request of any ~~Currituck~~ sheriff's deputy ~~so as~~ to minimize the disturbance to others resulting from the position or orientation of the amplifying equipment or from atmospherically or geographically caused dispersal of sound beyond the property lines.
- (3) That adjoining property owners surrounding the location proposed as the site of the permitted event be notified by the applicant at last 72 hours prior to the scheduled event, and ~~also~~ advised of the time by which cleanup of the area will be accomplished. Notice to the adjoining property owners shall include a statement indicating that comments or concerns regarding the issuance of a permit at the proposed location may be made to the sheriff prior to the event. These conditions are mandatory on all "permit to exceed" applicants.
- (4) That no permitted event may last more than four hours in duration.
- (5) That no event may extend beyond 11:00 p.m.
- (6) That the site of the event, and the area surrounding the site of the event, will be cleaned, by the applicant, of all the trash, litter and debris by 10:00 a.m. the following day, or by sunset of the day of the event if the event ends at least four hours before sunset.

(f) *Cooperation with sheriff's department:* Permit holder(s) shall agree to cooperate with the sheriff's department in enforcing the noise control ordinance by having the signer(s) of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of such signer(s) of a permit to be present or to assist the police in complying with this article will be cause for revocation of said permit.

(g) *Recognition of equivalent permit processes:* The chief administrative officer of any governmental body, institution or agency located in ~~Currituck County~~ the county is authorized to establish, administer and enforce a permit process which is substantially equivalent to the process contained in subsections (a), (b), (c) and (d) of this section. When a permit process has been certified by the county manager as being substantially equivalent, sponsors of events which take place on:

- (1) Premises owned, utilized or occupied by the governmental body, institution or agency; or
- (2) Premises owned, utilized, or occupied by organizations or agencies affiliated with a governmental entity which is recognized to issue permits, may apply for the substantially equivalent permit in lieu of the permit issued by the county. Any activity conducted under a permit issued by a governmental body, institution or agency other than the county shall be subject to all requirements of this article, and a permit issued under a substantially equivalent process recognized by the county manger shall be, for all purposes, the equivalent of a permit issued under this section, including the requirements of subsection (e). A copy of all permits issued under a substantially equivalent process recognized by the county manager shall be forwarded to the sheriff as quickly as possible, but in no case later than 48 hours before the commencement of the event covered under a permit. No permit issued under a substantially equivalent process recognized by the county manager shall be valid if received by the sheriff less ~~that~~ than 48 hours before the commencement of the activity covered by the permit. All equivalent permits must be signed by the sheriff to be valid.

PART IV. If any provision, section, part, paragraph, phrase or sentence of this ordinance is found to be invalid, all other provisions, parts, paragraphs, phrases, and sentences shall remain valid and in full force and effect.

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

PART VI. This ordinance shall be effective immediately upon its adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Michael H. Payment, Chairman  
Board of Commissioners

ATTEST:

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

(COUNTY SEAL)

1 APPROVED AS TO FORM:  
2

3 \_\_\_\_\_  
4 Donald I. McRee, Jr.  
5 County Attorney  
6

7 Date adopted: \_\_\_\_\_  
8

9 Motion to adopt by Commissioner \_\_\_\_\_  
10

11 Second by Commissioner \_\_\_\_\_  
12

13 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS  
14  
15

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
OPPOSING NORTH CAROLINA SENATE BILL 455 (“AN ACT TO DECRIMINALIZE  
NON-STATUTORY CRIMINAL OFFENSES AND VIOLATIONS”)**

**WHEREAS**, the legislation proposed in SB 455 (“An Act to Decriminalize Non-Statutory Criminal Offenses and Violations”) is of great concern to Currituck County and other local governments within North Carolina; and

**WHEREAS**, the proposed bill would prohibit criminal enforcement of local ordinances and change violations to an infraction punishable by no more than a \$50 fine; and

**WHEREAS**, criminal penalties are an effective tool for local governments in enforcing ordinances; and

**WHEREAS**, the enforcement of criminal penalties is not abused, nor applied recklessly or carelessly; and

**WHEREAS**, a conviction of an infraction and \$50 fine is not an effective deterrent for those who violate county ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that copies of this resolution be sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 455 from becoming law.

ADOPTED this 3<sup>rd</sup> day of May, 2021.

\_\_\_\_\_  
Michael H. Payment, Chairman

ATTEST:

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

(SEAL)

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
OPPOSING SENATE BILL 349/HOUSE BILL 401 (“INCREASE HOUSING  
OPPORTUNITIES”)**

**WHEREAS**, the legislation proposed in SB 349/HB 401 (“Increase Housing Opportunities”) is of great concern to the County of Currituck and other local governments within North Carolina; and

**WHEREAS**, provisions within this legislation would severely diminish or even eliminate the ability of local government to determine what is best for its community or even allow community input or involvement in the decision-making process; and

**WHEREAS**, development would become uncontrolled and reckless with little to no regard for property owners rights, not to mention the added stress and demand on a local government’s infrastructure which would eventually lead to declining property values; and

**WHEREAS**, county officials were elected by their citizens for a reason, and if not for the efforts put forth by elected officials and county staff in utilizing effective and proven zoning processes including community input, local governments could not protect and preserve the quality of life citizens have come to enjoy; and

**WHEREAS**, a one-size fits all approach to land use is radical, reckless and irrational— a blatant attack on local land use decision-making; and

**WHEREAS**, uniform legislation for all local governments under one statewide zoning mandate would eliminate the single-family zoning designation and allow multi-family housing in every neighborhood with no minimum parking requirements in place to ensure adequate parking for all; and

**WHEREAS**, increased housing does not guarantee more affordable housing, nor does this legislation.

**NOW, THEREFORE BE IT RESOLVED** that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 349/HB 401 from becoming law and to work together to find real ways to advance affordable housing opportunities.

Adopted this the 3<sup>rd</sup> day of May, 2021.

\_\_\_\_\_  
Michael H. Payment, Chairman

ATTEST:

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

(SEAL)

**DRAFT**  
**Scope of Services**  
**Currituck County, NC**  
**Moyock Regional Wastewater Treatment Plant**  
**Replacement Project**

**PURPOSE OF AGREEMENT**

Hazen and Sawyer (Hazen) recently completed an evaluation of the Moyock Regional Wastewater Treatment Plant. The existing 100,000 gpd package wastewater treatment plant uses integrated fixed film activated sludge (IFAS) process, and has had challenges with meeting non-discharge permit limits and is currently under a Special Order by Consent. Hazen and Sawyer conducted a conceptual process assessment of the Moyock Regional Wastewater Treatment Plant and recommended replacement of the facility with a new 100,000 gpd wastewater treatment facility using the oxidation ditch process and new high-rate infiltration basins. In April 2020, the North Carolina Department of Environmental Quality (NCDEQ) issued Permit No. WQ0035706 for construction of a 200,000 gpd membrane bioreactor system (in addition to the existing 99,000 gpd WWTP) and 3 new high-rate infiltration basins. The final effluent discharge limits are summarized in the table below.

**WWTP Effluent Characteristics (0.299 MGD)**

| <b>Parameter</b>              | <b>Monthly Average</b> |
|-------------------------------|------------------------|
| BOD <sub>5</sub> , mg/L       | 10                     |
| TSS, mg/L                     | 15                     |
| Fecal Coliform (MPN / 100 mL) | 14 <sup>1</sup>        |
| Ammonia, mg/L                 | 4                      |
| TN, mg/L                      | 7                      |
| TP, mg/L                      | 3                      |

1. Monthly geometric mean

The purpose of this Agreement is to provide professional engineering services (detailed design, regulatory coordination, bidding, and construction phase services) for a new 100,000 gpd oxidation ditch package treatment plant with high-rate infiltration basins with an option for 200,000 gpd.

**SCOPE OF WORK**

Services to be provided by Hazen under this Agreement include Task 1 (Detailed Design and Regulatory Coordination) and Task 2 (Bid Phase Services) and their associated subtasks delineated below.

**Task 1 – Detailed Design**

- Subtask 1.1– Develop Detailed Drawings
- Subtask 1.2 – Develop Technical Specifications and Front-End Bidding Requirements



- Subtask 1.3 – Regulatory Coordination and Permitting
- Subtask 1.4 – Quality Assurance / Quality Control
- Subtask 1.5 – Review Meetings
- Subtask 1.6 – Specialty Subconsultants

#### Task 2 – Bid Phase Services

- Subtask 2.1 – Bidding Assistance
- Subtask 2.2 – Attend Pre-Bid Meeting
- Subtask 2.3 – Bid Documents Interpretation
- Subtask 2.4 – Attend Bid Opening
- Subtask 2.5 – Prepare Official Notices
- Subtask 2.6 – Conform Bid Documents

#### Task 3 – Construction Phase Services

- Subtask 3.1 – Construction Administration
- Subtask 3.2 – Shop Drawing Reviews
- Subtask 3.3 – Review of Requests for Information (RFIs)
- Subtask 3.4 – Construction Meetings
- Subtask 3.5 – Periodic Site Visits
- Subtask 3.6 – Prepare Record Drawings
- Subtask 3.7 – Operator Training

### **Task 1 – Detailed Design**

**Subtask 1.1 Develop Detailed Drawings** – Prepare detailed drawings suitable for regulatory review and approval, and for competitive bidding by a General Construction Contractor. It is estimated that 41 detailed drawings will be prepared as summarized below:

**Drawing Summary**

| <b>Discipline</b> | <b>No. of Drawings</b> |
|-------------------|------------------------|
| General           | 3                      |
| Civil             | 6                      |
| Mechanical        | 13                     |
| Structural        | 6                      |
| Instrumentation   | 9                      |
| Electrical        | 9                      |
| Misc Std Details  | 6                      |
| <b>Total</b>      | <b>52</b>              |

#### *FOG Pretreatment*

One new vendor packaged FOG removal system with appropriate considerations for redundancy will be designed and work in conjunction with the Screening and Grit Facilities.

#### *Screening and Grit Facilities*

One new coarse screen and two new drum screens will be designed to operate with the two existing drums screens. It is anticipated the existing grit removal tanks and drum screens will be adequate for the expanded treatment plant.

#### *Activated Sludge Facilities*

The new WWTP will be an oxidation ditch package treatment plant (PTP) to replace the existing IFAS system. Location of the new WWTP has not yet been finalized but the objective is to locate the new facility on the northern end of the site. The new WWTP will be designed to treat a maximum month flow of 200,000 gpd with a bid alternate to construct only a 100,000 gpd facility. Anticipated influent characteristics and expected effluent quality are summarized below.

**Basis of Design**

| <b>Parameter</b>         | <b>Max Month Influent</b> | <b>Monthly Average Effluent</b> |
|--------------------------|---------------------------|---------------------------------|
| BOD <sub>5</sub> , mg/L  | 567                       | < 10                            |
| TSS, mg/L                | 440                       | < 15                            |
| TKN, mg/L                | 85                        | ---                             |
| NH <sub>3</sub> -N, mg/L | 51                        | < 2                             |
| TP, mg/L                 | 14                        | < 3                             |
| Minimum Temperature, °C  | 15                        |                                 |

The Oxidation Ditch PTP manufacturer will supply the following equipment: anoxic submersible mixers, aerators, bypass channel gate, effluent weirs, DO control system, and a PLC control system.

#### *Secondary Clarifiers*

It is assumed that new secondary clarifiers will be required for the 100,000 gpd facility pending final hydraulic design. Additional secondary clarifiers will be provided for the 200,000 gpd alternate.

#### *Filters and Ultraviolet Disinfection Facilities*

The existing effluent sand filters and UV facilities will be replaced as a part of the expansion. Disk filters will be designed to replace the existing sand filters. New UV equipment will replace the existing antiquated equipment. Existing infrastructure will be used as much as practical.

#### *Support Facilities*

No additional administrative or maintenance facilities will be constructed. The County has indicated that the existing facilities are sufficient for their needs. The Engineer will assess quality of incoming electrical power and assess alternatives to improve electrical system reliability. In addition to the instrumentation and controls for the new process facilities, remote SCADA access features will be provided. Hazen will assist the County with assessment of data management systems to data from the SCADA, lab data, and operator entered data and information.

**Subtask 1.2 Develop Technical Specifications and Front-End Bidding Documents** – Prepare performance based technical specifications in CSI format for all aspects of the work such that the project results in a complete, working facility. Hazen shall identify any sole-sourced equipment items and assist the County in pre-selection and negotiation of such equipment. Where possible, Hazen shall identify two or more equipment manufacturers capable of providing suitable equipment and/or materials.

Related work to be performed by Hazen under this task includes:

- Project Delivery – Hazen will evaluate strategies to expedite project delivery (design and construction).
- Equipment Pre-selection – This scope of services assumes that equipment pre-selection will be one of the selected strategies for expediting project delivery. Hazen will assist the County in the preparation of Request for Proposals for the oxidation ditch technology for an evaluated bid. Hazen will assist the County in review of equipment proposals, and provide recommendations for selection. The intent is that the selected equipment supplier will be written into the specifications and assigned to the General Contractor, and will be the basis for final design.
- Maintenance of Plant Operations during Construction – Hazen will develop a detailed plan for maintenance of plant operations during construction including consideration of maintaining permit compliance while sequencing new facilities into service and demolishing existing facilities, as necessary. Hazen will conduct a workshop with Plant Staff to ensure that the proposed plan fully addresses Plant Staff's concerns, maintenance of access to existing facilities, and other constraints vital to project success.
- Functional Control Descriptions – Hazen will develop functional control descriptions describing the required operation, monitoring, and control of the new facilities. Hazen will coordinate integration design with the County's on-going instrumentation and control designer and integrator.
- Opinion of Cost – Hazen will develop and maintain a detailed cost estimate throughout the design of the work. Formal opinions of probable cost shall be provided at 60% complete and at 100% final design. Hazen will provide periodic updates to the County regarding bid opening results from other projects in the region. Hazen will promptly identify any cost impacts resulting from design decisions made by the County and communicate such impacts to the County.
- Prepare bidding requirements using Hazen's standard front-end documents and general requirements and incorporating County's requirements and policies, where needed.

**Subtask 1.3 Regulatory Coordination and Permitting** – Identify, prepare, and submit all required permit packages to the applicable regulatory agencies for review and approval. Where necessary, Hazen will discuss the proposed project with the applicable regulatory agencies to fully define the permit requirements and to identify the major permitting issues that must be resolved. A permitting strategy will be developed to address the major issues identified and to facilitate the permit acquisition process. Applications for the required permits and approvals will be prepared for

submittal to the respective agencies. Currituck County will pay for all application fees associated with the permitting process. It is anticipated that the following permits, as a minimum, will be required:

- Minor Modification to the NC DEQ High Rate Infiltration System Permit
- NC DEQ Erosion and Sedimentation Control Permit
- Currituck County Building and Codes Permit

**Subtask 1.4 Quality Assurance / Quality Control** – Hazen will conduct an internal technical / constructability review at the 60% and 90% completion milestones. Technical Review Committee members and a Construction Field Engineer will provide a review of the design to date including:

- Specified manufacturers of major equipment items
- Design calculations
- Construction cost estimate
- I/O listing and functional control descriptions
- Construction phasing
- Inter-discipline review to ensure coordination and completeness
- Front-end documents and technical specifications

**Subtask 1.5 Review Meetings** – H&S will conduct ½-day project review meetings at 30%, 60% and 90% completion milestones for County Staff input and review. Three (3) additional discipline focused meetings (i.e., mechanical, electrical, and instrumentation and control) will be coordinated and conducted with County Staff virtually using Microsoft Teams to discuss: equipment preferences; manufacturers to be named in the individual equipment, electrical, and instrumentation and control specifications; materials of construction; and, functionality. Minutes from all meetings will be recorded and distributed to all participants to document key design decisions and impact to design schedule and scope and cost of construction.

**Subtask 1.6 Specialty Subconsultants** – Hazen will coordinate the activities of the following local specialty subconsultants to perform the specific services delineated below:

- Survey – Provide surveying and topographic mapping (1-ft contours) of area where new construction is anticipated. Benchmarks will be established for horizontal and vertical control. Subsurface utility engineering for identifying location of buried infrastructure (e.g., piping and electrical ductbank) will be provided on an as needed basis. Up to five (5) vacuum excavations are budgeted.
- GET Solutions – Conduct a subsurface field investigation and provide a geotechnical report to include recommendations on foundations, allowable bearing pressures, lateral earth pressures, estimated settlements, presence/absence of rock, suitability of on-site material for structural fill, and seismic parameters for all proposed structures. A total of twelve (12) borings are anticipated.
- Ed Andrews & Associates: Provide hydrogeological consultation during design on the location and design of the new high-rate infiltration ponds on the County's existing WWTP site. Consultation shall include, but not be limited to, basin layout and siting (current and future basins), distribution of treated effluent to basins, berm design, underdrain design, drain pump station location and design, and construction materials. Provide consultation during construction related to the high-rate infiltration basins and groundwater lowering systems to

include, but not be limited to, submittal reviews, on-site observation of infiltration basin excavation and basin bed material installation, review of results from construction materials testing, and certification testing.

## **Task 2 - Bid Phase Services**

**Subtask 2.1 Bidding Assistance** – Hazen will assist the County with preparing an advertisement for bid and for identifying and contacting potential General Contractors that may be capable and available to conduct the construction. It is acknowledged that the County will be responsible for advertising the project and for Contract Document distribution to all potential bidders, vendors, and plan rooms.

**Subtask 2.2 Pre-Bid Meeting** – Hazen will attend a pre-bid meeting to describe the project and the requirements of the Contract Documents to interested bidders and respond to questions concerning the project requirements.

**Subtask 2.3 Bid Documents Interpretation** – During the bid period, Hazen will be available to answer questions concerning the requirements of the Contract Documents. If required, Hazen will assist the County with preparation of addendum items as may be deemed necessary to clarify or modify the requirements of the Contract Documents to clearly communicate the intent of the work.

**Subtask 2.4 Bid Opening** – The County will receive bids and provide copies of the bid packages to Hazen. Hazen will analyze all bids received, prepare and certify a bid tabulation, and prepare and submit a recommendation for award.

**Subtask 2.5 Official Notices** – Upon County Board approval of contract award, Hazen will prepare official “Notice of Award” for issuance by the County to the successful bidder and prepare construction contracts for execution by County Staff and the successful bidder. Hazen will prepare official “Notice to Proceed” for issuance by County to the awarded General Contractor.

**Subtask 2.6 Conform Bid Documents** – Hazen will incorporate all modifications to the Contract Documents resulting from the issuance of addenda during the bid period, and issue conformed plans and specifications (a total of 8 sets) to the County and the General Contractor.

## **Task 3 – Construction Phase Services**

**Subtask 3.1 General Construction Management** – Consult with Owner and act as Owner’s representative as provided in the General Conditions and in this Agreement. Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, conduct an inspection to determine if the Work is substantially complete. If after considering any objections of Owner, Engineer considers the Work substantially complete, Engineer shall deliver a certificate of Substantial Completion to Owner and Contractor.

**Subtask 3.2 Shop Drawing Review** – Review Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Ed Andrews & Associates will provide consultation during construction related to the high-rate infiltration basins and groundwater lowering systems to include, but not be

limited to, submittal reviews, on-site observation of infiltration basin excavation and basin bed material installation, review of results from construction materials testing, and certification testing. It is understood that costs for construction materials testing will be included in the Contractor's bid. It is understood that thr4 County will handle review of Contractor payment applications and monthly schedule updates.

**Subtask 3.3 Review of Requests for Information (RFIs)** – Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. Engineer may issue Field Orders authorizing minor variations in the Work from the requirements of the Contract Documents.

**Subtask 3.4 Construction Progress Meetings** – Conduct a Pre-Construction Conference prior to commencement of Work at the Site. Participate in monthly construction progress meetings. The Engineer will participate in monthly meetings virtually.

**Subtask 3.5 Periodic Site Visits** - Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress and quality of Contractor's executed Work. It is understood that the County staff will provide observation of construction progress and will notify the Engineer with any concerns. Visits and observations by Engineer are not intended to be exhaustive or to extend to every aspect of Contractor's Work in progress or to involve detailed inspections of Contractor's Work in progress beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. This scope of services assumes that the duration of the construction phase will be **18 months**. Up to **384 hours** for periodic site visits are included in this scope of services which equates to approximately 2 days per week of on-site observation services for a Construction Field Coordinator and 12 additional days of Engineer site visits. Engineer shall be entitled to an equitable increase in compensation if Construction-Phase services extend beyond this duration.

**Subtask 3.6 Start-up Assistance**

Engineer will provide Start up assistance for major equipment. This will include Oxidation Ditch equipment, disc filters, and UV. Engineer will be onsite to accompany vendor during startup of each unit process.

**Subtask 3.7 Prepare Record Drawings**

Using information provided by the Contractor, Hazen will provide Record Drawings of the project. Hazen will confirm the validity of the record drawing information provided by the Contractor by using digital photographs and other techniques to provide records of construction details. In that record drawings are based on information provided by others, Hazen cannot and do not warrant their accuracy. Record drawings will be furnished in PDF format, and up to 5 full-size hardcopies.

**Subtask 3.8 Operations Training**

Engineer will provide four two-day trainings on system operations and sampling over a four-week period. Engineer will coordinate and attend vendor trainings. Engineer will provide as needed support for biweekly calls and questions for up to 3 months.

Engineer will develop an O&M training manual for the systems provided.

## **BASIS OF COMPENSATION**

The work to be performed for providing professional engineering services associated with the design, regulatory coordination, bidding, and construction phase services for the new Moyock WWTP as previously delineated in Scope of Services above, will be billed on an hourly rate basis with a total not-to-exceed cost ceiling limit of \$992,000. Table 1 provides a fee summary by subtask. Funds can be transferred from one cost ceiling task to another as long as the total cost ceiling is not exceeded. However, an amendment will be required to increase the total cost ceiling.

**TABLE 1: FEE SUMMARY**

| <b>Task</b> | <b>Task Description</b>     | <b>Labor Fee</b> | <b>Subs and Expenses</b> | <b>Cost Ceiling</b> |
|-------------|-----------------------------|------------------|--------------------------|---------------------|
| 1           | Design Phase Services       | \$509,000        | \$68,000                 | \$577,000           |
| 2           | Bid Phase Services          | \$31,900         | \$1,100                  | \$33,000            |
| 3           | Construction Phase Services | \$366,600        | \$21,400                 | \$388,000           |
|             | Total                       | \$907,500        | \$90,500                 | \$998,000           |

## **SCHEDULE**

The schedule below summarizes the major milestones for detailed design, regulatory coordination, bidding, and construction phase services for the new Moyock WWTP.

**Schedule**

| <b>Milestone Description</b>  | <b>Tentative Date</b> |
|-------------------------------|-----------------------|
| Engineering Notice-to-Proceed | April 2021            |
| Schematic Design Workshop     | July 2021             |
| 60% Submittal                 | October 2021          |
| 90% Submittal                 | January 2022          |
| Advertise Project             | March 2022            |
| Bid Opening                   | April 2022            |
| Award Contract                | April 2022            |
| Contractor NTP                | May 2022              |



**CURRITUCK COUNTY**  
**MOYOCK ELEMENTARY SCHOOL - ADDITIONS & RENOVATIONS**  
**DESIGN FEE COMPILATION**

04.19.21

**BOOMERANG DESIGN**

|                                    |                   |                       |
|------------------------------------|-------------------|-----------------------|
| Architecture & Interior Design     | \$634,766.00      |                       |
| Civil Engineering & Site Design    | \$59,500.00       |                       |
| Structural Design                  | \$58,000.00       |                       |
| Mechanical, Plumbing, & Electrical | \$246,234.00      |                       |
| Reimbursables                      | <u>\$5,000.00</u> |                       |
| Sub Total                          | \$1,003,500.00    | <b>\$1,003,500.00</b> |

**TIMMONS**

|                             |                   |                    |
|-----------------------------|-------------------|--------------------|
| Topographic Survey          | \$12,550.00       |                    |
| Subsurface Utility Location | <u>\$7,000.00</u> |                    |
| Sub Total                   | \$19,550.00       | <b>\$19,550.00</b> |

**GET SOLUTIONS / TERRACON**

|   |                   |                   |
|---|-------------------|-------------------|
| Explorations & Geotechnical Engineering | <u>\$5,475.00</u> |                   |
| Sub Total                               | \$5,475.00        | <b>\$5,475.00</b> |

**SUSSEX DEVELOPMENT CORPORATION**

|                           |                    |                           |
|---------------------------|--------------------|---------------------------|
| Pre Construction Services | <u>\$82,282.00</u> |                           |
| Sub Total                 | \$82,282.00        | <b><u>\$82,282.00</u></b> |

**\$1,110,807.00**

## General Clarifications:

1. The costs noted above are for Design only. Total budget costs will be assembled during the design phase.
2. The Project Budget costs noted in the Boomerang proposal are not indicative of total projected costs.
3. Special Inspections are not included in these fees. They will be addressed in the Construction GMP.

Attachment: MES Design Fee Compilation 04.19.21 (Moyock Elementary School-Design Proposal)





March 29, 2021 (*revised 04/19/2021*)

Mr. Harry Davis, President  
Sussex Development Corporation  
109 S Lynnhaven Rd  
Virginia Beach, VA 23452

SUBJECT: Moyock Elementary School New Construction, Addition and Renovations

Dear Harry:

We are looking forward to working with Sussex Development Corporation on the delivery of the Moyock Elementary School design and construction work. Below is our proposed scope for professional services based upon the initial programming discussions. This proposal covers Basic Services and Additional Services.

### Project Scope

Based upon the initial capacity programming our proposal provides design and construction administration services for a new +/-21,400 square foot new classroom building/expansion, a +/-2,700 square foot dining and connection addition, and a +/- 10,400 square foot complete renovation of the primary building. The design is to provide 150 student capacity expansion for Moyock Elementary school.

### Basic Design Services

Boomerang Design will provide complete architectural and engineering design services for the scope identified above. Our services will be delivered as proposed in the project schedule.

Boomerang Design will engage independent engineering consultants to provide Civil, Landscape, Structural, Plumbing, Mechanical, Electrical, and basic classroom Technology services for the proposed facility. We will provide full 32 division specifications for all design work, and design to the 2018 North Carolina Building Code and other AHJ requirements. We will design the facility to meet the recommendations provided by the Owner's Geotechnical Consultant.

*Septic Study:* We will work with Currituck County to request a reduced gallons per day usage septic flow for the school. In addition, we will study and provide recommendation to the county for adding an additional septic system. Should the county request design of the added septic system, we propose additional services as identified below.

*Structural Study:* Our services include a field visit by our structural engineer to look at the existing Moyock elementary school historic building where areas of structural concern were identified on the "Concerns List" attached and provided by Currituck County. Our services will provide review and report for remediation only. Should repairs be needed, this design will be negotiated as an additional service once the repair work is determined.

*Vehicular Circulation:* Our services include developing two basic vehicular circulation options. The scope includes: parent drop off/pick up routes, staff/faculty and visitor parking, bus loading/unloading and parking, and fire truck access for the entire campus that will be priced by Sussex and presented to Currituck County and Currituck County Schools. If Currituck County selects to move forward, an additional service proposal will be provided for the complete design and permitting of the selected improvements.

Refer to the engineering proposals for additional scope of services.

**Boomerang DESIGN**

Page 2 of 5

Letter to: H Davis, MES

March 29, 2021 (*revised 04/19/2021*)**Additional Services**

Our services do not include complete design for an additional septic system. Should this be desired or determined our proposed services for this work are \$3,800 if designed in conjunction with the base scope of services.

**Supplementary Services (not included in proposal)**

The list of services below are not included in our professional services proposal numbers, however, these are items that can be provided at a negotiated rate should they be needed.

- Kitchen expansion
- Irrigation Design and Permitting
- Retaining Wall/Structural Design (*walls above 5'*)
- Rezoning, Special Use, or Conditional Use Permitting
- Variance Requests
- Site Surveying
- As Built Surveys
- 404 Wetland Delineation/Permitting
- Easement Negotiations/Plats
- Drainage Design requiring pumps
- Pavement Condition surveying
- Environmental Permitting
- Post Approval Changes to Plans
- Printing and Reproduction services
- All permitting fees and permit review fees
- Fire Protection Design (not known at this time)
- Design for items on the concerns list provided by Currituck County
- PME, Structural or Architectural design upgrades to existing buildings unless otherwise identified in the base scope of services
- LEED Design

**Excluded Services (by others)**

Services by others that are excluded from our proposal include:

- Geotechnical Investigations (*we will not perform borings or report, but we will engineer to recommendations in the report*)
- Construction Materials and Compaction Testing
- Complete Site Survey
- Commissioning
- Special Inspection Services
- Commissioning
- Traffic Impact Analysis and Traffic Studies
- Other services listed as by Others or Not Included on the attached consultant proposals

**Reimbursable Fees**

Items that are to be considered reimbursable include:

- Permit Application Fees
- Printing Fees (an allowance has been included in the initial project budget)

**Boomerang DESIGN**

Page 3 of 5

Letter to: H Davis, MES

March 29, 2021 *(revised 04/19/2021)***Project Budget**

Below is a preliminary project budget based upon recent project bids, the scope of work and the location of the project. Design Build fees are not included in these numbers.

**Construction Costs**

|                                    |        |    |           |                   |
|------------------------------------|--------|----|-----------|-------------------|
| New Building Construction          | 21,400 | SF | \$        | 6,955,000         |
| Cafeteria Addition                 | 2,700  | SF | \$        | 742,500           |
| Renovations                        | 10,400 | SF | \$        | 2,080,000         |
| <b>Subtotal</b>                    |        |    | <b>\$</b> | <b>9,777,500</b>  |
| Owner Contingency                  |        |    | \$        | 488,875           |
| 15% Escalation to bid              |        |    | \$        | 1,466,625         |
| <b>Construction Costs Subtotal</b> |        |    | <b>\$</b> | <b>11,733,000</b> |

**Non Construction Costs**

|                                       |  |  |           |                  |
|---------------------------------------|--|--|-----------|------------------|
| Estimated A/E Fees                    |  |  | \$        | 998,500          |
| Surveys & Subsurface Analysis         |  |  | \$        | 40,000           |
| Construction Testing                  |  |  | \$        | 150,000          |
| FF&E (10% of Construction Budget)     |  |  | \$        | 1,173,300        |
| Playground Equipment                  |  |  | \$        | 100,000          |
| <b>Commissioning</b>                  |  |  | <b>\$</b> | <b>40,000</b>    |
| Permit Review Fees                    |  |  | \$        | 20,000           |
| Permit Fees                           |  |  |           | TBD              |
| Printing Allowance                    |  |  | \$        | 5,000            |
| <b>Non-Construction Cost Subtotal</b> |  |  | <b>\$</b> | <b>2,526,800</b> |

|                                     |                      |
|-------------------------------------|----------------------|
| <b>Initial Total Project Budget</b> | <b>\$ 14,259,800</b> |
|-------------------------------------|----------------------|

**Boomerang DESIGN**

Page 4 of 5

Letter to: H Davis, MES

March 29, 2021 *(revised 04/19/2021)***Proposed Design Fee**

Based upon the proposed scope of work, below is a breakdown of the A/E Fees proposed.

| <b>Basic Services</b>                            |           |                |
|--|-----------|----------------|
| Architecture, Interior Design                    | \$        | 634,766        |
| Civil  | \$        | 59,500         |
| Structural                                       | \$        | 58,000         |
| FP, P, M, & E*                                   | \$        | 246,234        |
| <b>Basic Phased Design &amp; CA Services Fee</b> | <b>\$</b> | <b>998,500</b> |

*Fee Breakdown by Phase (Base Services):*

|  |           |                |
|--|-----------|----------------|
| <i>35% Design Submission</i>             | <i>\$</i> | <i>244,630</i> |
| <i>65% Design Submission</i>             | <i>\$</i> | <i>209,685</i> |
| <i>95% Design Submission</i>             | <i>\$</i> | <i>209,685</i> |
| <i>100% Design Submission</i>            | <i>\$</i> | <i>34,950</i>  |
| <i>Bidding (5%)</i>                      | <i>\$</i> | <i>49,925</i>  |
| <i>Construction Administration (25%)</i> | <i>\$</i> | <i>249,625</i> |

**Consulting Engineers**

Boomerang Design will be utilizing the following engineers for the project:

Civil Engineering and Landscape Design Consultant

Timmons Group  
 1805 West City Drive, Unit E  
 Elizabeth City, NC 27909  
 252-621-5030

Structural Engineering Consultant

LHC Structural Engineers a division of Bennett & Pless  
 5430 Wade Park Blvd., Suite 400  
 Raleigh, NC 27607  
 919-832-5587

Plumbing, Mechanical, and Electrical Engineering Consultant

Progressive Design Collaborative, LTD.  
 3101 Poplarwood Ct., Suite 320  
 Raleigh, NC 27604  
 919-790-9989

**Boomerang DESIGN**

Page 5 of 5

Letter to: H Davis, MES

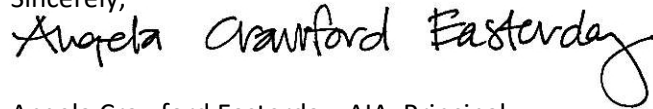
March 29, 2021 (*revised 04/19/2021*)**Schedule**

See attached schedule for complete details.

| <u>PHASE</u>          | <u>DATE</u>      |
|-----------------------|------------------|
| 35% Design Services:  | August 2, 2021   |
| 65% Design Services:  | October 5, 2021  |
| 95% Design Services:  | December 2, 2021 |
| 100% Design Services: | January 21, 2022 |

Should you have any questions, please contact me at 919-573-5403 or by email at [acrawford@thinkboomerang.com](mailto:acrawford@thinkboomerang.com). We look forward to moving this project forward with you.

Sincerely,



Angela Crawford Easterday, AIA, Principal

/ace

Attachments: Initial MES Program, Concerns List, Engineer Proposals

## Moyock Elementary School Initial Program

### NEW CONSTRUCTION

| Space  | No. | SF   |    | Total         |           | Notes        |
|--|-----|------|----|---------------|-----------|--------------|
| Classrooms   | 11  | 1200 | SF | 13,200        | SF        | K-1 size     |
| Resource   | 2   | 450  | SF | 900           | SF        |              |
| Storage  | 2   | 500  | SF | 1,000         | SF        |              |
| Teacher Work/Lounge  | 1   | 600  | SF | 600           | SF        |              |
| AP Office  | 1   | 150  | SF | 150           | SF        |              |
| Guidance   | 0   | 400  | SF | 0             | SF        | use existing |
| Testing  | 0   | 150  | SF | 0             | SF        | use existing |
| <b>Subtotal</b>  |     |      |    | <b>15,850</b> | <b>SF</b> |              |
|  |     |      |    |               |           |              |
| Building Support (walls, jan, circulation, data, etc.) 35% |     |      |    | 5,550         | SF        |              |
| <b>Total</b>   |     |      |    | <b>21,400</b> | <b>SF</b> |              |

### ADDITION

| Space               | No. | SF   |    | Total        |           | Notes |
|---------------------|-----|------|----|--------------|-----------|-------|
| Dining & Connectors | 1   | 2700 | SF | 2,700        | SF        |       |
| <b>Total</b>        |     |      |    | <b>2,700</b> | <b>SF</b> |       |

### RENOVATION

| Space                 | No. | SF   |    | Total         |           | Notes |
|-----------------------|-----|------|----|---------------|-----------|-------|
| Kindergarten Building | 1   | 7000 | SF | 7,000         | SF        |       |
| Dining Renovation     | 1   | 3400 | SF | 3,400         | SF        |       |
| <b>Total</b>          |     |      |    | <b>10,400</b> | <b>SF</b> |       |

**Concerns for MES:**

- New addition and core capacity added (150 additional students)
- Separation of primary building into classrooms with separate temperature controls
- Wastewater system too small for addition - Septic or County Waste Treatment
- Potential need for a new chiller due to expansion
- Concrete and steel column deterioration in the basement
- Rotting beams and settling
- Water/Moisture infiltration in walls, basement, and in crawl space
- Rot in windows due to moisture
- Dehumidification in the main building to assist with moisture problems
- Convert main building from a two pipe to a four pipe HVAC system
- Primary building roof or coating
- Elevator pit sump pump
- Main electrical panels in original building obsolete
- Remove steam pipes under building



1805 West City Drive  
Unit E  
Elizabeth City, NC 27909

P 252.621.5030  
F 252.562.6974  
[www.timmons.com](http://www.timmons.com)

## EXHIBIT A

### SCOPE OF SERVICES

|            |                              |                  |  |
|------------|------------------------------|------------------|--|
| Client:    | Boomerang Design             | Date:            | April 18, 2021   |
| Contact:   | Angela Crawford Easterday    | Principal:       | Mark Richardson  |
| Phone No.: | 919-573-6403                 | Project Manager: | Kim Hamby  |
| Email:     | ACrawford@thinkboomerang.com | Project Name:    | Additions and Renovations to<br>Moyock Elementary School |

Dear Angie:

Timmons Group is pleased to offer this proposal for engineering site design for the Additions and Renovations to Moyock Elementary School in Moyock, NC.

Thank you for allowing Timmons Group to provide professional services on this project. We will provide the requested services, complying with established standards, while being mindful of costs to the Client (the "Client") named above according to the terms and conditions of this Letter of Agreement (the "Agreement"). Prior to submittal to a public agency, all documents will be sent to the Client, if requested, to ensure a complete understanding by all parties.

We will proceed upon receipt of this signed Agreement. Please note that fees quoted are valid for sixty (60) days from the date first written above.

#### SCOPE AND SCHEDULE OF SERVICES:

Timmons Group will provide the services as detailed on the Scope of Services attached as Exhibit A (the "Scope of Services").

We will provide services in a timely and efficient manner and will keep you informed of the job status and any necessary changes. Any changes required to the Scope of Services must be approved in writing before such changes take effect. As of the date first written above, any changes in the Scope of Services caused by governing codes or Client revisions may require a schedule and/or fee change.

**PAYMENT SCHEDULE:** Client agrees to pay Timmons Group for its Services as selected and set forth below:

☒ FIXED FEE

Fees for this Agreement will be billed on a monthly basis as a fixed fee per the Scope of Services in Exhibit A.

☐ TIME AND MATERIALS

Fees for this Agreement will be billed on a time and materials basis based upon actual services provided during the prior calendar month and at the rates specified in the attached rate schedule.

Unless otherwise provided under the terms of this Agreement, all payments are due upon receipt. Interest shall accrue at the rate of twelve percent (12%) per annum on all unpaid invoices older than thirty (30) days. We reserve the right to stop work on any Client account that becomes sixty (60) days past due and to notify local officials that professional seals should be removed from plans associated with the Client.

Attachment: MES-boomerang AE proposal\_L20210329\_R20210419 (Moyock Elementary School-Design Proposal)





1805 West City Drive  
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Elizabeth City, NC 27909

P 804.200.6500  
F 804.560.1016  
[www.timmons.com](http://www.timmons.com)

## EXHIBIT A

### SCOPE OF SERVICES

**EXHIBITS:** The following Exhibits are attached hereto and expressly made part of this Agreement.

☒ EXHIBIT A SCOPE OF SERVICES

☒ EXHIBIT B TERMS AND CONDITIONS

This Agreement shall be controlled by the provisions listed above and the Terms and Conditions in the attached Exhibit B. If there is any conflict between the provisions of this Letter of Agreement and the Terms and Conditions, the Terms and Conditions shall control.


☐ EXHIBIT C REIMBURSEMENT SCHEDULE

In addition to the Total Fee for the services provided under the Scope of Services above and any General Reimbursements needed, the items and materials listed on the Project Reimbursement Schedule attached as Exhibit C will be invoiced on a monthly basis as applicable. An additional 15% is added to these charges.

#### REIMBURSEMENTS:

Any services and costs such as submittal fees, printing, courier, mileage and outside consultants not listed in the Scope of Services ("General Reimbursements") will be invoiced separately in addition to the professional services provided under this Agreement. Reimbursements may include a reasonable handling charge of up to 15% of cost. The Scope of Services may specify an additional Project Reimbursement Schedule to be attached as Exhibit C if applicable.

We will proceed upon receipt of this signed agreement. Should you have any questions, you can reach Kim Hamby directly at 252.621.5029 or via email at [kim.hamby@timmons.com](mailto:kim.hamby@timmons.com).

  
 \_\_\_\_\_  
 Timmons Group

April 18, 2021



1805 West City Drive  
Unit E  
Elizabeth City, NC 27909

P 252.621.5030  
F 252.562.6974  
[www.timmons.com](http://www.timmons.com)

## EXHIBIT A

### SCOPE OF SERVICES

Under this Agreement, Timmons Group will provide professional services relative to the project located at 255 Shingle Landing Road in Moyock, NC.

#### BASE SCOPE

##### Schematic Site Layout

Under the Schematic Site Layout phase, Timmons Group will work with the design team to develop an acceptable schematic layout for the site. We will provide a schematic site layout showing the buildings, sidewalks, vehicular areas, and approximate stormwater storage areas. This proposal assumes that changes to vehicular areas will be limited to replacement of parking lost to building additions and that stormwater storage volumes will be based on Simple Volume Calculations or Rational Method for the increased coverage (per Currituck County Stormwater Manual Section 2.4.4). During this phase, we will also work with the County in an effort to determine realistic flows to the existing septic system in an effort to obtain a flow reduction to allow the additions to connect to the existing system. The schematic site layout will be provided to the team and county for comments prior to moving forward with the site plan design. Upon approval of the schematic site layout, we will proceed to the site plan design phase.

##### Additional Schematic Layout

Under this scope of work, the vehicular circulation will be reviewed based on information to be provided by school officials with regard to the school's traffic flow and drop off locations. Site layout options will be provided based on that review to show potential improvements to vehicular circulation taking into consideration parent drop-off, bus loading/unloading and parking, fire truck access, and parking. Two initial layouts will be provided for review and will be updated up to two times based on comments. The schematic layouts will be provided for purposes of budgeting for additional improvements. Design and permitting of these improvements are not included in the Site Plan Design scope of work.

##### Site Plan Design

The engineered site plan design will be based on the approved schematic site layout. Layout will be coordinated with on-site grading and drainage and will conform to the ordinances and policies of Currituck County, NCDOT, and the North Carolina Department of Environmental Quality (NCDEQ) as well as good engineering practice and economics.

A demolition plan will be provided for site features that are to be removed for the proposed construction.

Landscaping design will be included in the site plan design to meet the requirements of the Currituck County UDO. No irrigation design is included.

Site lighting design is not included but we will coordinate with the architect and electrical designer to show locations of any site lighting on the site plans.

Waterline design will include design of necessary fire service lines and domestic service lines. Flow demand shall be provided to Timmons by the designers of the fire suppression system and domestic plumbing. We will coordinate with the Currituck County Water Department for flow and pressure data on the existing water lines.



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## EXHIBIT A

### SCOPE OF SERVICES

Sanitary sewer for the site is provided by an existing on-site septic system. Under this scope of work, Timmons Group will assist the County in an effort to receive a flow reduction to enable the existing system to be utilized for the addition. Connections to the existing system, if approved, will be designed under this scope of work.

Drainage design will take place in conjunction with the site plan design utilizing topographical information to plan for surface drainage of the property. Drainage design will include on site soil testing for seasonal high-water table determination and an on-site drainage analysis limited as stated under the schematic site layout scope of work. Also included is preparation of an erosion and sediment control plan. The appropriate applications will be prepared and submitted along with the sediment and erosion control and stormwater plans to the appropriate division of NCDEQ.

Technical specifications will be prepared and provided to the design team for inclusion in the Bid Documents.

#### **Bid Assistance**

We will respond to contractor requests for information and provide drawing revisions as necessary to adequately address questions or concerns during the bid process.

#### **Construction Administration**

Periodic site visits as necessary, attendance at monthly meetings with architect during site and utility construction, review of contractor submittals and shop drawings associated with site design, review of monthly pay applications from site contractor. The lump sum price assumes up to 12 site visits.

**TOTAL** ..... **\$59,500.00**

#### **ADDITIONAL SERVICES**

##### **Optional Services**

OS Task 1: LPP Septic System Design ..... \$3,800.00

Timmons Group will design a low-pressure septic system design for the proposed 150 student addition based on the results of a soil evaluation by Albemarle Regional Health Services. Design will include septic tank sizing, design of the pump tank and required controls, and design of the disposal field. If the soil investigation work determines that a different disposal method or pre-treatment is required, or if review at the state level becomes a requirement, additional fees will be negotiated.



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## EXHIBIT A

### SCOPE OF SERVICES

#### Items not included in the Scope of Services of this Agreement:

Timmons Group will not perform the following services under this Agreement. At the request of the Client, these services can be added for an additional fee, but are not included in this Agreement.

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Rezoning, Conditional Use Permits or Special Use Permits</li> <li>• Variance Requests</li> <li>• As-built surveys</li> <li>• Construction Materials Testing</li> <li>• Geotechnical Investigations</li> <li>• 404 Wetland Delineation/Permitting</li> <li>• Easement negotiations/plats</li> </ul> | <ul style="list-style-type: none"> <li>• Drainage design requiring pumps.</li> <li>• Pavement Condition Survey</li> <li>• Environmental permitting</li> <li>• Traffic Impact Analysis and Traffic Studies</li> <li>• Post-approval changes to plans</li> <li>• Printing and Reproduction Services</li> <li>• All Fees Not Included in the Scope of Services</li> </ul> |
|---|--|



1001 Boulders Parkway  
Suite 300  
Richmond, VA 23225

P 804.200.6500  
F 804.560.1016  
[www.timmons.com](http://www.timmons.com)

## EXHIBIT B

### TERMS AND CONDITIONS

1. **SCOPE OF SERVICES:** The Scope of Services performed under this Agreement shall be as described in Exhibit A of the Letter of Agreement. Separate Change Orders signed by authorized representatives of Timmons Group and the Client may, from time to time, describe additional or different services to be performed under this Agreement, such Change Orders are incorporated by reference herein. These Terms and Conditions shall apply to the Change Orders except to the extent expressly modified by such Change Order. Timmons Group services with regard to the specific properties covered by this Agreement and subsequent Change Orders, if any, shall hereinafter be referred to as the "Project" or "Projects."
2. **STANDARD OF CARE AND CODE COMPLIANCE:** Timmons Group shall provide its services under this Agreement consistent with the professional skill and care ordinarily provided by members of the same profession practicing in the same or similar locality under the same or similar circumstances. Timmons Group shall exercise usual and customary professional care in its efforts to comply with all applicable codes, laws, regulations and the policies of regulatory agencies in effect as of the date of the Agreement (collectively, "legal requirements"). Design changes made necessary by newly enacted codes, laws, regulations and the policies of regulatory agencies after the date of this Agreement shall be treated as an additional service subject to an executed Change Order, and Timmons Group shall be entitled to appropriate additional compensation. Timmons Group shall not be liable for any damages arising from conflicting interpretations of any legal requirements by different officials. In the event of a conflict between legal requirements applicable to the Project, Timmons Group shall notify the Client of the nature and impact of such conflict, and the Client agrees to cooperate and work with Timmons Group in an effort to resolve the conflict.
3. **INSTRUMENTS OF SERVICE:** All documents, including, but not limited to, drawings, specifications, plans, reports and other forms of electronic data prepared and furnished by Timmons Group, are Instruments of Service pursuant to this Agreement and remain the property of Timmons Group. Client may retain one such copy of all such documents, for record purposes, which documents may only be used for the Project. Any adaptation by Client of said documents, whether intentional or inadvertent, without Timmons Group's verification shall be at Client's sole risk and without liability or legal exposure to Timmons Group or Timmons Group's employees. Client agrees to assume all risks associated therewith and to hold Timmons Group harmless and indemnify it from and against any claims, liabilities, damages, losses and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.
4. **GOVERNING LAW:** This Agreement shall be governed according to the laws of the place of the Project, without regard to its conflicts of laws provisions.
5. **THIRD PARTY RIGHTS:** This Agreement shall not create any rights or benefits to parties other than the Client and Timmons Group.
6. **ASSIGNMENT:** This Agreement may not be assigned without the prior written consent of the Client and Timmons Group, such consent not to be unreasonably withheld.
7. **PROJECT SITE SAFETY:** Timmons Group's Project site responsibilities are limited solely to the activities of Timmons Group and Timmons Group's employees on the Project site. These responsibilities shall not be inferred by any party to mean that Timmons Group has responsibility for Project site safety. The Client and Timmons Group agree that Project site safety is the sole and exclusive responsibility of the Project's owners or contractor(s). The parties likewise agree that the Project contractor(s) is solely responsible for Project means, methods, techniques, sequences of operation and procedures, and that Timmons Group shall have no obligations relating to these contractor(s) duties.



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Richmond, VA 23225

P 804.200.6500  
F 804.560.1016  
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## EXHIBIT B

### TERMS AND CONDITIONS

8. **LIMITATION OF LIABILITY:** To the fullest extent permitted by law, except as expressly stated in this Agreement, Timmons Group makes no representations or warranties, express or implied. Notwithstanding any other provision of this Agreement, the maximum liability, in the aggregate, to the Client and anyone claiming by or through the Client, of Timmons Group and its officers, directors, shareholders, partners, employees, agents and subconsultants, and any of them, for any and all claims, losses, or damages, including attorney's fees, in any way related to or arising from the Project or this Agreement, shall not exceed Timmons Group's total fee under this Agreement, or \$50,000, whichever is less.
9. **DISPUTE RESOLUTION:** In the event of any action or proceeding brought by either party against the other under this Agreement, other than default on payment, the prevailing party shall be entitled to recover all costs and expenses, including its court reporter fees, expert witness fees, and reasonable attorney's fees. If Timmons Group initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees and other expenses related to the proceedings. Such expense shall include the cost, at the Timmons Group normal hourly billing rates, of the time devoted to such proceedings by its employees. The parties agree to litigation in a court of competent jurisdiction or in the jurisdiction where the Project is located.
10. **INDEMNIFICATION:** Timmons Group agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees, against all damages, liabilities or costs, including reasonable attorney's fees and defense costs, to the extent caused solely and directly by the negligent performance of professional services by Timmons Group or its agents under this Agreement. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Timmons Group, its officers, directors, employees and agents, against all damages, costs and liabilities, including reasonable attorney's fees, caused solely by the Client's negligent acts in connection with the Project or that of its Contractor(s), subcontractors or consultants or anyone for whom the Client is legally liable. Neither Timmons Group nor the Client shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.
11. **MISCELLANEOUS:** This Agreement constitutes the entire agreement of the Parties. All prior agreements, whether written or oral, are merged herein and shall be of no force or effect. This Agreement cannot be changed, modified or discharged orally, but only in an agreement in writing. If any term, condition, or provision of this Agreement is found unenforceable by a court of law or equity, this Agreement shall be construed as though that term, condition, or provision did not exist, and its unenforceability shall have no effect whatsoever on the rest of this Agreement. This represents drafting by both parties and in the event of ambiguities, the principle of interpretation against the drafter shall not apply.



1001 Boulders Parkway  
Suite 300  
Richmond, VA 23225

P 804.200.6500  
F 804.560.1016  
[www.timmons.com](http://www.timmons.com)

## EXHIBIT C

### PROJECT REIMBURSEMENT SCHEDULE

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Attachment: MES-boomerang AE proposal\_L20210329\_R20210419 (Moyock Elementary School-Design Proposal)



March 26, 2021

Boomerang Design  
6131 Falls of Neuse Rd.  
Suite 204  
Raleigh, NC 27609

Attention: Angela Crawford Easterday, AIA

Re: **MOYOCK ELEMENTARY SCHOOL  
ADDITION AND RENOVATION  
MOYOCK, NC**

Dear Angie:

LHC Structural Engineers is pleased to submit this proposal for structural engineering services on the above noted project.

### **Project Understanding**

The project as we understand it involves a new addition and renovation of the existing Moyock Elementary School in Moyock, NC. The project will be designed and constructed with a Design Build delivery method and teaming with Sussex Development. Per your e-mail dated March 22, 2021, the building program includes the following:

- New construction totaling 21,398 SF.
- Dining and Connector addition of 2700 SF.
- Renovation of 10,400 SF.

Also included in the project is an inspection and report of our findings of the existing structure. Recommendation for repairs will be included. Detailed drawings and cost estimate is not included in our proposal.

The anticipated project budget for the elementary school is \$8.5 million.

### **Structural Engineering Scope of Work**

LHC will be responsible for providing customary structural design services and construction administration as follows:

1. Design and detailing of foundations, floors and roofs for all loadings as required by the North Carolina State Building Code.
2. Structural detailing of the building to ensure structural design is coordinated with architectural.



3. Attendance at design meetings. We anticipate design meetings to be held via video conferencing.
4. Provide traditional construction phase structural engineering services consisting of submittal reviews, responses to RFI's and participation in jobsite meetings.
5. Conduct site visits to observe construction during applicable stages. We have included ten construction site visits in this proposal. Additional site visits will be invoiced as an additional fee of \$1200 per visit.

### **Clarifications and Assumptions**

1. Drawings will be completed in the latest Revit format.
2. Specifications will be written in standard CSI format.
3. A presumptive allowable soil bearing pressure will be used for the preliminary design. The final design will require a geotechnical report by a qualified geotechnical engineer. If it is determined that a deep foundation is necessary we would ask for an amendment to our contract for this additional service.
4. Structural design for steel stair structures, light gauge framing, curtain walls, window systems, storefront systems or other exterior cladding is not included in our proposal. Assumption is made that the structural design of these systems will be provided by the trade providing the system.
5. Design of guard rails, hand rails, bollards and ladders is not included in our proposal.
6. The design will commence in May 2021 with a construction end date of August, 2023. Design and construction is proposed to run concurrently with the Moyock Middle School project.
7. We exclude from this proposal any retaining walls required due to site conditions.
8. Construction means and methods are the responsibility of the specific trade contractor. Any temporary bracing or other supports will not be designed by LHC.
9. We exclude from this proposal Special Inspection Services as will be required by Chapter 17 of the North Carolina State Building Code. Special inspection requirements, however, will be noted on our structural drawings.

### **Compensation**

LHC Structural Engineers proposes to provide these services for a lump sum fee of **fifty eight thousand dollars (\$58,000)**. This fee includes miscellaneous expenses such as travel to and from the site, reproduction costs, postage, telephone, etc.

We have also attached our schedule of hourly rates for additional services or unforeseen scope that might be discovered during construction.

Finally, LHC Structural Engineers maintains professional liability insurance for its negligent acts, errors and omissions. LHC Structural Engineers' limit of liability for this project is \$1,000,000. If the client requires a higher limit, then an additional fee to offset the additional cost of insurance can be negotiated.



Page 3 of 4  
March 26, 2021

If you find our proposal acceptable please prepare such formal contractual documents as you require for our review and execution.

If you have any questions, please feel free to contact me at your convenience. Thank you for this opportunity and we look forward to working with you again.

Sincerely,

**LHC STRUCTURAL ENGINEERS, P.C.**



Robert E. Lasater, Jr. P.E.  
Principal

Attachment: MES-boomerang AE proposal\_L20210329\_R20210419 (Moyock Elementary School-Design Proposal)



**LHC STRUCTURAL ENGINEERS**  
a division of benne

**SCHEDULE OF HOURLY RATES  
THROUGH DECEMBER 31, 2021**

The hourly rate schedule for LHC Structural Engineers is:

|                    |          |
|--------------------|----------|
| Senior Engineer    | \$205.00 |
| Project Engineer   | \$165.00 |
| Project Manager    | \$155.00 |
| Design Engineer    | \$135.00 |
| Senior CAD/BIM     | \$130.00 |
| Engineer Intern    | \$115.00 |
| CAD/BIM Specialist | \$110.00 |
| Administrative     | \$90.00  |





## Progressive Design Collaborative, Ltd

3101 Poplarwood Court, Suite 320

Raleigh, North Carolina 27604

919-790-9989

March 23, 2021

Ms. Angela Crawford Easterday, AIA  
Boomerang Design  
6131 Falls of Neuse, Suite 204  
Raleigh, North Carolina 27609

Re: Moyock Elementary School – Addition and Renovation

Angie:

Thank you for having Progressive Design Collaborative on the design build team. I am proposing the following scope and services:

### Scope:

- 21,398 square foot two story classroom addition
- 2,700 square foot Dining and connector addition
- 7,000 square foot kindergarten renovation
- 3,400 square foot dining renovation

### Services:

- Site work as needed for the existing conditions evaluation
- Design development with specifications (Estimate by others)
- Construction drawing with specifications (Estimate by others)
- Address permit and owner comments as needed
- Attend pre-bid meeting and issue addendum as needed
- Review submittals
- Perform construction administration visits twice a month, provide reports and address RFI's.
- As-built drawings

### Total Fee: \$246,234

- $24,098 \text{ sq ft} * \$100/\text{sq ft} * 8.5\% * 80\% = \$163,866$
- $10,400 \text{ sq ft} * \$90/\text{sq ft} * 11\% * 80\% = \$82,368$

### Excludes:

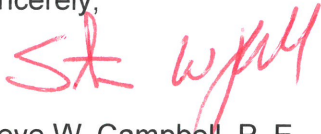
1. Fire Protection Design
2. Concerns listed on attachment
3. PME upgrades to the existing school
4. Cost Estimating
5. Commissioning
6. LEED Design

Attachment: MES-boomerang AE proposal\_L20210329\_R20210419 (Moyock Elementary School-Design Proposal)



If you have any questions, please give me a call.

Sincerely,



Steve W. Campbell, P. E.  
**PROGRESSIVE DESIGN COLLABORATIVE, LTD.**



1805 West City Drive  
Unit E  
Elizabeth City, NC 27909

P 252.621.5030  
F 252.562.6974  
[www.timmons.com](http://www.timmons.com)

## LETTER OF AGREEMENT

|            |  |                  |   |
|------------|--|------------------|---|
| Client:    | Sussex Development   | Date:            | March 31, 2021  |
| Contact:   | Harry Davis  | Principal:       | Mark Richardson                                       |
| Phone No.: | 757.422.2400   | Project Manager: | Kim Hamby   |
| Email:     | <a href="mailto:HDavis@sussexdevelopment.com">HDavis@sussexdevelopment.com</a> | Project Name:    | Additions and Renovations to Moyock Elementary School |

Dear Mr. Davis:

Timmons Group is pleased to offer this proposal for topographic survey for the Additions and Renovations to Moyock Elementary School in Moyock, NC.

Thank you for allowing Timmons Group to provide professional services on this project. We will provide the requested services, complying with established standards, while being mindful of costs to the Client (the "Client") named above according to the terms and conditions of this Letter of Agreement (the "Agreement"). Prior to submittal to a public agency, all documents will be sent to the Client, if requested, to ensure a complete understanding by all parties.

We will proceed upon receipt of this signed Agreement. Please note that fees quoted are valid for sixty (60) days from the date first written above.

### SCOPE AND SCHEDULE OF SERVICES:

Timmons Group will provide the services as detailed on the Scope of Services attached as Exhibit A (the "Scope of Services").

We will provide services in a timely and efficient manner and will keep you informed of the job status and any necessary changes. Any changes required to the Scope of Services must be approved in writing before such changes take effect. As of the date first written above, any changes in the Scope of Services caused by governing codes or Client revisions may require a schedule and/or fee change.

**PAYMENT SCHEDULE:** Client agrees to pay Timmons Group for its Services as selected and set forth below:

☒ FIXED FEE

Fees for this Agreement will be billed on a monthly basis as a fixed fee per the Scope of Services in Exhibit A.

☐ TIME AND MATERIALS

Fees for this Agreement will be billed on a time and materials basis based upon actual services provided during the prior calendar month and at the rates specified in the attached rate schedule.

Unless otherwise provided under the terms of this Agreement, all payments are due upon receipt. Interest shall accrue at the rate of twelve percent (12%) per annum on all unpaid invoices older than thirty (30) days. We reserve the right to stop work on any Client account that becomes sixty (60) days past due and to notify local officials that professional seals should be removed from plans associated with the Client.



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## LETTER OF AGREEMENT

**EXHIBITS:** The following Exhibits are attached hereto and expressly made part of this Agreement.

☒ EXHIBIT A SCOPE OF SERVICES

☒ EXHIBIT B TERMS AND CONDITIONS

This Agreement shall be controlled by the provisions listed above and the Terms and Conditions in the attached Exhibit B. If there is any conflict between the provisions of this Letter of Agreement and the Terms and Conditions, the Terms and Conditions shall control.

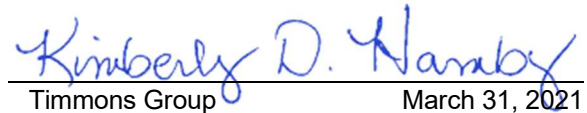
☐ EXHIBIT C REIMBURSEMENT SCHEDULE

In addition to the Total Fee for the services provided under the Scope of Services above and any General Reimbursements needed, the items and materials listed on the Project Reimbursement Schedule attached as Exhibit C will be invoiced on a monthly basis as applicable. An additional 15% is added to these charges.

### REIMBURSEMENTS:

Any services and costs such as submittal fees, printing, courier, mileage and outside consultants not listed in the Scope of Services ("General Reimbursements") will be invoiced separately in addition to the professional services provided under this Agreement. Reimbursements may include a reasonable handling charge of up to 15% of cost. The Scope of Services may specify an additional Project Reimbursement Schedule to be attached as Exhibit C if applicable.

We will proceed upon receipt of this signed agreement. Should you have any questions, you can reach Kim Hamby directly at 252.621.5029 or via email at [kim.hamby@timmons.com](mailto:kim.hamby@timmons.com).

  
Timmons Group March 31, 2021

### ACKNOWLEDGED AND ACCEPTED:

On behalf of the Client, this Agreement, including Exhibit A [Scope of Services] and Exhibit B [Terms and Conditions], is accepted and agreed to as of the date written below.

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

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

Address: \_\_\_\_\_

\_\_\_\_\_



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Elizabeth City, NC 27909

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www.timmons.com

**EXHIBIT A**  
**SCOPE OF SERVICES**

Under this Agreement, Timmons Group will provide professional services relative to the project located at 255 Shingle Landing Road in Moyock, NC.

**BASE SCOPE**

**Topographic Survey**

Timmons Group will perform a topographic survey of the property, and sufficient adjacent off-site grades for providing for an existing conditions map for site plan use. For this site, the topographic survey area will be limited to approximately 15 acres of the tract including the main school site containing the buildings and septic fields and the parking and bus loop to the right of the main school site. The open field areas behind the bus loop are not included. We will locate sufficient boundary information to tie the topo to the recorded boundary plat. The topographic survey will locate above ground features such as utilities, pavement, buildings, or other physical features. Underground utility features will be located using above ground features to approximate underground utility locations. As part of the topographic survey, the trees on the site will be investigated to determine if they meet the criteria of the Currituck County UDO to be considered Heritage Trees. Any Heritage Tree discovered will be individually located. Survey will be in accordance with NC State Mapping Requirements for topographic surveys.

**TOTAL ..... \$12,550.00**

**Optional Services**

OS Task 1: Subsurface Utility Location ..... \$7,000.00

Timmons Group will utilize GPRS Inc. to have underground utilities located on site. Open areas will be scanned using ground penetrating radar. They will attempt to trace any utilities for which there are structures visible and will search for unknown utilities. Utilities will be marked on the surface using paint, flags, or other appropriate means. Timmons Group will provide them with old design and as-built plans that we have gathered to aid in their investigative work. Maps will be prepared in CAD using GPS accuracy of approximately 4". Utility maps will be incorporated into the Topographic Survey using these CAD files.

Attachment: MES-LOA - SURVEY Moyock Elementary School (Moyock Elementary School-Design Proposal)





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## EXHIBIT B

### TERMS AND CONDITIONS

1. **SCOPE OF SERVICES:** The Scope of Services performed under this Agreement shall be as described in Exhibit A of the Letter of Agreement. Separate Change Orders signed by authorized representatives of Timmons Group and the Client may, from time to time, describe additional or different services to be performed under this Agreement, such Change Orders are incorporated by reference herein. These Terms and Conditions shall apply to the Change Orders except to the extent expressly modified by such Change Order. Timmons Group services with regard to the specific properties covered by this Agreement and subsequent Change Orders, if any, shall hereinafter be referred to as the "Project" or "Projects."
2. **STANDARD OF CARE AND CODE COMPLIANCE:** Timmons Group shall provide its services under this Agreement consistent with the professional skill and care ordinarily provided by members of the same profession practicing in the same or similar locality under the same or similar circumstances. Timmons Group shall exercise usual and customary professional care in its efforts to comply with all applicable codes, laws, regulations and the policies of regulatory agencies in effect as of the date of the Agreement (collectively, "legal requirements"). Design changes made necessary by newly enacted codes, laws, regulations and the policies of regulatory agencies after the date of this Agreement shall be treated as an additional service subject to an executed Change Order, and Timmons Group shall be entitled to appropriate additional compensation. Timmons Group shall not be liable for any damages arising from conflicting interpretations of any legal requirements by different officials. In the event of a conflict between legal requirements applicable to the Project, Timmons Group shall notify the Client of the nature and impact of such conflict, and the Client agrees to cooperate and work with Timmons Group in an effort to resolve the conflict.
3. **INSTRUMENTS OF SERVICE:** All documents, including, but not limited to, drawings, specifications, plans, reports and other forms of electronic data prepared and furnished by Timmons Group, are Instruments of Service pursuant to this Agreement and remain the property of Timmons Group. Client may retain one such copy of all such documents, for record purposes, which documents may only be used for the Project. Any adaptation by Client of said documents, whether intentional or inadvertent, without Timmons Group's verification shall be at Client's sole risk and without liability or legal exposure to Timmons Group or Timmons Group's employees. Client agrees to assume all risks associated therewith and to hold Timmons Group harmless and indemnify it from and against any claims, liabilities, damages, losses and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.
4. **GOVERNING LAW:** This Agreement shall be governed according to the laws of the place of the Project, without regard to its conflicts of laws provisions.
5. **THIRD PARTY RIGHTS:** This Agreement shall not create any rights or benefits to parties other than the Client and Timmons Group.
6. **ASSIGNMENT:** This Agreement may not be assigned without the prior written consent of the Client and Timmons Group, such consent not to be unreasonably withheld.
7. **PROJECT SITE SAFETY:** Timmons Group's Project site responsibilities are limited solely to the activities of Timmons Group and Timmons Group's employees on the Project site. These responsibilities shall not be inferred by any party to mean that Timmons Group has responsibility for Project site safety. The Client and Timmons Group agree that Project site safety is the sole and exclusive responsibility of the Project's owners or contractor(s). The parties likewise agree that the Project contractor(s) is solely responsible for Project means, methods, techniques, sequences of operation and procedures, and that Timmons Group shall have no obligations relating to these contractor(s) duties.



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## EXHIBIT B

### TERMS AND CONDITIONS

8. **LIMITATION OF LIABILITY:** To the fullest extent permitted by law, except as expressly stated in this Agreement, Timmons Group makes no representations or warranties, express or implied. Notwithstanding any other provision of this Agreement, the maximum liability, in the aggregate, to the Client and anyone claiming by or through the Client, of Timmons Group and its officers, directors, shareholders, partners, employees, agents and subconsultants, and any of them, for any and all claims, losses, or damages, including attorney's fees, in any way related to or arising from the Project or this Agreement, shall not exceed Timmons Group's total fee under this Agreement, or \$50,000, whichever is less.
9. **DISPUTE RESOLUTION:** In the event of any action or proceeding brought by either party against the other under this Agreement, other than default on payment, the prevailing party shall be entitled to recover all costs and expenses, including its court reporter fees, expert witness fees, and reasonable attorney's fees. If Timmons Group initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees and other expenses related to the proceedings. Such expense shall include the cost, at the Timmons Group normal hourly billing rates, of the time devoted to such proceedings by its employees. The parties agree to litigation in a court of competent jurisdiction or in the jurisdiction where the Project is located.
10. **INDEMNIFICATION:** Timmons Group agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees, against all damages, liabilities or costs, including reasonable attorney's fees and defense costs, to the extent caused solely and directly by the negligent performance of professional services by Timmons Group or its agents under this Agreement. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Timmons Group, its officers, directors, employees and agents, against all damages, costs and liabilities, including reasonable attorney's fees, caused solely by the Client's negligent acts in connection with the Project or that of its Contractor(s), subcontractors or consultants or anyone for whom the Client is legally liable. Neither Timmons Group nor the Client shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.
11. **MISCELLANEOUS:** This Agreement constitutes the entire agreement of the Parties. All prior agreements, whether written or oral, are merged herein and shall be of no force or effect. This Agreement cannot be changed, modified or discharged orally, but only in an agreement in writing. If any term, condition, or provision of this Agreement is found unenforceable by a court of law or equity, this Agreement shall be construed as though that term, condition, or provision did not exist, and its unenforceability shall have no effect whatsoever on the rest of this Agreement. This represents drafting by both parties and in the event of ambiguities, the principle of interpretation against the drafter shall not apply.



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## EXHIBIT C

### PROJECT REIMBURSEMENT SCHEDULE

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Attachment: MES-LOA - SURVEY Moyock Elementary School (Moyock Elementary School-Design Proposal)

Number 20210116

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>        | Debit                                   | Credit                                  |
|-----------------------|-----------------------------------|---|---|
|                       |                                   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 41990-587051          | T T - School Capital Construction | \$ 1,000,000                            |   |
| 41320-411002          | Article 42 Addtl Supp Sales Tax   |   | \$ 500,000                              |
| 41390-499900          | Appropriated Fund Balance         |   | 500,000                                 |
| 51390-495041          | T F - School Capital Reserve      |   | 1,000,000                               |
| 51848-597100          | Moyock Elem School 2022           | 1,000,000                               |   |
|                       |                                   | <u>\$ 2,000,000</u>                     | <u>\$ 2,000,000</u>                     |

**Explanation:** School Capital Reserve (41990); School Construction (51848) - Increase appropriations for design of an elementary school to be located in Moyock.

**Net Budget Effect:** School Capital Reserve Fund (41) - Increased by \$1,000,000.  
School Multi-year Construction Fund (51) - Increased by \$1,000,000.

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210117

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10480-545700          | Microfilm Processing       | \$ 3,227                                |   |
| 10480-545100          | Data Processing            |   | \$ 1,972                                |
| 10480-545200          | Record Management          |   | 1,255                                   |
|                       |                            | <u>\$ 3,227</u>                         | <u>\$ 3,227</u>                         |

**Explanation:** Register of Deeds (10480) - Transfer budgeted funds for operations for the remainder of this fiscal year.

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

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210118

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>         | Debit                                   | Credit                                  |
|-----------------------|------------------------------------|---|---|
|                       |                                    | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 41990-587051          | T T - School Capital Construction  | \$ 900,000                              |   |
| 41390-499900          | Appropriated Fund Balance          |   | \$ 900,000                              |
| 51390-495041          | T F - School Capital Reserve       |   | 900,000                                 |
| 51848-597008          | Moyock Elem School Addition 2021   | 600,000                                 |   |
| 51848-594007          | Moyock Middle School Addition 2021 | 300,000                                 |   |
|                       |                                    | <u>\$ 1,800,000</u>                     | <u>\$ 1,800,000</u>                     |

**Explanation:** School Capital Reserve (41990); School Construction (51848) - Increase appropriations for design of additions to the existing Moyock Elementary School and Moyock Middle School.

**Net Budget Effect:** School Capital Reserve Fund (41) - Increased by \$900,000.  
School Multi-year Construction Fund (51) - Increased by \$900,000.

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number

20210119

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>       | Debit                                   | Credit                                  |
|-----------------------|----------------------------------|---|---|
|                       |                                  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10511-514000          | Travel                           |   | \$ 3,200                                |
| 10511-516000          | Repairs & Maintenance            | \$ 2,000                                |   |
| 10511-516200          | Repairs & Maintenance - Vehicles | 2,500                                   |   |
| 10511-531000          | Fuel                             |   | 2,500                                   |
| 10511-532000          | Supplies                         | 1,200                                   |   |
| 10511-547000          | Meals                            |   | 13,000                                  |
| 10511-561000          | Professional Services            | 3,000                                   |   |
| 10511-590000          | Capital Outlay                   | 10,000                                  |   |
|                       |                                  | <u>\$ 18,700</u>                        | <u>\$ 18,700</u>                        |

**Explanation:** Detention Center (10511) - Transfer funds from Travel to Vehicle Repairs to cover the increased costs of wear and tear on vehicles this year; transfer to Supplies to offset the rising costs due to Pandemic; transfer to Repairs due to several projects that need completion; transfer from Meals to Capital Outlay in order to complete the project of new HVAC system in Cellblock C and D; and transfer to Professional services to cover the increase in hospital and dentists visits.

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210120

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10640-553000          | Dues and Subscriptions     | \$ 300                                  |   |
| 10640-516100          | Building Supplies          | 2,800                                   |   |
| 10640-521100          | Equipment Lease            |   | \$ 600                                  |
| 10640-514500          | Training & Education       |   | 2,500                                   |
|                       |                            | <u>\$ 3,100</u>                         | <u>\$ 3,100</u>                         |

**Explanation:** Cooperative Extension (10640) - To cover the cost of new refrigerator needed for kitchen in auditorium and additional subscription fees for virtual programming and education.

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

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)



Number 20210121

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 61818-553000          | Dues & Subscriptions       | \$ 1,000                                |   |
| 61818-590000          | Capital Outlay             |   | \$ 1,000                                |
|                       |                            | <u>\$ 1,000</u>                         | <u>\$ 1,000</u>                         |

**Explanation:** Mainland Water (61818) - Transfer funds for increases in dues for this fiscal year.

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

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210122

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10530-526000          | Advertising                |   | \$ 2,000                                |
| 10530-514000          | Travel                     |   | 3,000                                   |
| 10530-514500          | Training/Education         | \$ 3,000                                |   |
| 10530-561200          | Billing Fees               | 20,000                                  |   |
| 10530-590000          | Capital Outlay             | 7,000                                   |   |
| 10530-545000          | Contract Services          |   | 4,000                                   |
| 10530-561000          | Professional Services      |   | 21,000                                  |
| 10541-514000          | Travel                     |   | 1,800                                   |
| 10541-516000          | Repairs & Maintenance      | 1,800                                   |   |
|                       |                            | <u>\$ 31,800</u>                        | <u>\$ 31,800</u>                        |

**Explanation:** Emergency Medical Services (10530); Fire Services (10541) - Transfer budgeted funds for operations for the remainder of this fiscal year. Capital outlay will be used for DMV costs associated with new vehicle purchases. Also, repairs will be made to the Waterlily Fire Station.

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

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210123

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10650-545000          | Contract Services          | \$ 1,000                                |   |
| 10650-553000          | Dues & Subscriptions       |   | \$ 1,000                                |
|                       |                            | <u>\$ 1,000</u>                         | <u>\$ 1,000</u>                         |

**Explanation:** Economic Development (10650) - Transfer budgeted funds for increased contract costs.

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

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210124

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>    | Debit                                   | Credit                                  |
|-----------------------|-------------------------------|---|---|
|                       |                               | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 220548-590000         | Capital Outlay                | \$ 9,000                                |   |
| 220548-511015         | Telephone & Postage           | 1,000                                   |   |
| 220548-531015         | Gas                           | 1,300                                   |   |
| 220548-536115         | Personal Protective Equipment |   | \$ 9,000                                |
| 220548-506000         | Health Insurance Expense      |   | 2,300                                   |
|                       |                               | <u>\$ 11,300</u>                        | <u>\$ 11,300</u>                        |

**Explanation:** Knotts Island Fire (220548) - Transfer budgeted funds for remainder of this fiscal year.

**Net Budget Effect:** Knotts Island Fire Service District (220) - No change.

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210125

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10540-514000          | Travel                     |   | \$ 8,000                                |
| 10540-516200          | Vehicle Maintenance        | \$ 5,000                                |   |
| 10540-545100          | Credit Card Fees           | 3,000                                   |   |
|                       |                            | <u>\$ 8,000</u>                         | <u>\$ 8,000</u>                         |

**Explanation:** Inspections (10540) - The Inspections Department is requesting to move money to the Vehicle Maintenance Fund to cover the \$2,500 deductible for a recent accident. The request to move money to the Credit Card Fees Fund is due to the increase in building permits; also, COVID has caused an increase of online transactions that require payment by credit card.

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

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

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210126

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 210546-516006         | Repairs & Maintenance      | \$ 7,000                                |   |
| 210546-532106         | Fire Supplies              | 2,000                                   |   |
| 210546-514506         | Travel/Training/Etc        |   | \$ 2,000                                |
| 210546-536006         | Uniforms                   |   | 4,000                                   |
| 210546-553006         | Dues & Subscriptions       |   | 3,000                                   |
|                       |                            | <u>\$ 9,000</u>                         | <u>\$ 9,000</u>                         |

**Explanation:** Corolla Volunteer Fire Department (210546) - Transfer budgeted funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Corolla Fire District (210) - No change.

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210127

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 67878-553000          | Dues and Subscriptions     | \$ 5,000                                |   |
| 67878-511010          | Data Transmission          | 500                                     |   |
| 67878-545100          | Credit Card Fees           | 2,500                                   |   |
| 67878-557100          | Software License Fee       | 183                                     |   |
| 67878-533800          | Chemicals                  |   | \$ 3,683                                |
| 67878-506000          | Health Insurance Expense   |   | 4,500                                   |
|                       |                            | <u>\$ 8,183</u>                         | <u>\$ 8,183</u>                         |

**Explanation:** Mainland Sewer (67878) - Transfer budgeted funds for increased fees for this fiscal year.

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210128

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10510-557100          | Software License Fee       | \$ 241                                  |   |
| 10510-506000          | Health Insurance           |   | \$ 241                                  |
|                       |                            | <u>\$ 241</u>                           | <u>\$ 241</u>                           |

**Explanation:** Sheriff (10510) - Transfer budgeted funds to cover increase in software license fees.

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)



Number

20210129

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10790-514000          | Travel                     |   | \$ 50                                   |
| 10790-514800          | Fees Paid to Officials     |   | 600                                     |
| 10790-532000          | Supplies                   | \$ 5,650                                |   |
| 10790-545000          | Contracted Services        |   | 5,000                                   |
|                       |                            | <u>\$ 5,650</u>                         | <u>\$ 5,650</u>                         |

**Explanation:** Library (10790) - Transfer budgeted funds to supplies to cover additional supplies necessary for library programming during the COVID19 pandemic.

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210130

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>    | Debit                                   | Credit                                  |
|-----------------------|-------------------------------|---|---|
|                       |                               | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10430-532001          | Elections HAVA Grant Supplies | \$ 22,394                               |   |
| 10430-590000          | Capital Outlay HAVA Grant     | 9,845                                   |   |
| 10330-445200          | Election Grants               |   | \$ 32,239                               |
|                       |                               | <u>\$ 32,239</u>                        | <u>\$ 32,239</u>                        |

**Explanation:** Elections (10430) - Increase appropriations to record 2020 HAVA funds CFDA # 90.404 Agreement NC20101001-027. Capital outlay will be 11 carts to be used for elections.

**Net Budget Effect:** Operating Fund (10) - Increased by \$32,239.

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210131

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u> | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 20609-545000          | Contract Services          | \$ 3,700                                |   |
| 20609-531400          | Equipment Fuel             | 1,500                                   |   |
| 20609-516000          | Repairs & Maintenance      |   | \$ 5,200                                |
|                       |                            | <u>\$ 5,200</u>                         | <u>\$ 5,200</u>                         |

**Explanation:** Whalehead Stormwater District (20609) - Transfer funds for water quality sampling services and landscaping and to fill all generators before the summer season begins.

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number

20210132

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>   | Debit                                   | Credit                                  |
|-----------------------|------------------------------|---|---|
|                       |                              | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 10430-511000          | Telephone & Postage          | \$ 500                                  |   |
| 10430-532100          | Ballot Programs & Imprint    |   | \$ 500                                  |
| 10752-519200          | Special Assistance for Blind | 26                                      |   |
| 10750-506000          | Health Insurance Expense     |   | 26                                      |
| 10606-553000          | Dues & Subscriptions         | 25                                      |   |
| 10606-516000          | Repairs & Maintenance        |   | 25                                      |
| 10420-589000          | OSD Reserve                  | 2,000                                   |   |
| 10420-532000          | Supplies                     | 500                                     |   |
| 10420-561000          | Professional Services        |   | 2,500                                   |
| 10441-590003          | BOC Meeting Room Technology  | 2,000                                   |   |
| 10441-506000          | Health Insurance Expense     |   | 2,000                                   |
| 200981-502000         | Salaries                     | 57,120                                  |   |
| 200981-505000         | FICA                         |   | 5,250                                   |
| 200981-507000         | Retirement Expense           |   | 17,672                                  |
| 200981-532000         | Supplies                     |   | 22,818                                  |
| 200981-545000         | Contract Service             |   | 11,380                                  |
|                       |                              | <u>\$ 62,171</u>                        | <u>\$ 62,171</u>                        |

**Explanation:** Transfer budgeted funds for operations for the remainder of this year.

**Net Budget Effect:** Operating Fund (10) - No change.  
CARES Act COVID19 Fund (200) - No change.

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

Number 20210133

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of May 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

| <u>Account Number</u> | <u>Account Description</u>  | Debit                                   | Credit                                  |
|-----------------------|-----------------------------|---|---|
|                       |                             | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 57878-588000          | Contingency                 |   | \$ 1,100,000                            |
| 57878-590001          | Moyock Sewer Expansion 2022 | \$ 1,100,000                            |   |
|                       |                             | <u>\$ 1,100,000</u>                     | <u>\$ 1,100,000</u>                     |

**Explanation:** Moyock Sewer Construction Fund (57878) - Transfer contingency funds for design and project administration for upgrade and expansion of the Moyock Sewer system. This phase will include detailed design, regulatory coordination, bidding and construction services for a new 100,000 gpd oxidation ditch package treatment plant with high-rate basins with an option for 200,000 gpd by Hazen and Sawyer P.C., contract \$998,000 with additional funds for soil testing or other reimburseable costs.

**Net Budget Effect:** Moyock Sewer Construct Fund (57) - No change.

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

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

Attachment: BAS\_May 3\_General Meeting (Budget Amendments)

## COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

**SECTION 1.** The project authorized is for design, bidding and construction administration for Upgrades and Expansion of the Moyock Sewer System.

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

|                             |                     |
|-----------------------------|---------------------|
| Moyock Sewer Expansion 2022 | \$ 1,100,000        |
|                             | <u>\$ 1,100,000</u> |

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

|                                       |                     |
|---------------------------------------|---------------------|
| Moyock Sewer Construction Contingency | \$ 1,100,000        |
|                                       | <u>\$ 1,100,000</u> |

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

### SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

### SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

- materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

## **SECTION 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 3<sup>rd</sup> day of May 2021.

---

Michael Payment, Chairman  
Board of Commissioners

ATTEST:

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Leeann Walton  
Clerk to the Board

## COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

**SECTION 1.** The project authorized is for design for elementary school located in Moyock. This phase will be to select a contractor and design the school expansions. Any excess funds for that portion of these projects will be applied toward construction costs.

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

|                             |                     |
|-----------------------------|---------------------|
| Moyock Elementary School #2 | \$ 1,000,000        |
|                             | <u>\$ 1,000,000</u> |

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

|                        |                     |
|------------------------|---------------------|
| School Capital Reserve | \$ 1,000,000        |
|                        | <u>\$ 1,000,000</u> |

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

### SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

### SECTION 6. CONTRACTUAL OBLIGATIONS

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.



- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

## **SECTION 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 3<sup>rd</sup> day of May 2021.

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Michael Payment, Chairman  
Board of Commissioners

ATTEST:

---

Leeann Walton  
Clerk to the Board



## **COUNTY OF CURRITUCK**

### **RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING DESIGN-BUILD CONSTRUCTION DELIVERY METHOD FOR THE FUEL FARM RENOVATION PROJECT**

**WHEREAS**, pursuant to N.C. Gen. Stat. §143A-128.1A, a county may utilize the design-build delivery method for construction contracts; and,

**WHEREAS**, in order to utilize the design-build delivery method, the governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for this project; and,

**WHEREAS**, the criteria proposed and its application to the Fuel Farm Renovation Project is the following:

Criteria 1 – *The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.* Through the Engineering, Public Works, and Legal departments, the County has professional personnel with the experience and qualifications needed to thoroughly define the project requirements prior to issuance of a Request for Qualifications for design-builders.

Criteria 2 - *The time constraints for the delivery of the project.* The fuel farm equipment is aged and failing. Renovation of the fuel farm is urgent to ensure the county is able to maintain fuel services. The Board of Commissioners has resolved that this project should be completed in the most time-effective and efficient manner available. The design-build delivery method will allow for the project to be completed expeditiously.

Criteria 3 - *The ability to ensure that a quality project can be delivered.* Within the Engineering Department and Public Works Department, the County has adequate professional and experienced personnel to ensure that the Design-Build firm will provide a quality project within budget constraints established by the Board.

Criteria 4 - *The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* Within the Engineering, Public Works, and Legal departments, the County has professional and experienced personnel that are knowledgeable of design-build projects.

Criteria 5 - *A good-faith effort to comply with N.C. Gen. Stat. §143-128.2, N.C. Gen. Stat. §143-128.4, and to recruit and select small business entities.* The County complies with N.C. Gen. Stat. §143- 128.2 and N.C. Gen. Stat. §143- 128.4. The County will require contractors to comply with the HUB goals set by the Board of Commissioners.

Criteria 6 - *The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified.* The design-build delivery method provides a one team approach, which leads to lower costs and shorter project timeline. Project time constraints and process efficiency make the design-build option more appealing than the traditional construction delivery methods.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners adopt these written criteria and determine that the design-build delivery method is approved for utilization on the Fuel Farm Renovation Project. Further, this Resolution shall be effective on and after the 3<sup>rd</sup> day of May 2021.

**ADOPTED this, the 3<sup>rd</sup> day of May 2021.**

**ATTEST:**

\_\_\_\_\_  
Michael H. Payment  
Chairman of the Board of Commissioners

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

# OLDER AMERICANS MONTH 2021

## A PROCLAMATION

**WHEREAS**, Currituck County includes a growing number of older Americans who have built resilience and strength over their lives through successes and difficulties; and

**WHEREAS**, Currituck County benefits when people of all ages, abilities, and backgrounds are included and encouraged to share their successes and stories of resilience; and

**WHEREAS**, Currituck County recognizes our need to nurture ourselves, reinforce our strength, and continue to thrive in times of both joy and difficulty; and

**WHEREAS**, Currituck County can foster communities of strength by:

- creating opportunities to share stories and learn from each other;
- engaging older adults through education, recreation, and service; and
- encouraging people of all ages to celebrate connections and resilience.

**NOW, THEREFORE**, we the Currituck County Board of Commissioners do hereby proclaim May 2021 to be Older Americans Month. We urge every resident to recognize older adults and the people who support them as essential contributors to the strength of our community.

Dated this 3<sup>rd</sup> day of May, 2021.

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Michael H. Payment, Chairman

ATTEST:

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Leeann Walton, Clerk to the Board



|   |  |  |  |
|---|--|--|--|
|  | ADMINISTRATIVE PROCEDURES                            |  |  |
|   | SUBJECT: Board of Commissioners Out of County Travel |  |  |
|   | EFFECTIVE DATE:<br><br>September 4, 2018             | SUPERSEDES:<br><br>All previously issued Board of Commissioners Out of County Travel procedures. | APPROVED BY:<br><br>Board of Commissioners |

### PURPOSE

Currituck County recognizes that its board of commissioners may at times receive value from attending workshops, conferences, and events. This policy establishes uniform guidelines to approve and reimburse commissioners for reasonable expenses incurred while traveling out of the County on official business for the benefit of the County.

### GENERAL

Attending workshops, conferences, and events can be an important and valuable function of a commissioner. The commissioners may appropriate funds in the annual budget for registration and out of county travel, lodging, and meal costs incurred while traveling on official business for the benefit of the County. A commissioner traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays, or luxury accommodations and services unnecessary, unjustified, or for the convenience or personal preference of the commissioner in the performance of official County business are prohibited. Travel that would not directly benefit the County will not be reimbursable.

### PROCEDURES

- A. Attendance at a workshop, conference or event shall be approved in advance by the Board at an open meeting for travel costs to qualify for reimbursement.
- B. Requests for attendance must include a statement of the official business, direct benefit of the County, and an estimated cost.
- C. No reimbursements will be made for attendance at events sponsored by, or affiliated with, political parties.
- D. The County may make payments in advance for airfare, lodging and registration if specifically approved by the Board. Otherwise all payments will be made as reimbursements to the commissioner.

- E. The County will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in the Currituck County Personnel Policy for County employees.
- F. A County vehicle may be available and should be secured in advance. Mileage will be reimbursed at the approved IRS rate. If two or more commissioners travel together by car, only the driver will receive reimbursement. The commissioner must use the most cost-efficient mode of travel available, taking into consideration reasonable time constraints. Airfare will be reimbursed at coach rate.
- G. Receipts are required for lodging and airfare and should accompany an expense report form. It is not necessary to have receipts for meals if being reimbursed on the per diem basis outlined in the Currituck County Personnel Policy. Receipts for group meals must be remitted and must be a detailed receipt including items purchased, tax, tip and total. All persons attending the group meal should be listed on the back of the receipt along with a brief description of the group meal purpose. The expense report form must be submitted to the County for payment.
- H. The County will not reimburse for alcoholic beverages, personal telephone calls, entertainment, costs associated with the attendance of a family member, rental of luxury vehicles, and meal expenses included in the cost of registration and/or hotel amenities, or recreational expenses such as golf or tennis.
- I. Limitations may be imposed on paying for expenses for a commissioner who has announced intention to resign, not to seek re-election, or who has been defeated in an election.
- J. The County may request an oral or written report from the commissioner on the results of the trip.
- K. The Commissioner must make available to the County or other commissioners material related to the workshops, conferences, and events so that it may be copied if desired.
- L. Requests for reimbursement shall be filed within 7 days after the travel period ends for which the reimbursement is being requested, except for an unforeseen cause.



**CURRITUCK COUNTY  
NORTH CAROLINA**

April 19, 2021

Minutes – Regular Meeting of the Board of Commissioners

**4:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners met at 4:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for a regular meeting.

| Attendee Name          | Title        | Status  | Arrived |
|------------------------|--------------|---------|---------|
| Michael H. Payment     | Commissioner | Present |         |
| Paul M. Beaumont       | Commissioner | Absent  |         |
| J. Owen Etheridge      | Commissioner | Present |         |
| Mary "Kitty" Etheridge | Commissioner | Present |         |
| Selina S. Jarvis       | Commissioner | Present |         |
| Kevin E. McCord        | Commissioner | Present |         |
| Bob White              | Commissioner | Present |         |

Chairman Payment called the meeting to order.

**A) Invocation & Pledge of Allegiance**

Commissioner Jarvis offered the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Jarvis moved to amend the agenda. Old Business Item A was moved to the May 3, 2021, meeting with a work session to discuss proposed changes to the Noise Ordinance. A budget amendment was added to Consent Agenda to assist Currituck County Schools with costs of the senior prom.

Commissioner Mary Etheridge seconded the motion. The motion carried, 6-0.

Approved agenda:

**4:00 PM Call to Order**

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

**Public Comment**

Communication: Minutes for April 19, 2021 (Approval Of Minutes-April 19, 2021/BOC-BOE Joint Mtg)

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

**Commissioner's**

**Report**

**County      Manager's**

**Report**

**County      Attorney's**

**Report**

**Old Business**

- A) ~~Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels~~  
***Amended-This item was removed from consideration.***

**Public Hearings**

- A) **PB 21-07 NC Beach Buggy, LLC:** Request for an Auto Sales and Rentals Use Permit to sell and rent low speed electric vehicles at 8295 Caratoke Highway, Powells Point, Tax Map 124C, Parcel 4, Poplar Branch Township.

**New Business**

**A) Board Appointments**

1. Board of Adjustment

**B) Consent Agenda**

1. Budget Amendments-***Amended to add BA to funding for CCHS prom***
2. Personnel Policy Revisions to Remove Special Considerations Related to Covid-19
3. Resolution and Agreement to set up Trust Account for Other Post Employment Benefits (OPEB) Funds
4. Resolution and Agreement to set up Trust Account for Law Enforcement Officer Special Separation Allowance (LEOSSA)
5. Prison Sewer Connection Project-Change Order #2
6. Records Disposal-Department of Social Services
7. Historic Corolla Park/Whalehead Event Fee Waiver for Currituck County Schools to Hold Senior Prom
8. Approval Of Minutes-April 5, 2021

**Adjourn**



|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Selina S. Jarvis, Commissioner  |
| <b>SECONDER:</b> | Mary "Kitty" Etheridge, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Paul M. Beaumont, Commissioner  |

## PUBLIC COMMENT

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

Chairman Payment opened Public Comment. There were no speakers and the Public Comment period was closed.

## COMMISSIONER'S REPORT

Commissioner Jarvis, who serves on the College of the Albemarle (COA) Board of Trustees, reported on the recent meeting. She congratulated members on new term appointments and thanked all COA Board of Trustees for serving.

Commissioner Mary Etheridge discussed the importance of volunteer service in the County and recognized several volunteers who were instrumental in establishing and providing free tax preparation services to seniors in the County. The volunteers also ensured the service would continue during the Covid-19 pandemic. She encouraged citizens to get involved in the county through volunteerism.

Commissioner White serves on the Tourism Advisory Board and reported on the recent meeting where marketing consulting firm, Chandler Thinks, presented results of a study conducted on area tourism, which included the effects of Covid-19. He reported a very positive outlook overall and described visitor trends and participation in a visioning session.

Chairman Payment presented Covid-19 case counts for Currituck County. He noted things have turned around in the region served by Albemarle Regional Health Services (ARHS), with no active outbreaks reported. Those who want a vaccine may call ARHS to make an appointment. He urged using caution with highway traffic picking up and asked citizens to remember their local fire departments.

Commissioner McCord announced the following day's second round Covid clinic at Maple Park. He reiterated information on first shot appointments, Covid-19 case counts, county volunteers, and traffic. He reported on a recent fire on Tulls Creek Road and recognized Firefighter Keith Stork and Deputy Caleb Edwards who carried two residents out of the structure, saving the lives of both.

Commissioner J. Owen Etheridge recalled recent news reports on challenges businesses will face, particularly restaurants, trying to find enough workers this summer season due to the pandemic. He recognized the professionalism and performance of Currituck County's Telecommunicators in honor of Telecommunicators Week.

## COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, reported reopening plans for county libraries. He discussed the upcoming hurricane season and announced a session planned for Commissioners to review county storm preparation and response plans. He announced the mailing of revaluation notices and said citizens may call the Tax Office with questions about their revaluation. Several bills recently filed in the North Carolina General Assembly were reviewed, and as the legislation would take away authority of local governments, he recommended the Board consider adopting Resolutions to oppose the legislation.

## COUNTY ATTORNEY'S REPORT

County Attorney, Ike McRee, briefly touched on the legislation referenced earlier in the County Manager's report. For the first County Attorney's Report, Mr. McRee presented an overview of state requirements for local governments to appoint an attorney the roles and responsibilities of his office and staff. Mr. McRee described the process established for county contracts, which includes Attorney review, and reported on recent closings related to the purchase and sale of real estate. He discussed several pieces of state legislation being considered that, if passed, will assist local governments of coastal communities with storm-related efforts.

## OLD BUSINESS

### A. Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels

This item was removed from the agenda and will be considered at the May 3, 2021, Board of Commissioners meeting, with a work session to be scheduled beforehand.

|                |                  |                               |
|----------------|------------------|-------------------------------|
| <b>RESULT:</b> | <b>WITHDRAWN</b> | <b>Next: 5/3/2021 6:00 PM</b> |
|----------------|------------------|-------------------------------|

## PUBLIC HEARINGS

### A. PB 21-07 NC Beach Buggy, LLC:

|  |  |
|--|--|
| <b>Property Owner:</b> Kent Harvin                       | <b>Applicant:</b> NC Beach Buggy, LLC  |
| <b>Case Number:</b> PB 21-07                             | <b>Application Type:</b> Use Permit    |
| <b>Parcel Identification Number:</b><br>124C00000040000  | <b>Existing Use:</b><br>Office         |
| <b>Land Use Plan Classification:</b> Full Service        | <b>Parcel Size (Acres):</b> 0.92 Acres |
| <b>Request:</b> Use Permit – Automobile Sales and Rental | <b>Zoning:</b> General Business        |

## SURROUNDING PARCELS

|       | Land Use                        | Zoning           |
|-------|---------------------------------|------------------|
| North | Retail/First Flight Motorcycles | General Business |

|       |  |                  |
|-------|--|------------------|
| South | Contractor Services/ Norris Mechanical | General Business |
| East  | Single Family Dwelling                 | General Business |
| West  | Single Family Dwelling                 | Agriculture      |

The business is NC Beach Buggy, LLC and the purpose is to be a licensed automobile dealership. We will sell and rent low speed electric vehicles. No changes will be made to the building or land. Cars will be stored and displayed primarily in our indoor showroom.

The applicant is requesting a use permit to establish a low-speed electric vehicle sales and rental business in the General Business (GB) zoning district. The use will be established in an existing multi-tenant office building. The applicant has indicated there will be no outdoor storage or display of vehicles or other items, and that all vehicles will be kept inside the building. Any outdoor display or storage will require modification of the use permit and compliance with the Unified Development Ordinance.

There is an existing vehicle sales and rental business (Wheelz of Steel) located in the same multi-tenant office building. Wheelz of Steel was granted a use permit in October of 2019.

#### COMMUNITY MEETING

A community meeting was held on January 22, 2021 at 5:30 pm at the subject property. No one from the community attended the meeting. Only the applicant and county staff were present. A summary of the community meeting is provided in the packet.

#### INFRASTRUCTURE

|             |   |
|-------------|---|
| Water       | Public  |
| Sewer       | Septic  |
| Landscaping | There will be no change to the existing landscaping |

There is adequate existing parking for each unit in the multi-tenant building. There are 15 spaces required and 22 space provided. The applicant is proposing to keep all vehicles inside a building. The proposed use will not adversely impact the available on-site parking.

#### 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. There are no outstanding items.
2. 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. **Outdoor storage and display of vehicles is prohibited. All items shall be kept inside the building at all times.**

#### 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 use will not be a danger to the public health or safety as it is located in an existing commercial building in the General Business zoning district. The business consists of the sales and rental of low-speed electric vehicles.

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 location is surrounded by similar uses in the general business zoning district and therefore will not injure the value of abutting lands. There is an existing automobile sales and rental business located on the same property.

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

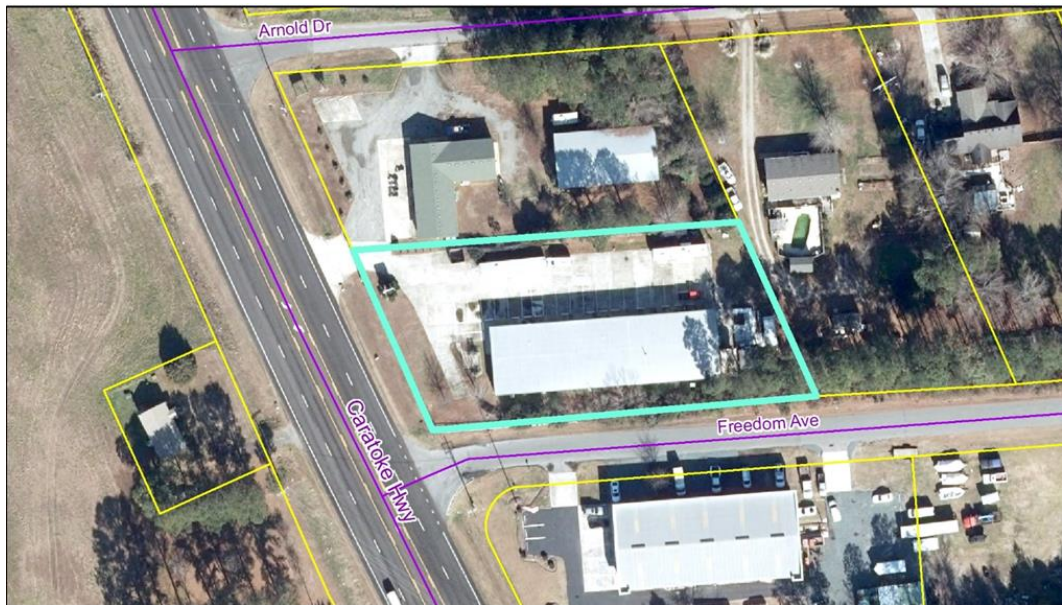
Preliminary Staff Findings:

1. The 2006 land Use Plan classifies this site as Full Service within the Point Harbor Subarea.  
The proposed use is in keeping with the policies of the plan, including Policies ED1 and ED4

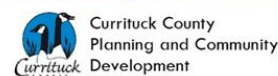
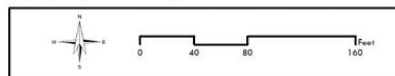
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

1. There will be no effect on the school system. Currituck County has adequate public facilities to serve this use.



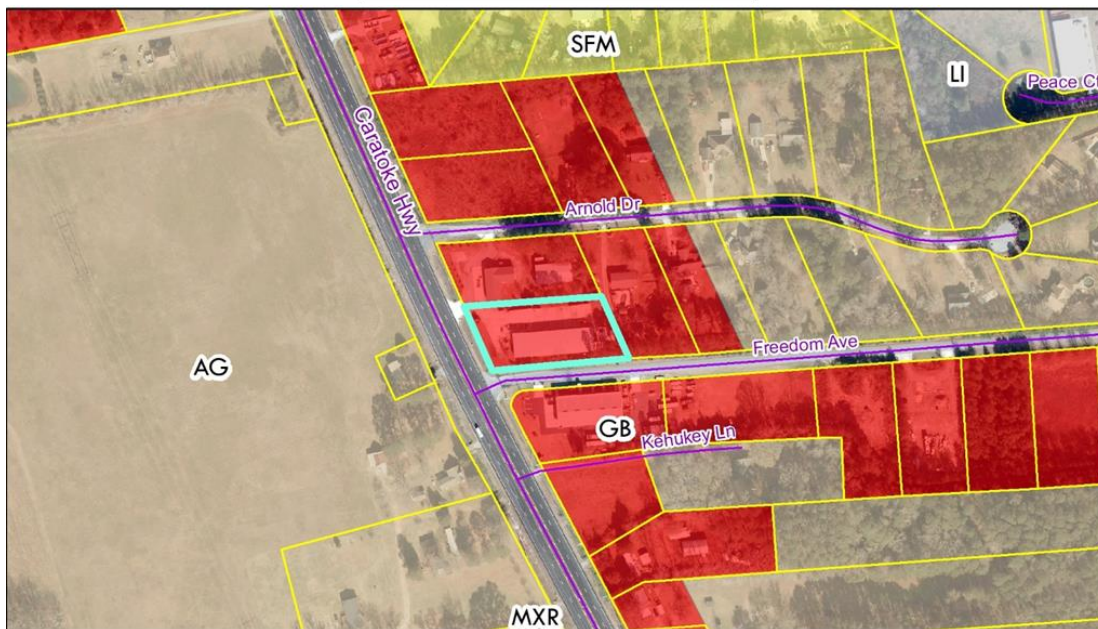
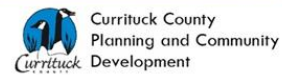
NC Beach Buggies  
8295 Caratoke Hwy  
Aerial



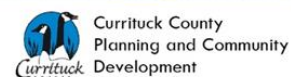
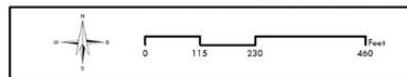




NC Beach Buggies  
8295 Caratoke Hwy  
Land Use Plan Classes



NC Beach Buggies  
8295 Caratoke Hwy  
Zoning



Parties to testify were sworn in and Planner, Jason Litteral, reviewed the Use Permit application with the Board of Commissioners. The overhead displayed maps of the site location, current zoning and zoning of surrounding parcels. Mr. Litteral reported no concerns were expressed at the community meeting. Use Permit review standards, policies, and conditions were presented in support of approval as recommended by the Technical Review Committee (TRC).

Following review, Mr. Litteral responded to questions posed by Commissioners. He clarified the layout and availability of parking at the location and described the similar business previously located on the site.

Attorney Timothy Koller appeared on behalf of the applicant. Responding to questions, Brandon Reed, member of the LLC, discussed the business activity to take place on the site. He testified he would run the day to day operation, and there would be no additional activity outside of what had previously been taking place at the location.

Mr. Koller referenced the earlier proceeding for the original Use Permit and the findings of fact presented which resulted in approval. He noted business operations will be substantially the same, complies with adopted plans, and there will be no change to the structure or appearance. Mr. Koller said no one attended the community meeting, and no objections were raised. When asked, Mr. Reed described the type of vehicles that will be sold at the location.

Commissioners had no questions and Chairman Payment opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Jarvis moved to approve PB 21-07: NC Beach Buggy, LLC, Use Permit with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO).

Conditions stated: Outdoor storage and display of vehicles is prohibited; and all items shall be kept inside the building at all times.

The use will not endanger the public health or safety. The use will not be a danger to the public health or safety, as it is located in an existing commercial building in the General Business (GB) zoning district. The business consists of the rental of licensed electric vehicles.

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 location is surrounded by similar uses in the GB zoning district and therefore will not injure the value of abutting lands. This will be a very small scale operation.

The use will be in conformity with the Land Use Plan (LUP) or other officially adopted plans. The 2006 LUP classifies this site as Full Service within the Point Harbor Sub-area. The proposed use is in keeping with the policies of the plan, including Policies ED1 and ED4.

The use will not exceed the county's ability to provide adequate public facilities. There will be no effect on the school system. Currituck County has other adequate public facilities to serve this use.

Chairman Payment seconded the motion. The motion carried, 6-0.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>MOTION PASSED-ITEM APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Selina S. Jarvis, Commissioner  |
| <b>SECONDER:</b> | Michael H. Payment, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Paul M. Beaumont, Commissioner  |

## NEW BUSINESS

### A) Board Appointments

#### 1. Board of Adjustment

At the request of Commissioner Mary Etheridge, County Attorney, Ike McRee, explained the roles and responsibilities of the Board of Adjustment, whose members sit as a quasi-judicial body to hear and determine outcomes on variance requests and to consider appeals of determinations made by a Planning Director or Technical Review Committee.

Commissioner J. Owen Etheridge moved to appoint Sam Miller to fill an unexpired term. Commissioner White seconded the motion.

Commissioner Mary Etheridge voiced concerns with public perception of a developer serving on the Board of Adjustment and making decisions that affect land use in the county.

Chairman Payment discussed his prior appointment of a realtor who performed well on the Board of Adjustment and stressed the importance of appointing qualified people who are willing to serve. Commissioner White stated that someone's occupation should not be a disqualifying factor. Commissioner J. Owen Etheridge said he believes Mr. Miller will serve with integrity. Commissioner Mary Etheridge clarified that she is not questioning the integrity of Mr. Miller but is opposed because of how his appointment may be perceived by the public. Commissioner Jarvis said she had spoken with several former and current members of the Board of Adjustment to get their opinion and concluded she would support Mr. Miller's nomination.

Following discussion, the nominee was approved on a 5-1 member vote. Commissioner Mary Etheridge opposed approval of the nominee.

|                |   |
|----------------|---|
| <b>RESULT:</b> | <b>APPROVED [5 TO 1]</b>  |
| <b>AYES:</b>   | Michael H. Payment, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>NAYS:</b>   | Mary "Kitty" Etheridge, Commissioner  |
| <b>ABSENT:</b> | Paul M. Beaumont, Commissioner  |

## B) Consent Agenda

Commissioner Mary Etheridge moved to approve Consent Agenda. Commissioner Jarvis seconded the motion. The motion carried, 6-0, and the Consent Agenda was approved.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Mary "Kitty" Etheridge, Commissioner  |
| <b>SECONDER:</b> | Selina S. Jarvis, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Paul M. Beaumont, Commissioner  |

## 1. Budget Amendments

|                           |   | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>  |   |   |
| 10410-521000              | Equipment lease   | \$ 2,600                                |   |
| 10410-561000              | Professional Services   |   | \$ 2,600                                |
|                           |   |   |   |
|                           |   | <u>\$ 2,600</u>                         | <u>\$ 2,600</u>                         |
| <b>Explanation:</b>       | Administration (10410) - Transfer budget funds for initial term of postage machine renewal. |   |   |
|                           |   |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.  |   |   |



|                           |   | Debit                                   | Credit                                  |
|---------------------------|---|---|---|
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>  |   |   |
| 10550-545000              | Contracted Services   |   | \$ 27,000                               |
| 10550-516000              | Repairs Maintenance   | \$ 6,000                                |   |
| 10550-532000              | Supplies  | \$ 4,000                                |   |
| 10550-557100              | Software License  | \$ 117                                  |   |
| 10550-590000              | Capital Outlay  | \$ 16,783                               |   |
| 10550-561000              | Professional Services   | \$ 100                                  |   |
|                           |   | \$ 27,000                               | \$ 27,000                               |
| <b>Explanation:</b>       | Airport (10550) - Transfer budgeted funds for operations and to purchase a Ground Power Unit (GPU) for the airport.   |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.  |   |   |
|                           |   | Debit                                   | Credit                                  |
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>  |   |   |
| 10750 - 511010            | Data Transmission   |   | \$ 5,650                                |
| 10750 - 514000            | Travel  |   | \$ 10,000                               |
| 10750 - 526000            | Advertising   | \$ 320                                  |   |
| 10750 - 561000            | Professional Services   | \$ 40,830                               |   |
| 10750 - 590000            | Capital Outlay  |   | \$ 5,500                                |
| 10760 - 561000            | Professional Services   |   | \$ 20,000                               |
|                           |   | \$ 41,150                               | \$ 41,150                               |
| <b>Explanation:</b>       | Social Services Administration (10750); County Administration (10760) - Increase Advertising line to cover legally mandated additional advertising expense. Increase Professional Services line to cover legal expenses associated with two child welfare cases before the NC Court of Appeals. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.  |   |   |
|                           |   | Debit                                   | Credit                                  |
|                           |   | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>  |   |   |
| 50511-590001              | Jail Sewer Connection to MCP  | \$ 27,000                               |   |
| 50380-481000              | Investment Earnings   |   | \$ 27,000                               |
|                           |   | \$ 27,000                               | \$ 27,000                               |
| <b>Explanation:</b>       | County Governmental Construction - Jail Sewer Connection to Maple Commerce Park Sewer (50511) - Increase appropriations to abandon the lagoon for the old sewer at the detention center.  |   |   |
| <b>Net Budget Effect:</b> | County Governmental Construction Fund (50) - Increased by \$27,000.   |   |   |

|                           |  | Debit                                   | Credit                                  |
|---------------------------|--|---|---|
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 10510-516200              | Vehicle Maintenance  | \$ 60,000                               |   |
| 10510-506000              | Health Insurance   |   | \$ 47,183                               |
| 10510-590000              | Capital Outlay   |   | \$ 12,817                               |
|                           |  | <u>\$ 60,000</u>                        | <u>\$ 60,000</u>                        |
| <b>Explanation:</b>       | Sheriff (10510) - Transfer budgeted funds for vehicle maintenance for the remainder of this fiscal year for the Sheriff's Department.  |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - No change.   |   |   |
|                           |  | Debit                                   | Credit                                  |
|                           |  | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u>     | <u>Account Description</u>   |   |   |
| 10950-510000              | Project Graduation   | \$ 5,000                                |   |
| 10390-499900              | Appropriated Fund Balance  |   | \$ 5,000                                |
|                           |  | <u>\$ 5,000</u>                         | <u>\$ 5,000</u>                         |
| <b>Explanation:</b>       | Agency Appropriations (10950) - Increase appropriations for Project Graduation line item to carry-forward funding from FY 2020 budget to assist with the 2020-2021 school year prom for Currituck County High School and Knapp Early College. There was no 2020 Project Graduation due to COVID19. |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - Increased by \$5,000.  |   |   |

2. **Personnel Policy Revisions to Remove Special Considerations Related to Covid-19**
3. **Resolution and Agreement to set up Trust Account for Other Post Employment Benefits (OPEB) Funds**
4. **Resolution and Agreement to set up Trust Account for Law Enforcement Officer Special Separation Allowance (LEOSSA)**
5. **Prison Sewer Connection Project-Change Order #2**
6. **Records Disposal-Department of Social Services**
7. **Historic Corolla Park/Whalehead Event Fee Waiver for Currituck County Schools to Hold Senior Prom**
- 8) **Approval Of Minutes-April 5, 2021**

## 1. Minutes for April 5, 2021

### ADJOURN

#### Motion to Adjourn Meeting

Business concluded and Commissioner White moved for adjournment. Commissioner McCord seconded the motion. The motion carried and the meeting of the Board of Commissioners was adjourned at 5:05 PM.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Bob White, Commissioner   |
| <b>SECONDER:</b> | Kevin E. McCord, Commissioner   |
| <b>AYES:</b>     | Michael H. Payment, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |
| <b>ABSENT:</b>   | Paul M. Beaumont, Commissioner  |



## CURRITUCK COUNTY NORTH CAROLINA

March 23, 2021

Minutes – Special Meeting of the Board of Commissioners

### 5:30 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 5:30 PM in a Special Joint Meeting with the Currituck County Board of Education. The meeting was held in the Sanderlin Auditorium at the Currituck Cooperative Education Center, 130 Community Way, Barco, NC, for the purpose of discussing the Currituck County Schools strategic plan, school expansion and construction, and related budget impacts.

| Attendee Name          | Title        | Status  | Arrived |
|------------------------|--------------|---------|---------|
| Michael H. Payment     | Chairman     | Present |         |
| Paul M. Beaumont       | Commissioner | Present |         |
| J. Owen Etheridge      | Commissioner | Present |         |
| Mary "Kitty" Etheridge | Commissioner | Present |         |
| Selina S. Jarvis       | Commissioner | Present |         |
| Kevin E. McCord        | Commissioner | Present |         |
| Bob White              | Commissioner | Present |         |

Chairman Payment called the meeting to order.

### BOARD OF COMMISSIONERS/BOARD OF EDUCATION JOINT MEETING DISCUSSION

The meeting began with the Board members participating in a visioning session facilitated by Dr. Mitch Owen, of Mitchen Leadership and Organizational Development.

The Visioning Session was followed by a joint presentation from County Manager, Ben Stikeleather, and School Superintendent, Dr. Matt Lutz, to discuss facility needs and school funding. Mr. Stikeleather presented capital funding needs for planned expansions of both Moyock Elementary School and Moyock Middle School and funding needs and method for construction of the new elementary school. A timeline for the design and construction of the three projects was presented, and he reported land acquisition for the new elementary school site was in the final stages. Mr. Stikeleather said the debt service for the new elementary school would cost \$4 million annually. A 2025 opening is anticipated for the new school. Dr. Lutz addressed the Board and discussed unfunded state mandates that included requirements to maintain smaller class sizes for elementary education. He reviewed the role of curriculum coaches and instructional aides positions, which would allow the establishment of standardized curriculum throughout the school system and provide training and support resources for both teachers and students.

Mr. Stikeleather provided a summary of the added costs to include the new school, classroom size legislation, curriculum coaches and instructional aides. With the Capital expense for new

construction at \$4 million annually, additional unfunded state mandates and instructional positions are projected to cost \$1,310,000 annually.

Following presentation, Commissioners considered what tax rate might be necessary to fund school needs. Taking into account the new property revaluations, the Board directed Mr. Stikeleather to calculate and report projected county revenues based on both a .45 cent and .46 cent tax rate.

## ADJOURN

### Motion to Adjourn Meeting

Discussion concluded and Commissioner Mary Etheridge moved to adjourn. Commissioner Jarvis seconded the motion. The motion carried, 7-0, and the meeting adjourned at 8:30 PM.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Mary "Kitty" Etheridge, Commissioner  |
| <b>SECONDER:</b> | Selina S. Jarvis, Commissioner  |
| <b>AYES:</b>     | Michael H. Payment, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner |