

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, January 04, 2010

Time: 7:00 PM

- 7:00 p.m. Invocation
Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Consideration of Parks and Recreation Department Discipline Policy**
- Item 4 **Consideration of accepting high bid for surplus manufactured home located at 4-H Cultural Life Center**
- Item 5 **Consideration of Recommendation of Award for Whalehead Subdivision Drainage Improvements - Phase 1**
- Item 6 **Consideration of Sanitary Sewer Ordinance**
- Item 7 **Appointments to ABC Board**
- Item 8 **Appointments to Economic Development Board**
- Item 9 **Appointments to Airport Advisory Board**
- Item 10 **Appointment of Commissioner to The Albemarle Commission**
- Item 11 **Consent Agenda:**
1. Budget Amendments
 2. Wild Horse Fund Grant Agreement
 3. Mutual Aid Agreement Public Safety Navy Region and Currituck County for Fire fighting and EMS Assistance
 4. Resolution approving BB & T for Whalehead Drainage Financing
 5. Petition to NCDOT for Road Addition of Wren Drive and Chickadee Street

6. Resolution of Support for Albemarle RC&D Council
7. Resolution request FEMA support flood insurance claims for structures suffering coastal erosion
8. Project Ordinance for the Moyock Sewer Force Main Construction
9. Approval of December 7, 2009, Minutes

Item 12 Commissioner's Report

Item 13 County Manager's Report

Item 14 **Closed Session:**

1. According to GS 143-318.11(3) to consult with attorney in order to preserve the attorney-client privilege

Adjourn

Currituck County Parks and Recreation Department

Discipline Policy

This policy applies to all CCPRD facilities and programs, including off-site and staffed events.

Currituck County Parks and Recreation Department (CCPRD) welcomes everyone to use County recreational facilities as resources for social, educational, leisure and recreational uses. Currituck County recreational facilities accommodate a wide variety of activities varying from indoor meeting and conference rooms to noisy playgrounds and athletic fields. An individual or group whose conduct is disruptive, compromises safety, damages/destroys property, or is otherwise incompatible with the intended use of a facility prevents others from enjoying and using the facility.

Therefore, it is necessary that everyone who uses County recreational facilities follow this policy in order to:

- Afford appropriate respect for other visitors and staff
- Provide an appropriate level of maintenance and safety
- Ensure public access and use of facilities by everyone
- Facilitate success in programming

General Information

Currituck County by and through its Parks and Recreation Department reserves the right to have any individual removed from County recreational facilities and/or programs if there is a discipline issue. **Refunds will not be given for anyone asked to leave any facility or program for disciplinary reasons.** Currituck County reserves the right to suspend future access to facilities in cases of disciplinary actions.

Notification will be given to a participant's parents or legal guardian upon issuance of disciplinary action if that individual is under 16 years of age. All suspensions begin immediately; however, the next business day will be considered day one of the suspension.

When the participant has served suspension time, upon return to the facility or program he or she will have a meeting with the Director about behavior expected in the future. It will be mandatory for a parent or guardian to be in this conversation if the individual is under 16 years of age. The County reserves the right to make a parent conference mandatory before the participant will be allowed to return to any Currituck County recreational facility or program.

The CCPRD Director may review any suspension and may overturn a suspension if special circumstances warrant a participant's return before the participant's suspension has been served.

Each site coordinator or staff member will document each incident and records will be kept at the CCPRD main office. Staff members will complete an incident/accident form for each different occurrence. Any complaint received by a spectator, coach, or official should be documented and investigated by staff and reported to the Director. Severe or multiple offenses will be punished accordingly, at the discretion of the Director.

Any participant suspended from a County recreational facility or program is suspended from all County recreational facilities and programs. Suspensions shall be immediately reported to the main office, and a current list of suspensions and dates of reinstatement will be faxed to each facility on a regular basis.

Appeal Process

The County, by and through the Director of the Currituck County Parks and Recreation Department, may ban an individual from the use of County parks, facilities, and programs, without appeal, for a period up to thirty (30) days by informing the individual in writing that they have failed to adhere to the General Park Rules and Regulations. Individuals banned from programs, parks, or facilities for a period of more than thirty (30) days shall be notified in writing within five (5) business days of the decision to ban the individual from participation and use of facilities. The individual will have five (5) business days from the time of receipt of the notification to appeal the disciplinary action in writing stating why the individual should not be banned. Such a request for appeal must be sent to the Director of the Currituck County Parks and Recreation Department at P.O. Box 39, Currituck, NC 27929.

An appeal may be granted provided that there are other facts or information that has come forward that were not present at the time of issuance of the disciplinary action. An appeal will not automatically delay the Director's decision; disciplinary actions shall take effect immediately unless stated otherwise by the Director.

The Director shall hold a due process hearing on any timely appeal of a ban of more than thirty (30) days. There is no right to a due process hearing before the Recreation Advisory Board in any other disciplinary action which is a thirty (30) days or less ban from facilities or programs, but the Director may hold a hearing on any disciplinary measure.

A due process hearing shall be held within ten (10) working weekdays before the Recreation Advisory Board. Decisions shall be based upon a review of evidence presented. The due process hearing shall be based upon the grounds specified in the written notice of proposed disciplinary action sent to the individual when the discipline was initially imposed. This notice shall describe the conduct of the individual which forms the basis for the proposed disciplinary action and shall specify how such conduct varies from that required by Parks and Recreation Rules. The individual shall be entitled to present witnesses, exhibits, and argument. A decision in an appeal may result in the reduction or an increase in the disciplinary penalty. A majority vote by the Recreation Advisory Board is required to change any disciplinary penalty issued by the Director.

Discipline Levels & Consequences

Level 1

Offenses to include but not limited to:

- Inappropriate language/actions
- Violation of Rules
- Disrespectful Behavior
- Violation of Parental Code of Conduct

Staff to enforce consequences: Any staff member may enforce 1st and 2nd offenses. For the 3rd offense suspension, the responsible full-time staff member shall impose the consequence.

Consequence:

- 1st offense: verbal warning and correction of behavior
2nd offense: 7-day suspension
3rd offense: 14-day suspension
4th offense: 30-day suspension (Level 2 1st offense)

Level 2

Offenses to include but not limited to:

- Roughhousing/horseplay, wrestling or verbal fights
- Severely inappropriate language/actions (continuous cursing)
- Severe violation of rules (such as tobacco use by a minor)
- Fourth or greater Level 1 offense

Staff to enforce consequences: Director or responsible full-time staff member, and the staff member witnessing the incident shall impose the consequence.

Consequence:

- 1st offense: 30-day suspension
2nd offense: 90-day suspension
3rd offense: 180-days suspension (Level 3 1st offense)

Level 3

Offenses to include but not limited to:

- Fighting that does not require police involvement
- Minor cases of vandalism or theft that do not warrant police involvement
- Severely disrespectful behavior (refusal to follow staff instructions)
- Fourth or greater level 2 offense

Staff to enforce consequences: Director or responsible full-time staff member, and the staff member witnessing the incident shall impose the consequence.

Consequence:

- 1st offense: 180-day suspension
2nd offense: 365-day suspension
3rd offense: Level 4 1st offense

Level 4

Offenses to include but not limited to:

- Misdemeanor, such as theft or vandalism of less than \$500.00, simple assault, or violation of weapon, drug, or alcohol policies. Offender does not have to be arrested, charged or convicted of the misdemeanor to be subject to discipline pursuant to this policy.

Staff to enforce consequences: Police will be called to the scene and proceed with normal protocol. Additionally, the Director shall impose the consequence.

Consequence:

- 1st offense: 365-day suspension from programs and facilities
2nd offense: Indefinite suspension at the discretion of the Director (2 year minimum)

Level 5

Offenses to include but not limited to:

- Felony, such as theft or vandalism of \$500.00 or more, or aggravated assault (serious bodily harm or use of weapon). Offender does not have to be arrested, charged, or convicted of the felony to be subject to discipline pursuant to this policy.

Staff to enforce consequences: Police will be called to the scene and proceed with normal protocol. Additionally, the Director shall impose the consequence.

Consequence:

- 1st offense: Indefinite suspension (2 year minimum)
2nd offense: Permanent ban from all CCPRD programs and facilities at the discretion of the Director.

**RESOLUTION ACCEPTING HIGH BID FOR SURPLUS PROPERTY
LOCATED AT 112 MILBURN SAWYER ROAD, POWELLS POINT, NORTH
CAROLINA**

WHEREAS, by resolution adopted July 2, 2009 the Board of Commissioners for Currituck County declared the manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina as surplus property and directed the solicitation of offers to purchase the surplus manufactured home subject to the upset bid procedure set forth in N.C. Gen. Stat. §160A-269; and

WHEREAS, the County of Currituck solicited offers to purchase the surplus manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina and following the upset bid process the high bid was \$4,000.00 submitted by George Hayden.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that the high bid in the amount of \$4,000.00 for the surplus manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina submitted by George Hayden is accepted and the appropriate county officials are authorized to execute documents necessary to transfer title to the property.

ADOPTED the 4th day of January, 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

**RESOLUTION ACCEPTING HIGH BID FOR SURPLUS PROPERTY
LOCATED AT 323 N. SPOT ROAD, POWELLS POINT, NORTH CAROLINA**

WHEREAS, by resolution adopted July 2, 2009 the Board of Commissioners for Currituck County declared the manufactured home located at 323 N. Spot Road, Powells Point, North Carolina as surplus property and directed the solicitation of offers to purchase the surplus manufactured home subject to the upset bid procedure set forth in N.C. Gen. Stat. §160A-269; and

WHEREAS, the County of Currituck solicited offers to purchase the surplus manufactured home located at 112 Milburn Sawyer Road, Powells Point, North Carolina and following the upset bid process the high bid was \$10,000.00 submitted by Christopher W. Forbes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that the high bid in the amount of \$10,000.00 for the surplus manufactured home located at 323 N. Spot Road, Powells Point, North Carolina submitted by Christopher W. Forbes is accepted and the appropriate county officials are authorized to execute documents necessary to transfer title to the property.

ADOPTED the 4th day of January, 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)



MEMORANDUM

To: Board of Commissioners

From: Eric T. Weatherly, P.E.
Currituck County Engineer

Ref: Recommendation of Award
Whalehead Subdivision Drainage Improvements – Phase I

Date: December 28, 2009

Background

The Whalehead Subdivision Drainage Improvements project consists of a groundwater lowering system with pumped outlet. Nine of the east-west roads in the subdivision are owned by the County and can be used for the groundwater lowering system. The plan is to construct groundwater lowering systems along 5 of the east-west roads in 3 construction phases.

On December 1, 2009, phase I of the system was bid. This phase consists of asphalt removal and installation of groundwater lowering systems along Coral and Marlin Drives. Pump stations will be installed on each road with a common force main to pump groundwater to the pond located on the west side of Highway 12 in the TimBuck II shopping center.

Funding for the project is provided by taxes from the Whalehead Drainage Service District. The taxes will be used to finance a loan. The loan package has been assembled by the County and will be presented at the Local Government Commission board meeting on January 5, 2009.

Recommendation

Attached for your review is the recommendation of award package from the design engineers, Moffatt and Nichol. Three bids were received for the project. The low bidder was RPC Contracting of Kitty Hawk in the amount of \$1,748,632. Staff recommends approval of the award and asks for Commissioner concurrence.

December 2, 2009

Currituck County
153 Courthouse Road
Currituck, NC 27929

Attn: Eric Weatherly
County Engineer

Re: Whalehead Subdivision Drainage Improvements – Phase I
Currituck County, North Carolina
Bid Recommendation Letter

Dear Mr. Weatherly;

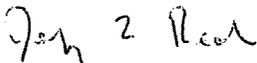
Moffatt & Nichol (M&N) has reviewed the bids, which were received from contractors on December 1, 2009 for the above referenced project. R.P.C. Contracting Inc. is the apparent low bidder in the amount of \$1,748,632.00.

Note that according to the North Carolina Licensing Board for General Contractors (NCLBGC), R.P.C. Contracting Inc. has a valid license to perform construction work in the State of North Carolina. The contractor has also properly executed the Form of Proposal, and has provided a bid bond in the amount of 5% of the bid amount submitted. In addition, the contractor has provided the required Identification of Minority Business Participation and Affidavit A indicating a good faith effort to utilize MBE subcontractors and material suppliers. R.P.C. Contracting Inc. has been notified to provide Affidavit D within the required 72 hours.

Therefore, M&N recommends that the County to accept the lowest responsive bid submitted by R.P.C. Contracting Inc. in the amount of \$1,748,632.00. If the County agrees with this recommendation, we will begin the process of formalizing the contract. Please provide written confirmation indicating the decision.

Sincerely,

MOFFATT & NICHOL



Jeffrey L. Reck, P.E.
Project Engineer

Encl: Designer Certified Bid Tabulation
Bid Summary Sheet
Bid Comparison Sheet
Designer Opinion of Probable Cost
Original Form of Proposal and Form of Bid Bond
Original Identification of Minority Business Participation Form and Affidavit A

Cc: File

CERTIFIED BID TABULATION - SINGLE PRIME



PROJECT NAME: Whalehead Subdivision Drainage Improvements - Phase I
OWNER: Currituck County
DESIGNER: Moffatt & Nichol (M&N)
DATE BIDS RECEIVED: December 1, 2009
SUBJECT: Bid Opening - Bid Tabulation Worksheet

BIDDER'S NAME	BIDDER'S NORTH CAROLINA GENERAL CONTRACTORS LICENSE NO.	SUB TOTAL BID (ITEMS 1-32)	GRAND TOTAL BID (ITEMS 1-36)	BID FORM SIGNED	ADDENDUM #1 ACKNOWLEDGED	ADDENDUM #2 ACKNOWLEDGED	ADDENDUM #3 ACKNOWLEDGED	MBE PARTICIPATION FORM PROVIDED	MBE AFFIDAVIT PROVIDED	5% BID BOND PROVIDED
1 RPC Contracting, Inc	#34430	\$1,706,244.00	\$1,748,632.00	X	X	X	X	X	X	X
2 J. B. Denny Company	#13091	\$1,983,861.19	\$2,118,594.61	X	X	X	X	X	X	X
3 Geo. Raper & Son, Inc.	#7375	\$1,754,688.50	\$1,806,638.50	X	X	X	X	X	X	X
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AVERAGE OF 3 LOWEST BIDS: \$1,891,288.37
DESIGNER'S ESTIMATE: \$2,271,700.00

CERTIFIED BY: *Jeffrey Reck*
 Jeffrey Reck, P.E. (Moffatt & Nichol)

DATE: 12/1/09

BID SUMMARY SHEET

DESIGNER: Moffatt & Nichol (M&N)
OWNER/AGENCY: Currituck County
PROJECT NAME: Whalehead Subdivision Drainage Improvements – Phase I
DATE BIDS RECEIVED: December 1, 2009
PROJECT SIZE: N/A
COUNTY OF PROJECT: Currituck County

GENERAL CONSTRUCTION	LOW BID	\$/UNIT COST
R.P.C. Contracting Inc.	\$1,748,632.00	N/A
Average of 3 Lowest Bids	\$1,891,288.37	N/A
Estimated Bid	\$2,271,700.00	N/A

BID COMPARISON

PROJECT NAME: Whalehead Subdivision Drainage Improvements - Phase 1
 OWNER: Currituck County
 DESIGNER: Moffatt & Nichol (M&N)
 DATE BIDS RECEIVED: December 1, 2009



Item No.	Quantity Allowance	Unit	RPC Contracting		J.B. Denny		Geo. Raper & Son, Inc.		Average of 3 Lowest	
			Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	1	LS	\$123,300.00	\$123,300.00	\$57,948.15	\$57,948.15	\$38,620.00	\$38,620.00	\$73,289.38	\$73,289.38
2	1	AC	\$6,000.00	\$6,000.00	\$10,928.91	\$10,928.91	\$2,800.00	\$2,800.00	\$6,576.30	\$6,576.30
3	1	LS	\$2,150.00	\$2,150.00	\$3,911.40	\$3,911.40	\$2,500.00	\$2,500.00	\$2,853.80	\$2,853.80
4	1	LS	\$4,400.00	\$4,400.00	\$4,831.73	\$4,831.73	\$2,500.00	\$2,500.00	\$3,910.58	\$3,910.58
5	1,290	CY	\$18.80	\$24,252.00	\$20.71	\$26,712.55	\$15.00	\$19,350.00	\$18.17	\$23,438.18
6	2,070	SF	\$3.00	\$6,210.00	\$2.59	\$5,358.04	\$4.00	\$8,280.00	\$3.20	\$6,616.01
7	9,300	SF	\$4.00	\$37,200.00	\$4.03	\$37,445.89	\$5.00	\$46,500.00	\$4.34	\$40,381.96
8	11,500	SF	\$20.35	\$234,025.00	\$19.55	\$224,825.45	\$15.00	\$172,500.00	\$18.30	\$210,450.15
9	1	LS	\$3,120.00	\$3,120.00	\$3,796.36	\$3,796.36	\$4,800.00	\$4,800.00	\$3,905.45	\$3,905.45
10	3,120	SY	\$9.25	\$28,860.00	\$4.60	\$14,357.13	\$5.60	\$17,472.00	\$6.48	\$20,229.71
11	1	-LS	\$7,960.00	\$7,960.00	\$20,477.32	\$20,477.32	\$15,000.00	\$15,000.00	\$14,479.11	\$14,479.11
12	250	LF	\$114.70	\$28,675.00	\$86.28	\$21,570.21	\$160.00	\$40,000.00	\$120.33	\$30,081.74
13	4	Tons	\$150.00	\$600.00	\$143.80	\$575.21	\$92.00	\$368.00	\$128.60	\$514.40
14	2	EA	\$60,130.00	\$120,260.00	\$72,763.51	\$145,527.02	\$97,647.00	\$195,294.00	\$76,846.84	\$153,693.67
15	2	EA	\$38,190.00	\$76,380.00	\$62,897.42	\$125,794.83	\$28,870.00	\$57,740.00	\$43,185.81	\$86,371.61
16	1	LS	\$50,000.00	\$50,000.00	\$368,131.60	\$368,131.60	\$77,800.00	\$77,800.00	\$165,310.53	\$165,310.53
17	1	LS	\$1,000.00	\$1,000.00	\$1,150.41	\$1,150.41	\$6,000.00	\$6,000.00	\$2,716.80	\$2,716.80
18	2	LS	\$2,000.00	\$4,000.00	\$2,736.83	\$5,473.66	\$2,160.00	\$4,320.00	\$2,298.94	\$4,597.89
19	2,650	SF	\$1.50	\$3,975.00	\$3.03	\$8,038.50	\$2.00	\$5,300.00	\$2.18	\$5,771.17
20	1	LS	\$9,420.00	\$9,420.00	\$5,349.41	\$5,349.41	\$6,220.00	\$6,220.00	\$6,996.47	\$6,996.47
21	29,160	SF	\$0.45	\$13,122.00	\$0.58	\$16,798.29	\$1.50	\$43,740.00	\$0.84	\$24,553.43
22	1,020	LF	\$127.70	\$130,254.00	\$55.22	\$56,324.13	\$192.00	\$195,840.00	\$124.97	\$127,472.71
23	1	LS	\$85,000.00	\$85,000.00	\$1,725.62	\$1,725.62	\$36,000.00	\$36,000.00	\$40,908.54	\$40,908.54
24	1	LS	\$99,910.00	\$99,910.00	\$91,107.97	\$91,107.97	\$90,452.00	\$90,452.00	\$93,823.32	\$93,823.32
25	2	EA	\$1,520.00	\$3,040.00	\$1,725.62	\$3,451.23	\$860.00	\$1,720.00	\$1,368.54	\$2,737.08
26	830	LF	\$28.00	\$23,240.00	\$43.72	\$36,283.97	\$30.75	\$25,522.50	\$34.16	\$28,348.82
27	20	LF	\$34.00	\$680.00	\$115.04	\$2,300.82	\$44.00	\$880.00	\$64.35	\$1,286.94
28	1,470	LF	\$42.00	\$61,740.00	\$59.82	\$87,937.44	\$48.00	\$70,560.00	\$49.94	\$73,412.48
29	2,660	LF	\$61.60	\$163,856.00	\$69.02	\$183,605.64	\$69.50	\$184,870.00	\$66.71	\$177,443.88
30	4,040	LF	\$73.70	\$297,748.00	\$86.28	\$348,574.61	\$83.50	\$337,340.00	\$81.16	\$327,887.54
31	90	LF	\$250.00	\$22,500.00	\$356.63	\$32,096.47	\$160.00	\$14,400.00	\$255.54	\$22,998.82
32	1	LS	\$5,000.00	\$5,000.00	\$3,451.23	\$3,451.23	\$2,000.00	\$2,000.00	\$3,483.74	\$3,483.74
33	1	LS	\$28,400.00	\$28,400.00	\$28,400.00	\$28,400.00	\$28,400.00	\$28,400.00	\$28,400.00	\$28,400.00
34	11,500	SF	\$3.85	\$44,275.00	\$11.32	\$130,180.54	\$4.10	\$47,150.00	\$6.42	\$73,868.51
35	1	EA	\$11,660.00	\$11,660.00	\$8,052.88	\$8,052.88	\$8,800.00	\$8,800.00	\$9,504.29	\$9,504.29
36	1	LS	-\$13,580.00	-\$13,580.00	-\$3,500.00	-\$3,500.00	-\$4,000.00	-\$4,000.00	-\$7,026.67	-\$7,026.67
Items 1-33 Totals =			\$1,706,277.00		\$1,983,861.19		\$1,754,688.50		\$1,814,942.23	
Items 1-36 Totals from Bid =			\$1,748,632.00		\$2,118,594.61		\$1,806,638.50		\$1,891,288.37	



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS
Barry C. Nelms, Chairman
Gene A. Gregory, Vice-Chairman
Ernie Bowden
J. Owen Etheridge
Janet L. Taylor

153 Courthouse Road / Post Office Box 39
Telephone (252) 232-0300 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA
County Manager
DONALD I. MCREE, JR.
County Attorney
GWEN H. KEENE, CMC
Clerk to the Board

MEMORANDUM

TO: Board of Commissioners
Dan Scanlon, County Manager

FROM: Ike McRee, County Attorney

DATE: December 30, 2009

RE: Ordinance Amending Chapter 13 of the Code of Ordinances Regulating Use of Sanitary Sewer Facilities Owned Or Operated by Currituck County

Pursuant to its wastewater permits, the county is required to “establish by enforcement policy its legal authority to require new sewers be properly constructed; to ensure proper inspection and testing of sewer mains and service laterals; to address flows from satellite systems and to take enforcement action as required.” As the county proceeds with renewal of its wastewater permits it has become evident that the county may not have fulfilled the cited permit requirement.

Attached for the Board of Commissioners’ consideration is an ordinance amendment that will meet the wastewater permit requirement. The ordinance will apply to the Newtown Road Service District, Moyock Commons Service District and Ocean Sands Water and Sewer District.

1 (2) Preventing the introduction of pollutants into the public wastewater system which
2 will pass through the system, inadequately treated, into any waters of the state or otherwise be
3 incompatible with the system;

4 (3) Protecting District personnel who may be affected by sewage, sludge, and effluent in
5 the course of employment and the general public;

6 (4) Providing for equitable distribution of the cost of operation, maintenance and
7 improvement of the public wastewater system; and

8 (5) Ensuring that the District complies with NPDES or non-discharge permit conditions,
9 sludge use and disposal requirements and any other federal or state laws to which the wastewater
10 system is subject.

11 (b) Applicability. This division shall apply to the District and users of the District’s
12 wastewater collection and treatment system.

13 **Sec. 13-137. Definitions.**

14 Unless the context specifically indicates otherwise, the following terms and phrases, as
15 used in this division, shall have the meanings hereinafter designated:

16 Act or the Act shall mean the Federal Water Pollution Control Act, also known as the
17 Clean Water Act, as amended, 33 U.S.C. § 1251.

18 Approval Authority shall mean the Director of the Division of Water Quality of the North
19 Carolina Department of Environment, and Natural Resources or his designee.

20 Board shall mean the Currituck County Board of Commissioners.

21 Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the
22 biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at
23 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter
24 (mg/l).

25 Building Sewer shall mean a sewer conveying wastewater from the premises of a user to
26 the wastewater collection and treatment system.

27 Department of Environment and Natural Resources (NCDENR) shall mean the North
28 Carolina Department of Environment and Natural Resources, Division of Water Quality or its
29 successor. For the purposes of this division references to the Division of Water Quality or DWQ
30 shall be deemed to be DENR.

31 Director shall mean the Currituck County Public Utilities Director.

1 Domestic user shall mean any person who discharges domestic wastewater to the public
2 sanitary sewer.

3 Domestic wastewater shall mean wastewater generated from normal human living
4 processes which have constituent strength within the range defined for standard strength
5 wastewater, and which contains no constituents of a quantity or concentrations exceeding the
6 limits stated in Section 7. Normal human living processes include wastewater from bathroom and
7 toilets, noncommercial kitchens and non industrial and noncommercial laundries. The discharge
8 rate shall not exceed twenty-five thousand (25,000) gallons per day.

9 Environmental Protection Agency (EPA) shall mean the United States Environmental
10 Protection Agency.

11 Flow shall mean the quantity of wastewater expressed in gallons or cubic feet per twenty-
12 four (24) hours.

13 Grease interceptor shall mean any device constructed in conformity with the plumbing
14 code, operated by the customer of the wastewater system for removing oil and grease before
15 contributing liquid wastes to the wastewater system.

16 Hauled wastewater shall mean any waste from holding tanks, including but not limited to
17 such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit
18 interceptors, and vacuum-pump tank trucks.

19 Indirect discharge or Discharge shall mean the discharge or the introduction from any
20 nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into
21 the POTW (including holding tank waste discharged into the system).

22 Industrial user or User shall mean any person which is a source of indirect discharge.

23 Industrial wastewater shall mean the wastewater generated from activities, operations or
24 processes which require water and which add to the wastewater pollutant constituents at a
25 strength or at a quantity or concentration exceeding allowable limits defined in Section 7 of this
26 Article.

27 Interference shall mean the inhibition, or disruption of the District treatment processes,
28 operations, or its sludge process, use, or disposal, which causes or contributes to a violation of
29 any state or federal requirements or prevents sewage sludge disposal in compliance with
30 specified applicable state and federal law.

31 Medical Waste shall mean isolation wastes, infectious agents, human blood and blood
32 products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,
33 potentially contaminated laboratory wastes, and dialysis wastes.

1 Owner shall mean the fee simple owner of real property whose premises is or can be
2 provided utility service by the District.

3 POTW Treatment Plant shall mean the portion of the POTW designed to provide
4 treatment to wastewater.

5 Pretreatment Regulations shall mean the introduction of pollutants or wastes into the
6 POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

7 Publicly Owned Treatment Works (POTW) shall mean the treatment works as defined by
8 Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the
9 Act). This includes any devices and systems used in the storage, treatment, recycling, and
10 reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers,
11 pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The
12 term also means the municipality or county as defined in Section 502(4) of the Act, which has
13 jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.

14 Significant Industrial User shall mean (1) all industrial users subject to Categorical
15 Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any
16 other industrial user that: discharges an average of 25,000 gallons per day or more of process
17 wastewater to the POTW Treatment Plant (excluding sanitary wastewater); contributes a process
18 waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic
19 capacity of the POTW Treatment Plant, or is designated as such by the Currituck County Public
20 Utilities Director on the basis that the industrial user has a reasonable potential for adversely
21 affecting the POTW Treatment Plant's operation or for violating any pretreatment standard or
22 requirement (in accordance with 40 CFR 403.8(f)(6)).

23 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is
24 suspended in wastewater, and which is removable by a standard glass fiber filter.

25 User shall mean any person who discharges, causes, or permits the discharge of
26 wastewater into the POTW.

27 Wastewater shall mean the liquid and water-carried domestic wastes from dwellings,
28 commercial buildings, and mobile sources, together with any groundwater, surface water, and
29 storm water that may be present, whether treated or untreated, which are contributed into or
30 permitted to enter the POTW.

31 **Sec. 13-138. Administration; Sewer use required.**

32 (a) Administration. The Public Utilities Director is hereby assigned the responsibility of
33 administering all provisions of this Article, and shall exercise these responsibilities in accordance
34 with the intent of this Article in a fair and objective manner. The Director may exercise

1 discretion when necessary to administer these provisions fairly and responsibly. Any powers or
2 responsibilities granted to or imposed on the Director may be delegated by the Director to other
3 County or District personnel.

4 (b) Sewer use.

5 (1) When the owner of a property inside the District service area shall use such property
6 in any manner which results in the generation of wastewater, and such wastewater shall be
7 discharged into a public sanitary sewer, the owner shall install, at his expense, a suitable building
8 sewer and any other facilities necessary to connect the building sewer directly to the public
9 sewer at an access point provided by the District.

10 (2) When the District is unable to serve single-family residential property through the
11 gravity sanitary sewer system, as determined by the POTW director, the District may, upon
12 written notification, approve the owner of the property to purchase and install a motor, lines, and
13 pump so that wastewater can be pumped to the public sewer at the provided access point. It will
14 be the responsibility of the property owner to complete the sewer connection with the purchased
15 equipment and to maintain the pump, lines and motor to the property line at his own expense.

16 (3) Whenever a building sewer connected to the public sanitary sewer becomes clogged,
17 broken, out of order or detrimental to the use of the public sewer, the owner having charge of any
18 building or premises through which the building sewer collects wastewater shall, upon
19 notification of the POTW director, reconstruct, alter, clean or repair the building sewer as the
20 condition of such may require within thirty (30) days after receiving notification.

21 **Sec. 13-139. Application for Service; Abandonment of private systems.**

22 (a) An owner or developer proposing to extend utility lines and/or to make other
23 improvements to be served by the District shall first obtain approval by the District. The
24 applicant shall employ at the applicant's expense an engineer registered in the State of North
25 Carolina to prepare plans for the project. Approval of plans or specifications for a project does
26 not relieve the owner/developer/applicant from meeting the requirements or obtaining other
27 approvals that may be necessary for other regulating agencies including but not limited to
28 Currituck County, North Carolina Department of Transportation, and North Carolina Department
29 of Environment and Natural Resources. The submission of a master plan and/or engineering
30 report may be required at the discretion of the Director in addition to plans and specifications and
31 other documentation described herein.

32 (b) The applicant shall construct infrastructure to be accepted by the District utilizing the
33 District-approved Technical Standards and Specifications. No extension to the sanitary sewer
34 system of the District shall be made and no application shall be approved except in accordance
35 with the requirements of this ordinance.

1 (c) All private septic systems and other similar facilities shall be properly abandoned, or
2 removed at the time service to the POTW is made available to real estate upon which is located
3 any structure serviced by a private septic system, and the applicable property owner shall be
4 required to connect to the POTW at the time of such abandonment or removal. Upon 24 hours
5 notice, representatives of the District may enter any property having a private wastewater
6 disposal system for the purpose of inspecting such system and making such other investigations
7 and tests as are deemed necessary. Entry shall be made during the daylight hours unless
8 abnormal or emergency circumstances require otherwise.

9 **Sec. 13-140. Method of connection.**

10 (a) Connections of Building Sewers to the District's wastewater collection system will
11 be made as follows:

12 (1) All connections shall be made in accordance with the provisions of the State of
13 North Carolina Building Code Volume II, Plumbing, current edition.

14 (2) No person, unless authorized, shall uncover, make any connections with, or
15 disturb any portion of the District's wastewater collection system, except in
16 accordance with the applicable provisions of this division.

17 (3) All costs and expenses incident to the installation and connection of the Building
18 Sewer for non-residential connections and connections occurring after the initial
19 installation of the POTW shall be borne by the Owner. The owner shall indemnify
20 and hold harmless the District from any loss or damage to the POTW that may
21 directly or indirectly be occasioned by the installation of the Building Sewer.

22 (4) A separate and independent Building Sewer shall be provided for every building.
23 An exception may be granted where one building on an interior lot stands at the
24 rear of another and it is not economically feasible for the District to provide a tap
25 to the rear building. In such event, the Building Sewer may be extended to the tap
26 for the front building and the whole considered as one (1) Building Sewer.
27 Exceptions such as these require a permit to be issued by the District, and shall
28 require a written agreement between the Owners and the District as to the share of
29 the costs of construction and maintenance that each will contribute.

30 (5) All Building Sewers shall be brought to the building at an elevation below the
31 lowest floor level having sanitary facilities. In all buildings in which any building
32 drain is below a point which will permit a minimum average slope of the Building
33 Sewer of one (1) foot per one hundred (100) feet, wastewater carried by such
34 Building Sewer shall be lifted by pumping units or other approved means and

1 discharged through a Building Sewer having that minimum average slope. Costs
2 of the pumping units, piping, and power shall be borne by the Owner.

3 (6) Old building sewers may be used in connections with new buildings only when
4 they are found, upon examination and testing by the District, to meet all
5 requirements of this division.

6 (7) No connections that will allow inflow to enter the POTW shall be permitted.
7 Such prohibited connections shall include but not be limited to roof down spouts,
8 exterior foundation drains, or other sources of storm water or groundwater.

9 (8) The Building Sewer shall include any preliminary treatment, pretreatment, flow
10 equalizing facilities for grease, oil, grit and sands traps or other interceptors as
11 required by this division.

12 (9) Connections to POTW will be made at the tap provided for the structure to be
13 served.

14 (10) Any new connections to the POTW shall be prohibited unless sufficient capacity
15 is available in all downstream portions of the POTW and at the POTW Treatment
16 Plant, including, but not limited to capacity for flow, BOD and suspended solids,
17 as determined by the District.

18 (11) The size of gravity sewer collection and gravity outfall lines shall be determined
19 by the ultimate size of the area to be serviced and by the projected use and
20 population of the area. The sewer collection and outfall lines shall be designed to
21 maintain a velocity of at least two (2) feet per second at full flow.

22 (12) The District may require the developer to install sewer collection and outfall lines
23 at a deeper depth and/or larger size than that needed by the existing proposed
24 immediate development in order to provide future service to undeveloped area
25 anticipated to be developed in the future or an existing development which will
26 require service

27 (b) The applicant for the connection shall notify the District when the work is ready for
28 final inspection and no underground portions shall be covered before the final inspection is
29 completed. The connection shall be made under the supervision of the District or its
30 representative.

31 (c) Sewer collection and outfall lines shall be tested and inspected by the Director,
32 County Engineer, or their designees to determine the accuracy of alignment and grade. The
33 allowable amount of infiltration is defined as 0 gallons per diameter inch per mile per day.

1 (d) The District shall be allowed to inspect the work at any stage of construction.

2 **Sec. 13-141. Maintenance of Building Sewer; Damages.**

3 (a) Whenever a Building Sewer connected to POTW becomes clogged, broken, out of
4 order or detrimental to the use of POTW, or the public health and welfare, the Owner of any
5 building or premises through which the Building Sewer collects wastewater shall, upon
6 notification by the Director, reconstruct, alter, clean or repair the Building Sewer, as the
7 condition of such may require, within thirty (30) days after receiving notification.

8 (b) No Person shall maliciously, willfully or negligently break, damage, destroy,
9 uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the
10 POTW.

11 **Sec. 13-142. Use of public sewer.**

12 (a) It shall be unlawful to discharge into any natural outlet within the District or in
13 any area under the jurisdiction of the District any wastewater or other polluted water.

14 (b) It shall be unlawful within the District to construct or maintain any privy, privy
15 vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
16 Temporary portable toilet facilities may be permitted by special permit issued by the District for
17 the purpose of providing toilet services for construction projects or special events or purposes.

18 (c) Construction of any new structures within the District from which wastewater is
19 or shall be discharged shall not occur without first securing a connection to the POTW.

20 (d) The Owner of any building or property which is located within the District, or in
21 any area under the jurisdiction of the District, and from which wastewater is discharged, shall be
22 required to connect to the POTW, at the Owner's expense, within sixty (60) days after service of
23 notice to do so, provided that said public sewer is reasonably available for connection.
24 Additionally, if the building or property is used for human occupancy, employment or recreation,
25 the owner shall be required to install at the same time toilet facilities in accordance with the
26 North Carolina State Building Code and this ordinance. Notice shall be given by the District, or
27 its designated agent, and shall be served upon the Owner personally or by certified mail.

28 (e) In the event an Owner shall fail to connect to a public sewer in compliance with a
29 notice given under this section, the District may undertake to have said connection made and
30 shall charge the connection cost against the property and the connection cost shall be a lien
31 against the property. Such charge, when made, shall bear interest at the rate of eight percent (8%)
32 per annum and shall be certified to the finance officer of Currituck County in which the land is
33 situated and shall be collected and remitted to the District in the same manner as assessments for

1 local improvements. The rights of the District under this subdivision shall be in addition to any
2 other remedial or enforcement provisions of this ordinance.

3 (f) Storm water and all other unpolluted water shall be discharged to a storm sewer or
4 other appropriate outlet, subject to existing regulatory requirements.

5 (g) No connection shall be permitted that will allow inflow other than sanitary waste
6 to enter the District's wastewater collection and treatment system. Said prohibited connections
7 shall include but not be limited to the connection of roof downspouts, exterior foundation drains
8 or other sources of storm waters or groundwater to a building sewer which is connected directly
9 or indirectly to a public sanitary sewer.

10 **Sec. 13-143. Industrial uses and users prohibited.**

11 Discharge of wastewater into the sewer from a Significant Industrial User within the
12 District is prohibited.

13 **Sec. 13-144. Limitations on Wastewater Strength.**

14 (a) Federal pretreatment standards. Federal Pretreatment Standards and general
15 regulations promulgated by the EPA pursuant to the Act shall be met by all Users which are
16 subject to such standards in any instance where they are more stringent than the limitations in
17 this division unless the Director has applied for, and obtained from the Currituck County
18 Engineer, approval to modify the specific limits in the federal pretreatment standards. In all other
19 respects, industrial users subject to Pretreatment Standards shall comply with all provisions of
20 these rules and any permit issued thereunder, notwithstanding less stringent provisions of the
21 Pretreatment Regulations or any applicable pretreatment standard.

22 (b) State requirements. State requirements and limitations on discharges shall be met by
23 all Users which are subject to such standards in any instance in which they are more stringent
24 than federal requirements and limitations or those in this ordinance.

25 (c) District's right of revision. The District reserves the right to establish by ordinance
26 more stringent limitations or requirements on discharges to the POTW if deemed necessary to
27 comply with the objectives of this ordinance.

28 (d) Local limits. Any discharge to the District's wastewater system shall meet the
29 average discharge limits listed below. If the limits are exceeded, then the District reserves the
30 right to require pre-treatment or preliminary treatment of waste prior to discharge into the
31 District's wastewater system, or may assess a surcharge on the User.

<u>Parameter</u>	<u>Value</u> <u>(mg/L)</u>
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<u>Aluminum</u>	<u>2</u>
<u>Ammonia-Nitrogen</u>	<u>17</u>
<u>Arsenic</u>	<u>0.003</u>
<u>Barium</u>	<u>0.15</u>
<u>Beryllium</u>	<u>0.2</u>
<u>BOD</u>	<u>200</u>
<u>Boron</u>	<u>1</u>
<u>Cadmium</u>	<u>0.003</u>
<u>CBOD</u>	<u>200</u>
<u>Chlorides</u>	<u>343</u>
<u>Chromium</u>	<u>0.002</u>
<u>COD</u>	<u>600</u>
<u>Copper</u>	<u>0.041</u>
<u>Cyanide</u>	<u>0.015</u>
<u>Iron</u>	<u>2.9</u>
<u>Lead</u>	<u>0.049</u>
<u>Manganese</u>	<u>60</u>
<u>Mercury</u>	<u>0.0003</u>
<u>Methylene Chloride</u>	<u>0.1</u>
<u>Nickel</u>	<u>0.021</u>
<u>Oil and Grease (Hexane Extraction)</u>	<u>73</u>
<u>Organic Nitrogen</u>	<u>18</u>
<u>Phosphorus Ortho</u>	<u>3</u>
<u>Phosphorus Total</u>	<u>6.1</u>
<u>Selenium</u>	<u>0.2</u>
<u>Silver</u>	<u>0.005</u>
<u>Sulfates</u>	<u>250</u>
<u>Sulfides</u>	<u>8</u>
<u>Tetrachloroethylene</u>	<u>0.5</u>
<u>TKN</u>	<u>35</u>
<u>Total Solids</u>	<u>831</u>
<u>Total Suspended Solids</u>	<u>200</u>
<u>Trichloroethylene</u>	<u>0.5</u>
<u>Zinc</u>	<u>0.165</u>

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(e) Dilution. No User shall increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or state requirements or federal pretreatment standards.

1 (f) Reports. Reports specified in Code of Federal Regulations, Title 40, Section 403.12
2 of the Pretreatment Regulations shall be submitted to the District by affected Users.

3 **Sec. 13-145. Discharge of certain materials prohibited.**

4 (a) No person shall discharge or cause or allow to be discharged, directly or indirectly,
5 into the POTW any of the following waste pollutants:

- 6 1. All waste of any type generated from any source outside the designated sewer
7 service area as provided for in this Agreement.
- 8 2. All waste generated from septic tank contents, portable toilets, privy vault
9 contents, sewage holding tanks and the like generated from within the limits of
10 the designated sewer service area.
- 11 3. Any wastes which may directly or indirectly impair the proper functioning of the
12 POTW.
- 13 4. Any wastes with strength or pollution effects of which are not effectively altered
14 by ordinary treatment processes, or the presence of which in the receiving stream
15 would violate state and federal water quality standards.
- 16 5. Any liquids, solids or gases which by reason of their nature or quantity are, or
17 may be, sufficient either alone or by interaction with other substances to cause fire
18 or explosion or be injurious in any other way or to the operation of the POTW.
19 Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha,
20 benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides,
21 chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes
22 with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees
23 Centigrade). At no time, shall two successive readings on an explosion hazard
24 meter, at the point of discharge into the system or at any point in the system, be
25 more than five percent (5%) nor any single reading over ten percent (10%) of the
26 Lower Explosive Limit (LEL) of the meter.
- 27 6. Solid or viscous substances in amounts which will cause obstruction to the flow in
28 the sewer resulting in interference with the operation of the POTW. Substances
29 and items include, but are not limited to, grease, garbage with particles greater
30 than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch
31 manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes,
32 cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass
33 clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar
34 asphalt residues, residues from refining or processing of fuel or lubricating oil,
35 mud or glass grinding or polishing wastes.

- 1 7. Any wastewater having a pH less than 5.0 or more than 10.0 or wastewater having
2 any other corrosive property capable of causing damage to the POTW, the POTW
3 Treatment Plant, or District personnel.
- 4 8. Any wastewater having a temperature greater than 150 degrees Fahrenheit (65
5 degrees Centigrade), or which will inhibit biological activity in the POTW
6 Treatment Plant resulting in interference, but in no case wastewater which causes
7 the temperature at the introduction into the treatment plant to exceed 105 degrees
8 Fahrenheit (40 degrees Centigrade).
- 9 9. Any pollutants which result in the presence of toxic gases, vapors or fumes in the
10 receiving waters of the POTW in a quantity that may cause any worker health and
11 safety problems. A toxic pollutant shall include, but not be limited to, any
12 pollutant identified pursuant to Section 307(a) of the Federal Water Pollution
13 Control Act as amended.
- 14 10. Any noxious or malodorous liquids, gases, or solids or other wastewater which,
15 either singly or by interaction with other wastes, are sufficient to create a public
16 nuisance or hazard to life or are sufficient to prevent entry into the sewers for
17 maintenance and repair.
- 18 11. Any substance which may cause treated effluent or any other product of the
19 POTW such as residues, sludges, or scums, to be unsuitable for reclamation and
20 reuse or to interfere with the reclamation process. In no case, shall a substance
21 discharged to the POTW cause the POTW Treatment Plant to be in
22 noncompliance with sludge use or disposal regulations or permits issued under
23 section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the
24 Toxic Substances Control Act, or state criteria applicable to the sludge
25 management method being used.
- 26 12. Any wastewater which imparts color which cannot be removed in the treatment
27 process, including, but not limited to, dye wastes and vegetable tanning solutions.
- 28 13. Any wastewater containing any radioactive wastes or isotopes that violate any
29 statute or any rule, regulations, or ordinance of any public agency or state or
30 federal regulatory body.
- 31 14. Fats, oils, or greases of animal or vegetable origin in concentrations greater than
32 100 mg/l, or containing substances which may solidify or become viscous at
33 temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0
34 degrees Centigrade and 65.6 degrees Centigrade); and any wastewater containing

1 oil and grease concentrations of mineral origin of greater than 25 mg/l, whether
2 emulsified or not.

3 15. Any medical wastes, except as specifically authorized by the Director in a
4 wastewater discharge permit.

5 16. Any material containing ammonia, ammonia salts, or other chelating agents which
6 will produce metallic complexes that interfere with the POTW.

7 17. Any wastewater causing the treatment plant effluent to violate state Water
8 Quality Standards for toxic substances as described in 15A NCAC 2B .0200; or
9 wastewater causing, alone or in conjunction with other sources, the treated
10 effluent to fail a toxicity test.

11 (b) It is unlawful for any person to make or maintain a connection between eaves trough,
12 rainspouts, footing drains, or any other conductor used to carry natural precipitation or ground
13 water, and the sanitary system or any part thereof.

14 (c) Any property owner in violation of this section and upon receiving notice of said
15 violation, shall disconnect the conductor from the POTW. Any property owner in violation of
16 this section shall be assessed a monthly surcharge, the amount of which will be established by
17 the Board, for each month that the conductor is not permanently disconnected. Failure to
18 permanently disconnect the conductor, or reconnection of a disconnected conductor, may result
19 in the suspension from use of POTW.

20 **Sec. 13-146 Pre-treatment of wastewater.**

21 (a) Grease traps or other interceptors shall be provided at the User's expense, when such
22 user operates an establishment preparing, processing or serving food and/or food products.
23 Grease interceptors are required for the proper handling of liquid wastes containing oil and/or
24 grease to ensure concentrations do not exceed one hundred sixty (25) mg/l by weight (hexane
25 extractable).

26 (b) All grease traps, tanks, chambers or other interceptors shall be of a type and
27 capacity approved by the Director and as outlined in the District's Technical Standards and
28 Specifications Manual and the Fats, Oils, and Grease policy. The interceptor shall be readily and
29 easily accessible for cleaning and inspection. No more than twenty (20) percent of the
30 interceptor's total volume will be used for a sludge pocket. The interceptor shall be kept free of
31 materials including kitchen utensils, paper or plastic products, and rags which may settle into the
32 required sludge pocket, and all other floating material shall be skimmed from the trap or basin
33 tank at intervals of a frequency sufficient to avoid accumulation of scum covering the surface of
34 the liquid.

1 (c) All interceptors shall be serviced and emptied of the waste content as required, but
2 not less often than every thirty (30) days, in order to maintain minimum design capability to
3 intercept oils and greases from the wastewater discharged to the public sanitary sewer.

4 (d) No waste removed from the interceptor shall be reintroduced into the sanitary sewer
5 or back into the interceptor which will cause the interceptor's discharge to exceed sewer use
6 ordinance limits. The owner shall be responsible for sanitary disposal of such waste.

7 (e) The owner shall maintain a written record of trap maintenance for three (3) years. A
8 copy of this record shall be sent to the District on the 15th day of the month following service.

9 (f) Sand, grit, and oil traps or other interceptors shall be provided at the owner's expense
10 when they are necessary for the proper handling and control of liquid wastes containing sand,
11 grit, oil, or flammable waste in excessive amounts.

12 (g) All interceptors shall be of a type and capacity approved by the Director and shall be
13 readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced
14 and emptied of their contents as required, in order to maintain their minimum design capability
15 to intercept grit, sand, oil, and flammable waste prior to the discharge of wastewater to the public
16 sanitary sewer.

17 (h) Wastes removed from sand, grit and oil interceptors shall not be discharged into the
18 public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

19 (i) The owner shall maintain a written record of trap maintenance for three (3) years. A
20 copy of this record shall be sent to the District on the 15th day of the month following service.

21 (j) Where pretreatment, or grease; oil, grit and sand traps or other interceptors are
22 provided for any wastewater, they shall be continuously maintained in satisfactory condition and
23 effective operation by the owner at his expense.

24 **Sec. 13-147 Accidental discharges.**

25 Accidental discharges of prohibited waste into the POTW, directly or through another
26 disposal system, or to any place from which such waste may enter the POTW, shall be reported
27 to the District and County by the persons responsible for the discharge, or by the Owner or
28 occupant of the premises where the discharge occurred, immediately upon obtaining knowledge
29 of the fact of such discharge. Such notification will not relieve users of liability for any expense,
30 loss or damage to the wastewater disposal system or treatment process, or for any fines imposed
31 on the District on account thereof under any state or federal law. The responsible person shall
32 take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

1 The responsible person shall send a letter describing the prohibited discharge to the District and
2 County within seven (7) days after obtaining knowledge of the discharge. The letter shall include
3 the following information:

- 4 1. the time and location of the spill;
- 5 2. description of the accidentally discharged waste, including estimate of pollutant
6 concentrations;
- 7 3. time period and volume of wastewater discharged;
- 8 4. actions taken to correct or control the spill;
- 9 5. a schedule of corrective measures to prevent further spill occurrences.

10 **Sec. 13-148. Inspection and sampling.**

11 (a) The District may conduct such tests as are necessary to enforce this ordinance, and
12 employees of the District may enter upon any property for the purpose of taking samples,
13 obtaining information or conducting surveys or investigations relating to such enforcement.
14 Entry shall be made during operating hours unless circumstances require otherwise. In all cases
15 where tests are conducted by the District for the purpose of determining whether the User is in
16 compliance with regulations, the cost of such tests shall be charged to the User and added to the
17 User's User Fee. In those cases where the District determines that the nature or volume of a
18 particular User's wastewater requires more frequent than normal testing, the District may charge
19 such User for the tests, after giving the User ten (10) days written notice of its intention to do so,
20 and the cost thereof shall be added to the User's User Fee.

21 (b) While performing the necessary work on private properties referred to in this section,
22 the authorized employees of the District shall observe all safety rules applicable to the premises
23 established by the User.

24 (c) Duly authorized employees of the District bearing proper credentials and
25 identification shall be permitted to enter all private properties through which the District holds an
26 easement for the purpose of, but not limited to, inspection, observation, measurement, sampling,
27 repair, and maintenance of any portion of the POTW lying within said easement. All entry and
28 subsequent work, if any, on said easement shall be done in all accordance with the terms of the
29 easement pertaining to the private property involved.

30 **Sec. 13-149. Confidential information.**

31 (a) Information and data on a user obtained from reports, questionnaires, permit
32 applications, permits and monitoring programs, and from inspections shall be available to the
33 public or other governmental agencies without restriction unless the User specifically requests

1 and is able to demonstrate to the satisfaction of the District that the release of such information
2 would divulge information, processes, or methods of production entitled to protection as trade
3 secrets of the User. Any such request must be asserted at the time of submission of the
4 information or data.

5 (b) When requested by the person furnishing a report, the portions of a report that might
6 disclose trade secrets or secret processes shall not be made available for inspection by the public,
7 but shall be made available upon written request to governmental agencies for uses related to this
8 division, state disposal system permit, and/or the pretreatment programs; provided, however, that
9 such portions of a report shall be available for use by the state or any state agency in judicial
10 review or enforcement proceedings involving the person furnishing the report. Wastewater
11 constituents and characteristics will not be recognized as confidential information.

12 **Sec. 13-150. Enforcement.**

13 (a) Consent order. The District is hereby empowered to enter into consent orders,
14 assurances of voluntary compliance, or other similar documents establishing an agreement with
15 the person responsible for the noncompliance. Such orders will include specific action to be
16 taken by the discharger to correct the noncompliance within a time period also specified by the
17 order.

18 (b) Suspension. The District may suspend the wastewater treatment service when such
19 suspension is necessary in order to stop an actual or threatened discharge which presents or may
20 present an imminent or substantial endangerment to the health or welfare of persons or the
21 environment, or interferes with the POTW.

22 (c) Civil penalties. Any User who is found to have failed to comply with any provisions
23 of this division, or the orders, rules, regulations and permits issued hereunder, may be fined up to
24 one thousand dollars (\$1,000) per day per violation. Each day's continuing violation shall be a
25 separate and distinct offense.

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

28 **PART V.** This ordinance is effective upon adoption.
29

30 ADOPTED this _____ day of _____, 2010.
31

32 _____
33 S. Paul O'Neal, Chairman
34
35

1 ATTEST:

2 _____

3 Gwen H. Keene, Clerk to the Board

4

5

6 APPROVED AS TO FORM:

7 _____

8 Donald I. McRee, Jr., County Attorney

9

10 Date adopted: _____

11

12 Motion to adopt by Commissioner _____

13 Second by Commissioner _____

14 Vote: _____ AYES _____ NAYS

15

**ABC BOARD
3 Year Terms**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Harold Capps	District 1			8/2007	1st 8/31/2010
Dave Webber	District 2			1/2007	1st 1/31/2010
David Myers	District 3			5/2009	2nd 5/4/2012
Horace Bell, III	District 4			6/15/09	2nd 6/15/2012
Charles Eley	District 5			1/2007	2nd 1/31/2010
	At-Large				
	At-Large				

ECONOMIC DEVELOPMENT BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Elizabeth White	District 1		Vance Aydlett	Unexpired Term January 2009	January 2011
David Palmer	District 2		John Rorer	Unexpired Term February 2009	January 2011
Tameron Kugler	District 3		Barry Nelms	January 2009	January 2012
Dr. Ed Cornet*	District 4		Owen Etheridge	Unexpired Term October 2009	January 2010
Kevin Burwell*	District 5		Janet Taylor	January 2009	January 2010
H. D. Newbern	At-Large		Gene Gregory	January 2009	January 2011
Ken Edgar	At-Large		Paul O'Neal	Unexpired Term July 2009	January 2011

Gwen Keene

From: Peter Bishop
Sent: Friday, December 04, 2009 3:30 PM
To: Janet Taylor; Owen Etheridge
Cc: Gwen Keene; Dan Scanlon
Subject: EDAB Appointments Ed Cornet & Kevin Burwell
Attachments: 2009 ED Board Roster.xls

Owen, Janet:

I wanted to inform you that your respective appointments to the EDAB are up in January 2010 for reappointment or replacement. Mr. Cornet was just added in October, and is eligible for 2 terms. He completed the term of Greg Wirth. Mr. Burwell completed his first term of 2 years. He was appointed in 2008. He is eligible for a second term.

Please consider your appointment decision and contact your current appointment to discuss over the coming month.

Thank you, and have an excellent weekend!

Peter

Peter F. Bishop
Economic Development Director
Currituck County
P.O. Box 39
Currituck, NC 27929
Ph: 252-232-2075, ext. 6015
Fax: 252-232-3551
pbishop@co.currituck.nc.us
www.currituckgovernment.com



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

AIRPORT ADVISORY BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Gary Bryan*	District 1			January 2009	January 2010
John Snowden*	District 2			February 2009	December 2009
Jerry Malesky*	District 3			July 2009	December 2009
Ed Ish	District 4			March 2008	January 2011
Denise Hall*	District 5			February 2009	January 2010
David Messina	At-Large			March 2008	March 2011
Marion Gilbert*	At-Large			February 2009	January 2010

*** May Be Reappointed**



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 25 FEB 2008

Name: EDGAR DEAN BLOCK

Address: 473 EAST Ridge Rd

SHAWBORO NC 27973

Phone: 252-232-3306

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board
- Library Board

- Nursing Home Advisory Committee
- Planning Board
- Recreation Advisory Board
- Senior Citizens Advisory Board
- Social Services Board
- Tourism Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board
- FIRE/EMS ADVISORY BOARD

Qualifications and reasons you would like to serve:

HAVING RECENTLY MOVED TO CURRITUCK, I WOULD LIKE TO SERVE
MY NEW COMMUNITY. I HAVE 37 YEARS OF EXPERIENCE IN
LOCAL GOVERNMENT COVERING SUCH POSITIONS AS PUBLIC WORKS DIRECTOR,
BUDGET DIRECTOR AND DEPUTY CITY MANAGER.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 29 Feb 08

152 Happy Landy Dr.
Maple, NC 27956

Name: Terry L. "Mack" McKinney

Address: PO Box 338, Maple NC 27956

(temporarily residing at 115 Eaglebn Circle, Moyock, NC 27958)

Phone: cell 315-420-6593

Board(s) or Committee(s) on which you would like to serve:

Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board
- Library Board

- Nursing Home Advisory Committee
- Planning Board
- Recreation Advisory Board
- Senior Citizens Advisory Board
- Social Services Board
- Tourism Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

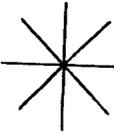
Relevant Qualifications: Founder & past president of New Cut Farms Homeowner's Assn (Maryland); former US Air Force officer (radar controller); Private Pilot; Member of Board of Directors (pro-tem) of Brady Landing Airport Property Owners Assn;

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929

member of Aircraft Owners & Pilots Assn (AOPA).

I think my strongest skill is getting groups of people to work together toward a common goal, in this case the careful, thoughtful growth of the Currituck Co. Airport,

Revised 12/13/2006



THE ALBEMARLE COMMISSION

LEAD REGIONAL ORGANIZATION FOR REGION R

*Coming together
for the future*

512 South Church Street
Post Office Box 646
Hertford, North Carolina 27944

TELEPHONE
(252) 426-5753
FAX (252) 426-8482

**MEMBER
GOVERNMENTS**

- Camden
- Chowan
- Currituck
- Dare
- Gates
- Hyde
- Pasquotank
- Perquimans
- Tyrrell
- Washington
- Columbia
- Creswell
- Duck
- Edenton
- Elizabeth City
- Gatesville
- Hertford
- Kill Devil Hills
- Kitty Hawk
- Manteo
- Nags Head
- Plymouth
- Roper
- Southern Shores
- Winfall

December 3, 2009

Dan Scanlon, Manager
Currituck County
P. O. Box 39
Currituck, NC 27929

Dear Mr. Scanlon:

The Albemarle Commission Board, by unanimous vote, adopted a revised set of bylaws at their November 2007 Board meeting. One of the major revisions deals with Board appointments and length of terms. The revised bylaws state that the county's elected representative(s) to the Commission Board will serve a two year term, beginning January 1st and may not serve more than two successive terms. The four rotating at-large delegates may not be elected officials and will serve two year terms, beginning April 1, 2008 and will rotate to the next four counties in 2010. Camden, Chowan, Currituck and Dare Counties started the rotation in 2008 and have had two representatives serving as Commission delegates. On the rotating basis, the next counties having two representatives are Gates, Hyde, Pasquotank and Perquimans.

For next year your Board has the option to either reappoint Barry Nelms or appoint another county Board member.

Please notify us in writing of your Board's decision regarding this appointment. Currituck's participation is valued and we look forward to providing continued services to your county.

Sincerely,

Ruth Mengel
Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of January 2010, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
10480-590441	Technology over \$1,000	\$	3,341		
10480-516000	Maintenance & Repair			\$	1,500
10480-557302	SB 202 Deed of Trust Fee	\$	3,000		
10340-453000	Register of Deeds Fees			\$	4,841
		<u>\$</u>	<u>6,341</u>	<u>\$</u>	<u>6,341</u>

Explanation: Register of Deeds (10480) - To use a portion of the Register of Deeds Technology Funds to replace computer equipment in the Deeds office that is no longer functional and to add fees associated with Senate Bill 202 that became effective in October 2009.

Net Budget Effect: Operating Fund (10) - Increased by \$4,841.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

NORTH CAROLINA

CURRITUCK COUNTY

GRANT AGREEMENT

This Grant Agreement made, entered into and effective as of the 1st day of July, 2009, by and between COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the “County”), and COROLLA WILD HORSE FUND, INC., a North Carolina non-profit corporation, (“CWHF”).

WITNESSETH:

WHEREAS, pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and appropriate money to any corporation in order to carry out any public purpose that the county is authorized by law to engage in; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-149 a county may expend public funds to provide animal protection and control programs; and

WHEREAS, by the enactment of Article II, Chapter 3 of the Currituck County Code of Ordinances the County’s Board of Commissioners has established a Wild Horse Sanctuary for the protection and safety of the Corolla Wild Horses and has by ordinance charged CWHF’s sanctuary officers with assisting in providing for the safety and welfare of the wild horses; and

WHEREAS, the County finds that providing a grant to reimburse CWHF for a portion of its operational and capital costs will further and enhance the protection and control of the wild horses and that the establishment and recognition of funds previously provided to CWHF as a grant rather than a loan is advisable,

NOW, THEREFORE, for valuable consideration and the mutual covenants exchanged between the parties hereto, it is agreed as follows:

1. To assist CWHF with its capital and operational costs for protection and control of the Corolla Wild Horses, County agrees to award a grant to CWHF in the amount of EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$85,000.00) the prior receipt of which CWHF hereby acknowledges.

2. CWHF agrees that it has or will use grant funds only for capital or operational costs in furtherance of protection and safety of the Corolla Wild Horses and inherently the health, safety and welfare of the general public.

3. CWHF agrees to make a full and accurate accounting to the County of all expenditures of the grant funds and shall provide County a copy of each CWHF annual audit.

4. CWHF shall not discriminate against any person on the grounds of race, color, national origin, sex, age, or disability in the administration of this Grant Agreement.

5. The laws of the State of North Carolina shall control and govern this Grant Agreement. Any controversy or claim arising out of this Grant Agreement shall be settled by an action initiated in the appropriate division of the General Court of Justice in Currituck County, North Carolina.

6. CWHF and County respectively bind themselves, their successors, and assigns in respect to the covenants, agreements and obligations contained in this Grant Agreement.

7. This Grant Agreement sets forth the entire agreement between CWHF and the County and supersedes any and all other agreements on this subject between the parties.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement effective as of the date first above written.

COUNTY OF CURRITUCK

By: _____
S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board

(COUNTY SEAL)

COROLLA WILD HORSE FUND, INC.

By: _____
President

ATTEST:

Secretary

(CORPORATE SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Currituck County Finance Officer

**MUTUAL AID AGREEMENT
BETWEEN
PROGRAM DIRECTOR, REGIONAL PUBLIC SAFETY
NAVY REGION MID-ATLANTIC
1510 GILBERT STREET, NORFOLK VA 23511
AND
CURRITUCK COUNTY, NORTH CAROLINA
153 COURTHOUSE ROAD, CURRITUCK, NC 27929
FOR THE PROVISION OF FIRE FIGHTING & EMS ASSISTANCE**

THIS MUTUAL AID AGREEMENT (hereinafter, the "Agreement") is made and entered into this 21st day of December, 2009 by and between Program Director, Regional Public Safety, Navy Region Mid-Atlantic (hereinafter, "Navy"), Currituck County Department of Fire-EMS by the authority of the County Manager, Currituck County North Carolina for fire fighting and emergency medical services (EMS) assistance (hereinafter, "Currituck County").

WITNESSETH:

WHEREAS, each of the Parties hereto maintains equipment and personnel for the suppression of fires, emergency medical services calls, hazardous materials incidents and any other related emergency incidents occurring within areas under their respective jurisdictions, and

WHEREAS, as set forth in 42 U.S.C. 1856 the term 'fire protection' includes personal services and equipment required for fire prevention, the protection of life and property from fire, fire fighting, and emergency medical services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions.

WHEREAS, the Parties hereto desire to augment the fire protection, and hazardous material response capabilities available in their respective jurisdictions by entering into this Agreement, and

WHEREAS, the lands or districts comprising the respective jurisdictions of the Parties are adjacent or contiguous to one another such that the rendering of mutual assistance between the Parties in response to a fire, emergency medical event or hazardous material incident is feasible, and

WHEREAS, it is the policy of the Department of the Navy and the Program Director, Regional Public Safety, Navy Region Mid Atlantic, to enter into Mutual Aid Agreements with non-Federal Fire Departments located in the vicinity of a Naval installation, whenever practicable, and

WHEREAS, the Parties have mutually concluded that it is desirable, practicable, and beneficial for the Parties to enter into this Agreement to memorialize their willingness and ability to render assistance to one another, in order to enhance the safety and security of the civilian community and Navy Region Mid-Atlantic installations and facilities.

NOW, THEREFORE, BE IT AGREED THAT:

1. The authority to enter into this Agreement is set forth in 42 U.S.C. 1856a, and 15 U.S.C. 2210, and the regulations implementing same at 44 Code of Federal Regulations Part 151.
2. The rendering of assistance from one Party to the other under the terms of this Agreement shall be accomplished in accordance with detailed operational plans and procedures, which shall be developed by each of the Parties. The technical heads of each Party's Fire-EMS Departments shall work together to implement such plans and procedures in a manner compatible with the operational authorities of each.
3. The senior officer of a Fire-EMS Department belonging to a Party to this Agreement, or the senior officer of such Fire-EMS Department actually present at a fire, EMS or hazardous material incident, may request assistance under the terms of this Agreement from the other Party's Fire-EMS Department, whenever he/she deems it necessary to make such a request. The senior officer on duty of the Fire-EMS Department receiving a request for assistance shall forthwith take the following action:
 - a. Immediately determine if the requested apparatus and personnel are available to respond to the call for assistance.
 - b. In accordance with the terms of this Agreement, forthwith dispatch such apparatus and personnel, along with instructions as to their mission, use and deployment, in quantities and amounts as in the judgment of the senior officer receiving the call can be provided to the requesting Fire Department without

jeopardizing the mission of the Fire-EMS Department providing such resources.

4. The rendering of assistance under the terms of this Agreement shall not be mandatory; however, the Party receiving a request for assistance shall endeavor to immediately inform the requesting Party if the requested assistance cannot be provided and, if assistance can be provided, the quantity of such resources as may be dispatched in response to such request. Neither Party shall hold the other Party liable or at fault for failing to respond to any request for assistance or for failing to respond to such a request in a timely manner or with less than optimum equipment and/or personnel, it being the understanding of the Parties that each is primarily and ultimately responsible for the provision of fire suppression and hazardous material incident response needed within their own jurisdictions.
5. As required by Federal law as a condition precedent to entering into this Agreement, the Parties hereby waive all claims against the other Party for compensation of any loss, damage, personal injury, or death occurring in consequence of the performance of this Agreement.
6. Each Party hereby agrees that its intent with respect to the rendering of assistance to the other Party under this Agreement is not to seek reimbursement from the Party requesting such assistance. The Parties hereby recognize that pursuant to the Section 11 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2210) and Federal regulations issued there under (Title 44 of the Code of Federal Regulations 151), Currituck County is permitted to seek reimbursement for all or any part of its direct expenses and losses (defined as additional fire fighting costs over normal hazard materials, emergency management and emergency medical services operational costs) incurred in fighting fires on property under the jurisdiction of the United States. Furthermore, under the authority of 42 U.S.C. 1856a, each Party hereby reserves the right to seek reimbursement from the other for the costs incurred by it in providing services to the other Party in response to a request for assistance.
7. The senior officer of the Fire-EMS Department requesting assistance shall normally assume full charge of the operations at the scene of the fire or other emergency. However, under procedures agreed to by the technical heads of the Fire-EMS Departments involved, a senior officer of the Fire-EMS

Department furnishing the assistance may assume responsibility for the coordination of the overall operations at the scene of the fire or other emergency.

8. The officers and personnel of the Fire-EMS Departments of the Parties to this Agreement are invited and encouraged, on a reciprocal basis, to frequently visit each other's activities for guided familiarization tours (consistent with local security requirements) and, as feasible, to jointly conduct pre-fire planning inspections, drills and training.

TRAINING:

9. Whenever either Party hosts fire protection training for its own Department ("Host Department") it may, to the maximum extent practicable and subject to its sole discretion, offer to provide the same training to members of the other Party ("Guest Department").
10. The Host Department will not charge the Guest Department for any training provided under the terms of this Agreement, unless it is a cost that cannot be covered by the Host Department such as, cost per student or cost of a certificate. Further, any such training will be provided on a space available basis only.
11. The Guest Department and/or its members will be solely responsible for the payment of any and all costs necessary for the Guest Department personnel to attend any training provided by the Host Department including, but not limited to, lodging, meals and travel.
12. This Agreement is entered into voluntarily by both Parties with no obligation on the part of either to provide such training to the other or, if such training is offered to the other Party, to participate in such training.
13. The Guest Department is responsible for ensuring that its members observe all rules, regulations, and guidelines established by the Host Department for training provided by the Host Department, as such rules, regulations and guidelines are made known to the Guest Department.
14. The Host Department reserves the right to deny training to any member of the Guest Department who does not meet the prerequisites necessary to attend the training which is

offered by the Host Department under the terms of this Agreement.

Execution of this Agreement:

15. This Agreement shall become effective upon the date annotated above, and shall remain in full force and effect until cancelled by mutual agreement of the Parties, or upon the provision of at least sixty (60) days advance written notice from the Party desiring to terminate this Agreement to the other Party. Upon becoming effective, this Agreement shall supersede all previous agreements between the Parties concerning the rendering of assistance from one to the other for the purposes stated in this Agreement.

County Manager
Currituck County, NC

JOHN C. P. FRISTACHI
Captain, U. S. Navy
Program Director, Operations (N3)
By Direction

5130 Parkway Plaza Boulevard
 Charlotte, North Carolina 28217
 (704) 954-1700
 Fax (704) 954-1799

December 9, 2009

Sandra Hill
 Finance Director
 Currituck County
 Post Office Box 39
 Currituck, North Carolina 27929-0039

Dear Ms. Hill:

Branch Banking and Trust Company (“BB&T”) is pleased to offer this proposal for the financing requested by Currituck County, North Carolina (the “County”).

- (1) **Project:** Whalehead Subdivision Drainage Improvements – Phase I
- (2) **Amount To Be Financed:** Not to Exceed \$2,100,000.00
- (3) **Interest Rates, Financing Terms and Corresponding Payments:**

Term	Rate
15 years	4.58%
10 years	4.13%

Payments shall be semi-annually in advance, or as requested. See the attached amortization schedule(s) for information on payments.

The financing proceeds shall be deposited on behalf of the County in a project fund account with Branch Banking & Trust. Earnings on the project fund shall accrue to the benefit of the County for use on Project costs or interest payments.

The interest rates stated above are valid for a closing not later than 45 days after today. A convenient date and time shall be mutually agreed upon for closing. Closing is contingent upon completing documentation acceptable to BB&T and upon the condition of the property acceptable to BB&T. BB&T shall provide a list of required documentation for closing should we be the successful proposer. At a minimum, BB&T shall require flood certification, if applicable, copies of the plans and specifications and an estimated expenditure budget two weeks in advance of closing for our review. Additionally, we shall review your most recent financial statements before funding this transaction.

Remuneration for our legal review expenses and underwriting for this financing transaction shall be \$4700.00. All applicable taxes, surveys, zoning, appraisals, permits, costs of environmental studies, title insurance premiums, LGC approval fees, costs of counsel for the County and any other costs shall be the County’s responsibility and separately payable by the County. The financing documents shall allow prepayment of the principal balance in whole on a scheduled payment date with a 1% prepayment premium. BB&T shall allow prepayment of the principal balance in part solely from any excess construction proceeds.

The stated interest rates assume that the County expects to borrow less than \$30,000,000 in calendar year 2010 and that the County shall comply with IRS Code Sections 141, 148, 149(e) and Section 265(b)(3). BB&T reserves the right to terminate its interest in this bid or to negotiate a mutually acceptable rate if the financing is not a qualified tax-exempt financing.

(4) Security:

This financing shall be secured by a first lien security interest on (a) all personal property acquired with financing proceeds, (b) all improvements to real estate that are constructed or improved with financing proceeds, and all associated real estate, and (c) all real estate acquired with financing proceeds.

(5) Financing Documents:

BB&T and its counsel shall prepare the deed of trust and all documentation for the County. We shall provide a sample of those documents to you should BB&T be the successful proposer.

* * * * *

BB&T appreciates the opportunity to provide this financing proposal and requests to be notified within ten days of this proposal should BB&T be the successful proposer.

BB&T shall have the right to cancel this offer by notifying the County of its election to do so (whether or not this offer has previously been accepted by the County) if at any time prior to the closing there is a material adverse change in the County's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the County or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to BB&T. We reserve the right to negotiate and/or terminate our interest in this transaction should we be the successful proposer.

Should we become the successful proposer, we have attached the form of a resolution that your governing board can use to award the financing to BB&T. If your board adopts this resolution, then BB&T shall not require any further board action prior to closing the transaction.

Please call me at (704) 954-1700 with your questions and comments. We look forward to hearing from you.

Sincerely,

Branch Banking and Trust Company



F. Louis Loyd III/BAS
Senior Vice President

Enclosures

Resolution Approving Financing Terms

WHEREAS: Currituck County, North Carolina (the "County") has previously determined to undertake a project for the Whalehead Subdivision Drainage Improvements – Phase I (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated December 9, 2009. The amount financed shall not exceed \$2,100,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.13%, and the financing term shall not exceed ten (10) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2010.

By: _____

By: _____

Title: _____

Title: _____

SEAL

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Wren Drive (See Attachment)
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: West Point Length (miles): 0.14

Number of occupied homes having street frontage: 3 Located (miles): 0.47

miles N S E W of the intersection of Route 1222 and Route 1214.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of West Point in Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Kim Old Phone Number: 252-207-2223

Street Address: 101 Commerce Dr., Moyock, NC 27958

Mailing Address: PO Box 743, Moyock, NC 27958

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Jeffery M. Tobey	102 Wren Drive	252-435-6631
Currituck Homes INC.	104 Wren Drive	252-232-3925
James T. Ayers	106 Wren Drive	252-435-2314

See attached for Chickadee St.

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach four (4) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block

- Rural Road Subdivision platted prior to October 1, 1975 Subdivision platted after September 30, 1975

REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 (see page 29 for Statute) states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>
Wren Drive	3	0.14 mi.			
Chickadee Street	9	0.17 mi.			

Road Name: Chickadee Street

Subdivision Name: West Point

Length of Road: 0.17 miles

Number of Occupied Houses: 9

Location: 0.14 miles North of the intersection of SR 1222 and Wren Drive

Name	Address	Telephone Number
Moyock United Methodist Church	100 Chickadee Street	252-435-6920
Kenneth Beaman Jr.	102 Chickadee Street	252-435-2634
David B Mattox	103 Chickadee Street	252-435-6320
Howard Grogan	104 Chickadee Street	Unlisted
Bradley S. Dorsett	105 Chickadee Street	252-435-6602
Michael L. Blackburn	106 Chickadee Street	Unlisted
Antonio Espera	107 Chickadee Street	Unlisted
William Perez Jr.	108 Chickadee Street	Unlisted
William Spruill	109 Chickadee Street	252-435-6007

RESOLUTION OF SUPPORT

WHEREAS, Albemarle RC&D Council, Inc. is a local non-profit tax exempt charity serving the Albemarle region which includes Currituck County, and

WHEREAS, Albemarle RC&D Council, Inc. has a mission to promote environmental quality and conservation while working to ensure sustained economic development, and

WHEREAS, Albemarle RC&D Council, Inc. has completed over 99 projects since 1972 benefitting the citizens in the Currituck County service area, and

WHEREAS, Albemarle RC&D Council, Inc. is committed to continuing to serve the citizens in the Currituck County service area, and

WHEREAS, All programs and services of Albemarle RC&D Council, Inc. are offered on a non-discriminatory basis, without regard to race, color, national origin, religion, sex, sexual orientation, age, marital or family status, disability or political beliefs.

BE IT RESOLVED that we, the Currituck County Commissioners fully support Albemarle RC&D Council, Inc. and the work this organization does to make our communities better places in which to live and work.

BE IT FURTHER RESOLVED that this resolution be spread upon the Meeting Minutes of the Currituck County Board of Commissioners on _____, 20__ as a permanent record of the achievements of Albemarle RC&D Council, Inc.

(Chairman name), Chairman

Date



RC&D Fact Sheet Currituck County

The Albemarle Resource Conservation and Development (RC&D) Council, one of ten councils in North Carolina, helps community organizations and local governments that have the desire, but not the means or the expertise, to undertake projects that wisely conserve natural resources and create opportunities for positive economic and community development.

Projects focus on:

- Land Conservation
- Land Management
- Community Development
- Water Management

In North Carolina, every \$1.00 invested by RC&D Councils in local resource conservation or development projects has returned \$20.00 to the local community. (POINTS data base, 2008 data).

<u>2008-2009 Projects in Currituck County</u>	<u>Grant Value</u>	<u>County Investment</u>
Hurricane Isabel Stream Cleanup Phase III	\$24,000	\$ 0
TOTAL	\$24,000	\$ 0

Whalehead Club Shoreline Protection/Water Quality Improvement Study *(under development)*

Other Projects Completed in Currituck County since 2005

Currituck County Stormwater Management & Drainage Study	\$ 20,000	\$ 20,000*
Hurricane Isabel Clearing & Snagging Phase I	\$116,600	\$ 0
Hurricane Isabel Clearing & Snagging Phase II	\$150,840	\$ 0
TOTAL	\$287,440	\$ 20,000

Examples of Currituck County Projects Completed before 2005

Point Harbor Beach Recreation Park	\$250,000	\$250,000*
Guinea Mill Water Quality & Wetland Restoration	\$352,610	\$101,401*
TOTAL	\$602,610	\$351,401

**includes in-kind investment by the county*

Albemarle Resource Conservation & Development Council, Inc.
 730 N. Granville Street, Suite B Edenton, North Carolina 27932
 Phone: 252-482-7437 x4 Fax: 252-482-3428 albemarlercandd@yahoo.com

**RESOLUTION TO REQUEST THAT NORTH CAROLINA COASTAL TOWNS
AND COUNTIES JOIN WITH THE COUNTY OF CURRITUCK IN ASKING
THAT FEMA'S NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
SUPPORT FLOOD INSURANCE CLAIMS FOR DAMAGES TO STRUCTURES
SUFFERING GRADUAL COASTAL EROSION**

Whereas, the Federal Emergency Management Agency (FEMA) is responsible for administering the National Flood Insurance Program (NFIP); and

WHEREAS, the NFIP does not currently cover damages as a result of gradual coastal erosion; and

WHEREAS, Many of the nation's coastlines are being developed with homes and vacation resorts with the result being an increasing number of structures built on erosion-prone shores; and

WHEREAS, Property owners favor leaving their oceanfront structures on the beach and not removing them, even if there is not chance of the structure becoming habitable, as monetary support is not provided until the structure's foundation is submerged in the ocean; and

WHEREAS, There would be strong incentive for property owners to remove their endangered oceanfront structures in a much more expeditious and safe manner if the NFIP supported flood insurance claims as soon as a structure became uninhabitable.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners does hereby call upon the coastal counties and towns of North Carolina to join with them in the request that FEMA's National Flood Insurance Program support flood insurance claim for damages as a result of gradual coastal erosion.

ADOPTED, this the 4th day of January, 2010.

ATTEST:

S. Paul O'Neal,
Chairman

Gwen H. Keene, CMC
Clerk to the Board

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

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

SECTION 1. The projects authorized are design, construction management and construction of sewer force main from the Moyock Welcome Center to the Moyock Commons Sewer Plant.

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

Professional Services/Design & Construction Mgmt	\$	80,450
Contracted Services		
Force Main construction	\$	1,110,725
Dominion Power connections	\$	15,000
Reimbursable Expenses	\$	10,000
Contingency (7%)	\$	84,500
		<u>\$ 1,300,675</u>

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

Water tap fees	\$	204,750
Rural Center Economic Infrastructure grant	\$	540,000
Transfer from Capital Improvements	\$	555,925
	\$	<u>1,300,675</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

- a. He may transfer amounts between object line items within the fund up to

One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 4th day of January 2010.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Gwen H. Keene
Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
December 7, 2009

The Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss EMS-Medicaid Billing Rates.

The Board of Commissioners met 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 Etheridge, Commissioners O'Neal, Rorer, Aydlett, Gregory, and Taylor. Commissioner Nelms was absent.

Invocation

Pledge of Allegiance

The Reverend Dennis Crehan, Jarvisburg Church of Christ, was present to give the invocation.

Election of Chairman

Dan Scanlon, County Manager, presided over this part of the meeting. Mr. Scanlon opened the floor for nominations.

Commissioner Aydlett moved to appoint Commissioner O'Neal. Commissioner Gregory seconded the motion. Motion carried.

Election of Vice Chairman

Chairman O'Neal opened the floor for nominations.

Commissioner Rorer moved to appoint Commissioner Aydlett. Commissioner Etheridge seconded the motion. Motion carried.

Recognition of out-going Chairman

Chairman O'Neal recognized Commissioner Etheridge for his service as Chairman for the previous year.

Approval of Agenda

Chairman O'Neal moved to amend the agenda by adding to consent agenda Resolution exercising option to extend Fire Contracts for additional six months. Commissioner Aydlett seconded the motion. Motion carried.

Item 5 Public Comment

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

Item 6 **Kathleen Foreman, Coordinator for the Governor's Award for Volunteer Service** to present awards to outstanding volunteers in Currituck County

Item 7 **Presentation by Dominion Power**

Item 8 **Public Hearing and Action:** PB 08-62 East Coast Abatement & Demolition: Request for a special use permit for a salvage yard located at 176 Windchaser Way and 212 Windchaser Way in Moyock, Tax Map 23, Parcels 68B and 68D, Moyock Township.

Item 9 **Public Hearing and Action:** PB 07-39 Nicholson's Point: Request for a preliminary plat/special use permit for a 140 unit planned unit development located in the vicinity of Caratoke Highway (NC 168) and Maple Road intersection, Tax Map 59, Parcels, 50, 77, 82, 83, 85A, and 85B, Maple, Crawford Township.

Item 10 **Consideration** of Ocean Rescue Contract

Item 11 **Appointments to Board of Adjustment**

Item 12 **2nd Reading Ordinance to prohibit use of horses on the northern Outer Banks** Ordinance to prohibit use of horses on the northern Currituck Outer Banks

Item 13 **Recommendation of Award for the Moyock Sewer Force Main and Pump Station - Phase 1**

Item 14 **Consent Agenda:**
1. Approval of November 16, 2009, Minutes
2. Request for Addition of Long Lane to State Maintained Secondary Road System
3. Resolution Surplus Property water pump Sligo
4. Budget Amendments
5. Resolution exercising option to extend Fire Contracts for additional six months

Item 15 Commissioner's Report

Item 16 County Manager's Report

Adjourn

Special Meeting

Tourism Development Board

Call to Order

Budget Amendments;

Tourism Related Expenditures increase appropriations for a donation to help fund purchase of medical helicopter, \$100,000

Tourism Promotion to increase appropriations winter advertising blast for tourism promotion, \$300,000

Tourism Promotion to increase appropriations for WIFI in Moyock Welcome Center, \$6,700

Tourism Related Expenses to increase appropriations for Sewer Tap fee for the Moyock Welcome Center, \$204,750

Tourism Related Expenses to increase appropriations beach clean-up after the November Nor'easter.

Adjourn

Public Comment

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

John Snowden, Maple, expressed concerns with county not supporting local businesses.

Rachel Grout, Sandfiddler Road, expressed concerns with the wild horse ordinance and requested if she could be grandfathered to have a horse sanctuary.

Rick Galganski, Corolla Fire Department, thanked the Board for funding for ocean rescue fire truck.

Commissioner Taylor stated that she was at Shawboro School to celebrate with the students their 1 year anniversary.

Bob Kohler, thanked the citizens for attending the Veterans Day celebration and announced that on Saturday, Post 288 Coinjock would have laying of the wreath to remember all Veterans.

Fred Whiteman, Eagle Creek, stated that the developer has requested a rate increase for property owners in Eagle Creek. He also requested that the County review the permit for the proposed sale of the sewer plant.

There being no further comments, Chairman O'Neal closed the public comment period.

Kathleen Foreman, Coordinator for the Governor's Award for Volunteer Service to present awards to outstanding volunteers in Currituck County

Ms. Foreman and the Board presented the following volunteers awards from the Governor.

Jean Snider, April Poyner, Walter Gallop, Sr., Jodie Lockhart, Beverly Branch and Kim Barbour.

Presentation by Dominion Power

Ken Barker, Vice President of Planning, Dominion Power, presented an update of their mission and infrastructure improvements for the County.

Public Hearing and Action: PB 08-62 East Coast Abatement & Demolition: Request for a special use permit for a salvage yard located at 176 Windchaser Way and 212 Windchaser Way in Moyock, Tax Map 23, Parcels 68B and 68D, Moyock Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

LOCATION: 176 Windchaser Way, Moyock
212 Windchaser Way, Moyock

ZONING DISTRICT: Heavy Manufacturing (HM)

TAX ID: 0023-000-068D-0000
0023-000-068B-0000

OWNER: Richard C. Webb, II
165 Baxter Estates Road
Moyock NC 27958

APPLICANT: Bissell Professional Group
PO Box 1068
Kitty Hawk NC 27949

NARRATIVE

1. East Coast Abatement and Demolition is requesting a special use permit to operate a salvage yard that will consist of the following activities:
 - a. Heavy equipment, supporting equipment, and supply storage.
 - b. Stockpile of various materials such as mulch, soils, stone aggregate, crushed concrete, recycled asphalt, steel, aluminum, copper, etc.
2. The primary salvage yard is at 212 Windchaser Way, but since portions of the salvage yard activity will occur at the adjoining lot, 176 Windchaser Way, the applicant is requesting the special use permit for both lots.
3. The combined 13.42 acres is zoned Heavy Manufacturing.
4. The applicant states that no hazardous materials, trash, or waste products will be stored on either parcel.
5. The applicant is requesting the use permit to bring the existing use into compliance with the current county and state requirements.

Special Use Permit Criteria and Staff Findings:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the special use permit procedure, property uses which

would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a special use permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

- (a) **The application is complete.**
 - 1. The application is complete.
- (b) **The proposed use is among those listed in the Table of Permissible Uses as a conditional use indicated with an "S."**
 - 1. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S."
- (c) **The conditions proposed meet or exceed the minimum requirements of this ordinance.**
 - 1. The conditions proposed meet the minimum requirements of this ordinance.
- (d) **The conditional use will not endanger the public health or safety.**
 - 1. The applicant must secure all state permits necessary for the operation of a salvage yard and must remain in compliance with state and local regulations.
 - 2. There will be no hazardous material, trash, or waste product kept on the site.
- (e) **The conditional use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.**
 - 1. The adjacent properties are zoned heavy manufacturing and the parcels are located in an established industrial park, so the proposed development should have no negative impact on adjoining property.
 - 2. The surrounding land uses include:

	Land Use	Zoning
NORTH	Concrete Plant	Zoned HM
SOUTH	Vacant	Zoned HM
EAST	Farmland	Zoned HM
WEST	Farmland	Zoned HM

- (f) **The conditional use will be in conformity with the Land Use Plan and other officially adopted plans.**

The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** sub-area. The purpose of the Rural classification is to provide for agriculture, forestry, and other allied uses traditionally associated with the rural area. The following Land Use Plan policies are also relevant to this request:

POLICY ID7: Facilities for the disposal of HAZARDOUS WASTE, either chemical, biological, radioactive or other, shall not be located in Currituck County. Neither shall

Currituck County accept SOLID WASTE FROM OUTSIDE THE COUNTY for disposal at any site inside the county.

POLICY SW2: The County shall continue to pursue a variety of WASTE REDUCTION STRATEGIES, including waste prevention, recycling and reuse.

This request appears to be consistent with officially adopted plans.

(g) The conditional use will not exceed the county's ability to provide adequate public facilities.

1. The proposed use will not exceed the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a special use permit and staff recommends approval subject to the following recommendations:

1. That the two lots be recombined into one lot or that the following notes be added to the site plan:
 - a. If either lot transfers to a different owner, then all encroachments within 10' of the property line (interior accessways, vehicular area, etc.) must be removed and the site plan must be modified and approved to include the new driveway/vehicular area accessing Windchaser Way.
 - b. If either lot transfers to a different owner, then the proper bufferyard must be installed along the adjoining property line.
2. Hazardous waste shall not be stored or disposed of on this site.
3. Trash and waste products shall not be stored or disposed of on the site.
4. That no portions of the operation, including stockpile material, be visible from Caratoke Highway to the greatest extent practicable. This may require additional landscape screening, but is consistent with Land Use Policy CA1 regarding appearance of development along Caratoke Highway.

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168 shall receive priority attention for improvement appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
5. The two driveways shown on 176 Windchaser Way are within nine feet of each other. Section 8.10.1 of the UDO states that driveways are to be constructed so that:

- a. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and,
- b. Interference with the free and convenient flow of traffic with abutting or surrounding streets is avoided.

Two driveways located within nine feet of each other appear to conflict with this section of the ordinance. Although Windchaser Way is not currently an NCDOT maintained street, it seems reasonable to use the 100' driveway separation as called out in the NCDOT Policy on Street and Driveway Access to North Carolina Highways manual.

The applicant is proposing to keep the two driveways until such time that NCDOT accepts Windchaser Way and finds the driveways non-compliant.

PLANNING BOARD RECOMMENDATION

The Planning Board **recommended approval** with staff recommendations for a special use permit for a salvage yard with the following condition:

- 1. that no stockpile exceed 25 feet in height.

Chairman O'Neal opened the public hearing.

David Ryan, Engineer, reviewed the request.

Rick Webb, Owner, reviewed the landscape plan.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Etheridge moved to approve with findings of fact, and the staff and Planning Board recommendations included in the case analysis. Commissioner Aydlett seconded the motion. Motion carried.

Public Hearing and Action: PB 07-39 Nicholson's Point: Request for a preliminary plat/special use permit for a 140 unit planned unit development located in the vicinity of Caratoke Highway (NC 168) and Maple Road intersection, Tax Map 59, Parcels, 50, 77, 82, 83, 85A, and 85B, Maple, Crawford Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

ITEM: PB 07-65 Nicholson's Point, Planned PUD, Preliminary Plat/Special Use Permit, for

- 140 residential units
 - o 28 single family lots with 14 accessory apartments
 - o 72 patio lots
 - o 13 duplex lots
- 2.48 acres of limited business/hotel (LBH) zoning
- .5 acre public right-of-way dedication (Brabble Street)
- 1 acre county dedication
- 47.72 acres nature conservation dedication
- 27.49 required open space dedication

LOCATION: Maple, in the vicinity of the intersection of Caratoke Highway and Maple Road, Crawford Township.

OWNERS:

005900000500000	NC Rose, LLC
005900000770000	NC Rose, LLC
005900000820000	NC Rose, LLC
005900000830000	NC Rose, LLC
0059000085A0000	NC Rose, LLC
0059000085B0000	James N. & Becky W. Owens

ZONING

DISTRICT: Mixed Residential (RA) with Planned Unit Development Overlay
 Mixed Residential (PUD Overlay): 130 acres
 LBH (PUD Overlay): 2.48 acres

PRESENT USE: Agricultural

DEVELOPER: NC Rose, LLC
 PO Box 6186
 4001 South Military Highway
 Chesapeake, VA 23321

ENGINEER: Engineering Services, Inc.
 3351 Stoneshore Road
 Virginia Beach, VA 2345

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural, Low-density residential	RA
SOUTH	Agricultural, Coinjock Bay	RA
EAST:	Coinjock Bay, Low-density residential	RA
WEST:	Low-density residential, Wetlands/Woodland	RA

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service and Limited Service Areas within the Barco-Maple-Airport and Courthouse subarea.

SIZE OF SITE: 132.48 acres

NUMBER OF UNITS: 140 residential dwelling units
 o 28 single family lots with 14 accessory apartments
 o 72 patio lots
 o 13 duplex lots

PROJECT DENSITY: .94 units/ acre overall acreage

STREETS: The curb and gutter street and alleyway design will be built to NCDOT construction standards. The streets will remain private and will be maintained by the homeowner's association.

UTILITIES: The development will be served by county water. The proposed wastewater design will include a gravity collection system, tertiary treatment, a low pressure pipe with multiple disposal fields, and a design flow of 60,000 gallons per day.

OPEN SPACE: The required open space for Nicholson's Point is 35%. The proposed development plan provides 27.49 acres of open space. In addition, the developer is proposing to dedicate 47.72 acres to nature conservation.

COMMUNITY

FACILITIES: The required community facilities dedication for 140 units in Nicholson's Point is 1 acre/100 lots in excess of required open space. The developer is proposing one acre community facilities dedication.

I. NARRATIVE OF REQUEST:

- The PUD overlay and sketch plan was approved by the Board of Commissioners on October 15, 2007.
- The Board of Commissioners granted a PUD variance on October 15, 2007 to allow private streets less than 45' right-of-way, double frontage lots, and setback reductions for the lots.
- The phasing plan, provided by the applicant, illustrates the development will consist of phase 1 and undetermined future phases:

Phase	Total Units	Amenities
-------	-------------	-----------

1	44	Clubhouse, trails, pocket park
Future	96	Walking trail, tennis courts, basketball, stage, pavilion, pocket park

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

- A. The single family lots within the PUD must maintain a minimum 65 foot lot width.
- B. Please provide verification from NC Division of Coastal Management as to the existence of CAMA wetlands within the proposed development. CAMA wetlands may not be included in any open space calculation or gross development acreage.
- C. The street connections shall be paved to the property lines. Where existing improvements such as drainage ditches exist, a bond shall be posted for installation of street connection to property lines.
- D. The landscape plan submitted does not meet the street landscape requirements. More specifically, landscaping along the south side of Coinjock Bay View should contain street trees, either planted or retained. This permit issuing authority may authorize an administrative waiver (UDO Section 5.6) that would alleviate the street tree requirements along the south side of Coinjock Bay View. Staff recommends all existing vegetation along this area be retained within open space areas.
- E. The revised preliminary plat submitted on October 26, 2009 provided additional information regarding open space improvements proposed for the development. The comments regarding the revisions were not addressed by the TRC members and after a complete review of these areas the planning staff has the following outstanding comments:
 - 1. The community area located on Open Space 1 contains the relocated farmhouse. The use of the farmhouse shall meet all open space requirements and be used for recreational purposes available and accessible to all residents of the subdivision or general public.
 - 2. The community area located on Open Space 1 also contains parking area that appears to be used for trailer and recreational vehicle parking. This area may not be counted as open space unless it is associated with the use of the open space.
 - 3. Opens Space 1 appears to contain a 20 access easement. This area may not be included in open space.
 - 4. The access road or secondary alleyway behind lots 50-54 does not appear on the revised plan and must be included to comply with the fire marshal allowance for road width reduction.

- 5. Please provide drainage and utility easement information on the preliminary plat.
- 6. Please correct Open Space 1 on Sheet 7 of the Construction Plans to reflect the Sanitary Sewer Pump Station Parcel.

NCDOT

Construction plans shall illustrate:

- A. Right turn lane should be 100 feet full width and 200 foot taper.
- B. Any pavement markings replaced/installed shall be polyurea material.
- C. Stop sign for Nicholson and NC 168 shall be 36 inches Hi intensity sheeting.
- D. Commercial properties along Nicholson Point Road shall not have driveways closure than 100 feet from NC 168 right-of-way.
- E. NC 168 is a Strategic Highway Corridor and future access to this site may have restricted movements as part of future roadway improvements.
- F. All internal roads noted as private were not reviewed.

III. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

- 1. Completeness of application.
Suggested Findings:
 - a. The application is complete.
- 2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Chapters 3 and 10 of the UDO allow a planned unit development as a permissible use with a special use permit.
- 3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The conditions proposed meet the minimum requirements of this ordinance.
- 4. The special use will not endanger the public health or safety:

Suggested Findings:

- a. The proposed subdivision should have little to no impact on public health or safety.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

Suggested Findings:

- a. The Unified Development Ordinance indicates that a planned unit development is allowed in the RA base zoning district and PUD overlay with a special use permit.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Full Service and Limited Service Areas within the Barco-Maple-Airport and Courthouse subarea. The residential and commercial development will occur within the Full Service area where the base development density is contemplated to be 2 unites per acre but could be increased to 3-4 units per acre through overlay zoning depending on services available and the potential impact on the surrounding area. The proposed use is in keeping with the policies of the plan, some of which are:

Policy HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

- 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Services areas identified on the Future Land Use Map.
- 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

- b. The proposed development is located within the Rural Classification of the Maple-Barco Small Area Plan. The

sketch plan was approved by the Board of Commissioners prior to the adoption of the Maple-Barco Small Area Plan.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan.

Suggested Findings:

- a. At build-out, the proposed development will generate the following anticipated demand on the school system:
 - a. 35 elementary students
 - b. 11 middle school students
 - c. 19 high school students
- b. The county has adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION:

Generally, the submittal appears to meet the requirements for preliminary plat/SUP approval and **staff recommends conditional approval** of this plat/SUP subject to the applicant addressing the outstanding TRC comments and the findings of fact and the following conditions:

1. Revised plans must be submitted that address outstanding TRC comments.
2. The plan shall meet and address all NCDOT comments and recommended changes.
3. All street connections shall be paved to property lines. In areas that contain a drainage ditch that could prevent pavement to the property line, a performance bond in the amount of 120% of the improvement cost must be posted at the final plat submission.
4. The county property dedication and the Brabble Street right-of-way dedication must occur with the recordation of the first phase of Nicholson's Point.
5. Nicholson's Point shall develop in accordance with the master plan and booklet, as amended by permit issuing authority, including architectural standards and design elements.
6. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots, or a boat/rv parking area shall be provided that is not included in open space calculations.
7. In keeping with WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
8. An administrative waiver (UDO Section 5.6) is authorized by the permit issuing authority to modify the street tree requirements along the south side of Coinjock Bay View.

Retain all existing vegetation along Coinjock Bay View (within 50 feet of the pavement) within open space areas.

9. All open space shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.

Suggested Plan Modifications

10. Natural features of the site including significant existing vegetation should be preserved (Water Quality Policies).
11. When developing within 300 Feet of the shoreline, consider "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers. (Conserve Environmentally Sensitive Areas Policies and Natural Hazard Area Policies)
12. Consider limiting vehicular areas between buildings and NC 168 where possible and using landscape islands to reduce the impact of large parking areas. (Commercial Development Policies and Community Appearance Policies).

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** with staff recommendations for a preliminary plat/special use permit for a 140 unit planned unit development.

Chairman O'Neal opened the public hearing.

John Snowden, Maple, stated that this was a first class project and supported the request.

Pete Burkheimer, Engineer, was present to answer questions.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Etheridge moved to approve with findings of fact, and the staff and Planning Board recommendations included in the case analysis. Commissioner Gregory seconded the motion. Motion carried.

Consideration of Ocean Rescue Contract

The County Manager reviewed the contract, and the cost was the same as last year's contract.

Sylvia Wolfe, Ocean Rescue, updated the Board on emergency calls for the summer.

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

Appointments to Board of Adjustment

Commissioner Aydlett moved to appoint Christian Conner and reappoint Ralph Jones, Donald Ferebee and Bryan Bass. Commissioner Etheridge seconded the motion. Motion carried

2nd Reading Ordinance to prohibit use of horses on the northern Currituck Outer Banks

Commissioner Aydlett moved to adopt ordinance. Commissioner Etheridge seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK OUTER BANKS

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

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the possession or harboring of animals which are dangerous to person or property; and

WHEREAS, the Board of Commissioners for Currituck County finds and determines that humans and Corolla Wild Horses are at risk for injury when mixed with domesticated horses and further that Corolla Wild Horses are at risk from exposure to Equine Infectious Anemia and parasitic infection that may be introduced into the Corolla Wild Horse home range by domesticated horses.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-55 of the Code of Ordinances to read as follows:

Sec. 10-55. Locations where use prohibited.

(a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated ~~and no horses shall be used~~ on the Outer Banks except on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area.

(b) This section shall not apply to vehicles, ~~horses~~, mopeds, motorcycles, or motor vehicles operated on private property with the permission of the owner. The owner must be present or written evidence of the owner's permission furnished.

(c) It shall be unlawful for any person to keep, harbor, maintain, possess, ride, walk or bring a horse into or upon that area of the county on the Outer Banks from the terminus of the paved portion of N.C. State Highway 12 to the Virginia state line. Notwithstanding the foregoing, a horse may be used on private property with written evidence of the owner's permission or on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area in that area of the county on the Outer Banks from Dare County to the terminus of the paved portion of N.C. State Highway 12.

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

PART III. This ordinance is effective upon adoption.

Recommendation of Award for the Moyock Sewer Force Main and Pump Station - Phase 1

Commissioner Etheridge moved to award the bid to George Raper, Inc. in the amount of \$1,110,725. Commissioner Taylor seconded the motion. Motion carried.

Consent Agenda:

1. Approval of November 16, 2009, Minutes
2. Request for Addition of Long Lane to State Maintained Secondary Road System
3. Resolution Surplus Property water pump Sligo
4. Budget Amendments
5. Resolution exercising option to extend Fire Contracts for additional six months

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

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on December 7, 2009 authorized the following, pursuant to GS 160A and 270(b), which the property listed below, be disposed of at the local landfill.

Pump, water. Weinman model 3KH4A s/n T1068896. Unit is beyond feasible repair.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-532000	Supplies	\$ 4,069	
10330-424000	Officer Fees		\$ 4,069
		\$ 4,069	\$ 4,069

Explanation: Sheriff (10510) - To increase appropriations to record officer fees collected.

Net Budget Effect: Operating Fund (10) - Increased by \$4,069.

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

<u>Number</u>			<u>Expense</u>
50447-590001	Corolla Greenway	\$ 931,800	
50447-590002	Pocket Park	\$ 79,900	
50447-590003	Landscaping	\$ 48,100	
50447-590004	Water Utilities	\$ 10,000	
50447-590005	Signage	\$ 10,000	
	Land		
50447-590006	acquisition/easement	\$ 1	
50447-561000	Planning fees	\$ 226,758	
50447-588000	Contingency	\$ 53,990	
50447-590000	Capital Outlay		\$ 1,360,549
		<u>\$ 1,360,549</u>	<u>\$ 1,360,549</u>

Explanation: *Corolla Multi-use Path (50447)* - To transfer budgeted funds to allocate to specific project elements as specified in the PARTF grant.

Net Budget Effect: County Governmental Construction Fund (50) - no change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10550-503000	Salaries - Part time	\$ 27,178	
10550-502000	Salaries		27178
10550-516000	Maintenance & Repairs	\$ 8,000	
10550-532000	Supplies	\$ 3,000	
10550-505000	FICA Expense		\$ 514
10550-506000	Insurance Expense		\$ 2,052
10550-540000	Worker's Compensation		\$ 81
10380-484001	Insurance Recovery		\$ 8,353
		<u>\$ 38,178</u>	<u>\$ 38,178</u>

Explanation: *Airport (10550)* - To transfer funds from salaries to part-time salaries for the interim Airport Manager. Also, to increase appropriations for maintenance and repairs and supplies to cover damages from the August 5, 2009 lightning strike at the airport.

Net Budget Effect: Operating Fund (10) - Increased by \$8,353.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
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<u>Account Number</u>	<u>Account Description</u>	or <u>Increase Expense</u>	or <u>Decrease Expense</u>
10750-519503	Domestic Violence		\$ 1,197
10752-519600	Child Daycare		\$ 200,561
10752-519601	Smart Start Daycare		\$ 5,485
10752-561003	LINKS-Special	\$ 15,000	
10330-431000	DSS Admin	\$ 219,197	
10330-431700	Independent Living - LINKS		\$ 15,000
10390-499900	Fund Appropriated Balance		\$ 11,954
		<u>\$ 234,197</u>	<u>\$ 234,197</u>

Explanation: Social Services Public Assistance (752) - To adjust budgeted line items to State Funding Authorizations.

Net Budget Effect: Operating Fund (10) - Decreased by \$192,243.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
61818-532000	Supplies	\$ 6,500	
61818-561000	Professional Services		\$ 1,500
61818-516000	Repairs and Maintenance		\$ 5,000
		<u>\$ 6,500</u>	<u>\$ 6,500</u>

Explanation: *Mainland Water (61818)* -The increase in supplies is necessary to purchase cartridge filters for reverse osmosis pre-treatment.

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
60808-590001	Capital Outlay	\$ 90,600	
60808-561000	Professional Services		\$ 35,000
60808-561001	Professional Services		\$ 30,600
60808-516001	Repairs and Maintenance		\$ 15,000
60808-545001	Contracted Services		\$ 10,000
		<u>\$ 90,600</u>	<u>\$ 90,600</u>

Explanation: Ocean Sands Water and Sewer System (60808) - The increase in capital outlay is to replace all the meter registers on the meters in Ocean Sands, upgrade the

software, and receive new automatic meter reading devices.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - No change.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA EXERCISING OPTION TO EXTEND CONTRACTS WITH VOLUNTEER FIRE DEPARTMENTS FOR AN ADDITIONAL SIX MONTH TERM

WHEREAS, the County of Currituck, Knotts Island Volunteer Fire Department, Inc., Moyock Volunteer Fire Department, Inc., Crawford Volunteer Fire Department, entered into a First Inc., Lower Currituck Volunteer Fire Department, Inc., Corolla Fire and Rescue Squad, Inc. and Carova Beach Volunteer Fire Department, Inc. entered into a First Amendment to Contract for Fire Protection and Rescue Services dated July 1, 2009; and

WHEREAS, the contract amendment amended Section 2 of the Contract for Fire Protection Services by adding paragraph (c) to read:

If the County , or County’s designee, the Department, and the other volunteer fire departments are working in good faith on the development of the Plan but more work is required for the Plan’s completion before expiration of this Agreement then the term of this agreement shall be extended to and including June 30, 2010: and

WHEREAS, the Board of Commissioners for Currituck County finds that despite all parties working in good faith on the development of the Plan, as defined in the contract amendment, more work is required for the Plan’s completion and it is therefore advisable to extend the contract term for the Contract for Fire Protection.

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

Section 1. The Contract for Fire Protection and Rescue Services by and between the County of Currituck and Knotts Island Volunteer Fire Department, Inc., Moyock Volunteer Fire Department, Inc., Crawford Volunteer Fire Department, entered into a First Inc., Lower Currituck Volunteer Fire Department, Inc., Corolla Fire and Rescue Squad, Inc. and Carova Beach Volunteer Fire Department, Inc. is hereby extended to and including June 30, 2010.

Section 2. This resolution is effective upon its adoption.

Commissioners Report

Commissioner Taylor thanked Jason Weeks, Planning Director, and staff on recent Parks and Recreation meeting.

Commissioner Rorer stated that Social Services still have over 100 children in need for Christmas.

Chairman O’Neal requested an update on property that needs to be cleaned owned by the railroad.

County Manager’s Report

County Manager recognized the County Staff for supporting 122 children for Christmas.

Adjourn

There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Board

Call to Order

Chairman O’Neal called the meeting to order.

Budget Amendments;

Tourism Related Expenditures increase appropriations for a donation to help fund purchase of medical helicopter, \$100,000

Tourism Promotion to increase appropriations winter advertising blast for tourism promotion, \$300,000

Tourism Promotion to increase appropriations for WIFI in Moyock Welcome Center, \$6,700

Tourism Related Expenses to increase appropriations for Sewer Tap fee for the Moyock Welcome Center, \$204,750.

Tourism Related Expenses to increase appropriations beach clean-up after the November Nor’easter, \$90,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-526200	Promotional Efforts	\$ 100,000	
15320-415000	Occupancy Tax		\$ 100,000
		\$ 100,000	\$ 100,000

Explanation: *Tourism Related Expenditures (15447)* - To increase appropriations for a donation to help fund purchase of medical helicopter.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$100,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-526200	Promotional Efforts	\$	300,000		
15320-415000	Occupancy Tax			\$	300,000
		\$	300,000	\$	300,000

Explanation: *Tourism Promotion (15442)* - To increase appropriations winter advertising blast for tourism promotion.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$300,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-590441	Technology Over \$1,000	\$	6,000		
15442-545000	Contract Services	\$	700		
15320-415000	Occupancy Tax			\$	6,700
		\$	6,700	\$	6,700

Explanation: *TourismPromotion (15442)* - To increase appropriations for WIFI in the Moyock Welcome Center.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$6,700.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15447-590000	Capital Outlay	\$	204,750		

15390-499900	Appropriated Fund Balance		\$ 204,750
		\$ 204,750	\$ 204,750

Explanation: *Tourism Related Expenses (15447)* - To increase appropriations for Sewer Tap Fee for the Moyock Welcome Center.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$204,750.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
15447-545000	Contract Services Appropriated Fund	\$ 90,000	
15390-499900	Balance		\$ 90,000
		\$ 90,000	\$ 90,000

Explanation: *Tourism Related Expenses (15447)* - To increase appropriations beach clean-up after the November Nor'easter.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$90,000.

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

Adjourn

There being no further business, the meeting adjourned.