

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, February 07, 2011

Time: 7:00 PM

Work Sessions

6:30 p.m. Sign Ordinance update

Regular Agenda

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 **Joy Futrell, East Carolina Behavioral Health** semi-annual report

Item 4 **Public Hearing and Action:** PB 94-49 Currituck Club, Phases 8A and 1A: Request for a preliminary plat/special use permit for two new phases of Currituck Club PUD. Proposed Phase 8A consists of 29 residential lots and Phase 1A consists of one residential lot. Located at the Currituck Club in Corolla, Tax Map 126G, Parcel D, and Tax Map 117, Parcel 1H, Poplar Branch Township.

Item 5 **Appointments to Currituck County FEMS Peer Review Board**

Item 6 **Appointments to Economic Development Board**

Item 7 **Appointments to Senior Citizen Advisory Board**

Item 8 **Appointment of Commissioner to LEPC Committee**

Item 9 **Appointments to the Board of Adjustment**

Item 10 **Consent Agenda:**

1. Resolution opposing Insurance Rate Increase
2. Amend Moyock VFD Contract to provide for county to pay invoices

3. Project Ordinance for Sheriff Vault
4. Public School Capital Building Fund application for school computers
5. Lottery applications (3) - Knotts Island Elem - replace connector roof; JP Knapp - replace chiller; Griggs Elem - bus canopy
6. Budget Amendments
7. Change Order-Outer Banks Visitor Center
8. Approval of January 18, 2011, Minutes

Item 11 Commissioner's Report

Item 12 County Manager's Report

Item 13 **Closed Session:**

1. According to GS 143-318.11 (4) to discuss economic development

Adjourn

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report**

Area Program: East Carolina Behavioral Health
for the period ending: December 31, 2010
of month in the fiscal year: 6
(July = 1, August = 2, . . . , June = 12)

1. REPORT OF BUDGET VS. ACTUAL

ITEM	Cash Accrual	X	PRIOR YEAR		CURRENT YEAR		ANNUALIZED PERCENTAGE **
			(1) 2009-2010 BUDGET	(2) ACTUAL	(3) BUDGET	(4) ACTUAL YR-TO-DATE	
REVENUE							
Client Fees							
Medicaid - "Regular Fee-for-Service"			7,000,000	7,100,192	9,000,000	3,545,296	5,454,704 78.78%
Medicaid - CAP/MRDD			600,000	552,513	800,000	283,008	516,992 70.75%
Medicare				190		680	(680) #DIV/0!
Insurance							
Other Local			359,600	209,116	250,122	173,023	77,099 138.35%
Appropriation of Fund Balance *			1,000,000				
Total Local Funds			8,959,600	7,862,011	10,050,122	4,002,007	6,048,115 79.64%
County Appropriations (by county):							
Beaufort County			173,599	130,199	173,599	86,800	86,799 100.00%
Bertie County			49,390	49,390	49,390	22,295	27,095 90.28%
Camden County					13,976	11,196	2,780 160.22%
Chowan County					3,000	994	2,006 66.27%
Craven County			272,629	274,073	274,827	135,849	138,978 98.86%
Currituck County					60,300	29,169	31,131 96.75%
Dare County					70,000	18,065	51,935 51.61%
Gates County			39,434	37,817	39,434	1,129	38,305 5.73%
Hertford County			84,390	85,011	84,250	41,875	42,375 99.41%
Hyde County					12,700	562	12,138 8.85%
Jones County			31,268	28,787	23,597	10,949	12,648 92.80%
Martin County					51,842	-	51,842 0.00%
Northampton County			81,614	83,614	81,614	38,807	42,807 95.10%
Pamlico County			39,194	34,889	33,593	16,473	17,120 98.07%
Pasquotank County					57,000	29,000	28,000 101.75%
Perquimans County					15,465	7,670	7,795 99.19%
Pitt County			747,050	751,090	608,000	278,446	329,554 91.59%
Tyrrell County					10,006	4,953	5,053 99.00%
Washington County					16,000	8,000	8,000 100.00%
Total County Funds			1,518,568	1,474,870	1,678,593	742,232	936,361 88.44%
Service Management Funds			5,635,408	4,820,102	7,550,143	2,406,116	5,144,027 63.74%
Service Delivery Funds			23,903,368	24,169,494	39,874,868	16,348,313	23,526,555 82.00%
All Other State/Federal Funds			2,703,795	2,212,917	1,017,053	597,545	419,508 117.51%
Total State and Federal Funds			32,242,571	31,202,513	48,442,064	19,351,974	29,090,090
TOTAL REVENUE			42,720,739	40,539,394	60,170,779	24,096,213	36,074,566 80.09%
EXPENDITURES:							
Service Management			6,042,508	5458349	7,911,986	3,907,386	4,004,600 98.77%
Directly Provided Services							
Provider Payments			35,492,949	34,722,063	50,408,479	16,629,466	33,779,013 65.98%
All Other			1,185,282	799,127	1,850,314	892,640	957,674 96.49%
TOTAL EXPENDITURES			42,720,739	40,979,539	60,170,779	21,429,492	38,741,287 71.23%
CHANGE IN CASH BALANCE				(440,145)		2,666,721	
Beginning Unrestricted Fund Balance						12,856,786	
Current Estimated Unrestricted Fund Balance and percent of budgeted expenditures			21.40%	9,140,358	20.98%	12,623,506	

* "Appropriation of Fund Balance" represents the Area Program Fund Balance that has been incorporated as part of the Approved Budget. Actual Yr-To-Date should reflect Fund Balance utilized to date and an explanation needs to be provided for the specific uses of fund.
** annualized Revenue percentage less than 90% and Expenditure percentages greater than 110% must be explained on the attachment and submitted with the Fiscal Monitoring Report

2. CURRENT CASH POSITION:	(1)	(2)	(3)	(4)	(5)	Receivables net of Allowance for Uncollectible Receivables
	30 DAYS	60 DAYS	90 DAYS	OVER 90 DAYS	TOTAL	
Accounts Payable (Accrual Method)						
Account Receivable (Accrual Method)						

Current Cash in Bank 24,149,758

3. SERVICE EXCEPTIONS: (Provided Based on System Capability)

Services authorized but not billed

* We certify (a) this report to contain accurate and complete information, (b) explanations are provided for any expenditure item with an annualized expenditure rate greater than 110% and for any revenue item with an annualized receipt rate of less than 90%, and (c) a copy of this report has been provided to each county manager in the catchment area".

Area Director _____ date _____ Area Finance Officer _____ date _____ Area Board Chair _____ date _____
CC: County Manager for each county within the catchment area.

Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report - Explanation of Revenue and Expenditure Variances
enter LME name East Carolina Behavioral Health Local Management Entity
 for the period ending: December 31, 2010

ITEM	Explanation
Revenues	
Medicaid	Pass thru monies. Providers must not be billing as expected. Based on prior yr.
Medicaid CAP	Pass thru monies. Providers must not be billing as expected. Based on prior yr.
Chowan County	Only ABC Bottle Tax Funds received. No county general monies received to date.
Dare County	Revenues received are only 18065.00 of 70,000.00 allocated.
Gates County	Only ABC Bottle Tax Funds received. No county general monies received to date.
Hyde County	Only ABC Bottle Tax Funds received. No county general monies received to date.
Martin County	No monies received yet.
Service Management Funds	Only received LME funding for July thru October 2010 at this time
Service Delivery Funds	Providers have billed less than anticipated thus far this year.
Expenditures	
none to explain	

Columns 1 and 2 (Prior year info) are amounts from ECBH's audit only.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: February 7, 2011
PB 94-49 Currituck Club, PUD**

ITEM: PB 94-49 Currituck Club, PUD, Phase 8A and 1A Preliminary Plat/Special Use Permit.

LOCATION: Corolla, Currituck Club, PUD, Poplar Branch Township.

TAX ID: 126G-000-000D-0000 0117-000-001H-0000

ZONING DISTRICT: Outer Banks Standard Residential (R01) with PUD overlay.

PRESENT USE: Vacant

OWNER: The Currituck Associates Residential Partnership
c/o Boddie-Noell Enterprises
PO Box 1908
Rocky Mount, NC 27802

The Currituck Associates – Golf Course Partnership
c/o Boddie-Noell Enterprises
PO Box 1908
Rocky Mount, NC 27802

APPLICANT: The Currituck Associates Residential Partnership
c/o Boddie-Noell Enterprises
PO Box 1908
Rocky Mount, NC 27802

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Golf Course	RO1/PUD Overlay
SOUTH	Golf Course/Commercial	LBH/PUD Overlay
EAST:	Residential	RO1/PUD Overlay
WEST:	Open Space	RO1/PUD Overlay

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: 10.32 acres.

NUMBER OF LOTS: 30

PROJECT DENSITY: 1 lot per 0.344 acres, or 3 lots per 1 acre.

UTILITIES: The development will be served by Carolina Water Service, Inc. for water service and Pine Island Currituck, LLC for wastewater service.

PUD ALLOCATION: PUD Area: 587.88 acres.
Open Space Provided: 254.43 acres (43.28%)
LBH Allocation: 27.6 acres (4.7%)

I. NARRATIVE OF REQUEST:

The developer is seeking preliminary plat approval/special use permit for two new phases of Currituck Club PUD. Proposed Phase 8A consist of 29 residential lots and Phase 1A consist of one residential lot.

II. 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 a 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. The proposed use is listed in the Table of Permissible Uses.
- b. Chapter 10 requires all major subdivisions obtain a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

Suggested Findings:

- a. The conditions proposed meet or exceed the minimum requirements of this ordinance.

4. The special use will not endanger the public health or safety.

Suggested Findings:

- a. The conditions proposed will not endanger the 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 proposed subdivision is another phase of Currituck Club PUD which already consists of 628 lots. The use will be in harmony with the area in which it is located.

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 within the Corolla subarea. Residential development in Full Service areas should have a base density of 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding areas. An overall density of no more than 3 units per acre should apply to PUDs in the Corolla subarea. The proposed use and conditions are keeping with the policies of the plan, some of which are:

POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street “connectivity” without creating opportunities for cut-through traffic from outside the connected areas.

POLICY TR9: BIKEWAY FACILITIES shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile. The inclusion of bikeways, sidewalks, trails, and other alternatives to the automobile shall be encouraged in both public and private developments.

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 (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The county has adequate public facilities for this development.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

Planning

1. Section 9.1.5.3 of the UDO requires spacing between driveways and intersections. In this case, the proposed Windswept Ridge Lane would need to be spaced 230 feet away from the existing driveway access to Windswept Ridge Villas (labeled as “Access Easement DB 473, PG 887...” on the plat). The same section of the UDO also allows for the permit issuing authority to authorize deviations from the spacing standards. The applicant is proposing this street configuration because the UDO requires subdivisions to be accessed from Right-of-Ways, and difficulties with dedicating the existing driveway access to Windswept Ridge Villas as a Right-of-Way. Both the applicant and staff feel Windswept Ridge Villas and the proposed development should be accessed from one street as the proposed configuration will require an existing tennis court to be removed and may harm the safety of the residents with the two accesses being located so closely together. The applicant has submitted a drawing showing how driveway interconnection between the two developments could be accomplished and agreed to this configuration at the Planning Board meeting.

2. Section 9.1.8.5 of the UDO requires concrete sidewalks along both sides of all proposed streets. The applicant is not proposing sidewalks along the east side of the proposed Dune Ridge Court, adjacent to NC12, and for roughly the first 320 feet on the north side of the proposed Windswept Ridge Lane. This sidewalk layout requires a variance approved by the BOC. A variance application will need to be completed and submitted for review by staff prior to the BOC meeting. Staff agrees that sidewalks may not be necessary on the east side of Dune Ridge Court, and will need to review the variance application before recommending on the proposed sidewalk layout along Windswept Ridge Lane.

Currituck County Engineer, Eric Weatherly

1. Based on previous comments regarding water: Provide letter of approval from NCDENR – PWSS.

Albemarle Regional Health Services

1. Obtain wastewater approval from NC Division of Water Quality.

IV. PLANNING STAFF RECOMMENDATION:

Staff recommends **conditional approval** of the preliminary plat/special use permit subject to the following conditions:

1. A variance application is submitted and approved by the Board of Commissioners to allow for deviation in the sidewalk requirements of section 9.1.8.5 of the UDO.
2. Either the proposed development and Windswept Ridge Villas share the same access to Hunt Club Drive or the proposed Windswept Ridge Lane and driveway to Windswept Ridge Villas are separated by 230 feet as stated in section 9.1.5.3 of the UDO.
3. The Technical Review Committee shall approve the preliminary plat prior to the submission of pre-construction plans. Any required revisions of the preliminary plat shall be submitted to the TRC for a second review following the issuance of the special use permit.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of the preliminary plat/special use permit with staff recommendations and added conditions:

- A variance application shall be filed to allow for deviation in the sidewalk requirements in both areas due to topographical concerns and that a public safety issue is not created.
- Provide a safe route for the golf cart path.

PLANNING BOARD DISCUSSION (1/11/11)

Mr. Clark asked if the lack of sidewalks create a public safety issue.

Mr. Woody stated not along the eastern property boundary.

Mr. Clark asked if the single access that serves the subdivision and condominiums would be over stressed with to much traffic.

Mr. Woody stated no but having two access points side-by-side would be dangerous.

Mr. Midgette stated that since these sidewalk requirements have been in effect for three years he is concerned with setting a precedent if you deviate from them.

Mr. Woody stated that technically a variance does not set a precedent it is site specific.

Mr. Valdivieso stated the reason they are asking for a variance request for the sidewalks is that there are no homes on this side of NC12. It is a long stretch, would be costly, and there is no practical use for a sidewalk. Mr. Valdivieso stated there are no safety issues without putting the sidewalks in. Mr. Valdivieso stated he has been affiliated with the Currituck Club, which is a Planned Unit Development (PUD) since 1992. The condominiums that exist today have been sold to private owners and the area around the condos is open space which they all have an interest in. Currently it is a legal issue between the original developer of the property turning this open space over to the condominium association. The property they are subdividing reverted back to Currituck Association Residential Partnership. They negotiated to use this easement to access the property. The current Unified Development Ordinance prohibits this for subdivisions; you have to have a deed of access right-a-way to access subdivided property. The developer and owner have been working with Wind Swept Villas. The amenities (tennis courts and pools) for Wind Swept Villas are on Currituck Association Residential Partnership property. The proposed entrance will impact the tennis courts. If they cannot use the proposed entrance and it would have to move southward, they would have to remove the pool. Mr. Valdivieso stated that if the homeowners association wins or settles with the original developer and gets control of the open space, then they can turn over the easement that is there and dedicate to the adjacent property which can be absorbed as a right-a-way. Mr. Valdivieso stated they would like to move forward with the preliminary plat with an alternative layout and when they come back with the final plat they will come in with the straight driveway.

Mr. Woody stated that staff supports the alternative access layout.

The Planning Board discussed the sidewalk issue, stormwater runoff, and entrance proposal and how it would affect the tennis courts and pools.

Mr. Cherry stated that the Currituck Club is a gated community that promotes people to use the main entrance and not have people to cross private land if the sidewalks were installed.

Mr. Sachs stated he is the treasurer for the Wind Swept Bridge Property Association. The developer did not respond to the lawsuit within the thirty day period so they have asked for a judgment in order to have the property deeded over to them. Mr. Sachs is asking the Planning Board to approve this recommendation in that the primary entrance way will be through the easement area so that the tennis courts and pools stay.

Mr. Sides stated that Mr. Valdivieso needs to look into the golf cart path which has approximately 130 carts per day during the season.

Mr. Valdivieso stated they will look into it.

Ms. Taylor stated that Ocean Sands has had flooding and can they be assured that no additional runoff from drainage will incur with this project.

Mr. Valdivieso stated that this area is a geographic issue and certain events you will still have flooding. Mr. Valdivieso stated they are addressing stormwater on this subdivision and directing it to a pond which is on the property.

ACTION

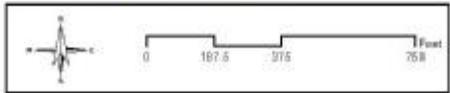
Mr. Clark moved to approve PB 94-49 with the findings of fact and staff recommendation included in the case analysis and the following conditions:

- A variance application shall be filed to allow for deviation in the sidewalk requirements in both areas due to topographical concerns and that a public safety issue is not created.
- Provide a safe route for the golf cart path.

Ms. Wilson seconded the motion. Motion carried unanimously.

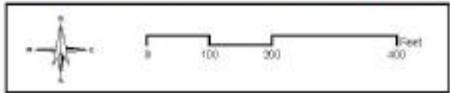


PB 94-49
Currituck Club, Phase 8A
Aerial

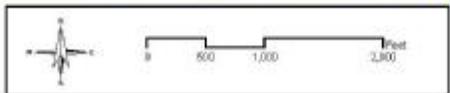




PB 94-49
Currituck Club, Phase 1A
Aerial

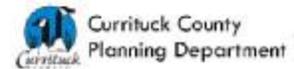
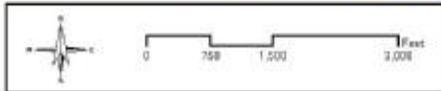


PB 94-49
Currituck Club, Phase 8A and 1A
Zoning





PB 94-49
Currituck Club, Phase 8A and 1A
LUP Classification



MEMORANDUM

To: The Currituck Associates – Residential Partnership
David A. Deel, P.E.

From: Planning Staff

Date: December 9, 2010

Re: Currituck Club Phase 8A – Preliminary Plat/SUP

The following comments have been received for the December 15, 2010 TRC meeting. In order to be scheduled for the January 11, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 20, 2010. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral, Brad Schuler

Approved with comments

1. Lot 450 is 64.66 feet in width. Minimum lot width is 65 feet.
2. Lot 439 does not meet cul-de-sac lot width standards. It should have at least 80 percent of the minimum lot width within 75 feet of the street right-of-way.
3. Taxes due on the properties need to be paid by January 5, 2011.
4. Please add open space table indicating that area from lot size reduction has been added to open space. Also add upland open space required and provided.
5. To insure proposed lots are not located in any green area, please provide a copy of the approved and permitted green area map.
6. Add five foot non-access buffers on most traveled roads on corner lots.
7. Windswept and Sand and Sea Court need to be 125' apart. Please add a note on the plat explaining how this will be resolved.
8. Sidewalks are required on both sides of the streets.
9. Amend sketch plan to add lot 430 and identify phase.
10. Provide documentation or wetland delineation that lot 430 is non-jurisdictional.
11. Add note that lot 430 is in flood zone AE 5.
12. Letter from Utilities Inc. for water service is only for 29 lots.
13. Add site triangles.
14. Add location and type of street signs to construction plans.
15. Provide landscaping plan.
16. If there are going to be streetlights, please provide a lighting plan.

Currituck Soil and Water, Mike Doxey

Approved with Corrections

1. Also address building pad elevations, first floor elevations, and explain lack of lot line swales. We understand the soils are very porous but the engineer needs to go on record for not having them.

Currituck County Engineer, Eric Weatherly

Approved with Corrections

1. Based on previous comments regarding water: Provide letter of approval from NCDENR - PWSS.
2. We've had drainage complaints from Ocean Sands about this area – How are you preventing runoff from draining onto neighboring properties?
3. Please provide lotline swales and building pad elevations.

Currituck County Utilities, Pat Irwin

Reviewed

Currituck County Emergency Management, James Mims

Denied/Resubmit

1. Need the cul-de-sac to be 96'. Need an as built inset for the cul-de-sac design. Communicated with David Deel on 12/3/10.

Corolla Fire and Rescue, Chief Rick Galganski

Approved with Corrections

1. Like to see hydrant at the beginning of all cul-de-sac roads and no less than 800 between hydrants. All cul-de-sacs should be able to handle all emergency vehicles in turn arounds.

Currituck County GIS, Harry Lee

Denied/Resubmit

1. Did applicant previously inquire about street names? GIS doesn't have any record.
2. Windswept Way and Windswept Ct can not be used-there is already a Windswept Ct in Monteray Shores.
3. Ridge Ct can not be used-there is already a Ridge Rd in Carova area.
4. High Dune Ct can not be used-there is already a High Dune Loop in VOH.
5. In addition, GIS can not assign addresses (usually at the Preliminary Plat stage and before the Final Plat) until the proposed street names are approved.

Currituck County Building Inspections, Spence Castello

No Comment.

Currituck County Parks and Recreation, Jason Weeks

No Comment.

NCDOT, Roger Ward

No Comment

NC Division of Coastal Management, Charlan Owens

No Comment.

NC DENR, Land Quality, Pat McClain

Reviewed

1. As this is part of a larger development, an approved erosion and sedimentation control plan will be required prior to initiation of any land disturbing activity.

NC State Archaeology, Lawrence Abbot

No Comment.

1. An archaeological survey is not recommended.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. OBTAIN WASTEWATER APPROVAL FROM PINE ISLAND/CURRITUCK CLUB SEWAGE SYSTEM AUTHORITY AND FROM NC DIVISION OF WATER QUALITY(WASHINGTON,NC 252-946-6481).

US Army Corps of Engineers, Kyle Barnes

Reviewed

1. Any impacts to Waters or Wetlands of the US will require permitting by the USACE.

Comments not received from:

Currituck County Schools, Dr. Megan Doyle

Currituck County Local Volunteer Fire Department

Currituck County Economic Development, Peter Bishop

Currituck County Sheriff, Susan Johnson
Navel Facilities Engineering Command, Community Plans Liaison Officer William DuFault
NCDENR Aquifer Protection, David May
NCDENR Environmental Health/Onsite Wastewater, Bob Uebler
NCDENR, Environmental Management, Roger Thorpe
NCDENR, Marine Fisheries, Kevin Hart
NCDENR, Public Water, Siraj Chohan
NCDENR Water Quality, Kim Colson
NCDENR Water Quality/Surface Water Protection, Al Hodge
NC Wildlife, Maria Dunn
Centurylink, Kimberly Hoevenair
Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey
Embarq, Hester Jones

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



Variance Application

OFFICIAL USE ONLY:	
Case Number:	_____
Date Filed:	_____
Gate Keeper:	_____
Amount Paid:	_____

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>The Currituck Associates Residential Partnership</u>	Name: <u>same as applicant</u>
Address: <u>c/o Boddie Noell Enterprises, P.O. Box 1908</u>	Address: _____
<u>Rocky Mount, NC 27802</u>	_____
Telephone: <u>(252) 937-2000 / (252) 267-6677</u>	Telephone: _____
Fax Number: _____	Fax Number: _____
E-Mail Address: <u>sollifeeast@yahoo.com</u>	E-Mail Address: _____
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>same</u>	_____

Property Information

Physical Street Address: Hunt Club Drive / Windswept Ridge, The Currituck Club

Location: _____

Parcel Identification Number(s): 12660000000000

Request

I, Michael Cherry, hereby request a variance from Section(s) _____ of the Unified Development Ordinance.

Provide a narrative of why the variance is needed and what circumstances have lead to the need for a variance:

see attached Narrative

Relevant Factors for Issuance of a Variance

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed written findings that:

- A. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable. Ordinarily some physical problem preventing development of the property in an authorized manner should be shown).

See Attached Narrative

- B. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public. (If other property owners in the area suffer from the same hardship then the proper action would be to seek relief through an amendment to the ordinance).

See Attached Narrative

- C. The hardship relates to applicant's land, rather than personal circumstances. (Hardships suffered by the applicant should relate to the applicant's land and not result from the ordinance regulations).

See Attached Narrative

- D. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. (Hardships suffered by the applicant in common with neighbors does not justify a variance, the proper remedy is not a variance, but rather an amendment of the ordinance. Courts have held that a board's granting a variance based on such factors amounts to an attempted usurpation of legislative power).

See Attached Narrative

- E. The hardship is not the result of the applicant's own actions. (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot cite expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self imposed).

See Attached Narrative

The Currituck Club Phase 8A

Sidewalk Variance Request

January 31, 2011

Reason for the request:

The Currituck Club Phase 8A is a fill-in section of the existing and established Currituck Club PUD. The referenced sidewalk requirement was not in place at the time that the PUD was established and the rest of the PUD has been built-out adopting a pedestrian plan that typically provides pedestrian paths and sidewalks along one side of the street. The proposed layout of Phase 8A results in significant sections of road where houses will only be placed on one side of the street. Furthermore, there is a section of proposed roadway parallel with NC 12 where the placement of a sidewalk might invite pedestrians to pass across private land to walk between NC 12 and Phase 8A. In the interest of conforming with the existing established Currituck Club infrastructure as well as a desire to avoid creating a potential nuisance and to avoid the creation of wasteful infrastructure (sidewalks which will not be used due to a lack of houses on that side of the road), The Currituck Club Residential Partnership hereby requests a variance from the requirement of having a sidewalk on both sides of the road.

Relevant Factors Analysis:

- A) *If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.*

The Currituck Club PUD pre-dates the ordinance requirement in question. "Reasonable Use" of Phase 8A would be the in-fill development of the PUD in accordance with the rules and allowances of the PUD's creation and in conformity with the rest of the Currituck Club PUD. Strict compliance would prevent this "Reasonable Use".

- B) *The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.*

The existence of the Currituck Club PUD sets the applicant apart from their neighbors or the general public such that the hardship is unique.

- C) *The hardship relates to the applicant's land rather than personal circumstances.*

The configuration of the land situates two sections of roadway such that there are no houses on one side of the road. Sidewalks in these locations (the side of the road without houses) would alternately cut-into an existing dune ridge in an area where pedestrian access is not needed and encourage foot traffic between NC 12 and Phase 8A, across private land, which would create a safety concern.

- D) *The hardship is unique, or nearly so, rather than one shared by many surrounding properties.*

The existence of the Currituck Club PUD sets the applicant apart from their neighbors or the general public such that the hardship is unique.

- E) *The hardship is not the result of the applicant's own actions.*

The hardship is directly the result of Currituck County enacting a new requirement (sidewalks on both sides of the road) which runs at odds with the County's previous approvals of the Currituck Club PUD which the applicant has conformed with throughout the development history of The Currituck Club. The hardship is not self-inflicted.

- F) *The variance will neither result in the extension of a nonconforming situation in violation of the UDO nor authorize the initiation of a nonconforming use of land.*

The variance allows the completion of The Currituck Club in accordance with the standards established by the County for the Currituck Club PUD. The proposal would fully comply with the use of land approved with the PUD.

F. The variance will neither result in the extension of a nonconforming situation in violation of the UDO nor authorize the initiation of a nonconforming use of land. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted will not create a new nonconformity).

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Currituck Associates Residential Partnership
Michael A. Cherry
Owner Date 1/31/11
General Manager
The Currituck Club

Michael A. Cherry 1/31/11
Appellant/Applicant Date
General Manager
Currituck Associates Residential Partnership
The Currituck Club

Owner Verification

If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this section. If the owner is the appellant/application please do not complete this section.

Dear Sir or Madame:

I am the owner of the property located at Phase 9A - Currituck Club

hereby authorize Eddie Valdivieso, P.E.
to appear with my consent before the Board of Adjustment in order to request a variance at the above location. I understand that a variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If you have any questions, you may contact me at the following at the address, phone number, or email address listed on this application.

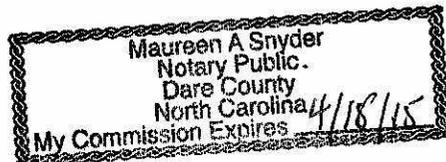
Respectfully yours, *Currituck Associates Residential Partnership*
The Currituck Club

Michael A. Cherry 1/31/11
Owner *General Manager* Date

Sworn to and subscribed before me, this the 31st day of JANUARY, 2011.

Maureen A Snyder
Notary Public

My commission expires: 4/18/2015





Currituck County
FIRE-EMS
P.O. Box 267
Currituck, North Carolina 27929
(252) 232-7746 (Office)
(252) 232-0015 (Fax)



“Positive, Progressive and Professional in Service”

MEMO

To: Currituck County Board of Commissioners
From: Robert. L. Glover, Jr., Chief
Cc: Daniel Scanlon, II, County Manager
Date: January 12, 2011

Subject: Department of Fire-EMS Peer Review Committee - 2011 Membership Nominations

As stated in the By-laws of the Currituck County EMS Quality Management/Peer Review Committee, the following members have been nominated to serve on this Committee for the specified term(s) and are submitted for your approval:

NAME	AGENCY	Position	Date Appointed	Term Expiration
Roger Gallant, MD	OMD/Albemarle Hospital	Chairman	01-2011	01-2013
Krissi Williams, PA-C	CCFEMS	Physician Designee	01-2011	01-2013
Robert Glover, Chief	CCFEMS	Chief of Fire-EMS	01-2011	01-2013
Teresa Wheeler, Capt.	CCFEMS	Training Captain	01-2011	01-2013
Stephanie Flowers, Capt.	CCFEMS	EMS Shift Supervisor	01-2011	01-2013
Elizabeth Hodgins	Currituck Co.	EMD Supervisor	01-2011	01-2013
Ike Mcrec	Currituck Co.	County Manager/Designee	01-2011	01-2012
Josh Hammond	Albemarle Hospital	Hospital Representative	01-2011	01-2012
Mike Whitehurst	Albemarle Hospital	Hospital Representative	01-2011	01-2012
Lee Morris, Capt.	CCFEMS	CCFEMS Field Personnel	01-2011	01-2012
Fran Williford	CCFEMS	CCFEMS Field Personnel	01-2011	01-2012
Sylvia Wolff, Div. Chief	Ocean Rescue	CCFEMS Field Personnel	01-2011	01-2012
David Jensen	CCFEMS	CCFEMS Field Personnel	01-2011	01-2012
Tonya Crawford	CCFEMS	Secretary	01-2011	01-2012

Quarterly meeting are scheduled on the second Monday of January, April, July, and October. These are the minimum required meetings. The committee may conduct additional meetings as deemed appropriate for system evaluation and improvement. A copy of the committee by-laws will be made available upon request.

APPROVED:

Chairman
Currituck County Board of Commissioners

Date

ATTEST:

Gwen Keene
Clerk of the Board

Date

ECONOMIC DEVELOPMENT BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Elizabeth White	District 1	reappointed	Vance Aydlett	Unexpired Term January 2009	January 2014
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	Ed Cornet	Owen Etheridge	Unexpired Term 1/2013	1/2013
Kevin Burwell*	District 5	Kevin Burwell	Janet Taylor	1/2010	1/2013
H. D. Newbern	At-Large		Gene Gregory	January 2009	January 2011
Ken Edgar	At-Large	reappointed	Paul O'Neal	Unexpired Term July 2009	January 2014

SENIOR CITIZEN ADVISORY BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shirley Falls	District 1				2nd 1/11/2012
Jo Stepp	District 2				1st 7/20/2012
Rose Wright	District 3				1st 1/14/2013
Doris Balance	District 4				11/1/2013
Rosalie Rose	District 5				1st 1/1/2011
Martha Burns	At-Large				1st 1/19/2011
Gerri Andrews	At-Large				1st 4/15/2011

Diane Bray has requested that Rosalie Rose, Martha Burns and Geri Andrews be reappointed

Currituck County Commissioners;

The Emergency Planning and Community Right-to-know Act of 1986 is also known as SARA (Superfund Amendments and Reauthorization Act) Title III. EPCRA was enacted by Congress as the national legislation on community safety. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards.

To implement EPCRA, Congress required each state to appoint a State Emergency Response Commission (SERC). The SERC's were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee (LEPC) for each district. North Carolina SERC has stated,

“...IT IS ALSO RESOLVED that as of March 8, 2000, the emergency planning districts are designated as:

- Ø each county in North Carolina, with the exception of Pasquotank and Camden counties which are designated as the Pasquotank-Camden emergency planning district, and
- Ø the Eastern Band of the Cherokee Indians.”

Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented.

The Currituck County Board of Commissioners approved the Local Emergency Planning Committee (LEPC) in August of 1987. This committee was charged with:

- Ø Reviewing and amending the County Emergency Operations Plan for hazardous materials
- Ø Determine what kind of hazardous materials were moving through the county
- Ø Determine what facilities were manufacturing or storing hazardous materials
- Ø Reviewing the facilities' Emergency Operations Plans

Currently the committee consists of:

- Dan Scanlon – County Manager
- Susan Johnson - Sheriff
- Robert Glover – EMS Chief
- James Mims – Fire Marshal
- Allen Russell - DOT
- Teri Henney – Albemarle Regional Health Dept.
- Ashley Stoop – Albemarle Regional Health Dept.
- Tommy Grandy – Cooperative Extensions
- Karen Galganski – Corolla Resident

- Richard Galganski – Corolla VFD
- Stanley Griggs- Currituck Citizen
- Jack Meads – Private Industry
- Chris Gwin – North Carolina Emergency Management
- Rebecca Christenbury – Emergency Management
- And Myself

The Local Emergency Planning Committee also requires one of the members to be a Commissioner. The Commissioner who served on the committee is no longer in office so I am respectfully requesting the Board to select a Commissioner to take Mr. Gregory's seat.

Thank you in advance for your cooperation.

Mary Beth Newns

BOARD OF ADJUSTMENT

Board of Adjustment

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Christian Conner	District 1				12/1/2012
Bryan Bass	District 2				12/31/2011
Earl Wemer (1) (Alternate)	District 3	second term			12/31/2010
Paul Beaumont (4)	District 4	second term			12/31/2010
Tom Roddy (Alternate)	District 5	first term			12/31/2010
Ralph Jones	At Large	Ralph Jones	Gregory		12/31/2011
Donald Ferebee	At-Large	Donald Ferebee	O'Neal	12/31/2009	12/31/2011

FIRST AMENDMENT TO CONTRACT FOR
FIRE PROTECTION AND RESCUE SERVICES

THIS FIRST AMENDMENT to Contract for Fire Protection and Rescue Services made and entered into this 7th day of February, 2011 by and between the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "County") and Moyock Volunteer Fire Department, Inc., a non-profit corporation existing and organized pursuant to the laws of the State of North Carolina, (the "Department").

W I T N E S S E T H:

WHEREAS, County and Department entered into an agreement effective July 1, 2010, (the "Agreement"), for the Department to provide fire protection and rescue services within the fire protection district of Moyock Township; and

WHEREAS, County and Department have determined that modification of the Agreement is desirable;

NOW, THEREFORE it is mutually agreed as follow

1. Section 3 of the Agreement, attached to and incorporated herein by reference as Exhibit A, is rewritten to read as follows:

3. For and in consideration of the Department's services under the first year of this contract, the County has appropriated a budgetary amount not to exceed Two Hundred Twenty Thousand and 00/100 Dollars (\$220,000.00), which has been identified by the County as the Department's FY 2010-2011 budget and which the County anticipates paying to the Department to provide fire protection and rescue services within the fire protection district of Moyock Township. This amount includes \$200,000.00 for operations and \$20,000.00 for capital outlay. For and in consideration of the Department's services under the second year of this contract, the County has appropriated a budgetary amount not to exceed Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00), which has been identified by the County as the Department's FY 2011-2012 budget and which the County anticipates paying to the Department to provide fire protection and rescue services within the fire protection district of Moyock Township. This amount includes \$210,000.00 for operations and \$20,000.00 for capital outlay. In addition to the sum above the County agrees to allot Thirty-one Thousand and 00/100 Dollars (\$31,000.00) per year towards the Department's debt service for the term of the contract. While said budgetary amount is subject to amendment by the County, such amendment will not occur without prior notice to the

Department. The Department may transfer funds between budgetary line items within the respective budgetary amounts with prior notification from the Department's President or Fire Chief to the County's Finance Department. The County will maintain all bookkeeping records regarding the Department's budget and pay invoices for the Department from funds allocated to the Department. The Department will submit invoices to the County's Finance Department for payment from the Department's budget and fund identified herein. The County's Finance Department will issue monthly reports to the Department showing expenditures from budgeted funds.

2. Except as amended herein, the terms and conditions of the Agreement shall remain in effect.

In Testimony Whereof, the parties have executed this First Amendment to Contract for Fire Protection and Rescue Services in duplicate originals the date first above written.

BOARD OF COMMISSIONERS OF
CURRITUCK COUNTY

J. Owen Etheridge, Chairman

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

MOYOCK VOLUNTEER FIRE
DEPARTMENT, INC.

ATTEST:

Secretary

President

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

Currituck County
Finance Officer

**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 Sheriff evidence vault and storage space.

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

Professional Services/Design & Construction Mgmt	\$	19,735
Contracted Services	\$	350,000
Reimbursable Expenses	\$	10,000
Contingency	\$	20,265
		<u>\$ 400,000</u>

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

Transfer from Operating fund	\$	143,350
Transfer from Transfer Tax Capital Fund	\$	256,650
		<u>\$ 400,000</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 7th day of February 2011.

O. Vance Aydlett, Chairman
Board of Commissioners

ATTEST:

Gwen H. Keene
Clerk to the Board

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
ADM (Corporate Tax) Fund**

Approved: _____
Date: _____

County: _____ Contact Person: _____
Address: _____ Title: _____
School Admin. Unit: _____ Phone: () _____
Project Title: _____
Location: _____
Type of Facility: _____

G.S. 115C-546.2(b) "Counties shall use monies in the Fund for capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings; for equipment to implement a local school technology plan that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a local school technology plan shall be transferred to the State School Technology Fund and allocated by that Fund to the local school administrative unit for equipment. As used in this section, 'public school buildings' only includes facilities for individual schools that are used for instructional and related purposes and does not include centralized administration, maintenance, or other facilities. **Applications must be submitted no later than one year after the final payment to the Contractor or Vendor.**

Short Description of Construction Project: _____

Estimated Costs:	State	Local	Total
Purchase of Land	\$ _____	\$ _____	\$ _____
Planning	\$ _____	\$ _____	\$ _____
Construction	\$ _____	\$ _____	\$ _____
Renovation	\$ _____	\$ _____	\$ _____
Enlargement	\$ _____	\$ _____	\$ _____
Repair	\$ _____	\$ _____	\$ _____
School Technology	\$ _____	\$ N/A	\$ _____
Debt Service/Bond Payment	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____

Bid Dates/Vendors: _____
Contracts signed/Dates: _____
Estimated date of beginning of construction: _____
Estimated date of completion: _____

Match: The matching funds of one dollar of local funds for every three dollars of state funds are from (source): _____
\$ _____ of the matching funds have been expended for/date/description: _____

Reporting requirements: We, the undersigned, agree to submit a report of state/local amounts expended for this project within 60 days after completion of the project, or 60 days after receiving state funding, whichever is later. The County Commissioners and the Board of Education do hereby jointly request approval of the above project and request release of \$ _____ from the Public School Building Capital Fund. We certify that the project herein described is within the parameters of 115C-546.2(b) and that all of the required local funding is available and designated as match for this project.

(Signature - Chair, County Commissioners) (Date)

(Signature - Chair, Board of Education) (Date)

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: _____

Contact Person: _____

LEA: _____

Title: _____

Address: _____

Phone: _____

Project Title: _____

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Lottery Funds received for FY 2010-11 may be used to pay classroom teachers, at the request of the local board of education. (SL 2010-123)

Short description of Construction Project: _____

Estimated Costs:

Purchase of Land _____	\$ _____
Planning and Design Services _____	_____
New Construction _____	_____
Additions / Renovations _____	_____
Repair _____	_____
Debt Payment / Bond Payment _____	_____
Classroom Teachers _____	_____
TOTAL _____	\$ _____

Estimated Project Beginning Date: _____ Est. Project Completion Date: _____

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ _____ from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546 (or SL 2010-123).

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: _____

Contact Person: _____

LEA: _____

Title: _____

Address: _____

Phone: _____

Project Title: _____

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

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(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Lottery Funds received for FY 2010-11 may be used to pay classroom teachers, at the request of the local board of education. (SL 2010-123)

Short description of Construction Project: _____

Estimated Costs:

Purchase of Land _____	\$ _____
Planning and Design Services _____	_____
New Construction _____	_____
Additions / Renovations _____	_____
Repair _____	_____
Debt Payment / Bond Payment _____	_____
Classroom Teachers _____	_____
TOTAL _____	\$ _____

Estimated Project Beginning Date: _____ Est. Project Completion Date: _____

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ _____ from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546 (or SL 2010-123).

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: _____

Contact Person: _____

LEA: _____

Title: _____

Address: _____

Phone: _____

Project Title: _____

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Lottery Funds received for FY 2010-11 may be used to pay classroom teachers, at the request of the local board of education. (SL 2010-123)

Short description of Construction Project: _____

Estimated Costs:

Purchase of Land _____	\$ _____
Planning and Design Services _____	_____
New Construction _____	_____
Additions / Renovations _____	_____
Repair _____	_____
Debt Payment / Bond Payment _____	_____
Classroom Teachers _____	_____
TOTAL _____	\$ _____

Estimated Project Beginning Date: _____ Est. Project Completion Date: _____

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ _____ from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546 (or SL 2010-123).

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
10330-431000	DSS Admin		\$ 23,034
10330-432800	Daycare	\$ 268,840	
10390-499900	Fund Appropriated Balance	\$ 1,059	
10750-519503	Domestic Violence	\$ 997	
10750-557700	Crisis Intervention	\$ 20,978	
10752-519100	Title IV-E Foster Care		\$ 9,000
10752-519300	Title IV-B Adoption Assistance	\$ 9,000	
10752-519600	Child Daycare		\$ 163,840
10752-519601	Smart Start		\$ 105,000
		<u>\$ 300,874</u>	<u>\$ 300,874</u>

Explanation: *SOCIAL SERVICES ADMIN (750) - Adjust budget to the state's Funding Authorization. PUBLIC ASSISTANCE (752) - Adjust Daycare budget to the state's funding authorization and adjust IV-B Adoption Assistance due to the adoption of a special needs child.*

Net Budget Effect: Operating Fund (10) - Decreased by \$246,865.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
61818-590000	Capital Outlay	\$ 1,700	
61818-532000	Supplies		\$ 1,700
		<u>\$ 1,700</u>	<u>\$ 1,700</u>

Explanation: *Mainland Water (61818)* - Transfer funds to replace the pump for the sewer at the Mainland Water plant.

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

Minute Book # _____, Page # _____

Journal # _____

 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
66868-511010	Data Transmission	\$ 1,120	
66868-561000	Professional Services	\$ 4,200	
66360-467000	Sale of Materials		\$ 4,200
66868-516000	Repairs & Maintenance		\$ 1,120
		<u>\$ 5,320</u>	<u>\$ 5,320</u>

Explanation: *Southern Outer Banks Water (66868)* - To increase appropriations for surveying and data transmission for the Southern Outer Banks Water System.

Net Budget Effect: Southern Outer Banks Water Fund (66) - Increased by \$4,200.

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Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
50795-561000	Professional Services	\$ 19,500	
50795-588000	Contingency		\$ 19,500
		<u>\$ 19,500</u>	<u>\$ 19,500</u>

Explanation: *Community Building/Sr Center/YMCA* - Transfer funds from contingency for professional services for landscape design and oversight.

Net Budget Effect: County Governmental Facilities Fund (50) - No change.

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 Clerk to the Board

BUDGET AMENDMENT

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 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
10990-587050	T T - County Govt Construction Fund	\$ 143,350	
10460-592000	Courthouse Projects		\$ 143,350
42450-487050	T T - County Govt Construction Fund	\$ 256,650	
42450-588000	Contingency		\$ 256,650
		<u>\$ 400,000</u>	<u>\$ 400,000</u>

Explanation: *Sheriff Evidence Vault* - To appropriate additional funds for the evidence vault for the Sheriff's Department.

Net Budget Effect: Operating Fund (10) - No change.
 Transfer Tax Capital Fund (42) - No change.

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 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
57878-590000	Capital Outlay	\$ 267,175	
57878-588000	Contingency	\$ 56,825	
57360-471000	Tap & Connection Fees		\$ 324,000
		<u>\$ 324,000</u>	<u>\$ 324,000</u>

Explanation: *Moyock Sewer Construction (57878)* - To record additional tap fee.

Net Budget Effect: *Moyock Sewer Construction (57)* - Increased by \$324,000.

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 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
55818-587061	T T - Mainland Water Operating Fund	\$ 724,547	
55380-481000	Investment Earnings		\$ 204,720
55818-563000	Professional Services		\$ 283
55818-588003	Contingency		\$ 169,286
55818-591001	Capital Outlay		\$ 5,851
55818-592001	Capital Outlay		\$ 107,988
55818-592003	Capital Outlay		\$ 6,402
55818-593004	Capital Outlay		\$ 55,138
55818-593005	Capital Outlay		\$ 764
55818-593007	Capital Outlay		\$ 28,304
55818-593008	Capital Outlay		\$ 114,573
55818-594000	Capital Outlay		\$ 14,645
55818-594001	Capital Outlay		\$ 16,593
		<u>\$ 724,547</u>	<u>\$ 724,547</u>

Explanation: *Mainland Water Construction and Operating Funds (55818) - Transfer funds to Mainland Water Operating Fund to close our Mainland Water Construction.*

Net Budget Effect: Mainland Water Construction Fund (55) - Increased by \$204,720.

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Clerk to the Board

BUDGET AMENDMENT

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 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
51848-590000	Capital Outlay - Technology	\$ 5,250	
51848-593002	Knotts Island Elem - Connector roof	\$ 16,000	
51848-599001	JP Knapp - Chiller replacement	\$ 150,000	
51848-592001	Griggs Elem - Bus canopy	\$ 65,000	
51380-425000	Public School Capital Building Fund		\$ 5,250
51380-425001	Lottery Funds		\$ 231,000
		<u>\$ 236,250</u>	<u>\$ 236,250</u>

Explanation: *School Construction Funds (51848)* - Increase appropriations to use PSCBF Funds and lottery funds for computer equipment and building maintenance per funding applications.

Net Budget Effect: School Construction Fund (51) - Increased by \$213,250.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
10640-545002	Contract Services - NCSU salaries	\$ 4,100	
10640-545000	Contract Services		\$ 4,100
		<u>\$ 4,100</u>	<u>\$ 4,100</u>

Explanation: *Cooperative Extension (10640)* - To reallocate Cooperative Extension contract services for operations for the remainder of this fiscal year.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
51848-591000	CCMS HVAC Replacement	\$ 400	
51380-425001	Lottery Funds	\$ 11,038	
51848-593001	KI Elem Chiller		\$ 6,609
51848-595003	CCHS Chiller		\$ 4,829
		<u>\$ 11,438</u>	<u>\$ 11,438</u>

Explanation: *School Construction Fund (51)* - To move residual funds to CCMS HVAC replace for project overage and return remaining funds to the lottery account. These projects are now completed and closed.

Net Budget Effect: School Construction Fund (51) - Decreased by \$11,038.

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 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
10510-557500	Crime Control Act	\$ 195	
10510-516200	Vehicle Maintenance	\$ 9,234	
10330-424000	Officer Fees		\$ 750
10380-484001	Insurance Recovery		\$ 8,484
10390-499900	Appropriated Fund Balance		195
		<u>\$ 9,429</u>	<u>\$ 9,429</u>

Explanation: *Sheriff (10510)* - Increase in appropriations to repair vehicles damaged in accidents and for Crime Control expenses for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$9,429.

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 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of February, 2011 ,
 passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or</u>
12543-511003	Telephone & Postage	\$ 3,700	
12543-513003	Utilities	\$ 14,000	
12543-514503	Travel/Training & Education	\$ 16,000	
12543-516003	Maintenance & Repair	\$ 34,000	
12543-516103	Building & Grounds	\$ 27,000	
12543-531003	Gas	\$ 10,000	
12543-532003	Office supplies	\$ 3,000	
12543-532103	Fire supplies	\$ 16,300	
12543-536103	Personal Protective Equipment	\$ 18,000	
12543-545000	Contract Services		\$ 196,000
12543-553003	Dues & Subscriptions	\$ 3,000	
12543-554003	Insurance	\$ 9,000	
12543-561003	Professional Services	\$ 7,000	
12543-590003	Capital Outlay	\$ 35,000	
		<u>\$ 196,000</u>	<u>\$ 196,000</u>

Explanation: *Moyock Volunteer Fire Department (12543)* - To transfer funds to line items per contract revision to have County finance department pay invoices on behalf of the Moyock Volunteer Fire Department.

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

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Clerk to the Board



Michelle Perry, E.I.T.
Engineer Technician

Currituck County

Post Office Box 38
Currituck, North Carolina 27929
252-232-6034

FAX 252-232-3298

Michelle.Perry@CurrituckCountyNC.gov

MEMORANDUM

Date: January 28, 2011

To: Board of Commissioners
Dan Scanlon
Sandra Hill

From: Michelle Perry

**RE: Change Order
Renovations to Currituck Outer Banks Visitor Center**

The Renovations to the Currituck Outer Banks Visitor Center was awarded to Mancuso Development in the amount of \$58,750.00. This project will upgrade the restrooms to three stalls each, in the men and women's restrooms. The lobby area will be remodeled with tile floors, new ceilings, and painted walls.

During the demolition phase of construction, Mancuso encountered several significant cracks in the concrete slab floor once the carpet had been removed. It is a strong possibility that if the tile is placed directly on top of the cracked concrete, the tile could also develop cracks. As a solution to this potential problem, Mancuso has suggested the use of an underlayment beneath the tile that will prevent cracking in the new tile floors. The total cost of this change order is \$1,761.08.

Staff recommends the approval of this change order.

CHANGE ORDER

Order No. 1

Agreement Date: _____

NAME OF PROJECT: Renovations to Currituck Outer Banks Visitor Center

OWNER: Currituck County

CONTRACTOR: Mancuso Development, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

Due to cracks in the existing slab at the Currituck County Visitor Center located at 500 Hunt Club Drive in Corolla, Mancuso Development highly suggests the use of Ditra matting to prevent future cracking in the tile.

Change to CONTRACT PRICE: \$ 1,761.08

Original CONTRACT PRICE: \$ 58,750.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ N/A

The CONTRACT PRICE due to this CHANGE ORDER will be increased (decreased) by: \$ 1,761.08

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 60,511.08

The CONTRACT TIME will be (increased)(decreased) by N/A calendar days.

The date for completion of all WORK will be March 21, 2011 (Date)

COUNTY OF CURRITUCK

By: _____
Daniel F. Scanlon, II, County Manager Date _____

MANCUSO DEVELOPMENT, INC.

By: Bernie Mancuso
Bernie Mancuso, Vice President Date 1/28/11

CURRITUCK COUNTY
NORTH CAROLINA
January 18, 2011

The Board of Commissioners met at 6 p.m. with the Economic Development Board.

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 Aydlett, Commissioners Etheridge, O'Neal, Rorer, Gilbert, Etheridge and Martin.

Invocation and Pledge of Allegiance

The Reverend Jerry Ross was present to give the invocation.

Approval of Agenda

Commissioner Etheridge moved to amend the agenda by deleting Item 4, and add to consent agenda Surplus Resolution for Sheriff's Department. Commissioner Martin seconded the motion. Motion carried.

- 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 **Presentation of June 30, 2010, Audit**
- Item 4 **Consideration of Airport Access Lease Agreement for Brady Landing (Deleted)**
- Item 5 **Appointments to the Economic Development Board**
- Item 6 **Appointment to Work Force Development Board**
- Item 7 **Appointment of Commissioner** to Rural Planning Organization Advisory Committee
- Item 8 **Consent Agenda:**
 - 1. Approval of Mosquito Control Application for (possible) Cost-Share Funding
 - 2. Budget Amendments
 - 3. Resolution Providing for Electronic Listing and Extending the Time for Filing Electronic Listings of Personal Property for Property Tax Purposes
 - 4. Approval of January 3, 2010, Minutes
 - 5. Resolution declare Surplus Property of a blower at Ocean Sands
 - 6. Award contract to Mancuso Development Inc for Corolla Visitor's Center renovations
 - 7. Sussex Development Corp - Change Order #1; YMCA
 - 8. Surplus Resolution for Sheriff's Department
- Item 9 Commissioner's Report

Item 10 County Manager's Report

Adjourn

Public Comment

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

Chairman Aydlett opened the public comment period.

Barry Richman, Corolla Fire Department, wanted to recognize the service of the volunteers and Emergency Service employees in Corolla.

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

Presentation of June 30, 2010, Audit

Sandra Hill, Finance Director, presented the Audit.

The audit was performed by Pittard Perry and Crone, Inc.

The assets of Currituck County exceeded its liabilities at the close of the fiscal year by \$158,520,362.

The Board commended the Finance office and County Manager for the county's good fiscal condition.

Consideration of Airport Access Lease Agreement for Brady Landing

deleted

Appointments to the Economic Development Board

Commissioner O'Neal moved to reappoint Ken Edgar. Chairman Aydlett reappointed Elizabeth White. Commissioner Etheridge moved to approve. Commissioner Rorer seconded the motion. Motion carried.

Commissioner Martin and Commissioner moved to table their appointments to next meeting. Commissioner Etheridge seconded the motion. Motion carried.

Appointment to Work Force Development Board

Commissioner Martin moved to appoint Bobby Hanig. Commissioner Rorer seconded the motion. Motion carried.

Appointment of Commissioner to Rural Planning Organization Advisory Committee

Commissioner O’Neal moved to appoint Commissioner Martin. Commissioner Rorer seconded the motion. Motion carried.

Consent Agenda:

1. Approval of Mosquito Control Application for (possible) Cost-Share Funding
2. Budget Amendments
3. Resolution Providing for Electronic Listing and Extending the Time for Filing Electronic Listings of Personal Property for Property Tax Purposes
4. Approval of January 3, 2010, Minutes
5. Resolution to declare Surplus Property of a blower at Ocean Sands
6. Award contract to Mancuso Development, Inc. for Corolla Visitor's Center renovations
7. Sussex Development Corp - Change Order #1; YMCA
8. Surplus Property for Sheriff’s Department, boat and trailer.

Commissioner O’Neal moved to approve. Commissioner Rorer seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or
60808-533801	Chemicals	\$ 6,000	
60808-533201	Lab Tests	\$ 6,000	
60808-513001	Utilities	\$ 4,000	
60808-545001	Contracted Services		16,000
		\$ 16,000	\$ 16,000

Explanation: Ocean Sands Water and Sewer District (60808) - Transfer funds for increased chemical, lab tests and utilities costs at the Ocean Sands Sewer Treatment plant.

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

<u>Account</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or
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<u>Number</u>			
50795-545000	Contracted Services	\$	156,612
50795-561000	Professional Services	\$	458,179
50795-588000	Contingency		\$ 614,791
		<u>\$</u>	<u>614,791</u>
		<u>\$</u>	<u>614,791</u>

Explanation: *Community Center/YMCA (50795) - Transfer funds for Sussex Change Order #1, Wildlife Garden at site and Professional Services for the YMCA of South Hampton Roads.*

Net Budget Effect: County Govt Construction Fund (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or	
66868-545000	Contracted Services	\$	3,000		
66868-533200	Lab Tests	\$	2,000		
66868-533800	Chemicals			\$	5,000
		<u>\$</u>	<u>5,000</u>	<u>\$</u>	<u>5,000</u>

Explanation: *Southern Outer Banks Water (66868) - To transfer funds for directional bores and lab testing supplies for the Southern Outer Banks Water System.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or	
61818-513000	Utilities	\$	50,000		
61818-511000	Telephone Postage	\$	2,000		
61818-533800	Chemicals			\$	52,000
		<u>\$</u>	<u>52,000</u>	<u>\$</u>	<u>52,000</u>

Explanation: *Mainland Water (61818) - To transfer funds for anticipated utilities and postage for the remainder of this year.*

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

Debit **Credit**

2000 Maxcraft 19 ft boat Vin # MRL03121E900
1999 Vent Trailer Vin # 47GRH1913X

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck declare these items as surplus and to be used as a trade in for a new boat.

Commissioner's Report

Commissioner Martin, commented on the Board retreat held over the weekend.

Commissioner Gilbert, stated that she found the retreat very informative.

Commissioner Petrey, commented on the function held at the Currituck Rural Center this weekend with about 200 visitors. They raised \$2,700.00 and are going to donate \$1,800 to the Lower Currituck Food Bank.

Chairman Aydlett thanked the staff for their work at the Board retreat.

County Manager's Report

Dan Scanlon, County Manager, stated that there will be a special pick up for paint, oil and items that are not allowed at the convenience center. The pick up will be April 2 at the Judicial Center and at the Southern Outer Banks Water System Plant.

Adjourn

There being no further business, the meeting adjourned.