

CURRITUCK COUNTY
NORTH CAROLINA
DECEMBER 4, 2006

Swearing in Ceremony

Sheila Romm, Clerk of Court, presented the oath of office to the newly elected Commissioners: Barry C. Nelms, Gene A. Gregory, and Janet L. Taylor.

Call to Order Invocation and Pledge of Allegiance

County Manager Scanlon, called the meeting to order.

The Reverend Herman Powell was present to give the invocation.

Election of Chairman

Dan Scanlon, County Manager, opened the floor for nominations of Chairman.

Commissioner Gregory moved to nominate Commissioner Nelms. Commissioner Taylor seconded the nomination. There being no additional nominations. Commissioner Nelms was elected by acclamation.

Election of Vice-Chairman

Chairman Nelms opened the floor for nominations of Vice-Chairman.

Commissioner Taylor moved to nominate Commissioner Gregory. Commissioner Bowden seconded the nomination. There being no additional nominations, Commissioner Gregory was elected by acclamation.

Approval of Agenda

Commissioner Gregory moved to amend the agenda by adding a budget amendment. Commissioner Bowden seconded the motion. Motion carried.

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| Item 1 | Approval of Agenda |
| Item 2 | Public Comment
<i>Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.</i> |
| Item 3 | Public Hearing and Action PB 06-40 OWNLEY HEIRS/ FRIEDMAN: Rezone 77 acres from Agricultural (A) to Residential (R) on property located at 120 Survey Road, north of the Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township. |
| Item 4 | Public Hearing and Action on PB 06-52 BURRUS/R&E DEVELOPMENT Residential Multi-Family Overlay rezoning to create a 23 acre multi-family overlay district. The property is located on Caratoke Hwy., 890 feet south of The Pointe Golf Club Drive, Tax Map 124, Parcel 105B, Poplar Branch Township. |

- Item 5 Public Hearing and Action on PB 00-15 HD (Racy) Newbern, IV renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.
- Item 6 Public Hearing and Action on PB 03-46 OWENS BEACH ESTATES PHASE II : Amended Sketch Plan for 8 single family lots on property located in Harbinger, approximately 400 feet north of the intersection with Owens Beach Rd. and Owens Beach Rd. Extended. Tax Map 125, Parcel 35F, Poplar Branch Township
- Item 7 Public Hearing and Action on Amendment to Chapter 13 of the Currituck County Code of Ordinances (Water and Sewers), Article IV, Cross Connection Control Ordinance
- Item 8 Appointment to Airport Board
- Item 9 Appointment to Board of Adjustment
- Item 10 Appointment of Commissioner to Albemarle Commission
- Item 11 Appointment of Commissioner to Hospital Board
- Item 12 Appointment of Commissioner to Whalehead Board of Trustees
- Item 13 Appointment of Commissioner to Albemarle Mental Health
- Item 14 Appointment of Commissioner to College of the Albemarle Board
- Item 15 Appointment of Commissioner to Tourism Advisory Board
- Item 16 Appointment of Commissioner to Albemarle Regional Health
- Item 17 Appointment of Commissioner to Senior Citizen Advisory Board
- Item 18 Appointment of Commissioner to CDBG program
- Item 19 Appointment of Commissioner as Voting Delegate Legislative Conference Jan. 10 -12, 2007
- Item 20 Approval of Currituck County EMS Quality Management/Peer Review Committee.
- Item 21 Consent Agenda:
 - A. Approval of November 6, and 20, 2006, minutes
 - B. Approval of Change Order for law enforcement kitchen
- Item 22 Commissioner's Report
- Item 23 County Manager's Report
- Item 24 Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Nelms opened the public comment period.

Chairman Nelms thanked the citizens of Currituck for their support and their continued trust during the election. The Board will stop wasteful spending and support critical needs of the county and continue to support fire and rescue. He further stated the Board

will put on hold the bike path, Outer Banks Trolley, Moyock Library, law suits and further analyze the horse farm and bring the ED Board in to review this project.

Commissioner Gregory stated that they would continue to manage growth and support projects such as the mainland water, flooding and drainage, Fire Department ratings, construction of schools, new businesses, negotiate for fire department on Knotts Island, and feasibility of a recreation building.

Commissioner Taylor stated that she would support more accessibility to county government, town meetings, public hearings, having BOC meetings on the internet, greater review of county departments and upgrade the county web site.

Commissioner Etheridge, congratulated the new Board members. He requested a letter to DOT to investigate the accident pattern at the Shawboro Convenience Center. Commissioner Etheridge commented on the county web site and work on proceeding on the meetings on the web site. He also read several letter supporting the Tourism Department.

Lala Rolfes, supports the purchase of the horse farm.

Ben Rolfes, supports the horse farm.

Angela Ruth, supports the horse farm.

Cassie Tippins, supports the horse farm.

Karen McCalpin, Corolla Wild Horse foundation, thanked Board for their support.

Sabrina Tippins, supports the horse farm.

Edna Baden, Executive Director, Whalehead Club, invited new members to tour the Whalehead Club.

Michelle O'Tool, supports the horse farm.

Kim Green, supports the horse farm.

Cindy Martinez, Perquimans County, supports the horse farm.

Larry Sherrod, supports the horse farm and presented a petition with 215 signatures.

Pat Stretar, requested Board to support a Library in Moyock.

Bob Kohler, supports the need for water and other projects. He also supports the Tourism Department and all the good work they have done.

Bob Steadman, supports the Department of Travel and Tourism.

Lisa Scott, supports the horse farm.

Charlotte Cole, supports the horse farm.

Katherine Williams, supports the horse farm.

Ms. Hunt, Wanchese, supports the horse farm.

There being no further comments, Chairman Nelms closed the public comment period.

Public Hearing and Action PB 06-40 OWNLEY HEIRS/ FRIEDMAN: Rezone 77 acres from Agricultural (A) to Residential (R) on property located at 120 Survey Road, north of the Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Sarah Keifer, Planning Director, reviewed the request.

**Case Analysis for the
BOARD OF COMMISSIONERS
December 4, 2006
Zoning Map Amendment:
PB 06-40 Ownley Heirs/ Friedman**

TYPE OF REQUEST: Rezone 77 acres from Agricultural (A) to Residential (R)

LOCATION: The property is located at 120 Survey Road, adjacent to the Eagle Creek subdivision and ½ mile southeast of the Quail Run subdivision, Tax Map 15, Parcel 83, Moyock Township.

TAX ID: Map 15, Parcel 83

OWNERS: William Pitt and Linda Yendall
5621 N. 9th Road
Arlington, VA 22205

APPLICANT: Charles Friedman
3500 Virginia Beach Blvd.
Virginia Beach, VA 23452

ENGINEER/: Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

ZONING: Current Zoning Proposed Zoning
A (Agricultural) R (Residential)

ZONING HISTORY: The property has been zoned Agricultural (A) since 1989. This application was originally submitted as an A to GB rezoning on July 28, 2006. The applicant changed the requested zone to R (Residential) on October 10, 2006.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural	A
SOUTH	Residential (Eagle Creek)	A
EAST:	Residential, Moyock Middle School	A
WEST:	Agricultural	A

EXISTING LAND USE: Agricultural

PROPOSED LAND USE: The application states the purpose of the request is to provide for uses that are permitted in the Residential zoning district.

**LAND USE PLAN
CLASSIFICATION:**

The Land Use Plan update was adopted by the Board of Commissioners on October 2, 2006. This application will be considered under the 2006 Land Use Plan.

The 2006 Land Use Plan classifies the subject property as **Rural** and within the Moyock sub-area. In the Rural Classification, population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres.

While the overall Rural Classification does not necessarily support an up-zoning from Agricultural to Residential, the Moyock sub-area description does. The Moyock area is describes as the fastest growing part of the county, experiencing development pressure from the Tidewater Area of Virginia. The Land Use Plan further provides that it is not the intention of the county to develop all of Moyock intensely, but rather create service centers and various gradations of development.

The surrounding area, while zoned Agricultural, is emerging in a suburban low-density residential development pattern, particularly as evidenced by the Eagle Creek Subdivision. The permitted density in the Residential zoning district of 1 unit/ acre is in keeping with the surrounding area and appears to **comply** with the policies of the Land Use Plan.

**PUBLIC SERVICES
AND UTILITIES:**

The Moyock Volunteer Fire Department provides fire protection for this area. Electric service, telephone, county water and cable are currently available for this site.

TRANSPORTATION:

The property is accessed by Survey Road.

FLOOD ZONE:

The area proposed for rezoning is outside of the 100 year flood zone (Zone X).

SOILS:

The Currituck County Soil Suitability map indicates the entire site contains soils that are Not Suitable for on-site septic systems.

**STAFF
RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is whether the proposed amendment advances the public health, safety or welfare" of the county and further directs that "the Board shall not regard as controlling any advantages or disadvantages to the

individual requesting the change, but shall consider the impact of the proposed change on the public at large.”

Upon evaluating the application, staff recommends **approval** for the following reasons:

- 1) The request complies with the 2006 Land Use Plan.
- 2) The residential zone would be adjacent to an existing residential development, Eagle Creek.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION 11-14-06

Mark Bissell, Bissell Professional Group, appeared before the board. Mr. Kovacs asked if the soil was suitable for on site septic.

Ms. Keifer said that the development details of the property have not been discussed with staff at this point, this is just a rezoning application so she is not aware of the details of a proposed wastewater system.

Mr. Bissell stated that the soils are similar to those at Eagle Creek. There hasn't been actual plans developed, but there would likely be an engineered on site system should development occur.

Mr. Kovacs asked if it would be tied to Eagle Creek.

Mr. Bissell said that would be a possibility.

Mr. Kovacs asked if the Eagle Creek plant would need to be upgraded.

Mr. Bissell said that he isn't sure where that plant stands as far as capacity.

Mr. Bissell stated that this is consistent with the Land Use Plan, adjacent to Eagle Creek and the school and it is an appropriate place for a residential use.

Mr. Greg Gould, 214 Eagle Creek Rd., expressed concern about a new treatment plant being built next to existing homes.

Tom Roddy, 193 St. Andrews Rd., stated that the original case analysis wherein the applicant requested rezoning from Agricultural to General Business stated that the road was inadequate at that time and expressed his concern with the recommendation for approval at this time.

Ms. Keifer said that this request is different in that the first request was to rezoning to General Business rather than Residential. Each type of development results in a different traffic demand/generation.

Mr. Roddy asked where that is written in the UDO.

Ms. Keifer explained that the development in a General Business zone is more intense than residential subdivision and likely to result in higher traffic generation.

Mr. Roddy asked how many lots would be allowed, per UDO.

Ms. Keifer said the maximum density is 1 unit per acre in the Residential zoning district resulting potentially in 77 units with a conventional subdivision.

Mr. Roddy said that if school buses are still an issue, he doesn't understand why the staff has changed its mind and is recommending approval of this application.

Ms. Keifer said was because of the intensity of the uses. Again, a residential development will bring substantially less traffic than a General Business zone.

Mr. Midgette reminded the audience that this is a rezoning request only.

Mr. Bissell stated that if the rezoning is successful, the roads and waste water would be addressed at that time.

PLANNING BOARD ACTION

Mr. Kovacs motioned to approve the request as presented. Ms. Turner seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing.

George Winslow, Carrollton, Va., supports the request but has concerns with drainage.

Greg Gould, Eagle Creek, questioned the drainage.

Mark Bissell, Engineer, stated that drainage and waste water would be addressed.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Gregory moved to approve stating that it is in compliance with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

Public Hearing and Action on PB 06-52 BURRUS/R&E DEVELOPMENT Residential Multi-Family Overlay rezoning to create a 23 acre multi-family overlay district. The property is located on Caratoke Hwy., 890 feet south of The Pointe Golf Club Drive, Tax Map 124, Parcel 105B, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: December 4, 2006
PB 06-52 Burrus/ R & E Development
Residential Multi-Family Overlay Zone**

TYPE OF REQUEST: Rezoning request to create a 23 acre multi-family overlay district.

LOCATION: The property is located on Caratoke Hwy., 890 feet south of Pointe Golf Club Drive, Tax Map 124, Parcel 105, Poplar Branch Township, Currituck Co.

TAX ID: Tax Map 124, Parcel 105B
(0124-000-105B-0000)

OWNER: William and Allen Burrus
PO Box 27
Hatteras, NC 27943

APPLICANT: R&E Developments. LLC
821 Ocean Trail
Corolla, NC 27927

AGENT/ ENGINEER: Quible & Associates, P.C.
PO Drawer 870
Kitty Hawk, NC 27949

ZONING:	<u>Current Zoning</u> General Business (GB)	<u>Proposed Zoning</u> Residential Multi Family Overlay (RMF)
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ZONING HISTORY: This property was split zoned until 2006 as Agricultural and General Business. On July 17, 2006, the Board of Commissioners rezoned the entire property to General Business (GB).

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Golf Course and Residential	GB and A
SOUTH	Mix of Residential and Commercial (Storage)	GB and A
EAST:	Vacant	A
WEST:	Across Caratoke Highway: Mix of Commercial and Residential Uses	GB, HM. LM

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Multi-Family development

**LAND USE PLAN
CLASSIFICATION:**

This property is classified **Full Service** in the 2006 Land Use Plan. With respect to residential development, base development density is contemplated to be 2 units per acre in Full Service areas but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

A Residential Multi-Family Overlay zone would comply with the Full Service classification.

**PUBLIC SERVICES
AND UTILITIES:**

Lower Currituck Volunteer Fire Department provides fire protection for this area. Public utilities, including, electric, telephone, county water and cable, are currently available.

TRANSPORTATION:

The property is accessed by Caratoke Highway.

FLOOD ZONE:

The property is located in Flood Zones X, Shaded X and AE (6) and. Approximately 4.6 acres are in the 100 year flood zone.

SOILS:

The Currituck County Soil Suitability map indicates that 1.1 acres contains soils that are Marginal, with the remainder being Non-suitable for on-site septic.

**STAFF
RECOMMENDATION:**

The Residential Multi-Family Overlay District (RMF) was created by the Board of Commissioners to provide for medium density residential development in close proximity to major thoroughfares and commercial zones. The district is designed to have insignificant impacts on surrounding single family residential development.

This site is located in an area that has a mix of commercial and higher density residential uses, such as Villas of Kilmarlic, Freedom Business Park, Ballast Rock commercial subdivision and the 7 building Sampat Professional Center. The proposed multi-family overlay is adjacent to The Pointe Golf Club, which could be an amenity for this development. A multi-family development seems to fit the character of this area.

The 23 acre site exceeds the required 5 acre minimum and would have a maximum density of 90 units. The site is served by public water and has access to Caratoke Highway. The proposed road frontage of the site is 200 feet.

Because the request complies with the Land Use Plan designation of Full Service, is in keeping with the character of the surrounding area, and meets the minimum requirements of the RMF zone in Section 127, staff recommends **approval** of the request.

This staff recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning and Inspections. The Board of Commissioners shall give considerable weight to public testimony received during public hearing in considering its decision in this matter.

PLANNING BOARD DISCUSSION, 11-14-06

Eddie Valdivieso, Quible & Associates, appeared before the board.

Mr. Kovacs stated that the soils are marginal and unsuitable.

Mr. Valdivieso said that the intent is for a centralized wastewater treatment.

Mr. Keel stated that there will be 90 units on this property.

Mr. Kovacs stated that the RMF was intended to provide affordable housing. He asked if there would be any affordable units.

Mr. Valdivieso said that the term affordable is relative.

Mr. Keel asked for a ball park figure on these units.

Mr. Valdivieso said that he doesn't know.

Ms. Turner asked about the length of the drive.

Mr. Valdivieso said it is 200 feet.

Mr. Kovacs stated that he would like the developer to look into affordable housing, because it fits the intent of the ordinance.

PLANNING BOARD ACTION

Mr. Kovacs motioned to approve the request as presented. Mr. Riley seconded the motion. Motion passed unanimously.

Chairman Nelms opened the public hearing. The applicant's engineer was present to answer questions. There being no further comments, the public hearing was closed.

Commissioner Gregory moved to approve stating it was in compliance with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on PB 00-15 HD (Racy) Newbern, IV renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Sarah Keifer, Planning Director, reviewed the request.

MEMORANDUM

To: Board of Commissioners

Cc: Daniel F. Scanlon, County Manager
Gregory Schwarga, Assistant County Manager
Katherine McKenzie, County Attorney

From: Sarah E. Keifer, AICP, Director, Planning and Inspections

Date: November 13, 2006

Re: PB 00-15 HD (Racy) Newbern, IV
Special Use Permit, Demolition Landfill

On December 5, 2005 the Board of Commissioners granted Soundside Recycling a one year extension of their Special Use Permit for a Demolition Landfill. One of the conditions of the permit is that by December 5, 2006 the entire operation would be moved to the east side of the VEPCO main power transmission line easement, approximately 1,000' from Caratoke Highway. To date the relocation of the operation has not been accomplished, however the applicant has provided evidence that efforts have been made to secure the applicable state permits to comply with the condition of approval. At this point the applicant is requesting an additional extension of the Special Use Permit.

On November 16, 2006 Chief Planner David Webb, Code Enforcement Officer Stacy Smith and Fire Marshal James Mims made an inspection of the site. According to staff observations and the permits in the file, the applicant was found to be in violation of the following conditions of the December 5, 2005 Special Use Permit:

1. The applicant has not moved the recycling operations east of the power transmission lines and easements and the recycling appears to be in full operation at its current site. (Condition 2)
2. There is a demolition storage pile near the power line easement that appears to exceed the 15' height limit. (Condition 5)
3. There were trucks parked outside of the designated truck parking area and possibly within the power line easement. (Condition 9)

4. The violation noted in the November 21, 2005 memo to the Commissioners that the site is out of compliance with the state stormwater permit is still a problem because a new stormwater permit has not been granted. The current stormwater permit is for 2.39 acres of impervious area. According to a March 2003 aerial photography, the recycling area exceeds 4.5 acres. Since that time, a new mulch pile has been constructed without a revision to the state stormwater permit to the east of the power lines without any improvements for stormwater.
5. Staff did not see an all weather driving surface 20' wide for fire access to all areas of the compound. Planning staff believes the fire code defines this as a surface capable of supporting a fire truck that is asphalt, concrete, or compacted gravel. This was a condition of the April 11, 2000 permit that has not been fulfilled.
6. The equipment electrical panel located in the middle of the present site requires maintenance and repairs.
7. The fuel containment area should have a valve on the containment tank. This will allow the release of water but will not allow the release of fuel waste.

Should you have any questions, please do not hesitate to contact me directly.

Chairman Nelms, opened the public hearing.

L. H. Banks, Elizabeth City, opposes this request.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Bowden moved to grant a 6 month extension of permit with conditions of staff. Commissioner Taylor seconded the motion. Motion carried with Commissioner Etheridge voting no.

**Public Hearing and Action on PB 03-46 OWENS BEACH ESTATES PHASE II :
Amended Sketch Plan for 8 single family lots on property located in Harbinger,
approximately 400 feet north of the intersection with Owens Beach Rd. and Owens
Beach Rd. Extended. Tax Map 125, Parcel 35F, Poplar Branch Township**

Sworn testimony was given prior to making comments.

Sarah Keifer, Planning Director, reviewed the request.

MEMORANDUM**To:** Board of Commissioners**From:** Sarah E. Keifer, AICP, Director, Planning and Inspections**CC:** Daniel F. Scanlon, County Manager
Gregory Schwarga, Assistant County Manager
Katherine McKenzie, County Attorney**Date:** November 22, 2006**RE:** PB-03-46 Owens Beach Estates Phase II, Amended Sketch Plan

Owens Beach Estates Phase II is a Sketch Plan for eight (8) single family lots the Special Use Permit for which was originally heard at the August 7, 2006 Board of Commissioners Meeting. At that meeting, the Board approved the application with the additional condition that the proposed Rose Owens Drive not be extended to Owens Beach Road and the proposed lots served by a cul-de-sac rather than access directly onto Owens Beach Road.

Since that approval, the applicant has developed another layout of the plan that does not conform to the Board's conditions of approval. The most recent version of the Plan shows lots 2 and 6 accessing Owens Beach road directly rather than the proposed cul-de-sac. Because that revision was substantially different from the original approval, staff determined that an additional public hearing was warranted. The public hearing for the revised plan was scheduled for October 2, 2006 however the applicant requested that the hearing be postponed to the following Board meeting of October 16, 2006. Because the Board continued the hearing that night, additional notification for the October 16th meeting was not required in accordance with 2201, Item 4 of the UDO. At the meeting on the 16th, the applicant presented that the proposed revisions should satisfy the concerns of nearby property owners. There was no additional testimony regarding the application and the Board subsequently approved the revision per the staff recommendation.

Since the October 16th hearing it has come to light that adjacent property owners were not directly notified of the hearing scheduled originally for October 2nd and later moved to the 16th. Section 2021 of the Unified Development Ordinance (UDO) provides that whenever a revised sketch plan is proposed, written notification of the hearing shall be mailed to all property owners within 150 feet of the boundaries of the subject property. While the staff failed to provide the adjacent property owner notification, it should be noted that a good faith effort to advertise the public hearing was made by publishing notice of the October 2nd public hearing in the Daily Advance.

Furthermore it should be noted that while the UDO calls for adjacent property owner notification, the North Carolina General Statutes require no advertisement or notification of hearings for quasi-judicial proceedings such as consideration of special use permits. In fact, the UDO provides in Section 2202, Item 2(f) that while the staff shall made every effort to comply with the notice requirements within the Ordinance, failure to comply

with notice provisions which are not statutorily required shall not render any decision invalid.

However, in the interest of public participation and fairness to the adjacent property owners, the County has determined that another hearing on the revision sketch plan is warranted. Therefore the amended sketch plan for Owens Beach Estates Phase II has been placed on the December 4, 2006 Board of Commissioners agenda for public hearing and consideration. Should the Board choose again to approve the sketch plan, staff suggests conditioning such approval on the recommendations contained in the original case analysis dated August 7, 2006 and memorandum dated October 9, 2006.

Chairman Nelms, opened the public hearing.

Chris Mank, opposes the removal of trees and why the developer did not discuss new plan.

Bill Miller, was upset that he was not contacted regarding a new hearing with an amended plan.

Larry Eldridge, opposes the amended plan.

Wilson Staples, opposes the amended plan.

Bobby Outten, Attorney for developer, stated that the applicant has a vested right and is entitled to move forward.

Kate McKenzie, County Attorney, agrees with Mr. Outten.

There being no further comments, Chairman Nelms moved to close the public hearing.

Commissioner Gregory moved to approve the amended plan as the previous Board approved on October 16, 2006. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on Amendment to Chapter 13 of the Currituck County Code of Ordinances (Water and Sewers), Article IV, Cross Connection Control Ordinance

Eric Weatherly, County Engineer, reviewed the ordinance.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF
COMMISSIONERS
CREATING A NEW
ARTICLE IV, "CROSS CONNECTION CONTROL"**

BE IT ORDAINED by the CURRITUCK COUNTY BOARD OF COMMISSIONERS of the County of Currituck: Section 1. That amendments to Article IV, Chapter 13, of the Code of Ordinances, County of Currituck, North Carolina, is hereby created as follows:

Sec. 13-231. Introduction

- (a) The purpose of this cross connection control article is to define the authority of the Currituck Water Department as the water purveyor in the elimination of all cross connections within its public potable water supply.
- (b) This article shall apply to all users connected to the Currituck Water Department's public potable water supply regardless of whether the user is located within the county limits or outside of the county limits.
- (c) This article will comply with the Federal Safe Drinking Water Act (PL 93-523), the North Carolina State Administrative Code (15A NCAC 08C), and the North Carolina State Building Code: Plumbing Code 2006 as they pertain to cross connections with the public water supply.

Sec. 13-232. Objectives of article

The specific objectives of this cross connection control article for the Currituck Water Department of the county are as follows:

- (1) To protect the public potable water supply of the county against actual or potential contamination by isolating within the consumer's water system contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- (2) To eliminate or control existing cross connections, actual or potential, between the consumer's potable water system and nonpotable or industrial piping system.
- (3) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections, which may be installed in the future.

Sec. 13-233. Responsibilities

- (a) *Health agency*

The North Carolina Department of Natural Resources has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective cross connection control program. The North Carolina Department of Natural Resources also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. The North Carolina Department of Natural Resources has the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(b) *Water purveyor*

Except as otherwise provided in this article, the water purveyor's (Currituck Water Department's) responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system. In addition, the water purveyor shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure that the proper precautions are taken, the Currituck Water Department is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program. When it is determined that a backflow prevention assembly is required for the protection of the public system, the Currituck Water Department shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter annually, to properly repair and maintain such assembly or assemblies, and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(c) *Plumbing inspection*

The plumbing inspection departments of the county have the responsibility to not only review building plans and inspect plumbing as it is installed; but, they have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the state building code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the state building code. The plumbing inspector's responsibility begins at the point of delivery, downstream of the first installed backflow prevention assembly, and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the state building code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the Currituck Water Department, the state building code, and the North Carolina Department of Natural Resources.

(d) *Consumer*

The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his water system. The consumer, at his own expense, shall install, operate, test, and maintain approved backflow

prevention assemblies as directed by the Currituck Water Department. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the Currituck Water Department and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. A certified backflow prevention assembly tester shall make tests, maintenance and repairs of backflow prevention assemblies.

(e) *Certified backflow prevention assembly testers*

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities: The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Currituck Water Department. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the Currituck Water Department. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Currituck Water Department's cross connection control section within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three years. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the Currituck Water Department. All test equipment shall be registered with the Currituck Water Department cross connection control section. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to the Currituck Water Department as to such calibration, employing an accuracy/calibration method acceptable to the Currituck Water Department. All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention certification program.

Sec. 13-234. Definitions.

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

Air-gap separation means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel, in no case less than one inch (2.54 cm).

Approved means, as used in reference to a water supply, a water supply that has been approved by the North Carolina Department of Natural Resources; or, as used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods means an approval by the Currituck Water Department.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

Backflow prevention assembly--Approved. The term "approved backflow prevention assembly" means an assembly used for containment and/or isolation purposes that has been investigated and approved by the Currituck Water Department and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by the Currituck Water Department is based on a favorable report by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval. To be approved, an assembly must be readily accessible for in-line testing and maintenance, and shall successfully complete a one-year field evaluation within the Currituck Water Department water system.

Backflow prevention assembly--Unapproved. The term "unapproved backflow prevention assembly" means an assembly that has been investigated by the Currituck Water Department and has been determined to be unacceptable for installation within the Currituck Water Department water system. Consideration for disapproval and removal from the "approved list" shall be based upon, but not limited to, the following criteria: (i) Due to poor performance standards (i.e., significant failure rate); (ii) lack of or unavailability of repair parts; and/or, (iii) poor service or response from assembly's factory representative.

Backflow prevention assembly--Type means an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential. The types are:

- (1) Double check valve assembly (DCVA).
- (2) Double check detector assembly (fire system) (DCDA).
- (3) Pressure vacuum breaker (PVB).
- (4) Reduced pressure principle assembly (RP).
- (5) Reduced pressure principle detector assembly (fire system). (RPDA).

Backflow prevention assembly tester--Certified. The term "certified backflow prevention assembly tester" means a person who has proven his competency to the satisfaction of the Currituck Water Department. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies. Backflow assembly testers who hold a certificate of completion from an approved training program may be required to successfully complete a practical examination administered by the Currituck Water Department prior to conducting test and repair work on backflow prevention assemblies in the Currituck Water Department water system.

Backflow prevention device--Approved. The term "approved backflow prevention device" means a device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA)

Back-pressure backflow means any elevation in the consumer water system, by pump, elevation of piping, or steam and/or air pressure, above the supply pressure at the point of delivery, which would cause, or tend to cause, a reversal of the normal direction of flow.

Back-siphonage backflow means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

Check valve--Approved. The term "approved check valve," means a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g. clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly, i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

Consumer means any person, firm, or corporation using or receiving water from the Currituck Water Department water system.

Consumer's potable water system means that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

Consumer's water system means any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by a public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

Containment means preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contamination means an impairment of the quality of the water, which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

Cross connection means any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections.

Double check detector assembly means a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Double check valve assembly means an assembly composed of two independently acting, approved check valves, including tightly closing shutoff valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Hazard--Degree of. The term "degree of hazard" is derived from the evaluation of conditions within a system which can be classified as either a "pollutional" (nonhealth) or a "contamination" (health) hazard.

Hazard--Health. The term "health hazard" means an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.

Hazard--Nonhealth. The term "nonhealth hazard" means an actual or potential threat to the quality of the public or the consumer's potable water system. A nonhealth hazard is one that, if introduced into the public water supply system, could be a nuisance to water customers, but would not adversely affect human health.

Hazard--Pollutional. The term "pollutional hazard" means an actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Health agency means the North Carolina Department of Natural Resources.

Industrial fluids means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or nonhealth hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; etc.

Industrial piping system--Consumer's. The term "consumer's industrial piping system" means any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated

Isolation means the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: The Currituck Water Department may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

Point of delivery means generally at the property line of the customer, adjacent to the public street where the Currituck Water Department's mains are located, or at a point on the customer's property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer's side of the point of delivery.

Pollution means an impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Potable water means water from any source which has been investigated by the North Carolina Department of Natural Resources and which has been approved for human consumption.

Public potable water system means any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Natural Resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

Reduced pressure principle backflow prevention assembly means an assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks is less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the

pressure between the checks less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

Reduced pressure principle detector assembly means a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register, in U.S. gallons, accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against a health hazard (i.e., contaminant).

Service connections means the terminal end of a service connection from the public potable water system, i.e., where the Currituck Water Department loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

Vacuum breaker--Atmospheric type. The term "atmospheric vacuum breaker," also known as the "nonpressure type vacuum breaker," means a device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against back-siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the device. An atmospheric vacuum breaker is designed to protect against a nonhealth hazard, isolation protection only, under a backsiphonage condition only.

Vacuum breaker--Pressure type. The term "pressure vacuum breaker" means an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a backsiphonage condition only.

Water purveyor means the owner or operator of a public potable water system, providing an approved water supply to the public.

Water supply--Approved. The term "approved water supply" means any public potable water supply, which has been investigated and approved by the North Carolina Department of Natural Resources. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the North Carolina Department of Natural Resources has reserved the final judgment as to its safety and potability.

Water supply--Auxiliary. The term "auxiliary water supply" means any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., "used water", or industrial fluids. These waters may be polluted, contaminated, or objectionable and

constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Water supply--Unapproved. The term "unapproved water supply" means a water supply which has not been approved for human consumption by the North Carolina Department of Natural Resources.

Water--Used. The term "used water" means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

Sec. 13-235. Right of entry

- (a) Authorized representatives from the Currituck Water Department shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this article. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force, which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that upon presentation of suitable identification, Currituck Water Department personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.
- (b) On request, the consumer shall furnish to the Currituck Water Department any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

Sec. 13-236. Elimination of cross connections; degree of hazard

- (a) When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the cross connection within the time limit established by the Currituck Water Department. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:
 - (1) Cross connections with private wells or other auxiliary water supplies--immediate disconnection.
 - (2) All facilities that pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.
 - (3) All industrial and commercial facilities not identified, as a health hazard shall be considered nonhealth hazard facilities. All nonhealth hazard

facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days

- (4) If, in the judgment of the Currituck Water Department, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.
 - (5) Based upon recommendation from the Currituck Water Department, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).
 - (6) Water mains not maintained by the Currituck Water Department should be considered cross connections, with degree of hazard to be determined by the Currituck Water Department. Degree of protection shall be based upon the degree of hazard, as determined by the Currituck Water Department.
 - (7) In the event that a Currituck Water Department cross connection control inspector does not have sufficient access to every portion of a private water system (e.g., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.
- (b) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

Sec. 13-237. Installation of assemblies.

- (a) All backflow prevention assemblies shall be installed in accordance with the manufactures specifications, University of Southern California guidelines and/or in the latest edition of the state building code, whichever is most restrictive.
- (b) All new construction plans and specifications, when required by the state building code and the North Carolina Department of Natural Resources, shall be made available to the Currituck Water Department for review and approval, and to determine the degree of hazard.
- (c) Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.
- (d) All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary. Double check valve assemblies may be installed in a vertical position with prior approval from the Currituck Water

- Department's cross connection control section, provided the flow of water is in an upward direction.
- (e) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. Pit and/or below grade installations are prohibited.
 - (f) The installation of a backflow prevention assembly, which is not approved, must be replaced with an approved backflow prevention assembly.
 - (g) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Currituck Water Department's cross connection control program section within 15 days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), pressure vacuum breaker (PVB), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:
 - (1) Service address where assembly is located.
 - (2) Owner and address, if different from service address.
 - (3) Description of assembly's location.
 - (4) Date of installation.
 - (5) Installer, include name, plumbing company represented, plumber's license number, and project permit number.
 - (6) Type of assembly, size of assembly.
 - (7) Manufacturer, model number, serial number.
 - (8) Test results/report.
 - (h) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The Currituck Water Department will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.
 - (i) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

Health hazard . . . 60 days
Nonhealth hazard . . . 90 days
 - (j) Following installation, all reduced pressure principle backflow preventers (RP), double check valve assemblies (DCVA), pressure vacuum breakers (PVB), double check detector assemblies (DCDA), or reduced pressure principle detector assemblies (RPDA) are required to be tested by a certified backflow prevention assembly tester within ten days.

Sec. 13-238. Testing and repair of assemblies

- (a) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the Currituck Water Department's regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Currituck Water Department's cross connection control section within ten business days after the completion of any testing and/or repair work.
- (b) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Currituck Water Department, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
 - (1) Health hazard facilities . . . 14 days
 - (2) Non-health hazard facilities . . . 21 days
- (c) All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by the Currituck Water Department's regulations. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
- (d) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the Currituck Water Department. All test equipment shall be registered with the Currituck Water Department cross connection control section. All test equipment shall be checked for accuracy annually, at a minimum, calibrated, if necessary, and certified to the Currituck Water Department as to such accuracy/calibration, employing a calibration method acceptable to the Currituck Water Department (see subsection 13-233(e)).
- (e) It shall be unlawful for any customer or certified tester to submit any record to the Currituck Water Department, which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the Currituck Water Department any record, which is required by this article. Such violations may result in any of the enforcement actions outlined in section 13-242.

Sec. 13-239. Facilities requiring protection

- (a) Approved backflow prevention assemblies shall be installed on the service line to any premises that the Currituck Water Department has identified as having a potential for backflow.

- (b) The following types of facilities or services have been identified by the Currituck Water Department as having a potential for backflow of nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Currituck Water Department. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed in this subsection.

DCVA = Double check valve assembly

RP = Reduced pressure principle assembly

DCDA = Double check detector assembly

RPDA = Reduced pressure detector assembly

AG = Air gap

PVB = Pressure vacuum breaker

- (1) Aircraft and missile plants: RP
- (2) Automotive services stations, dealerships, etc.
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- (3) Automotive plants: RP
- (4) Auxiliary water systems:
 - a. Approved public/private water supply: DCVA
 - b. Unapproved public/private water supply: AG
 - c. Used water and industrial fluids: RP
- (5) Bakeries:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- (6) Beauty shops/barber shops:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- (7) Beverage bottling plants: RP
- (8) Breweries: RP
- (9) Buildings--Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.
 - a. (Under five stories) no health hazard: DCVA
 - b. (Under five stories) health hazard: RP
 - c. (Over five stories) all: RP
- (10) Canneries, packing houses, and rendering plants: RP

- (11) Chemical plants--Manufacturing, processing, compounding or treatment: RP
- (12) Chemically contaminated water systems: RP
- (13) Commercial car-wash facilities: RP
- (14) Commercial greenhouses: RP
- (15) Commercial sales establishments (department stores, malls, etc.)
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- (16) Concrete/asphalt plants: RP
- (17) Dairies and cold storage plants: RP
- (18) Dye works: RP
- (19) Film laboratories: RP
- (20) Fire systems:
 - a. Systems three-fourths inch to two inches:
 - 1. No health hazard: DCDA
 - 2. Health hazard: (booster pumps, foam, antifreeze solution, etc.): RP
 - b. Systems 2 1/2 inches to ten inches or larger:
 - 1. No health hazard: DCDA
 - 2. Health hazard (booster pumps, foam, antifreeze solution, etc.): RPDA
- (21) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
- (22) Industrial facilities:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
- (23) Laundries:
 - a. No health hazard: DCVA
 - b. Health hazard: (i.e., dry cleaners): RP
- (24) Lawn irrigation systems (split taps): RP
- (25) Metal manufacturing, cleaning, processing, and fabricating plants: RP

- (26) Mobile home parks:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (27) Oil and gas production, storage or transmission properties: RP
 - (13) Paper and paper products plants: RP
 - (29) Pest control (exterminating and fumigating): RP
 - (30) Plating plants: RP
 - (31) Power plants: RP
 - (32) Radioactive materials or substances plants or facilities handling: RP
 - (33) Restaurants:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (34) Restricted, classified, or other closed facilities: RP
 - (35) Rubber plants (natural or synthetic): RP
 - (36) Sand and gravel plants: RP
 - (37) Schools and colleges: RP
 - (38) Sewage and storm drain facilities: RP
 - (39) Swimming pools: RP
 - (40) Waterfront facilities and industries: RP
- (c) All assemblies and installations shall be subject to inspection and approval by the Currituck Water Department.

Sec. 13-240. Connections with unapproved sources of supply

- (a) No person shall connect or cause to be connected any supply of water not approved by the North Carolina Department of Natural Resources to the water system supplied by the Currituck Water Department. Any such connections allowed by the Currituck Water Department must be in conformance with the backflow prevention requirements of this article.
- (b) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the Currituck Water Department immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

Sec. 13-241. Fire protection systems

- (a) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.
- (b) All connections for fire protection systems connected with the public water system greater than two inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.
- (c) All existing backflow prevention assemblies 2 1/2 inches and larger installed on fire protection systems that were initially approved by the Currituck Water Department shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this article. If, however, the existing assembly must be replaced once it can no longer be repaired, or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by subsection 13-239(20) b.

Sec. 13-242. Enforcement.

- (a) The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this article shall be notified in writing with regard to the corrective action to be taken. The time for compliance shall be in accordance with section 13-236.
- (b) The owner, manager, supervisor, or person in charge of any installation which remains in noncompliance after the time prescribed in the initial notification, as outlined in section 13-236, shall be considered in violation of this article, and may be issued a civil citation by the Currituck Water Department. The citation shall specify the nature of the violation and the provision of this article violated, and further notify the offender that the civil penalty for such violation is as set forth in subsection (c) of this section and is to be paid to the Currituck Water Department within 30 days. If the penalty prescribed in this subsection is not paid within the time allowed, the Currituck Water Department may initiate a civil action in the nature of a debt and recover the sums set forth in subsection (c) of this section plus the cost of the action.
- (c) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000.00 per violation. Each day in which a violation of any provision of this article shall occur or continue shall constitute a separate and distinct offense.

- (d) If, in the judgment of the Currituck Water Department, any owner, manager, supervisor, or person in charge of any installation found to be in noncompliance with the provisions of this article neglects his responsibility to correct any violation, such neglect may result in discontinuance of water service until compliance is achieved.
- (e) Failure of a customer or certified tester to submit any record required by this article, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to the Currituck Water Department, the Currituck Water Department shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one year. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming recertified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty as provided for in this subsection.
- (f) Enforcement of this program shall be administered by the superintendent of the Currituck Water Department or an authorized representative.

Sec. 13-243. Severability

If any section, subsection, sentence, or clause of this article is adjudged to be unconstitutional or otherwise invalid, such adjudication shall not effect the validity of the remaining portion of this article, It is hereby declared that this article would have been passed, and each section, sentence, or clause thereof, irrespective of the fact that any one or more sections, subsections, sentences, or clauses might be adjudged to be unconstitutional, for any other reason invalid.

Appointment to Airport Board

Commissioner Gregory moved to appoint James Winebarger and John Gross.

Appointment to Board of Adjustment

Commissioner Gregory moved to re-appoint Ralph Jones.

Appointment of Commissioner to Albemarle Commission

Chairman Nelms was appointed.

Appointment of Commissioner to Hospital Board

Commissioner Gregory was appointed.

Appointment of Commissioner to Whalehead Board of Trustees

Commissioner Bowden was appointed.

Appointment of Commissioner to Albemarle Mental Health

Commissioner Taylor was appointed.

Appointment of Commissioner to College of the Albemarle Board

Commissioner Taylor was appointed.

Appointment of Commissioner to Tourism Advisory Board

Chairman Nelms was appointed.

Appointment of Commissioner to Albemarle Regional Health

Commissioner Gregory was appointed.

Appointment of Commissioner to Senior Citizen Advisory Board

Commissioner Etheridge was appointed.

Appointment of Commissioner to CDBG program

Commissioner Etheridge was appointed.

Appointment of Commissioner as Voting Delegate Legislative Conference Jan. 10 -12, 2007

Commissioner Gregory was appointed.

Commissioner Bowden moved to approve all the nominations. Commissioner Gregory seconded the motion. Motion carried with Commissioner Etheridge voting no.

Approval of Currituck County EMS Quality Management/Peer Review Committee.

Commissioner Gregory moved to approve the following to serve on the EMS Quality Management/Peer Review Committee as submitted. Commissioner Bowden seconded the motion. Motion carried.

Dr. Roger Gallant, Chairman
Julie Cherry, Chief of EMS
Chad Lewis, Interim Training Officer
Jeff Williams, EMS Shift Supervisors one vote
Melvin Mattocks, EMD Supervisor
Carolyn McGuire, Nurse Liaison, Alb. Hosp.
Kristina Waselich, Volunteer EMS Captain
Field Personnel
 Chris Ayers Paramedic
 Jennifer Brothers, Intermediate
 Cindy Simpson, Paramedic
County Manager or Designee, Kate McKenzie

Alternates
Krissi Williams, PA
Kevin Ayers, Intermediate
Barbara Baum, Basic
Liz Hodgins, EMD Super.
Bruce Miller, Shift Super.
Kevin Old, Shift Super.
Cheryl King, Shift Super.
Michael Whitehurst, Level
2 Instructors

Quarterly meetings have been scheduled to take place on the second Wednesday of January, April, July, and October.

Consent Agenda:**Approval of November 6, and 20, 2006, minutes****Approval of Change Order for law enforcement kitchen****Budget amendment for Personnel.**

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
10410-502000	Salary	\$ 800.00	
10410-505000	Fica	\$ 62.00	
10410-507000	Retirement	\$ 78.00	
10415-502000	Salary	\$ 400.00	
10415-505000	Fica	\$ 31.00	
10415-507000	Retirement	\$ 39.00	
10430-502000	Salary	\$ 400.00	
10430-503000	Salary	\$ 100.00	
10430-505000	Fica	\$ 38.00	
10430-507000	Retirement	\$ 40.00	
10440-502000	Salary	\$ 800.00	
10440-505000	Fica	\$ 62.00	
10440-507000	Retirement	\$ 78.00	
10441-502000	Salary	\$ 800.00	
10441-505000	Fica	\$ 62.00	
10441-507000	Retirement	\$ 78.00	
10445-502000	Salary	\$ 400.00	
10445-505000	Fica	\$ 31.00	
10445-507000	Retirement	\$ 39.00	
10446-502000	Salary	\$ 400.00	
10446-505000	Fica	\$ 31.00	
10446-507000	Retirement	\$ 39.00	
10450-502000	Salary	\$ 1,600.00	
10450-505000	Fica	\$ 122.00	
10450-507000	Retirement	\$ 157.00	
10460-502000	Salary	\$ 2,000.00	
10460-505000	Fica	\$ 153.00	
10460-507000	Retirement	\$ 196.00	
10480-502000	Salary	\$ 1,200.00	
10480-505000	Fica	\$ 92.00	
10480-507000	Retirement	\$ 117.00	
10510-502000	Salary	\$ 11,600.00	
10510-503000	Salary	\$ 100.00	
10510-505000	Fica	\$ 895.00	
10510-507000	Retirement	\$ 1,134.00	
10511-502000	Salary	\$ 6,000.00	
10511-503000	Salary	\$ 100.00	
10511-505000	Fica	\$ 467.00	
10511-507000	Retirement	\$ 587.00	
10512-502000	Salary	\$ 800.00	

10512-505000	Fica	\$	62.00	
10512-507000	Retirement	\$	79.00	
10530-502000	Salary	\$	10,400.00	
10530-505000	Fica	\$	796.00	
10530-507000	Retirement	\$	1,017.00	
10535-502000	Salary	\$	2,400.00	
10535-505000	Fica	\$	184.00	
10535-507000	Retirement	\$	235.00	
10531-502000	Salary	\$	600.00	
10531-505000	Fica	\$	46.00	
10531-507000	Retirement	\$	59.00	
10540-502000	Salary	\$	1,800.00	
10540-505000	Fica	\$	138.00	
10540-507000	Retirement	\$	176.00	
10550-502000	Salary	\$	200.00	
10550-503000	Salary	\$	200.00	
10550-505000	Fica	\$	31.00	
10550-507000	Retirement	\$	20.00	
10606-502000	Salary	\$	400.00	
10606-505000	Fica	\$	31.00	
10606-507000	Retirement	\$	39.00	
10640-502000	Salary	\$	600.00	
10640-505000	Fica	\$	46.00	
10640-507000	Retirement	\$	59.00	
10660-502000	Salary	\$	2,000.00	
10660-505000	Fica	\$	153.00	
10660-507000	Retirement	\$	196.00	
10750-502000	Salary	\$	7,400.00	
10750-505000	Fica	\$	566.00	
10750-507000	Retirement	\$	724.00	
10775-502000	Salary	\$	1,000.00	
10775-503000	Salary	\$	100.00	
10775-505000	Fica	\$	84.00	
10775-507000	Retirement	\$	108.00	
10790-505000	Salary	\$	1,400.00	
10790-503000	Salary	\$	100.00	
10790-505000	Fica	\$	115.00	
10790-507000	Retirement	\$	137.00	
10795-502000	Salary	\$	1,200.00	
10795-503000	Salary	\$	100.00	
10795-505000	Fica	\$	100.00	
10795-507000	Retirement	\$	117.00	
10796-502000	Salary	\$	600.00	
10796-505000	Fica	\$	46.00	
10796-507000	Retirement	\$	59.00	
10390-499900	Fund Balance			
	Appropriated			\$ 68,051
12541-502000	Salary	\$	200.00	
12541-505000	Fica	\$	15.00	
12541-507000	Retirement	\$	20.00	
12380-481000	Investment Earnings			\$ 235

15446-502000	Salary	\$	600.00		
15446-505000	Fica	\$	46.00		
15446-507000	Retirement	\$	59.00		
15320-415000	Occupancy Tax			\$	705
61818-502000	Salary	\$	2,400.00		
61818-505000	Fica	\$	184.00		
61818-507000	Retirement	\$	235.00		
61380-481000	Investment Earnings			\$	2,819
66868-502000	Salary	\$	1,600.00		
66868-505000	Fica	\$	122.00		
66868-507000	Retirement	\$	157.00		
66360-470000	Utilities Charges			\$	1,879
			\$ 73,689.00		\$ 73,689.00

Explanation: Christmas Bonus for full-time (\$200 each) and regularly scheduled part-time (\$100 each) employees with associated FICA and retirement.

Net Budget Effect:

Operating Fund (10) - Increased by \$68,051.
 Fire Services Fund (12) - Increased by \$235.
 Occupancy Tax Fund (15) - Increased by \$705.
 Mainland Water Fund (61) - Increased by \$2,819.
 Southern Outer Banks Water Fund (66) - Increased by \$1,879.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50511-594500	Contract Services - Jail Kitchen	\$ 10,414.00	
50511-588000	Contingency		\$ 10,414
		\$ 10,414.00	\$ 10,414.00

Explanation: Jail Kitchen (50511) - Transfer funds from contingency for Chesson Construction Co change order #1.

Net Budget Effect:

Governmental Facilities Construction (50) - No change.

Commissioner Gregory moved to approve. Commissioner Bowden seconded the motion. Motion carried.

Commissioner's Report

Chairman Nelms moved to dismiss the following litigation: 2 UDO violations and the Mermaids suit. Commissioner Gregory seconded the motion. Motion carried with Commissioner Etheridge voting no.

Commissioner Etheridge stated that the county has won the Mermaids suit for the last 12 years. Commissioner Gregory stated that the county has also spent over \$100,000 defending this suit.

County Manager's Report

No comments

Adjourn

There being no further comments, the meeting was adjourned.