

CURRITUCK COUNTY  
NORTH CAROLINA  
APRIL 16, 2007

The Board met prior to the regularly scheduled meeting to discuss County-wide Drainage Study. This item was tabled to the next meeting.

The Board of Commissioners met on Monday, April 16, 2007, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Gregory, Bowden, Taylor and Etheridge.

### **Invocation and Pledge of Allegiance**

Chairman Nelms asked for a moment of silence for the Virginia Tech students and their families.

### **Approval of Agenda**

Commissioner Taylor moved to approve agenda with amendments as follows: Delete Item 6 and delete approval of EMS Job Descriptions and add a resolution declaring surplus property. Commissioner Gregory seconded the motion. Motion carried.

- Item 1           Public Comment  
***Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.***
- Item 2           **JCPC Annual Plan** Nancy Hodges, regional representative, NC Dept of Juvenile Justice to present annual plan.
- Item 3           **Public Hearing and Action on Amendment to Code of Ordinances**  
Amendment to Chapter 9 (Offenses and Miscellaneous Provisions), Discharge of Firearms prohibited
- Item 4           **Public Hearing and Action on Amendment to Code of Ordinances**  
Amendment to Chapter 3 (Offenses and Miscellaneous Provisions), Article III (Nuisances), Section 9-71 (Certain conditions declared nuisances)
- Item 5           **Bryan Bass**, discussion on Rivers Edge Subdivision's Roads
- Item 6           **Appointments to** Whalehead Board of Trustees
- Item 7           **Consideration** of awarding bid for Airport Fence
- Item 8           **Consent Agenda:**  
Approval of Alternate to Personnel Advisory Committee  
Budget Amendments  
Approval of March 19 Minutes  
Proclamation "National Day of Prayer"  
Approval of revised job descriptions for EMS
- Item 11          Commissioner's Report
- Item 9           County Manager's Report
- Item 10          Adjourn

**Ocean Sands Water and Sewer District Meeting**

Call to Order

Budget Amendment

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.

Barry Richman, Corolla, expressed concerns with the proposed incorporation of Corolla. He requested the Board to reconsider their resolution supporting the incorporation of Corolla.

John Snowden, Maple, stated that the Travel & Tourism Department has hurt his business and questioned why the PIO office has not sent out any press releases.

Guy Sides, Corolla, requested help with understanding the cost of incorporation. He requested Staff to draft a list of services that the county will provide and what revenue sharing is available for Corolla.

Mary Wilson-Parsons, and Helen Cottrell, representing the Albemarle Hopeline, thanked the Board for their support for funding and their continued support.

Bob Collins, stated that he supported the right of the citizens of Corolla to vote on incorporation.

Gary McGee, Corolla, stated that for the towns of Beech Mountain and Town of Seven Devils, the counties supported services for these towns.

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

**JCPC Annual Plan, Nancy Hodges, regional representative, NC Dept of Juvenile Justice to present annual plan**

Nancy Hodges, Regional Representative, reviewed the JCPC organization and funding recommendations of \$84,329. Ms. Hodges thanked the Board for their continued support of this program.

**Public Hearing and Action on Amendment to Code of Ordinances Amendment to Chapter 9 (Offenses and Miscellaneous Provisions), Discharge of Firearms prohibited**

Kate McKenzie, Attorney, reviewed the amendment.

**ARTICLE I.**

**IN GENERAL**

**Sec. 9-1. Discharge of firearms prohibited.**

(a) *Near residences.* It is unlawful for any person to discharge a rifle, shotgun, handgun or any firearm within 100 yards of any regularly occupied residence without written permission of the regular occupant and owner of such residence which the person shall carry at all times relevant to this ordinance.

(b) *On or across roadways.* It is unlawful for any person to discharge a rifle, handgun, shotgun or any firearm on or across any public road, highway, or public vehicular area.

(c) *Firing near school.* It shall be unlawful to discharge a center fire rifle within one-half mile of any school unless such discharge occurs with at least 200 yards of woodlands or forest intervening between such discharge and the school.

(d) *Firing at targets.* It shall be unlawful to discharge any rifle, handgun, shotgun or other firearm into any target which has a substantial backdrop within 100 yards of any subdivision with or without permission. However, it shall be lawful to discharge any rifle, handgun, shotgun or other firearm into any target which has a substantial backdrop, so long as said discharge is 300 yards away from any regularly occupied residence, except by permission of the regular occupant and owner of such residence.

(e) *Firing when not in woodlands.* When firing a center fire rifle into any area of Currituck County not forested or woodlands, it shall be unlawful for any person to discharge or fire said rifle unless the level of the rifle be at least ten feet off the ground, or in a stand which is at least eight feet high, or when standing on the top of a dog box situate in the bed of a truck when said dog box is at least two feet in height.

(f) *Forest or woodlands.* For purposes of this section forest or woodlands is defined as a large and thick collection of growing trees, preserving some or all of its primitive wildness and usually having game or wild animals in it.

(g) *Impairing Substances.* It shall be unlawful to discharge any rifle, handgun, shotgun or any other firearm while under the influence of any impairing substance.

(h) *Exception.* This section shall not apply to the use of firearms in defense of persons or property or the use of firearms by law enforcement officers in the performance of their duties, or in an indoor firing range.

(i) *Penalty.* Any violation of this section shall be a misdemeanor and upon conviction shall be punishable by fine of not more than \$500.00 or by imprisonment for not more than 30 days.

(Ord. of 1-5-76, §§ 1--3; Ord. of 2-19-96)

**Cross References:** Transportation or possession of dangerous weapons and substances during state of emergency, § 6-63; loaded firearms prohibited at Whalehead Boat Ramp, § 10-91.

Chairman Nelms opened the public hearing.

Eddie Davenport, Barco, requested that the Board look at providing a shooting range in the county.

Chairman Nelms, stated that he had been looking at the Horse Farm property for a shooting range.

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

Commissioner Gregory moved to approve with changing A & D to include property owner and resident. Commissioner Bowden seconded the motion. Motion carried.

**Public Hearing and Action on Amendment to Code of Ordinances Amendment to Chapter 3 (Offenses and Miscellaneous Provisions), Article III (Nuisances), Section 9-71 (Certain conditions declared nuisances)**

Kate McKenzie, Attorney, reviewed the amendment.

**Sec. 9-71. Certain conditions declared nuisances.**

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) *Accumulations of rubbish.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (4) *Obstruction of drainage ways.* The placement of rubbish, trash, yard debris, grass clippings, leaves, limbs, branches, soil, or junk impeding the flow of water and/or causing or threatening to cause the obstruction of

drainage ways.

- (5) *Conditions violating health department rules.* Any condition detrimental to the public health which violates the rules and regulations of the local health department.
- (6) *Burned or partially burned buildings or structures.* Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the county building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
- (7) *Storm or erosion damaged structures and resulting debris.* The existence of any of the following conditions associated with storm-damaged or erosion-damaged structures or their resultant debris shall constitute a public nuisance:
  - a. Damaged structure in danger of collapsing;
  - b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury;
  - c. Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.
- (8) *Structurally deteriorated, or storm damaged automobile service station canopies.* Any automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or deterioration.
- (9) *Vicious animals.* The keeping of a vicious animal as defined in section 3-62.
- (10) *Miscellaneous.* Any other condition that is specified as a nuisance in this Code.

(Ord. of 8-16-04; Ord. of 3-20-06)

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

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

**Bryan Bass, discussion on Rivers Edge Subdivision's Roads**

**Deleted**

**Appointments to Whalehead Board of Trustees**

Commissioner Etheridge moved to appoint William Brumsey, IV and Gary Springer. Commissioner Gregory seconded the motion. Motion carried.

The appointment from Knotts Island was tabled.

**Consideration of awarding bid for Airport Fence**

Eric Weatherly, Engineer, stated that bids were received on April 8 requested that the Board award the bid to Seegars Fence Company in the amount of \$219,361.75. The State Grant is for 90% funding and the County's share is 10%.

Commissioner Gregory moved to award the bid as recommended by staff. Commissioner Bowden seconded the motion. Motion carried.

**Consent Agenda:**

**Approval of Alternate to Personnel Advisory Committee**

**Budget Amendments**

**Approval of March 19 Minutes**

**Proclamation "National Day of Prayer"**

**Approval of Resolution for surplus property.**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-557500	Crime Control		\$ 16,000
10510-590000	Capital Outlay	\$ 16,000	
		\$ 16,000	\$ 16,000

**Explanation:** Sheriff (510) - To transfer funds for in-car cameras for Sheriff vehicles.

**Net Budget**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-545000	Contract Services	\$ 2,167	
10430-532100	Ballot Programs & Imprint		\$ 1,254

10430-516000	Maintenance & Repair		\$	500
10430-511000	Telephone & Postage		\$	413
			\$	2,167

**Explanation:** Elections (430) - Transfer funds to contract services for maintenance agreements for voting equipment beginning May 1, 2007.

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10531-545000	Contract Services	\$ 75,885	
10380-481000	Investment Earnings		\$ 75,885
		\$ 75,885	\$ 75,885

**Explanation:** Emergency Management (531) - Emergency clean-up of fuel spill at 1832 Shortcut Road.

**Net Budget Effect:** Operating Fund (10) - Increased by \$75,885.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15780-516000	Maintenance & Repair	\$ 175,000	
15320-415000	Occupancy Tax		\$ 175,000
		\$ 175,000	\$ 175,000

**Explanation:** Occupancy Tax - Tourism Related (15780) - To appropriate funds for Emergency Protective Measures to pump flood waters after Tropical Storm Ernesto.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$175,000.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10535-502100	Overtime	\$ 8,000	
10535-502000	Salaries - Regular		\$ 8,000

\$	8,000	\$	8,000
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**Explanation:** Communications (535) - Transfer budgeted funds to overtime to pay for staff overtime during vacancies and for training officer to train new staff.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12543-532103	Fire Supplies	\$ 2,809	
12543-536103	Personal Protective Equip		\$ 2,809
		<u>\$ 2,809</u>	<u>\$ 2,809</u>

**Explanation:** Moyock Fire Department (12543) - To transfer budget funds to fire supplies for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-514500	Training and Education	\$ 300	
66868-514000	Travel	\$ 1,700	
66868-533200	Lab Tests		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

**Explanation:** Southern Outer Banks Water System (66868) - To transfer funds for additional training needed due to an increase in the number of state licenses that operators are required to obtain for certifications as water system operators.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10490-532003	Supplies- Court/Jail	\$ 6,842	

10330-422000	Court Facility Fees	\$ 6,842	\$ 6,842
		\$ 6,842	\$ 6,842

**Explanation:** Court Facility Fees (10490) - To increase budgeted line items to purchase office equipment for the Clerk of Court's office. This will be funded by additional Court Facility Fees collected this year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$6,842.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
12546-544006	Volunteer Assistance	\$ 21,408	
12310-402006	Ad Valorem Taxes - Current		\$ 21,408
		\$ 21,408	\$ 21,408

**Explanation:** ***Corolla Volunteer Fire Department (12546):*** To amend current contract for Corolla Fire & Rescue Squad, Inc. to increase wages for part and full-time EMS staff in accordance with adopted County Salary increase and paid training for fire and EMS training effective 2/17/07 Remaining budget of \$128,192 increased 16.7% (15.5% hourly increase and 7.65% payroll taxes).

**Net Budget Effect:** Fire Services Fund (12) - Increased by \$21,408.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
10530-502000	Salaries	\$ 3,166	
10530-505000	FICA	\$ 242	
10530-507000	Retirement	\$ 310	
10530-561200	Billing Fees	\$ 25,000	
10340-450000	Ambulance Fees		\$ 28,718
		\$ 28,718	\$ 28,718

**Explanation:** Emergency Services (530) - To increase appropriations to hire EMS lieutenant position at grade 61 step 7 and increase ambulance billing fees due to increased ambulance calls.

**Net Budget Effect:** Operating Fund (10) - Increased by \$28,718.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15446-511000	Telephone & postage	\$ 11,000	
15320-415000	Occupancy Tax		\$ 11,000
		\$ 11,000	\$ 11,000

**Explanation:** Occupancy Tax - Promotion (15446) - Increase postage line item due to increased requests for visitors guides.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$11,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-545000	Contract Services - Water	\$ 38,285	
60380-481000	Investment earnings		\$ 38,285
		\$ 38,285	\$ 38,285

**Explanation:** Ocean Sands Water and Sewer (60808) - To appropriate funds to demolish water plant at Ocean Sands. Contract will be awarded to East Coast Abatement Company, Inc.

**Net Budget Effect:** Ocean Sands Water and Sewer Fund (60) - Increased by \$38,285.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50640-545004	Contract Services - Extension	\$ 34,000	
50640-588004	Contingency		\$ 34,000
		\$ 34,000	\$ 34,000

**Explanation:** Cooperative Extension Construction (50640) - To transfer funds from contingency for change order to RPC, Inc. for clearing of gas main right-of-way and seeding of additional disturbed area for the Cooperative Extension Building.

**Net Budget Effect:** Governmental Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-511000	Telephone & Postage	\$ 1,400	
61818-526000	Advertising		\$ 1,400
		<u>\$ 1,400</u>	<u>\$ 1,400</u>

**Explanation:** Mainland Water (61818) - Transfer budgeted funds to postage to pay a portion of the postage for the newsletter. This edition will have the annual water quality report and will be distributed early in order to meet the notification requirements for this report.

**Net Budget Effect:** Mainland Water Fund (61818) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415-526000	Advertising	\$ 1,300	
10415-561000	Professional Services		\$ 1,300
		<u>\$ 1,300</u>	<u>\$ 1,300</u>

**Explanation:** Legal (10415) - To transfer budgeted funds to advertise for County attorney position.

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

## NATIONAL DAY OF PRAYER

MAY 3, 2007

BY THE CURRITUCK COUNTY BOARD OF COMMISSIONERS OF THE

**STATE OF NORTH CAROLINA**

**A PROCLAMATION**

**WHEREAS**, National Days of Prayer have been part of our country's heritage since the first one was declared by the Continental Congress in 1775; and

**WHEREAS**, leaders of our Nation have relied upon the power of prayer throughout American history; and

**WHEREAS**, May 3, 2007, marks the 55<sup>th</sup> consecutive observance of the National Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and

**WHEREAS**, it is good that we acknowledge that we are all God's handiwork and that it is appropriate to call upon Him in prayer; and

**WHEREAS**, "America, Honor God...Those who honor me I will honor (1 Samuel 2:30)" is the theme for the 2006 National Day of Prayer;

**WHEREAS**, while American troops fight for democracy and freedom around the globe and battle the war on terror, citizens of the United States will gather on May 3, 2007, to worship and pray for the American troops, our nation, churches, families, schools and governmental leaders, asking the Lord to grant them wisdom for the challenges they face on a daily basis;

**NOW, THEREFORE**, the Board of Commissioners of Currituck County, North Carolina, do hereby proclaim May 3, 2007, as "**NATIONAL DAY OF PRAYER**" in Currituck, North Carolina, and urge our citizens to join together in their homes, places of work, and places of worship, to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

**RESOLUTION  
SURPLUS PROPERTY**

Whereas, The Board of Commissioners of Currituck County, North Carolina during it is regular meeting held on April 16, 2007 authorized the following property listed below, be disposed of;

WHEREAS, property owned by the Sheriff's Department will be sent to landfill.

Cameras located in the Judicial Center holding cells that no longer work:

017186

017183

017172

017187

**Commissioner's Report**

Commissioner Bowden requested information on the grant for the Carova Park.

Commissioner Etheridge reminded everyone to keep the Virginia Tech families in their prayers.

Chairman Nelms stated that the resolution for Corolla incorporation was for support to allow the residents to vote on incorporation.

**County Manager's Report**

**No comments**

**Adjourn**

There being no further business, the meeting adjourned.

**Ocean Sands Water and Sewer District Meeting**

**Call to Order**

Chairman Nelms called the meeting to order.

**Budget Amendment**

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

**Adjourn**

There was no further business, the meeting adjourned.