



**BOARD OF COMMISSIONERS
AGENDA**

MAY 2, 2011

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REVISED

Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse

Date: Monday, May 02, 2011

Time: 7:00 PM

Work Sessions

6:30 p.m. update on the Comprehensive Transportation Plan

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 **Proclamation for Asthma Awareness to Isis Saunders**
- Item 4 **Recognition of Dr. Meghan Doyle, Currituck County Superintendent**
- Item 5 **National Day of Prayer**
- Item 6 **Public Hearing and Action:** PB 11-02 Kitty Hawk Kites – Cotton Gin: Request for a special use permit for an outdoor recreation facility (tandem hang gliding training facility) located in Jarvisburg at 6997 Caratoke Highway (Immediately behind Cotton Gin), Tax Map 108, Parcel 39, Poplar Branch Township.
- Item 6A **Consideration of Currituck Chamber of Commerce Proposal**
- Item 7 **Amendments to Wastewater Ordinances**
- Item 8 **Appointment to Fire and EMS Board**
- Item 8A **Appointment to Tourism Board**

Item 9

Consent Agenda:

1. Social Services request to reappoint of Walter Gallop to DSS Board
2. Approval of April 18, 2011, Minutes
3. Resolution approving the exhibition, use and discharge of pyrotechnics at the Whalehead Club.
4. Approval of request for Lower Currituck VFD to purchase a new command vehicle
5. Budget Amendments

Item 10

Commissioner's Report

Item 11

County Manager's Report

Adjourn

**PROCLAMATION
SUPPORTING
ASTHMA AWARENESS MONTH
MAY 2011**

WHEREAS, there is an epidemic of asthma in the United States, affecting 20 million people; and

WHEREAS, asthma is the leading cause of childhood long term illness, hospitalization and school absenteeism; and

WHEREAS, asthma affects up to 23% of children in the Currituck County Schools; and

WHEREAS, asthma is a treatable and controllable disease; and

WHEREAS, there are simple steps people can take to monitor and prevent asthma attacks and effective treatments to control asthma;

NOW, THEREFORE, the Currituck County Board of Commissioners hereby proclaims May 2011 as “***Asthma Awareness Month***” for the County of Currituck.

ADOPTED, this the 2nd day of May, 2011.

O. Vance Aydlett, Jr., Chairman

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

**RESOLUTION
RECOGNIZING
DR. MEGHAN DOYLE**

WHEREAS, the citizens of Currituck County have long recognized the historic link between education and a strong, free nation; and

WHEREAS, the Currituck County School System has enabled generations of Currituck families to build upon the lessons of the past to achieve the dreams of tomorrow; and

WHEREAS, Dr. Meghan Doyle came to Currituck County as an Assistant Superintendent of Secondary Education in 2008, and was named Superintendent of Currituck County Public Schools in 2009; and

WHEREAS, Dr. Doyle's mission was to ensure resources are available for students to graduate ready to achieve success in a 21st century global society; and

WHEREAS, Dr. Doyle has devoted her time, energy and talents to this county and its children and provided experience and sound judgment on its behalf with integrity, dignity and thoughtful reflection.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners and county staff do hereby express our sincere appreciation to Dr. Doyle for her leadership and dedicated, distinguished service to the citizens and children of Currituck County and extend to her our best wishes in her future endeavors.

ADOPTED this the 2nd day of May, 2011.

ATTEST:

O. Vance Aydlett, Jr. Chairman

Gwen H. Keene, CMC
Clerk to the Board

**PROCLAMATION
NATIONAL DAY OF PRAYER
May 5, 2011**

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

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

WHEREAS, May 5, 2011, marks the 60th consecutive observance of National Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and May 5, 2011, has been set aside as our National Day of Prayer; and

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

WHEREAS, National Day of Prayer's theme is "PRAYER...FOR SUCH A TIME AS THIS" and the scripture is "The Lord is good, a refuge in times of trouble. He cares for those who trust in Him"— Nahum 1:7; and

WHEREAS, while American troops fight for democracy and freedom around the globe and battle the war on terror, citizens of the United States will gather on May 5, 2011, to worship and pray for the American troops, our nation, churches, families, schools, businesses, media and governmental leaders, asking the Lord to grant them wisdom for the challenges they face on a daily basis;

NOW, THEREFORE, the Board of Commissioners of Currituck County, North Carolina, do hereby proclaim May 5, 2011, as "NATIONAL DAY OF PRAYER" in Currituck, North Carolina, and urge our citizens to join together in their homes, places of work, and places of worship to pray for the unity of the hearts of all mankind and to continue in prayer for our State and our Nation.

O. Vance Aydlett, Jr., Chairman

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: May 2, 2011
PB 11-02 Kitty Hawk Kites – Cotton Gin**

ITEM: PB 11-02 Kitty Hawk Kites – Cotton Gin is requesting a special use permit for an outdoor recreation facility (tandem hang gliding training facility).

LOCATION: 6997 Caratoke Highway, Jarvisburg, Poplar Branch Township.
(Immediately behind Cotton Gin)

TAX ID: 0108-000-0039-0000

ZONING DISTRICT: Agricultural, (A)

PRESENT USE: Cultivated Farmland

OWNER: Jerry and Thomas Wright

APPLICANT: John Harris, Kitty Hawk Kites

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Vacant	GB
SOUTH	Farm Buildings/Cultivated Farmland	A
EAST:	Dews Island	A
WEST:	Retail/Single Family Dwelling	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Jarvisburg subarea.

SIZE OF SITE: 75 acres

NUMBER OF UNITS: A structure will not be built for this use.

UTILITIES: The use will not require any utilities.

I. NARRATIVE OF REQUEST:

The applicant is requesting a special use permit for an outdoor recreation facility. He is proposing a tandem hang gliding training facility. A permanent structure will not be built for the use. A shade tent will be used for the activity area and it will be removed from the site daily. There will also be a port-a-john at the activity area. The applicant plans to use parking and permanent restroom facilities at the Cotton

Gin. Customers will be transported from the Cotton Gin parking lot to the activity area by electric cart. Two grassed air strips are proposed. The take off and landing pattern will be at 500' before leaving the Cotton Gin property.

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 allowed in the A zoning district with a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. All conditions meet the minimum requirements of this ordinance except for bufferyard landscaping required along Caratoke Highway and the single family dwelling property line adjoining this proposed use. Staff supports a variance to the bufferyard requirement because of the amount of vegetation clustered at the Cotton Gin and the amount vegetation on the single family dwelling lot under common ownership.

4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The operation will occur within the large agricultural area away from residential uses.
 - b. The operation will meet all FAA requirements.

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 use should have no impact on the value of adjoining property.
- b. According to the applicant the use will enhance current commercial operations within the vicinity and will promote tourism in the area.

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 the site as Limited Service within the Jarvisburg subarea. With respect to nonresidential uses, it is essential that the existing community character be preserved. Business designed to serve the tourist industry should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding areas. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY CD9: Businesses shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.

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 use should have no impact on public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

1. The shade tent must be removed from the site daily. Anchored tents shall meet section 3.10.6 of the UDO and cannot be used for longer than 30 days in a one year period.
2. The bufferyard regulations of the UDO for a private airstrip require additional trees along single family dwelling property lines and Caratoke Highway. However, the Board of Commissioners can vary this requirement and staff supports this request. The cluster of trees to the north of the Cotton Gin building appears to be sufficient and the only single family dwelling affected is owned by the owners of the subject property.
3. Airplane will not be stored in barn (or other enclosed structure) as originally proposed. If the airplane is to be stored within an enclosed structure, then the structure must be evaluated by a design professional to verify that it complies with the NC State Building Code for use as an aircraft hangar.
4. A 10x20 or less tent is not reviewed within the NC Fire Code.
5. Any temporary membrane structure must have a tent permit. It may not be used more than 180 collective days a year.
6. Health Department recommends Kitty Hawk Kites customers be able to utilize existing public restrooms provided by the Cotton Gin as well as use of proposed port-a-johns.

IV. PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of this request subject to the Technical Review Committee Comments and the following conditions:

1. The landing area shall be limited to private use.
2. Instrument Flight Rule (IFR) procedures are not permitted.
3. Written documentation and/or a permit from the North Carolina Division of Aviation shall be provided.
4. The special use permit is valid until October 2012 at which time it must be renewed.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of the special use permit with the findings of fact and staff recommendations included in the case analysis. Mr. West amended the motion by adding the following conditions:

- The permit shall be valid for three years.
- Flight operations are limited to light sport aircraft and tandem hang gliders only.
- Flight operations are only permitted from April 1 to October 1.

Planning Board Discussion (2/8/11)

Mr. Kovacs stated that the two runways, one is 1,000' and the other is 1,800', the 1,800' the hang gliders will take off within 500' of Caratoke Hwy. This may be a distraction to motorists.

Mr. West asked what kind of impact this will have on adjoining property owners.

Mr. Woody stated that the board could put a condition that no hard material be used for the runways and no commercial aviation.

Mr. Delucia stated that the operation will not take place during the duck season. One of the reasons for coming down to the Cotton Gin is to bring it closer to the beach and bring families out to the Cotton Gin. If the weather is good the gliders will go back to the Maple airport nightly or trailer them back if the weather is bad. Mr. Delucia talked about the flight pattern plan. An electric cart will transport customers from the Cotton Gin parking lot to the activity area. Mr. Delucia stated they support all the staff recommendations.

The Planning Board discussed the noise level, how many take offs during an hour, moving to a different location, spectators, parking, hours of operation, flight patterns in relation to adjoining property owners, and signage.

Mr. Thompson stated the maximum flights are six take offs and landing per hour which occurs from 9:00 a.m. to 3:00 p.m. Mr. Thompson provided an overview of the operation. Services will be provided at the Cotton Gin location as well as the Maple Airport location. Mr. Thompson stated the hours of operation are from 7:30 a.m. to dusk.

Mr. Wright stated the location which they have selected they own land around it which provides more buffering. Mr. Wright provided a history of how this came about for the Cotton Gin. If the use is not compatible with the ducks then the use goes. This is an eco tourism business which is compatible with the Cotton Gin.

Mr. Weaver stated that during the FAA permit process, the FAA will take into consideration the location of the airstrips and the flight paths.

Mr. Webber stated he lives immediately across from the Cotton Gin. He is concerned with the flight path of the gliders, safety issues, and noise. Mr. Webber is opposed to this request.

Mr. Forbes stated he is opposed to this request. He is concerned with airspace flight patterns, air rights, proximity to Jarvisburg Elementary school, noise and safety issues.

Mr. Lipman stated he is opposed to this request. Mr. Lipman stated that the application stated it will meet all FAA requirements but Kitty Hawk Kites does not have FAA approval yet. He is also concerned with noise and safety issues as well as the flight pattern.

Mr. Newbern stated he is against this project.

Mr. Harris stated the reasons for operating at the Cotton Gin are to give the customers a good experience. Family members can visit the Cotton Gin while a family member is flying. The FAA will review the safety of the airstrip which has been applied for. He is not aware of any noise problems. They are required to carry 1 million dollar liability insurance coverage. Mr. Harris provided an overview of the flight patterns.

Mr. Harrison stated they have never had any complaints from churches from their operations at the Maple Airport location.

ACTION

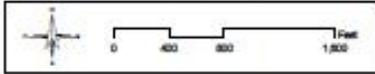
Mr. Clark moved to approve PB 11-02 with the findings of fact and staff recommendations included in the case analysis. Mr. West amended the motion by adding the following conditions:

- The permit shall be valid for three years.
- Flight operations are limited to light sport aircraft and tandem hang gliders only.
- Flight operations are only permitted from April 1 to October 1.

Mr. Clark accepted the amended conditions. Ms. Wilson seconded the motion. Ayes: Mr. Kovacs, Mr. Clark, Ms. Taylor, Mr. Bell, Mr. West, Ms. Wilson, and Mr. Midgette. Nays: Ms. Newbern.

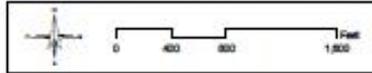


PB 11-02
Kitty Hawk Kites/Cotton Gin - SUP
Aerial Photography

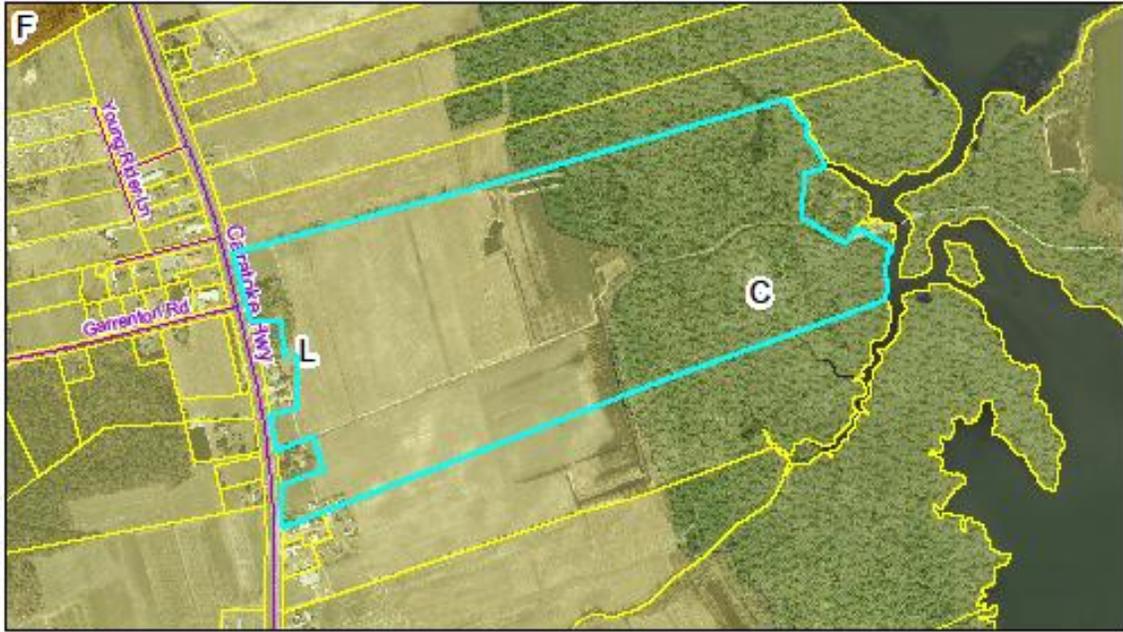




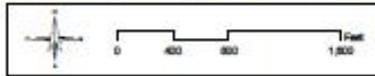
PB 11-02
 Kitty Hawk Kites/Cotton Gin - SUP
 Zoning Map



 Currituck County
 Planning Department



PB 11-02
Kitty Hawk Kites/Cotton Gin - SUP
Land Use Classification



Currituck County

Planning Department
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

TO: John Delucia, Albemarle & Associates
John Harris, Kitty Hawk Kites
Tommy Wright, Cotton Gin

FROM: Tammy Glave, CZO
Planner II

DATE: January 13, 2011

SUBJECT: Cotton Gin/Kitty Hawk Kites Private Grass Airstrip
January 19, 2011 TRC Comments

The following comments have been received for the January 19, 2011 TRC meeting. In order to be scheduled for the February 8, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on January 24, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Zoning (Tammy Glave 252-232-6025):

Approved with comment:

1. The shade tent must be removed from the site daily. Anchored tents shall meet section 3.10.6 of the UDO and cannot be used for longer than 30 days in a one year period.
2. The bufferyard regulations of the UDO for a private airstrip require additional trees along single family dwelling property lines and Caratoke Highway. However, the Board of Commissioners can vary this requirement and staff supports this request. The cluster of trees to the north of the Cotton Gin building appears to be sufficient and the only single family dwelling affected is owned by the applicant.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

1. Airplane will not be stored in barn (or other enclosed structure) as originally proposed. If the airplane is to be stored within an enclosed structure, then the structure must be evaluated by a design professional to verify that it complies with the NC State Building Code for use as an aircraft hangar.
2. A 10x20 or less tent is not reviewed within the NC Fire Code.
3. Any temporary membrane structure must have a tent permit. It may not be used more than 180 collective days a year.

Information Technology (Harry Lee, 252-232-2034)

Reviewed without comment.

Public Utilities (Pat Irwin, 252-232-2769)

Reviewed without comment.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comment:

1. HEALTH DEPT. RECOMMENDS KITTY HAWK KITES CUSTOMERS BE ABLE TO UTILIZE EXISTING PUBLIC RESTROOMS PROVIDED BY THE COTTON GIN AS WELL AS USE OF PROPOSED PORT-A-JONS.

NCDOT (Jim Hoadley, 252-331-4737)

Reviewed without comment.

Soil and Water (Mike Doxey, 252-232-3360)

Approved without comment.

NC State Archeology (Lawrence Abbott, 919-807-6554)

Approved with comment:

1. An archaeological survey is not recommended.

Currituck County Building Inspections (Spence Castello, 252-232-6020)

Approved without comment.

NC DENR Land Quality (Pat McClain, 252-946-6481)

Reviewed with comment:

1. A state approved plan is not required provided that leveling activities are minimal (not a lot of dirt being moved).

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Approved without comment.

County Engineering Department (Eric Weatherly, 252-232-6035)

Reviewed without comment.

Please note that comments were not received from the following:

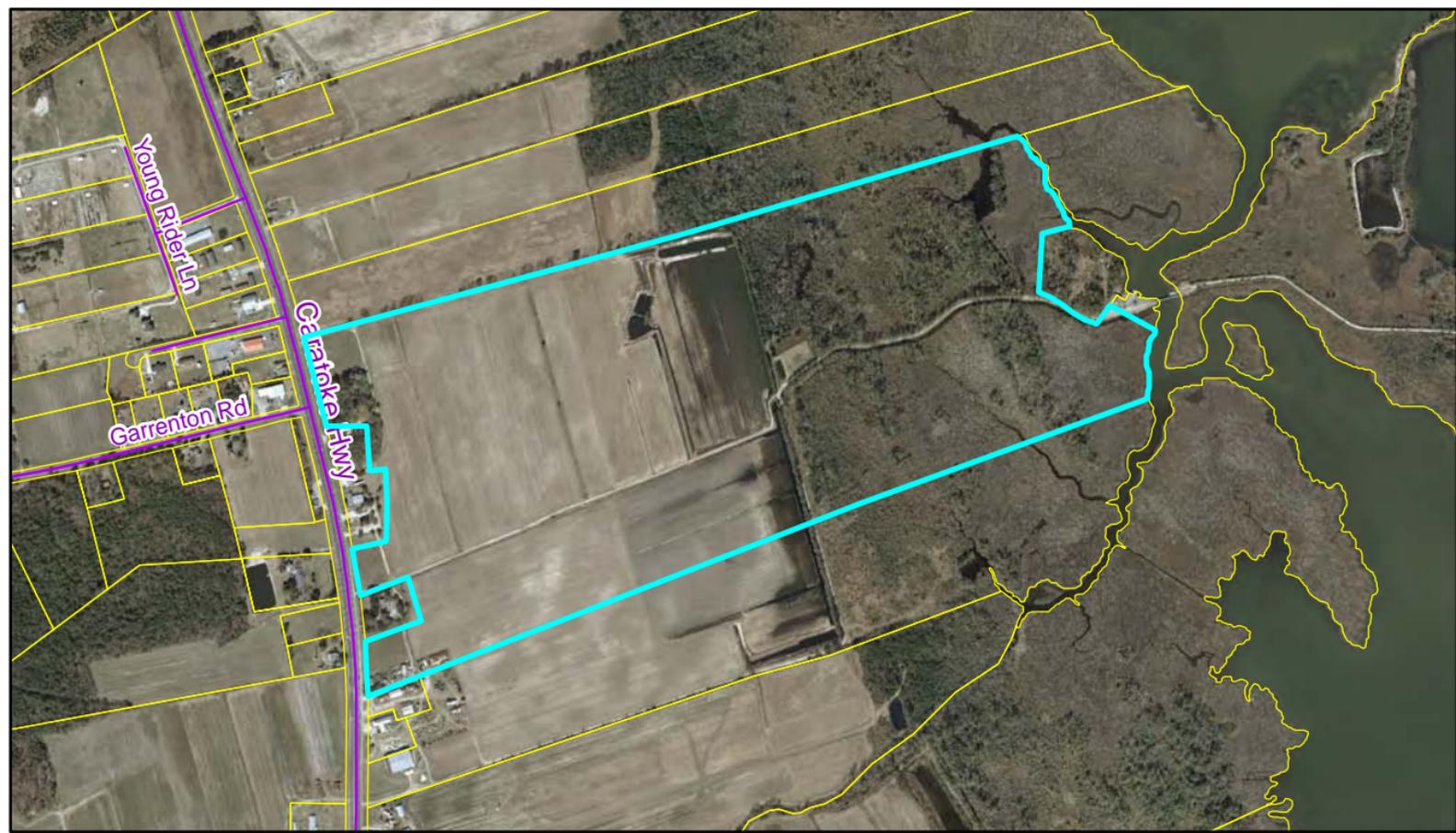
Currituck County Economic Development (Peter Bishop, 252-232-6015)
Currituck County Sheriff (Susan Johnson, 252-453-8204)
Currituck County Code Enforcement/CAMA (Stacey Smith, 252-232-6027)
US Army Corps of Engineers (Kyle Barnes, 910-251-4584)
Currituck County Schools (Megan Doyle, 252-232-2223)
NC DENR Public Water (Siraj Chohan, 919-715-3235)

NCDENR Water Quality, (Kim Colson 919-733-5083, Ext. 540)
NCDENR Environmental Management (Roger Thorpe, 252-948-3923)
Embarq, Hester Jones
Dominion Power, Troy Lindsey
Local Volunteer Fire Chief
Charter Communications, Sam Scilabba
NCDENR Aquifer Protection, David May
NCDENR Environmental Health/Onsite Wastewater, Bob Uebler
NCDENR, Marine Fisheries, Kevin Hart
NCDENR Water Quality/Surface Water Protection, Al Hodge
NC Wildlife, Maria Dunn
Centurylink, Kimberly Hoevenair

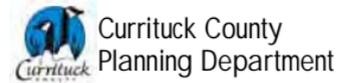
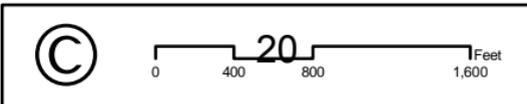
The following items are necessary for resubmittal:

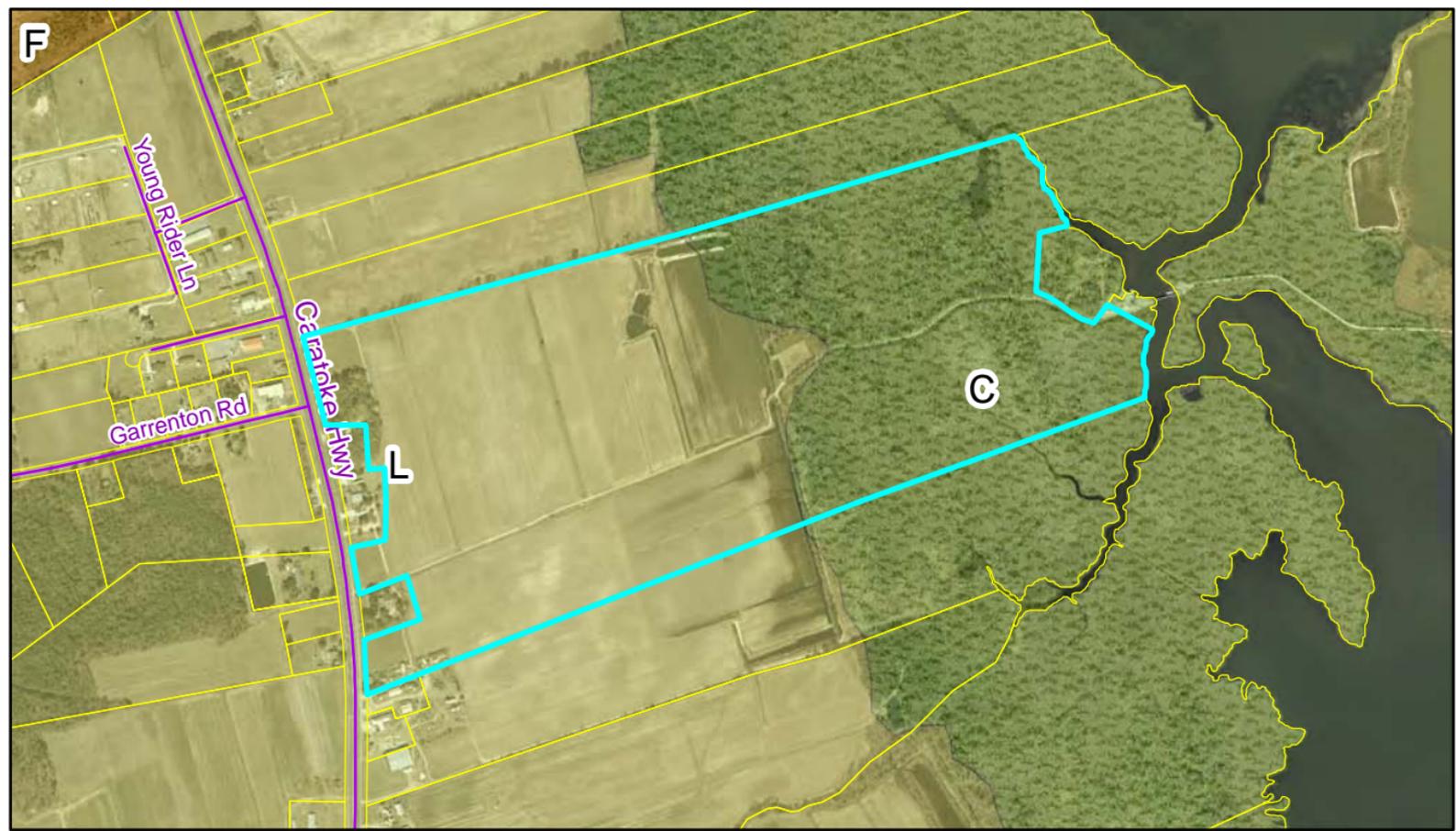
- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

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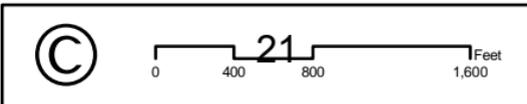


PB 11-02
Kitty Hawk Kites/Cotton Gin - SUP
Aerial Photography





PB 11-02
Kitty Hawk Kites/Cotton Gin - SUP
Land Use Classification



LM

Young River Ln

Carrenton Rd

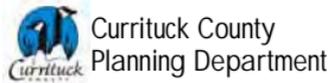
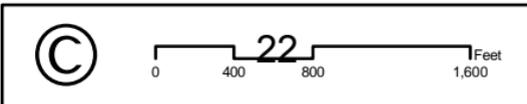
Cetataka Hwy

GB

A

R

PB 11-02
Kitty Hawk Kites/Cotton Gin - SUP
Zoning Map



INDEPENDENT CONTRACTOR AGREEMENT

THIS AGREEMENT is made the 27th day of April, 2011 between the **County of Currituck** (hereinafter "County") and Currituck Chamber of Commerce, Inc. [Contractor], (hereinafter "Contractor").

RECITALS

County is a body corporate and politic of the State of North Carolina with the duties and powers set forth in Chapter 153A of the North Carolina General Statutes.

Contractor represents that it is duly qualified to perform business, and otherwise to transact business in North Carolina.

IT IS THEREFORE AGREED as follows:

1. Scope of Work. Contractor agrees to perform the following services for County: The Chamber will perform work to implement a Buy Local campaign for Currituck County. (See attached Program of Work.) (hereinafter "the Services").
2. Compensation. Contractor will be paid for its Services by County as follows: \$60,000 total - to be paid in four installments (\$15,000 each); payments will be made by invoice following submission of progress reports (with the exception of the first deposit payment of \$15,000).
3. Contractor's Freedom to Contract. Contractor may employ assistants at its sole expense and discretion as may be necessary to fulfill Contractor's obligations under this Agreement. Contractor agrees that anyone to whom it delegates any or all of the Services called

for by this contract will be competent, qualified and capable of performing the work without any supervision, contact or assistance by County's employees. Any such assistant will be employed only by Contractor, and will not be an employee of the County while performing services under this contract.

4. Expenses. County shall not be liable to Contractor for any expenses which Contractor incurs, nor shall Contractor be liable to County for office help or expenses. Contractor shall have no authority to bind County by any promise or representation, unless specifically authorized by the County Manager in writing to do so.

5. Term. This Agreement may be terminated by either party at any time upon 30 days written notice to the other party. Upon the termination of this Agreement, Contractor shall prepare and provide to County a list of all pending unfinished business involving Contractor. Contracted Services under the terms of this agreement shall terminate upon completion of the Services which shall in no event exceed twelve (12) months for completion of the Services.

6. Nature of Relationship. Contractor understands that it is an independent contractor and is not an employee, subcontractor, agent, servant, partner nor joint venturer of County. Contractor understands that it has the right to use its best judgment and efforts to fulfill the terms and obligations of this Agreement. Contractor further understands and acknowledges the following:

- a. That it will receive no compensation other than as outlined in this Agreement and is not subject to nor eligible for any benefits which may be offered by County to its employees, such as vacation pay, sick leave, insurance coverage or retirement plan participation.

- b. Its Services provided in accordance with this Agreement are an independent calling or occupation.
- c. Contractor is expected to use its own skill, judgment and expertise to fulfill the obligations of this Agreement, and is not supervised, directed or controlled by County as to the means or methods it should employ.
- d. Contract is not required to perform tasks in any particular order or sequence.
- e. Contractor needs no training from County as to how to fulfill its duties and responsibilities.
- f. Contractor may determine its own daily schedule and those of its own employees or servants without prior approval of County.
- g. Contractor is not required to devote any particular percentage of its time or resources to perform the Services required hereunder.
- h. Contractor furnishes its own equipment and supplies and is expected to maintain its business office somewhere other than at the County's office.
- i. To the extent Contractor must procure or maintain any insurance, license, certification or trade membership, it must do so at its own cost.
- j. This Agreement shall not prevent Contractor from performing other services for other parties. Contractor may engage in other business endeavors or projects of any kind or nature.

7. Taxes. Contractor assumes exclusive liability for payment of all federal, state or other governmental division taxes and contributions for social security, Medicare/Medicaid, etc., now or hereafter required, incurred or assessed by law. Contractors providing equipment,

materials, parts or supplies shall provide a breakdown of labor, materials, parts or supplies and sales tax by County or a sales tax report approved by the County Finance Department with the invoice. Contractor agrees to indemnify and hold harmless the County from any claims for taxes as described in this Section.

8. Insurance. Contractor understands and agrees that neither it nor its employees are subject to workers' compensation or general liability coverage maintained by the County for its employees. Contractor agrees to procure and maintain workers' compensation insurance coverage for the benefit of contractor's employees or subcontractors and to procure general liability insurance listing the County as an additional insured at all times relevant to this Agreement. Contractor shall provide to County upon request a valid and current certificate of workers' compensation and general liability insurance. In the event Contractor shall fail at any time to have in force and effect insurance as required by this Section, Contractor agrees to indemnify and hold harmless County for (1) any premium paid by County to maintain insurance coverage applicable to Contractor and/or its employees or subcontractors; (2) any worker's compensation benefits paid by County as a result of Contractor's failure to comply with this Section; and (3) any amounts paid by County for general liability claims as a result of Contractor's failure to comply with this Section.

9. Indemnity. Contractor shall and does hereby agree to indemnify, save harmless and defend County from the payment of any sum or sums of money to any person whomsoever on account of claims or suits growing out of injuries to persons, including death, or damage to property caused by Contractor, its employees, agents or subcontractors in any way attributable to the performance of the Services, including (but without limiting the generality of the foregoing),

all claims for service, labor performed, materials furnished, provisions and supplies, injuries to person or damage to property, liens, garnishments, attachments, claims, suits, costs, attorneys' fees, costs of investigation and of defense. It is the intention of this paragraph to hold the Contractor responsible for the payment of any and all claims, suits, or liens, of any nature and character, in any way attributable to or asserted against County or against Contractor and County, or which the County may be required to pay. In the event the liability of the Contractor shall arise by reason of the sole negligence of County and/or the sole negligence of County's employees, agents or servants, then and only then, Contractor shall not be liable under the provisions of this paragraph.

10. Arbitration. Any controversy or claim arising out of, or relating to this Agreement, or its breach, shall be settled by arbitration in Currituck County, North Carolina in accordance with the provisions of the North Carolina Revised Uniform Arbitration Act, (the "Act"). The parties to this Agreement understand that this arbitration provision shall expressly apply to this Agreement in accordance with the Act. Judgment upon the award rendered may be entered and enforced in any court of competent jurisdiction.

11. Notices. Any notice, request or report given by one party to the other shall be in writing, deposited in the United States Mail (postage prepaid) or hand delivered and properly addressed as follows:

If the notice is to County:
Dan Scanlon, County Manager
P.O. Box 39
Currituck, NC 27929

If the notice is to Contractor:
Currituck Chamber of Commerce, Inc.
P.O. Box 1160
Grandy, NC 27939

12. Non-Waiver. Nothing set forth herein is intended nor shall be construed as a waiver of any immunity available to County, its governing board or employees.

13. Headings. The headings, subheadings and captions in this Agreement and in any exhibit hereto are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

14. Amendments. This Agreement may not be amended except by written instrument duly executed by or on behalf of all of the parties hereto.

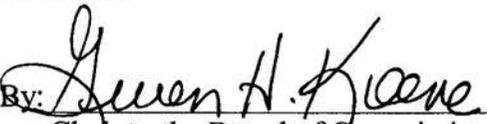
15. Complete Agreement. This Agreement constitutes the entire Agreement between County and Contractor pertaining to its subject matter and supersedes all prior and contemporaneous negotiations, agreements and understandings of either or both parties in connection therewith.

16. Governing Law. The validity, interpretation and performance of this Agreement and of its provisions shall be governed by the laws of the State of North Carolina.

The undersigned have read the entire Agreement and accept the terms and conditions as shown by their signatures below.

ATTEST:

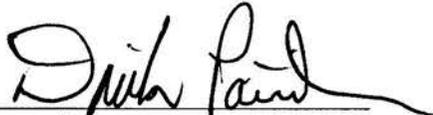
COUNTY OF CURRITUCK

By: 
Clerk to the Board of Commissioners

By:  (SEAL)

Attest:

CURRITUCK CHAMBER OF COMMERCE, INC.

By: 
D. Mike Painter, Treasurer

By:  (SEAL)
Mike Florez, Chairman / President

Independent Contractor carries and will provide County with a Certificate of Insurance for:

Workers' Compensation Yes No

General Liability Yes No

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

Sandra Hill
Finance Officer

CURRITUCK CHAMBER of COMMERCE PROGRAM OF WORK - BUY LOCAL CAMPAIGN

The Chamber will perform work to implement a Buy Local campaign for Currituck County. The goal of the program will be to influence citizens' buying habits and encourage them to spend their dollars at businesses located in Currituck County. This will unite the community by combining the county's greatest resources: local customers and local businesses.

By enjoying what Currituck's local businesses offer, we will not only strengthen our economy, but experience and taste what can be found in Currituck County.

Chamber staff will work with the Tourism Department and Economic Development Department to administer several elements of the campaign including:

- **Developing the educational component**, which will strive to inform local citizens on the importance of purchasing goods and services at businesses located in Currituck County. This is an essential part of the campaign and will require Chamber staff to develop ways to communicate with citizens.
- **Signing up businesses** for the Buy Local program. This work will include ensuring each of the county's 500+ businesses have submitted a sign-up form. Chamber staff will meet one-on-one with local businesses to ensure each is registered for the program. This component of the campaign will take a considerable amount of time, but is an essential part of the program as businesses will need to be registered in order to be included in promotional materials.
- **Assisting in the development of a website** for the Buy Local campaign. The site will include details of the program and information on how it works. Incentives for shopping local will be promoted through the site. Chamber staff will also promote the site to local citizens. (Note: The website will be owned by Currituck County.)
- **Promoting the Buy Local campaign on social media** sites such as Facebook and Twitter.
- **Maintaining a database** of the businesses signed up for the program. Information from the database (business names, services provided, hours of operation, etc.) will be used for the Buy Local website and other marketing pieces created for the program.
- **Speaking to civic/community groups** (Ruritan, American Legion, Home Owners' Associations, Home-School Associations, etc.) to promote the buy

local philosophy and campaign. The program will also be promoted by the Chamber at the annual Chamber Expo.

- **Developing retail marketing campaigns** for the holidays (Christmas, Valentine's Day, etc.) to promote local shopping.
- **Interviewing local citizens and business leaders** to collect testimonials to be used on the Buy Local website, press releases, videos, and other outlets.
- **Assisting in public relations efforts** by writing press releases and promoting the Buy Local Campaign to local media (newspapers, radio, TV), as well as creating direct mail pieces to be sent to citizens.
- **Securing sponsors** to provide incentives for the campaign. These incentives will help entice residents to spend their money locally. Work will involve contacting businesses and asking for donations. A donation sign-up form will be distributed by the Chamber, and Chamber staff will communicate quarterly incentive prizes to citizens as part of the campaign. Chamber staff will also administer the awarding of incentive prizes.
- Working with county staff to **develop promotional items** for the Buy Local campaign. This will include working to create a promotional tool kit (window clings, posters, etc.) for the businesses to use when encouraging locals to shop at county businesses.
- **Handling the sale of "Thank You for Buying Local" ink stamps.** The stamps will be sold to local businesses and can be used for receipts, invoices, envelopes and other documents.
- **Assisting county staff with the publication of a printed "Guide to Where the Locals Go."** This guide will be distributed through the county's visitor centers, as well as posted electronically on the Tourism and Chamber websites.
- **Tracking (to the extent possible) the effectiveness** of the Buy Local campaign. This will include periodically reviewing tax collection amounts, the number of businesses that have signed up for the program, visits to the website, etc.

Quarterly reports will be made to the Economic Development Director and Tourism Director. The reports will include:

- tasks accomplished
- approximately number of staff hours worked
- documentation of public relations efforts (e.g. news articles)

The Tourism staff will, in turn, keep the County Manager and Commissioners updated on the progress of the campaign.



MEMORANDUM

To: Board of Commissioners

From: Patrick Irwin
Public Utilities Director

Ref: Revising the County wide Fats, Oil, and Grease (FOG) Program and the County wide Sanitary Sewer Program

Date: April 18, 2011

Background

The Public Utilities Department has existing Fats, Oils, and Grease (FOG) and Sanitary Sewer Programs that have been approved. We would like to change the programs to cover all Currituck County Wastewater Systems.

Analysis

If we make the changes to the programs by identifying individual districts as being covered by all wastewater systems operated by Currituck County the plans will not have to be changed every time we add a new treatment plant or collection system.

Conclusion

The County's Public Utilities Department recommends the adoption of these changes so that when new systems are built or purchased they will be under the existing Fats, Oils, and Grease (FOG) and Sanitary Sewer Programs.



Fats, Oils, and Grease (FOG) Program

Currituck County, North Carolina

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1. Introduction

Fats, oils, and grease (FOG) is the leading cause of sanitary sewer overflows (SSO) in North Carolina, and FOG is a primary concern of Currituck County. FOG includes animal fats, vegetable oils, and by-products from food service establishments. Residential and commercial users alike commonly introduce FOG into home and building plumbing, and into County-owned sanitary sewer systems. (~~i.e. Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District~~).

Over time, FOG can build up and form blockages in pipes leading to wastewater backing up into homes, businesses, and resulting in sanitary sewer overflows (SSO) in the streets. Cleanup can be expensive for homeowners, and especially expensive for businesses such as restaurants, which can also be subject to fines and closures. In addition to heavy remediation costs, SSOs carry the potential for health risks which come from contact with disease-causing organisms. Raw sewage can carry bacteria, viruses, and parasitic organisms which cause a number of diseases, ranging from mild gastroenteritis (diarrhea) to life threatening ailments such as cholera, dysentery and hepatitis. SSOs also increase sewer system maintenance costs and present potential impacts to the environment.

2. Definitions

“County Engineer” shall mean the duly designated Department Head of the County Engineering Department or Department of Public Works, or his duly authorized agent.

“District” shall mean any centralized sewer system (consisting of wastewater collection and treatment) operated by Currituck County. ~~including, Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District.~~

“FOG” shall mean material either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. Examples of FOG include kitchen cooking grease, vegetable oil, bacon grease, etc.

“Food Handling Facilities” shall mean any commercial facility discharging kitchen or food preparation wastewaters including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, churches, etc.

“Grease Trap” shall mean indoor, "under the counter" units designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

“Grease Interceptor” shall mean a device, usually located underground and outside of a Food Handling Facility designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

“*Oil Water Separator*” shall mean a device, designed to remove oil (e.g. petroleum-based) from the waste stream while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

“*User*” shall mean any person, establishment, or facility that contributes, causes, or permits the contribution of FOG into the District's sanitary sewer system.

3. FOG Reduction Best Management Practices

The easiest and most efficient way of reducing FOG in plumbing and in the District's wastewater collection system is to prevent it at the source, the drain. Household sinks (bathroom and kitchen) and toilets all discharge to the sanitary sewer system. Residences are encouraged to mix fats, oils, and grease with absorbent waste such as paper towels, coffee grounds, kitty litter, or shredded newspaper, and discard them in the trash. Controlling grease at its source is critical in reducing blockages and backups which result from grease build-up. Appendix A is a *Fact Sheet For Best Management Practices* for commercial establishments prepared by the North Carolina Pretreatment, Emergency Response, and Collection Systems Unit. Special procedures may be required for specific applications.

In addition to controlling FOG at the drain, the District performs systematic annual cleaning operation and maintenance procedures at its pump stations and collection lines. Cleaning includes flushing and vacuuming of residues and deposits in the collection system. The District cleans a minimum of 10% of the total system per year.

4. General Requirements

In order to reduce sewer blockages, Food Handling Facilities that discharge into the District's sanitary sewer system must install a Grease Interceptor. Grease Interceptors shall be required at the User's expense, when such User operates food preparation or serving facilities. Grease Interceptors may be required in other commercial or industrial applications when deemed necessary by the County Engineer. The County Engineer reserves the right to make determinations of Grease Interceptor or Grease Trap adequacy and need based on review of all relevant information regarding Grease Interceptor/Trap performance, maintenance, and facility site and building review to require repairs, modifications or replacement of such Interceptors or Traps. Automotive-related facilities that may contribute petroleum-based oil to the District's sanitary sewer collection system are required to install an approved Oil-Water Separator. Wastewater from sanitary facilities shall not be introduced into any Grease Interceptor, Grease Trap or Oil/Water Separator. New Food Handling Facilities will not be allowed to initiate operations until a Grease Interceptor is approved and inspected by the County Engineer. Any facility with an existing Grease Interceptor or Trap that anticipates expanding food handling or preparation operations must receive approval from the County Engineer.

5. Authority

The North Carolina Clean Water Act of 1999 requires that municipal wastewater systems obtain a permit from the North Carolina Department of Environment and Natural Resources (NCDENR) for the operation of wastewater collection systems. All Currituck County wastewater systems are permitted by NCDENR. ~~Permits for each of the District's collection systems have been obtained, and are listed below.~~

- ~~• Ocean Sands Wastewater Collection System: DWQ Permit No. WQCS00273~~
- ~~• Newtown Sanitary District Collection System: DWQ Permit No. WQ0004082~~
- ~~• Moyock Commons Sewer District Collection System: DWQ Permit No. WQ0015053~~

Each permit requires the implementation of a FOG enforcement program, and routine inspection and cleaning of the District's collection system to monitor FOG. This document fulfills these requirements.

6. Design Guidelines

Detailed plans, showing the Grease Interceptor facilities and operating procedures, must be approved by the County Engineer prior to construction. The review and approval by the County Engineer shall in no way relieve the User from the responsibility of meeting effluent discharge limitations or properly maintaining the device.

6.1 Grease Traps

Small, indoor, point source Grease Traps incorporated into the kitchen plumbing may be allowed for existing facilities if the installation of a suitable outdoor Grease Interceptor is infeasible, a "hardship" is acknowledged, and a variance is approved by the County Engineer. Certain conditions may be imposed by the County Engineer, such as an increased clean out frequency. All Grease Traps must be designed and installed in accordance with the latest edition of the Uniform Plumbing Code.

6.2 Grease Interceptor Design

For new and existing facilities, in-ground outdoor Grease Interceptors are required, unless a variance is granted by the County Engineer. Grease Interceptors are typically pre-cast concrete units that are plumbed to receive only kitchen wastes (pot sinks, prep sinks, can wash, floor drains, dishwasher, and food grinder waste). The Grease Interceptor should be located as close to the source as possible, and in a manner that is fully accessible for regular and safe maintenance, cleaning and sampling, without creating a nuisance. A registered North Carolina Professional Engineer must seal all designs that encroach in public right-of-ways (not on private property).

Minimum design criteria for pre-manufactured Grease Interceptors shall include:

- Minimum capacity of 1,000 gallons
- 2-inch inlet and outlet differential
- 3-inch minimum wall thickness and reinforced with 6-inch x 6-inch, #10 gauge welded wire
- Minimum 2:1 length/width ratio
- At least two compartments with an interior baffle wall located two-thirds to three-quarters of the distance from the inlet end wall, vented at the top and with adequate flow through holes
- Outlet tee constructed of PVC, PE or equivalent, minimum class 160 pipe extending 50 percent of liquid depth
- Minimum concrete compressive strength of 3,500 psi
- 24-inch minimum access openings over both compartments brought up to at least finished grade and protected from surface water runoff. Access covers shall be cast iron or equivalent.
- Design shall facilitate sampling of the interceptor's effluent, measurement of the grease layer, and clean out pumping operations.
- Watertight per vacuum or exfiltration test
- Properly sealed joints to prevent infiltration or exfiltration.
- Minimum structural criteria should include:
 - Minimum structural design at 150 lbs./ft² (non-traffic installations)
 - H-20 bridge load for vehicular traffic conditions
 - ACI Building Code 318 (reinforced concrete design)
 - ASTM C1227-93 Standards for Pre-cast Concrete Tanks
 - ASTM C890 Structural Design Load for Pre-cast Water and Wastewater Structures.

A licensed North Carolina Plumbing Contractor shall install all Grease Interceptors and Grease Traps in compliance with the latest edition of the Uniform Plumbing Code and obtain a building permit from the County prior to installation.

The User shall verify the minimum tankage required based on the anticipated flow rates and organic loads, using generally accepted methods of design such as Environmental Protection Agency, North Carolina Division of Environmental Health, or Uniform Plumbing Code methods. The User shall be solely responsible for the performance of the device and its ability to consistently reduce effluent FOG concentrations below 100 mg/l as measured by EPA Method 1664A.

7. Maintenance Practices/Records

Grease Interceptors and Traps should be cleaned as frequently as necessary to maintain FOG concentrations below 100 mg/1 in the effluent, but in no case shall cleaning intervals exceed 30 days. Grease Traps may require more frequent cleaning. Grease Interceptors that accumulate a grease cap of greater than 25% of the Interceptor's depth are also considered in violation. Special maintenance requirements may be imposed for undersized installations, which are the result of a hardship or have received a variance. All waste removed from the Grease Interceptor or Trap must be disposed of at a facility permitted by the North Carolina Division of Solid Waste Management to receive such waste. The User shall be responsible for the proper removal and lawful disposal of the Grease Interceptor/Trap waste. The use of enzymes, chemical, or biological additives is not considered acceptable Grease Interceptor/Trap maintenance practice.

All Food Handling Facilities that discharge into the District's sanitary sewer system shall maintain written records on site of Grease Interceptor maintenance. A copy of an approved Grease Interceptor Maintenance form is provided in Appendix B. A Grease Interceptor Maintenance Log form that summarizes maintenance activities is provided in Appendix D. This form should be clearly posted to summarize maintenance activities and compliance with these regulations. Maintenance records must be kept for at least three (3) years and shall be provided upon request from representatives of the District or the Albemarle Regional Health Services (local North Carolina Division of Environmental Health). Failure to provide maintenance records upon request shall be considered a violation.

8. Determination of Compliance with Maintenance Requirements

A Grease Interceptor shall be considered out of compliance if any of the following conditions exist:

- The grease layer exceeds 25% of the units depth.
- FOG concentrations are found to exceed 100 mg/1 as measured by EPA Method 1664A.
- Maintenance cleaning has not been accomplished every 30 days.
- Failure to submit records.
- Inspection hindrance.

- Failure to maintain on-site records.
- Failure to maintain Interceptors or Traps in proper working order.
- Source of sewer blockage.
- Source of sanitary sewer overflow.
- Falsification of records.

Typically, the FOG generator will be evaluated based on maintenance cleaning compliance. The District may perform random inspections to determine if grease layers exceed 25% of the interceptor's depth and/or collect samples for determination of effluent FOG concentrations.

9. Inspection and Sampling

The County Engineer may conduct inspections of Food Handling Facilities connected to the sanitary sewer system, as the County Engineer deems necessary to ascertain whether the purpose and requirements of these FOG regulations are being met. Persons or occupants of premises where wastewater is created, discharged or suspected to be discharged, shall allow the County Engineer ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination. The County Engineer shall have the right to set up on the Users property such devices as are necessary to conduct sampling, inspection, and compliance monitoring operations. Denial of the County Engineer access to the User's property shall be deemed a violation. Unreasonable delays may be considered denial of access. A Grease Interceptor Inspection Form is contained in Appendix C.

10. Variance

A variance to the design and maintenance requirements contained herein may be requested. The User must submit sufficient documentation as required by the County Engineer that explains the need to vary from design or maintenance requirements. After review of the documentation, the County Engineer will notify the Food Handling Facility in writing of acceptance or denial of the variance request. If a variance is granted and the User subsequently increases anticipated food service production or, the County Engineer later determines that the discharge adversely impacts the sanitary sewer collection system or treatment works, the variance may be revoked.

11. Enforcement

If any residence or Food Handling Facility is determined to be the source, in whole or in part, of a sanitary sewer blockage and/or overflow, the residence or Facility will be assessed a fine of not less than \$100 and not more than \$5,000, plus remediation costs for clean up, in addition to any fines dispensed from the State of North Carolina. The fines contained herein are not

exclusive and the County Engineer may use other methods to remedy the situation, such as the termination of wastewater service, legal action, etc. Fines for violations are listed below:

Minor Violations

Violation	Offense			
	1st	2nd	3rd	4 th & Up
Inspection Hindrance	Warning	\$50	\$75	\$100
Failure to Maintain On-Site Records	Warning	\$50	\$75	\$100

Moderate Violations

Violation	Offense			
	1st	2nd	3rd	4th & Up
Failure to Maintain Grease Interceptors and Traps in Proper Working Order	Warning	\$75	\$100	\$150
Failure to Clean Out Grease Interceptors and Traps Every 30 Days	Warning	\$75	\$100	\$150

Major Violations

Violation	Offense	
	Minimum Fine	Maximum Fine
Source of Sewer Blockage	\$500	\$5,000 plus State Fines
Source of Sanitary Sewer Overflow	\$1,000	\$5,000 plus State Fines
Falsification of Records	\$1,000	\$5,000 plus State Fines



Sanitary Sewer Ordinance

Currituck County, North Carolina

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1. General Provisions

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect discharges into the wastewater collection and treatment system of any centralized sewer operated by Currituck County (~~Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District~~), herein referred to as the "District", and enables the District to comply with all applicable State and Federal laws.

The objectives of the ordinance are:

- a. To prevent the introduction of pollutants into the public wastewater system which will interfere with the operation of the system or the treatment or disposal of wastewater;
- b. To prevent the introduction of pollutants into the public wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- c. To protect both District personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public; and
- d. To provide for equitable distribution of the cost of operation, maintenance and improvement of the public wastewater system.
- e. To ensure that the District complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the wastewater system is subject.

This ordinance provides for the regulation of direct and indirect discharges into the District's System, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees necessary to carry out the program established herein.

1.2 Applicability of Sewer Use Provisions

The ordinance shall apply to the District and users of the District's System.

1.3 Definitions

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

- a) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.
- b) "Approval Authority" shall mean the Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or his designee.
- c) "Board" shall mean the members of the Currituck County Board of Commissioners.
- d) "Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter (mg/l).
- e) "Building Sewer" shall mean a sewer conveying wastewater from the premises of a user to the System.
- f) "Department of Environment and Natural Resources or NCDENR". The North Carolina Department of Environment and Natural Resources, Division of Water Quality or its successor. For the purposes of this Section references to the Division of Water Quality or DWQ shall be deemed to be DENR.
- g) "Director" shall mean the Currituck County Public Utilities Director.
- h) "Domestic user" shall mean any person who discharges domestic wastewater to the public sanitary sewer.
- i) "Domestic wastewater" shall mean wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in Section 7. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non industrial and noncommercial laundries. The discharge rate shall not exceed twenty-five thousand (25,000) gallons per day.
- j) "Environmental Protection Agency" (EPA) shall mean the United States Environmental Protection Agency.
- k) "Flow" shall mean the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.
- l) "Grease interceptor" shall mean any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.
- m) "Hauled wastewater" shall mean any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

- n) "Indirect discharge" or "Discharge". The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- o) "Industrial user or User" shall mean any person which is a source of indirect discharge.
- p) "Industrial wastewater" shall mean the wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding allowable limits defined in Section 7 of this Article.
- q) "Interference" shall mean the inhibition, or disruption of the District treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any State or Federal requirements or prevents sewage sludge disposal in compliance with specified applicable State and Federal Statutes.
- r) "Medical Waste" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- s) "Owner" shall mean the fee simple owner of real property whose premises is or can be provided utility service by the District.
- t) "POTW Treatment Plant" shall mean the portion of the POTW designed to provide treatment to wastewater.
- u) "Pretreatment Regulations" shall mean the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.
- v) "Publicly Owned Treatment Works" (POTW) shall mean the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.
- w) "Significant Industrial User" shall mean (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW Treatment Plant (excluding sanitary wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, or is designated as such by the Currituck County Public Utilities Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW Treatment Plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- x) "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in wastewater, and which is removable by a standard glass fiber filter.
- y) "User" shall mean any person who discharges, causes, or permits the discharge of wastewater into the POTW.
- z) "Wastewater" shall mean the liquid and water-carried domestic wastes from dwellings, commercial buildings, and mobile sources, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

2. Applicability of Sewer Use Provisions

This Article shall apply to all users of the District's wastewater system. By discharging wastewater into the wastewater system, industrial users within the District service area agree to comply with the terms and conditions established in this Article as well as any permits, enforcement actions, or orders issued hereunder.

2.1 Administrative Authority

The Public Utilities Director is hereby assigned the responsibility of administering all provisions of this Article, and shall exercise these responsibilities in accordance with the intent of this Article in a fair and objective manner. The Director may exercise discretion when necessary to administer these provisions fairly and responsibly. Any powers or responsibilities granted to or imposed on the Director may be delegated by the Director to other County or District personnel.

2.2 Sewer Use Required

- a) When the owner of a property inside the District service area shall use such property in any manner which results in the generation of wastewater, and such wastewater shall be discharged into a public sanitary sewer, the owner shall install, at his expense, a suitable building sewer and any other facilities necessary to connect the building sewer directly to the public sewer at an access point provided by the District.
- b) When the District is unable to serve single-family residential property through the gravity sanitary sewer system, as determined by the POTW director, the District may, upon written notification, approve the owner of the property to purchase and install a motor, lines, and pump so that wastewater can be pumped to the public sewer at the provided access point. It will be the responsibility of the property owner to complete the sewer connection with the purchased equipment and to maintain the pump, lines and motor to the property line at his own expense.
- c) Whenever a building sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer collects wastewater shall, upon notification of the POTW director, reconstruct, alter, clean or repair the building sewer as the condition of such may require within thirty (30) days after receiving notification.

3. Procedures for New Connections

3.1 Application for Service

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

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

3.2 Abandonment of Private Systems

All private septic systems and other similar facilities shall be properly abandoned, or removed at the time service to the POTW is made available to real estate upon which is located any structure serviced by a private septic system, and the applicable property owner shall be required to connect to the POTW at the time of such abandonment or removal.

Upon 24 hours notice, representatives of the District may enter any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

4. Standards for Building Sewers

4.1 Method of Connection

Connections of Building Sewers to the District's wastewater collection system will be made in accordance with the following requirements:

- a) All Connections shall be made in accordance with the provisions of the State of North Carolina Building Code Volume II, Plumbing, current edition.
- b) No person, unless authorized, shall uncover, make any connections with, or disturb any portion of the District's wastewater collection system, except in accordance with the applicable provisions of this Ordinance.

- c) All costs and expenses incident to the installation and connection of the Building Sewer for non-residential connections and connections occurring after the initial installation of the POTW shall be borne by the Owner. The owner shall indemnify and hold harmless the District from any loss or damage to the POTW that may directly or indirectly be occasioned by the installation of the Building Sewer.
- d) A separate and independent Building Sewer shall be provided for every building. An exception may be granted where one building on an interior lot stands at the rear of another and it is not economically feasible for the District to provide a tap to the rear building. In such event, the Building Sewer may be extended to the tap for the front building and the whole considered as one (1) Building Sewer. Exceptions such as these require a permit to be issued by the District, and shall require a written agreement between the Owners and the District as to the share of the costs of construction and maintenance that each will contribute.
- e) All Building Sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point which will permit a minimum average slope of the Building Sewer of one (1) foot per one hundred (100) feet, wastewater carried by such Building Sewer shall be lifted by pumping units or other approved means and discharged through a Building Sewer having that minimum average slope. Costs of the pumping units, piping, and power shall be borne by the Owner.
- f) Old building sewers may be used in connections with new buildings only when they are found, upon examination and testing by the District, to meet all requirements of this ordinance.
- g) No connections that will allow inflow to enter the POTW shall be permitted. Such prohibited Connections shall include but not be limited to roof down spouts, exterior foundation drains, or other sources of storm water or groundwater.
- h) The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sands traps or other interceptors as required by these Rules and Regulations.
- i) Connections to POTW will be made at the tap provided for the structure to be served.
- j) Any new connections to the POTW shall be prohibited unless sufficient capacity is available in all downstream portions of the POTW and at the POTW Treatment Plant, including, but not limited to capacity for flow, BOD and suspended solids, as determined by the District.
- k) The size of gravity sewer collection and gravity outfall lines shall be determined by the ultimate size of the area to be serviced and by the projected use and population of the area. The sewer collection and outfall lines shall be designed to maintain a velocity of at least two (2) feet per second at full flow.
- l) The District may require the developer to install sewer collection and outfall lines at a deeper depth and/or larger size than that needed by the existing proposed immediate development in

order to provide future service to undeveloped area anticipated to be developed in the future or an existing development which will require service.

4.2 Inspection and Testing

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

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

The District shall be allowed to inspect the work at any stage of construction.

4.3 Maintenance of Building Sewer/Damages

- a) Whenever a Building Sewer connected to POTW becomes clogged, broken, out of order or detrimental to the use of POTW, or the public health and welfare, the Owner of any building or premises through which the Building Sewer collects wastewater shall, upon notification by the Director, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification.
- b) No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

5. Use of Public Sewers

- a) It shall be unlawful to discharge into any natural outlet within the District or in any area under the jurisdiction of the District any wastewater or other polluted water.
- b) It shall be unlawful within the District to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Temporary portable toilet facilities may be permitted by special permit issued by the District for the purpose of providing toilet services for construction projects or special events or purposes.
- c) Construction of any new structures within the District from which wastewater is or shall be discharged shall not occur without first securing a connection to the POTW.
- d) The Owner of any building or property which is located within the District, or in any area under the jurisdiction of the District, and from which wastewater is discharged, shall be required to connect to the POTW, at the Owner's expense, within sixty (60) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the North Carolina Building

Code and this ordinance. Said official notice shall be given by the District, or its designated agent, and shall be served upon the Owner personally or by certified mail.

- e) In the event an Owner shall fail to connect to a public sewer in compliance with a notice given under this section, the District may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be a lien against said property. Such charge, when made, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of Currituck County in which the land is situated and shall be collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.
- f) Storm water and all other unpolluted water shall be discharged to a storm sewer or other appropriate outlet, subject to existing regulatory requirements.
- g) No connection shall be permitted that will allow inflow other than sanitary waste to enter the District's wastewater collection and treatment system. Said prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains or other sources of storm waters or groundwater to a building sewer which is connected directly or indirectly to a public sanitary sewer.

6. Industrial Uses and Users Prohibited

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

7. Limitations on Wastewater Strength

7.1 Federal Pretreatment Standards

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

7.2 State Requirements

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

7.3 District's Right of Revision

The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives of this ordinance.

7.4 Local Limits

Any discharge to the District's wastewater system shall meet the average discharge limits listed below. If the limits are exceeded, then the District reserves the right to require pre-treatment or preliminary treatment of waste prior to discharge into the District's wastewater system, or may assess a surcharge on the user.

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

TKN	35
Total Solids	831
Total Suspended Solids	200
Trichloroethylene	0.5
Zinc	0.165

7.5 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.

7.6 Reports

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

8. Discharge of Certain Materials Prohibited

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

- a) All waste of any type generated from any source outside the designated sewer service area as provided for in this Agreement.
- b) All waste generated from septic tank contents, portable toilets, privy vault contents, sewage holding tanks and the like generated from within the limits of the designated sewer service area.
- c) Any wastes which may directly or indirectly impair the proper functioning of the POTW.
- d) Any wastes with strength or pollution effects of which are not effectively altered by ordinary treatment processes, or the presence of which in the receiving stream would violate State and Federal water quality standards.
- e) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade). At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

- f) Solid or viscous substances in amounts which will cause obstruction to the flow in the sewer resulting in interference with the operation of the POTW. Substances and items include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- g) Any wastewater having a pH less than 5.0 or more than 10.0 or wastewater having any other corrosive property capable of causing damage to the POTW, the POTW Treatment Plant, or District personnel.
- h) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65 degrees Centigrade), or which will inhibit biological activity in the POTW Treatment Plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 105 degrees Fahrenheit (40 degrees Centigrade).
- i) Any pollutants which result in the presence of toxic gases, vapors or fumes in the receiving waters of the POTW in a quantity that may cause any worker health and safety problems. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended.
- j) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- k) Any substance which may cause treated effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW Treatment Plant to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- l) Any wastewater which imparts color which cannot be removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions.
- m) Any wastewater containing any radioactive wastes or isotopes that violate any statute or any rule, regulations, or ordinance of any public agency or State or Federal regulatory body.
- n) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Centigrade and 65.6 degrees Centigrade); and any wastewater containing oil and grease concentrations of mineral origin of

greater than 25 mg/l, whether emulsified or not. See Section 8.2 for requirements for grease interceptors.

- o) Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
- p) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the POTW.
- q) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200; or wastewater causing, alone or in conjunction with other sources, the treated effluent to fail a toxicity test.

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

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

9. Pre-Treatment of Wastewater

9.1 Grease Removal

- a) Grease traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing or serving food and/or food products. Grease interceptors are required for the proper handling of liquid wastes containing oil and/or grease to ensure concentrations do not exceed one hundred sixty (25) mg/l by weight (hexane extractable).
- b) All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the Director and as outlined in the District's Technical Standards and Specifications Manual and the Fats, oils, and grease policy. The interceptor shall be readily and easily accessible for cleaning and inspection. No more than twenty (20) percent of the interceptor's total volume will be used for a sludge pocket. The interceptor shall be kept free of materials including kitchen utensils, paper or plastic products, and rags which may settle into the required sludge pocket, and all other floating material shall be skimmed from the trap or basin tank at intervals of a frequency sufficient to avoid accumulation of scum covering the surface of the liquid.
- c) All such interceptors shall be serviced and emptied of the waste content as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer.

- d) No waste removed from the interceptor shall be reintroduced into the sanitary sewer or back into the interceptor which will cause the interceptor's discharge to exceed sewer use ordinance limits. The owner shall be responsible for sanitary disposal of such waste.
- e) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the District on the 15th day of the month following service.

9.2 Sand, Grit and Oil removal

- a) Sand, grit, and oil traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand, grit, oil, or flammable waste in excessive amounts.
- b) All such interceptors shall be of a type and capacity approved by the Director and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their contents as required, in order to maintain their minimum design capability to intercept grit, sand, oil, and flammable waste prior to the discharge of wastewater to the public sanitary sewer.
- c) Wastes removed from sand, grit and oil interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.
- d) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the District on the 15th day of the month following service.

9.3 Preliminary Treatment Devices

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

10. Accidental Discharges

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

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

- a) the time and location of the spill;

- b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- c) time period and volume of wastewater discharged;
- d) actions taken to correct or control the spill;
- e) a schedule of corrective measures to prevent further spill occurrences.

11. Inspection and Sampling

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

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

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

12. Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User. Any such request must be asserted at the time of submission of the information or data.

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

13. Enforcement

13.1 Consent Order

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

13.2 Suspension

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

13.3 Civil Penalties

Any User who is found to have failed to comply with any provisions of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to one thousand dollars (\$1,000) per day per violation.

14. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

FIRE AND EMS ADVISORY BOARD
2 Year Term

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Hugh McCain-Corolla	District 1		Vance Aydlett	3/1/2010	2nd 4/1/2012
Rick Galganski - Corolla	Outer Banks	<i>George Bergamini</i>	Fire Department Appointment	5/4/2009	4/1/2011
Charles Berry	District 3		Butch Petrey	8/16/2010	4/1/2012
Albert Stegner-Bells Island	District 4	<i>cannot be reappointed</i>	Etheridge	5/4/2009	4/1/2011
Mick Lesinski-Moyock	District 5		Marion Gilbert	3/1/2010	2nd 4/1/2012
Chris Dailey - Moyock	Mainland	<i>Mitch Copeland</i>	Fire Department Appointment	5/4/2009	4/1/2011
Stanley Griggs	At-Large		Paul O'Neal	3/1/2010	1st 4/1/2012
vacant	Northern	Kurt Black	Fire Department Appointment	3/1/2010	2nd 4/1/2012

Commissioner Aydlett

Fire department appointment: **X**

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May, 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 Decrease Expense</u>
10510-502100	Salaries - Overtime	\$ 34,000	
10510-505000	FICA	\$ 2,601	
10510-507000	Retirement	\$ 2,179	
10510-508000	Supplemental Retirement	\$ 1,700	
10510-532001	Canine Supplies	\$ 400	
10510-590000	Capital Outlay	\$ 7,289	
10510-526000	Advertising		\$ 400
10511-502000	Salaries - Regular		\$ 34,000
10511-505000	FICA		\$ 2,601
105110-507000	Retirement		\$ 3,879
10330-449900	Miscellaneous Grants		\$ 7,289
		<u>\$ 48,169</u>	<u>\$ 48,169</u>

Explanation: Sheriff (10510); Jail (10511) - Transfer funds for operations for the remainder of this fiscal year and to purchase tasers that were funded through a State grant.

Net Budget Effect: Operating Fund (10) - Increased by \$7,289.

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Clerk to the Board

BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10531-532000	Supplies	\$ 1,000	
10531-590000	Capital Outlay		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: *Emergency Management (10531)* - Transfer funds for phones to set up the Emergency Operations Center.

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

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Clerk to the Board

BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-531000	Gas, Oil Etc	\$ 4,900	
66868-545000	Contract Services		\$ 2,500
66868-514500	Training & Education		\$ 300
66868-531400	Equipment Fuel		\$ 500
66868-516400	Equipment Maintenance		\$ 500
66868-536000	Uniforms		\$ 100
66868-532000	Supplies		\$ 1,000
		<u>\$ 4,900</u>	<u>\$ 4,900</u>

Explanation: *Southern Outer Banks Water System (66868)* - Transfer funds for operations for the remainder of this fiscal year.

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

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Clerk to the Board

BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-514500	Training & Education	\$ 246	
10640-514100	Camp Transportation		\$ 246
		<u>\$ 246</u>	<u>\$ 246</u>

Explanation: *Cooperative Extension (10640)* - Transfer funds for MAPS supervisors training.

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

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Clerk to the Board

BUDGET AMENDMENT

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<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 Decrease Expense</u>
10441-590000	Capital Outlay	\$ 6,000	
10441-514500	Training & Education	\$ 1,175	
10441-557100	Software License Fee	\$ 2,160	
10440-506000	Insurance Expense		\$ 358
10441-506000	Insurance Expense		\$ 2,000
10460-506000	Insurance Expense		\$ 6,977
		<u>\$ 9,335</u>	<u>\$ 9,335</u>

Explanation: *Information Technology Services (10441)* - Transfer budgeted funds to purchase Employee Self Service for Human Resources. This program will enable employees and department heads to enter timesheets and access leave balances electronically.

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 2nd day of May, 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 Decrease Expense</u>
61818-532000	Supplies	\$ 5,000	
61818-533200	Lab Tests	\$ 600	
61818-516000	Repairs & Maintenance		\$ 5,600
		<u>\$ 5,600</u>	<u>\$ 5,600</u>

Explanation: *Mainland Water (61818) - Transfer funds for operations.*

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of May, 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 Decrease Expense</u>
60808-590000	Capital Outlay	\$ 10,221	
60808-516000	Repairs & Maintenance		\$ 8,000
60808-545000	Contracted Services		\$ 2,221
		<u>\$ 10,221</u>	<u>\$ 2,221</u>

Explanation: *Ocean Sands Water & Sewer (60808)* - Transfer funds for operations.

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

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Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
April 18, 2011

The Board of Commissioners met at 5:00 p.m. at the Extension Building for dinner and a Report to the People.

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

Invocation and Pledge of Allegiance

The Reverend Randy Blanchard, Pilmoor Memorial United Methodist Church, was present for the invocation.

Approval of Agenda

Chairman Aydlett moved to amend the agenda by adding a closed session. Commissioner O'Neal 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 **Public Hearing and Action:** PB 10-32 Corolla Light Phase 10: Request for a special use permit for retail, restaurant, outdoor recreation, and miniature golf located at 1102 Corolla Village Drive, PIN #115B000P2AVOPEN and PIN #115B000P2D1OPEN, Poplar Branch Township.

- Item 4 **Public Hearing and Action:** PB 11-04 Three of a Kind, Inc.: Request to amend the Unified Development Ordinance, Chapter 9 Infrastructure to require the county to return money held for installation of water lines and related apparatus to the developer if the waterlines have not been installed within three years after such payment.

- Item 5 **Discussion on use of alcohol in county facilities**

- Item 6 **Appointment to Board of Adjustment**

- Item 7 **Appointment to Economic Development Board**

- Item 8 **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Resolution for Surplus vehicles in Sheriff's Department
 - 3. Amendments to Wastewater Ordinances (TABLED)
 - 4. Approval of April 4, 2011, Minutes

- Item 9 Commissioner's Report

- Item 10 County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Call to Order

TDA Budget Amendments

Adjourn

Closed Session

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 and asked that if there was anyone present to speak on Item 5 to comment at this time.

Doris Flora, opposed the use of alcohol on County property.

Larry Etheridge, stated that the Fire Chief, Bill Thorn, opposes the use of alcohol at the Knotts Island Ruritan Building. He also opposes this use at the Ruritan Club.

Reverend Jim Clark, opposes the use of alcohol on county property.

Manly West, opposes the use of alcohol on county property.

Reverend Charles Stevens, opposes the use of alcohol on County property.

David Sawyer, opposes the use of alcohol on County property.

Wayne Sawyer, opposes the use of alcohol at the Extension Center Building.

Commissioner O'Neal stated that he has never received so many calls opposing this use.

Chairman Aydlett closed the public comment period.

Commissioner O'Neal moved not to change the policy of no alcohol on county property. Commissioner Etheridge seconded the motion. Motion carried.

Commissioner Rorer stated that there is a misconception of this process. The Board was to listen to the people on

this item and discuss at a later time. This was not to be voted on at this time.

Commissioner Etheridge stated that this has never been voted on.

Sheriff Johnson submitted a letter in opposition of alcohol on county property.

Public Hearing and Action: PB 10-32 Corolla Light Phase 10: Request for a special use permit for retail, restaurant, outdoor recreation, and miniature golf located at 1102 Corolla Village Drive, PIN #115B000P2AVOPEN and PIN #115B000P2D1OPEN, Poplar Branch Township.

Ike McRee, County Attorney, reviewed the process for a special use permit.

Sworn testimony was given before making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: April 18, 2011**

PB 10-32 Corolla Light, Phase 10 Special Use Permit

ITEM: PB 10-32 Corolla Light, Phase 10 Special Use Permit request for retail, restaurant, outdoor recreational, and miniature golf.

LOCATION: 1102 Corolla Village Drive, located at the intersection of Corolla Village Road and Ocean Trail (NC 12).

TAX ID: 115B-000-P2AV-OPEN
115B-000-P2D1-OPEN

ZONING DISTRICT: General Business (GB) Designation in a PUD Overlay

PRESENT USE: Utility and Open Space

OWNER: Outer Banks Ventures, Inc.
c/o R. A. Brindley
215 Brooke Avenue, Unit 1001
Norfolk, VA 23510

APPLICANT: Mitch Halloran

Coastal Engineering and Surveying, Inc.
 PO Box 1129
 Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	State of NC - Woodland and Beach	RO1
SOUTH:	Shopping Center	GB (PUD)
EAST:	Residential	RO1 (PUD)
WEST:	Whalehead Club/Wildlife Center	RO1

LAND USE PLAN

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

SIZE OF SITE: 6.88 acres

UTILITIES: The development will be served by Southern Outer Banks Water System (SOBWS). Carolina Water Service, Inc. will provide sanitary sewer service with a maximum flow of 9,000 gpd.

PUD ALLOCATION:

Total Land Area	267.05 acres
Total Open Space	131.83 acres
General Business Allocation	26.70 acres

I. NARRATIVE OF REQUEST:

- o The developer is seeking approval of a special use permit for 36-hole miniature golf course, amphitheater, sky trail rope course, retail, and a cafe.
- o According to the applicant, the existing wastewater disposal fields will be abandoned and relocated prior to operation of the proposed uses. Modifications to the wastewater treatment plant and disposal area require NCDENR permit modifications prior to construction and/or installation. The plans to relocate the wastewater disposal area must be approved by the county.
- o On March 28, 2011, the applicant notified the county of plans to idle Corolla Light WWTP #1 and divert all existing wastewater flow from the Corolla Light WWTP #1 to the Monterey Shores wastewater treatment plant.
- o On April 4, 2011, NC DENR, DWQ, indicated the state would be receptive to the proposal submitted by Outer Banks Ventures and Burgin Engineering. The

proposal includes idling Corolla Light #1 WWTP, abandoning the disposal fields at the Corolla Light #1 plant, and redirecting the flow from Corolla Light #1 WWTP to Monterey Shores facility. According to DWQ the allowance is contingent upon:

- o Proper modification being made to applicable permits.
- o Inclusion of permit conditions in the modified Monterey Shores permit providing protection of prior designees for allocation purposes.
- o Inclusion of any other permit conditions deemed appropriate to ensure proper safeguarding of the plan as a whole.
- o Other existing disposal sites (already permitted) that remain available to receive wastewater if needed, including the sub-surface system serving the Corolla Light facility and the newly permitted Outer Banks Ventures system.
- o A revised site plan (submitted on February 24, 2011) was reviewed by staff, presented to the Planning Board on March 8, 2011, and reviewed by the TRC on March 16, 2011. This plan is under review by the TRC and includes the following modifications:
 - o Temporary tents for the amphitheater and vending areas.
 - o An increase in seating in the amphitheater from 264 seats to 308 seats.
 - o Installation of chain link fencing along the perimeter of the miniature golf.

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 provided assurances for wastewater treatment and disposal, including green

area, are submitted from NC DENR, Carolina Water, and Outer Banks Ventures.

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 uses are listed as permissible uses in the Table of Permissible Uses.
 - b. Chapter 4 of the UDO requires a special use permit for specific uses located in commercial areas of a PUD.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

Suggested Findings:

- a. The conditions proposed will meet the minimum requirements of the ordinance.
4. The special use will not endanger the public health or safety.

Suggested Findings:

- a. The proposed development should have little to no negative impact on public health or safety provided assurances for wastewater disposal, including green area, are submitted from NC DENR, Carolina Water, and Outer Banks Ventures.
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. Existing commercial uses are located within the vicinity of the proposed development.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. The policy emphasis for the Corolla subarea suggests clustered commercial development. The proposed use is in keeping with the policies of the plan, some of which are:

Policy OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability

of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

Policy CA2: A CANOPY OF STREET TREES shall be encouraged along all major highways in the County. This canopy may be implemented through the preservation of existing trees or the planting of trees that will reach substantial size at maturity. The preservation or planting of such trees shall be encouraged in the area immediately adjoining the right-of-way.

Policy ES7: MARITIME FOREST and SAND DUNES shall receive a high level of environmental protection and special consideration when reviewing public and private sector development proposals in Currituck County.

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. It appears the county has adequate public facilities to service this development.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval provided the following items are submitted:

Planning Department

1. A copy of the NC DENR modified permits, permitted green area, wastewater treatment plant capacity and allocations, utility area maps, and easements that affect this property must be provided. Proposed development located within an easement must be relocated or provide legal documentation that authorizes the activities and improvements. (DRP) *Staff commentary: On March 28, 2011, the applicant provided documentation to relocate the wastewater*

treatment from Corolla Light WWTP #1 to Monterey Shores WWTP. Carolina Water must provide assurances that would secure wastewater treatment and disposal of current customers and vested properties.

IV. PLANNING STAFF RECOMMENDATION:

The proposed development meets the criteria for granting a Special Use Permit and therefore staff recommends conditional approval provided the following items can be corrected or addressed:

1. A copy of the NC DENR modified permits, permitted green area, wastewater treatment plant capacity and allocations, utility area maps, and easements that affect this property must be provided. Proposed development located within an easement must be relocated or provide legal documentation that authorizes the activities and improvements. (DRP)
2. The applicant shall demonstrate the wastewater treatment facilities can manage the current demands and future allocations/demands of Corolla Light, PUD, Buck Island, PUD, and Monterey Shores, PUD. (DRP)
3. The proposed development is adjacent to existing single family dwellings in Corolla Light, and considering the potential for amplified sound the board should give careful consideration to the hours of operation. The applicant requests hours of operation from 8:00-9:00 am to midnight, during the season. It should be noted that the Currituck County Code of Ordinances, Noise Control Ordinance, exempts sound emanating from events for which a special use permit has been issued by the Board of Commissioners. (Sec 9-35)

Should the Board recommend approval of this request, staff recommends the following permit conditions:

1. The proposed development shall be subject to the special use permit, as amended, issued by the Board of Commissioners on October 6, 2008 as well as the conditions of this permit.
2. The issuance of the special use permit does not constitute site plan approval. Modifications to the concept plan may be necessary to meet the minimum ordinance and other codes. A site plan, grading and drainage plan, landscape plan, tree preservation and maritime forest comparison plan, and lighting plan that meets the minimum commercial (non-residential)

- site plan design standards must be approved by TRC. (DRP, UDO 9.6)
3. Prior to any land disturbing activities, the applicant shall submit the following documents to the county:
 - a. A copy of the NC DENR modified permits or authorization, permitted green area, utility area maps, and easements that affect this property must be provided. Proposed development located within an easement must be relocated or provide legal documentation that authorizes the activities and improvements.
 - b. Written agreement from Carolina Water, utility provider, and Outer Banks Ventures, applicant, securing the wastewater treatment and disposal of current demands and vested, future allocations. The written agreement shall provide the following minimum information:
 - (1) A comprehensive description of current and proposed wastewater treatment and disposal operations and upgrades for Corolla Light, PUD, Buck Island, PUD, and Monterey Shores, PUD.
 - (2) A comprehensive analysis of the current and proposed wastewater allocations for Corolla, Light, PUD, Buck Island, PUD, and Monterey Shores, PUD. The analysis shall include all allocations provided by Carolina Water for future users.
 4. Provide the estimated number of trips per hour, using the Traffic Engineers Trip Generation Manual, to determine potential off-site improvements.
 5. Existing vegetation located in the required 25' type A bufferyard (eastern rear property line) shall be retained. No land disturbing activities, with the exception of planting vegetation, should occur within this area.
 6. In an effort to provide protection for the public traveling along Ocean Trail and the sidewalks, a 10 foot vegetative buffer shall be provided between the miniature golf holes and the property line. No land disturbing activities, with the exception of planting vegetation, should occur within this area.
 7. The landscape plantings shall consist of native, salt tolerant vegetation.
 8. Low Impact Development techniques such as cisterns that capture the rainwater from the roof, bio-retention areas/rain gardens, constructed wetlands, and use of porous pavement should be incorporated where possible. Cisterns should not discharge stormwater as sheet flow or concentrated flow across

- the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
9. The development should include preservation of the existing features of the site including topography along NC 12 as well as and significant vegetation. (LUP Policy WQ5, LUP Policy CA2)
 10. Where possible, a pedestrian interconnection between the Corolla Light Town Center and the proposed development should be provided, and a cross access vehicular connection is encouraged. The connection shall be coordinated with the adjacent property owner and the county.
 11. Pedestrian crossings (NC12) located at the entrance of the Whalehead Club shall not be provided at this time. The pedestrian crossing at the entrance of the Whalehead Club shall be considered upon finalization of the Heritage Park Master Plan.
 12. The architectural style and materials of all proposed buildings and fencing shall preserve the existing coastal community character of the Currituck Outer Banks. The proposed development shall be established to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, native, salt tolerant plants. (Full Service LUC)
 13. Fencing visible from NC 12 should be designed in an architectural style and of materials emphasizing the coastal community character of the Currituck Outer Banks. Use of chain link fencing along these areas shall be prohibited. (Full Service LUC)

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** of PB 10-32 due to it in a residential neighborhood, lighting, noise, hours of operation, across from Heritage Park, and not in harmony with the area at their March 8, 2011 meeting. **PLANNING BOARD DISCUSSION (3/8/11)**

Ms. Wilson stated the parking proposal is to accommodate 186 bicycles and 150 vehicle parking spaces. Does this number of bicycles factor into the reduction in parking?

Ms. Voliva stated that on the plan there is a difference of 15 spaces from what is required and what is being proposed.

Ms. Wilson stated when doing calculations from the scale on the plan it there are 12 bikes per foot of space.

Ms. Voliva stated a parking reduction must be addressed in a traffic study which is a condition.

Mr. West stated that the access would be solely from NC12 to Corolla Village Road.

Mr. Willis stated he had no comment at this time but would be happy to answer any questions.

Mr. Clark asked Mr. Willis if he has gotten the permits from NCDENR for permitted green area, utility area maps and easements that affect this property.

Mr. Willis stated no. He has a number of options of how he can resolve this and he is in the process of determining which one is the most feasible.

Mr. Clark stated it has been three months since this case has been before the Planning Board and why he doesn't have them.

Mr. Willis stated he is making decisions based on his engineering expertise as to which is the best way to resolve the issues of the wastewater disposal.

Ms. Wilson stated the site plan is showing that in the furthest southern portion of the parking lot there are 10 spaces for future parking spaces and you are short of parking.

Mr. Willis stated when this site plan was submitted he was not aware he was short of parking but would be glad to construct these parking spaces.

Ms. Taylor asked what the hours of operation of the amphitheater are.

Mr. Willis stated activity would be during the fall, spring, and summer. Activity will occur during the day as well as night which may have amplified sound.

Ms. Taylor stated this project is in the middle of a residential neighborhood.

Mr. Sides stated he represents the Corolla Civic Association. The Association has concerns about this proposal because there are many unanswered questions. There

is a lack of clarity as to what Mr. Willis is proposing and the parking issues. This proposal is incompatible with the Heritage Park. The existing trees need to be protected. Mr. Sides stated he would like Mr. Willis to define the project, have a wastewater treatment plan submitted and approved, provide complete detail of the fun park and that it is compatible with the small area plan, noise and lighting is adequately addressed, buffering and adequate parking.

Ms. Harrison is concerned with the amplified sound, hours of operation, buffering, security, parking and there are still many unanswered questions.

Mr. Harrison asked if there was an ordinance which addresses noise and a time constraint, which he was under the impression that it was 10:00 p.m. Mr. Harrison stated he is concerned with what is being proposed, parking, lighting, hours of operation, and buffering.

Mr. Clark stated the Currituck County Code of Ordinances, Noise Control Ordinance, exempts sound emanating from events for which a special use permit has been issued by the Board of Commissioners.

Mr. Woody stated the Board of Commissioners can set the hours of operation.

Ms. Voliva stated the Unified Development Ordinance establish the lighting requirements for the Outer Banks Overlay which 50% of the lights have to be turned off.

Mr. Seery provided pictures of how the proposal will affect his property. Mr. Seery is concerned with the environmental impacts this project will have, lighting, noise, wastewater runoff, lights from vehicles, the increase of traffic on NC12, and having only one access.

Mr. Taylor is concerned with the Corolla Village Road access.

Mr. Willis stated they will comply with all county ordinances that apply to lighting.

ACTION

Ms. Taylor moved to deny PB 10-32 due to incompatibility with a residential neighborhood, lighting, noise, hours of operation, across from Heritage Park, not in harmony with area. Ms. Wilson seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (2/8/11)

Mr. Willis stated he had a meeting with the state on wastewater which took place February 7, 2011. As a result of that meeting communication was sent to the county that states it is possible to construct the project with modifications to the setbacks with the wastewater plant and change in the method of disposal. This project has been presented to two community groups in the Outer Banks. Mr. Willis presented a new site plan which is consistent with the comments from the state. As part of the process this site plan will go back to the Technical Review Committee (TRC). The parking has been changed since some of the uses have been eliminated from the project. Mr. Willis is asking that the Planning Board recommend approval of the new site plan contingent upon staff being satisfied since they have met the requirements of the UDO. The only concern they have about staff recommendations are the proposed hours of operation.

Mr. Midgette stated that the disposal has to be moved before anything can be done.

Mr. Willis stated the disposal is being moved to a different site.

Mr. Clark asked what is the parking percentage with the new site plan.

Mr. Willis stated there is no need for a parking relief with the new site plan.

Mr. Midgette stated he is concerned with approving or disapproving a project because staff has not had adequate time to review the new site plan.

Mr. Willis stated that Corolla Light is a PUD and they are asking for approval of the uses that are being proposed.

Mr. Woody stated it is not uncommon that after the political process the site plan goes back to the TRC.

Mr. Kovacs stated there are complete different uses on the new site plan which are not included on the original site plan.

Mr. Willis stated the uses have not changed just the layout has changed.

Mr. Seery is asking the Planning Board to reject this proposal because it is not in harmony with Corolla, stormwater runoff, lighting, noise, public safety issues and decreasing property value.

Mr. Harrison is asking that the Planning Board deny this request because of the water problem in Corolla Light and concern with stormwater runoff, safety and security issues, setbacks from the parking lot to his property, and public walking through private property.

Mr. Sides stated he represented the Corolla Civic Association and presented a power point presentation on lack of clarity, public health concerns, lighting, noise, pollution, and not in harmony with the community. Mr. Sides is asking that this project be delayed until the county can see if it is consistent with the Corolla Village Small Area Plan. Mr. Sides on behalf of the Corolla Civic Association is asking the Planning Board to table this request until the wastewater facility has been moved and a complete set of information is provided on what this fun park will involve.

Mr. Willis stated he wants the Planning Board comments on the uses which are being proposed on this site. This is an opportunity to get input from the public, planning board and staff. Mr. Willis stated they are interested in resolving stormwater and wastewater problems and trying to do their part as good stewards of the environment. The lighting on this site will not provide a public nuisance. The amphitheater may provide some noise at times. Changes have been made to the proposal to reflect staff and public comments. Heritage Park has talked about an amphitheater for 14 years which is designed for special events weekly. Mr. Willis stated the proposed amphitheater will be used for family orientated activities and events.

The Planning Board discussed that NC DENR needs further research and evaluation is required to determine the applicability of a 100' setback to the plant.

Mr. Willis stated that if you stay out of the 100' setback all the uses are permissible.

Mr. Midgette stated that this was tabled at the last Planning Board meeting because clarification was needed from NC DENR.

Mr. Willis stated the issue before the Planning Board is whether or not he has the right to do what they are

proposing to do under the laws of the State of North Carolina.

Mr. Woody stated the board is to decide if the use is an appropriate use for the property and make a recommendation to the Board of Commissioners. Part of the deliberation is to make sure it is in compliance with county, state and federal regulations.

Mr. West stated that as a board if the uses are acceptable they would need to know about the setbacks and if the wastewater a permissible use.

Mr. Willis stated the state permit cannot be granted without zoning. If he doesn't have zoning approval then he can't get the permit which is required by the county.

Mr. Woody stated the board has to decide if they have the information needed to make a decision.

The Planning Board discussed the new site plan which has not been reviewed by staff or the planning board.

Mr. Woody stated no uses can go over the disposal area, there is a 100' setback from the wastewater treatment plant, the disposal area has to move, and authorization is required from Carolina Water. The applicant will not be able to build on the site until these things occur.

Mr. Willis stated all wastewater disposal will be removed from the site.

ACTION

Ms. Taylor motioned to table PB 10-32 due to not enough information for the wastewater treatment, not enough time to review new site plan and the community is entitled to see new site plan. Mr. West seconded the motion. Ayes: Mr. Kovacs, Ms. Wilson, Mr. Clark, Mr. West, Ms. Taylor, Ms. Newbern, Mr. Wright, and Mr. Midgette. Nays: Mr. Bell.

PLANNING BOARD DISCUSSION (1/11/11)

Ms. Taylor asked if the staff recommendations in this request are incorporated into the Corolla Village Small Area Plan and if not, could they be added.

Ms. Voliva stated it could be requested that they work with the Corolla Village Small Area Plan.

Mr. Clark asked what is the standard relief the county gives for parking percentage.

Ms. Voliva stated there is not a specified percentage. It is up to the permit issuing authority to determine whether or not parking relief should be granted. Staff is asking for a traffic study that would address bike and pedestrian traffic, as well as any off site improvements, i.e. as turn lane.

Mr. Willis stated he is on the committee for the Corolla Village Small Area Plan (SAP). They have asked that this particular piece of property be apart of the plan. Mr. Willis stated he is a strong supporter of the goals of the Corolla Village SAP. Corolla Light was approved under the ordinance in 1984 as one of the first Planned Unit Developments (PUD). The process that Corolla Light has to go through as a PUD has evolved through the years. Corolla Light has GB and PUD Overlay zoning districts, but any use that is proposed they still have to get a special use permit. Mr. Willis stated if they were going to propose an amphitheater which is not specifically governed by the county ordinance; before he knows that he can get a special use permit for this use he has to do a full set of detailed construction drawings which is costly. Mr. Willis stated that the uses they are proposing, they have the right to do under the zoning approved, but they want feedback from the county. Mr. Willis stated the uses are needed in terms of entertainment aspects for the community. Mr. Willis stated as developers for Corolla Light they have been working the wastewater issue in conjunction with the county. The two existing wastewater plants, which are 25 years old will be replaced and moved. These wastewater changes for this project were not submitted to the state prior to submitting to the county. The changes have now been submitted to the state, but Mr. Willis has not received back from the state confirmation that what they are proposing is okay.

Mr. Willis stated they are building this project to make money, important to the area, and feedback from guests is that there is not enough to do in Corolla. Mr. Willis stated the main objective in coming to the Planning Board and Board of Commissioners is to get guidance on the uses to tell them what uses they have the right to do and what uses they cannot do. Mr. Willis asked that you consider the project and make a recommendation so it can move to the Board of Commissioners so they can get feedback from the commissioners on the uses. Mr. Willis stated the new Unified Development Ordinance will address these issues.

Mr. Midgette asked Mr. Willis if he has read the staff recommendations.

Mr. Willis is concerned with the hours of operations that are proposed.

Ms. Wilson asked if the three wastewater disposal fields will be eliminated.

Mr. Willis stated the wastewater plant will completely go away and wastewater use will be handled completely different than what is there now. There will be some type of wastewater disposal on the property.

Mr. Snider stated that having an amusement park across from the Heritage Park will not be in harmony with the area. Mr. Snider stated this is not consistent with area.

Mr. Harrison stated he owns a house which is in direct view of the parking lot. Mr. Harrison is concerned what impact this will have on the value of his property. People come to Corolla to be with their families. Mr. Harrison stated it would be used for 12 weeks and will sit idle for the rest of the year. Mr. Harrison is asking that the board deny the request.

Mr. Willis talked about the commercial use of the wastewater disposal. Corolla Light is a resort village which has an indoor sports center which was controversial when it was first proposed. Mr. Willis stated there are over 3,000 lots which are platted north of the paved road in Currituck County which is not commercial. For these people where are the facilities and services for those houses going to be constructed. There are commercial uses to the south and Mr. Willis feels this project will have less impact.

Ms. Wilson stated that although there are plans to move two of the wastewater disposal plants, the proposed carousel and amphitheater would still be built over an active wastewater disposal field.

ACTION

Ms. Taylor moved to table PB 10-32 due to the lack of information from NC DENR for permits and the lack of adequate parking. Mr. Clark seconded the motion. Motion carried unanimously.

Chairman Aydlett opened the evidentiary phase of the hearing.

Commissioner O'Neal questioned the process of the Planning Board and to the Commissioners for action.

Chairman Aydlett questioned the capacity at Monterey Shores, buffer and infrastructure.

Commissioner Martin questioned staff if this was in harmony with the area.

Commissioner Etheridge stated that this is a full service area.

Commissioner O'Neal stated that the property located to the south is commercial.

Crouse Gray, Attorney for applicant, presented his case. He stated that the client will be utilizing 6.8 acres out of 267 acres. Mr. Gray stated that there was a need for recreation in the area, which would also bring jobs.

Mr. Gray presented his expert witnesses.

Mitch Halloran, Coastal Engineering and Surveying, Inc., reviewed the stormwater management plan.

Robert Bergin, Engineer representing Outer Banks Venture, reviewed the waste water plan.

Lee Moore, East Coast Entertainment, reviewed the noise concerns with the theater and that there would be no problem with the county noise ordinance.

Commissioner Martin had a question on noise control.

Chairman Aydlett, questioned the location of the theater on east side of property and decibel rating.

Commissioner O'Neal wanted to know how often concerts will take place and the times.

Commissioner Etheridge stated that this was consistent with other areas.

Guy Sides, had questions for Mr. Moore regarding sound effects by wind.

Bob Shultz, Corolla, stated that tourism is increasing in the area and does not see the need for this project.

David Murray, Attorney for property owners, questioned Mr. Moore about the size of the speakers and noise.

Jay Seery, Corolla, presented an affidavit stating that this project will injure and diminish the value of his property by at least 25% because of the loud noise, lighting and large crowds of people and vehicles.

Crouse Gray, Attorney, had no further witnesses.

Rick Willis, Developer, reviewed his project and answered questions.

David Murray, Attorney, stated that this project has not met the ordinance and there is no evidence on how to prevent noise and that it will not injure adjacent property.

Karen Galganski, Monterey Shores, expressed concerns with the waste water, noise and lighting that have not been answered.

Alicia McDonnell, Monterey Shores, had questions on the waste treatment plant.

Guy Sides, Corolla, not opposed to the development, but it is not compatible with community and Small Area Plan. Mr. Sides requested the Board table this item until the Special Use Permit is complete and require a bond for new water plant.

Doug Brindley, stated this project will bring much needed revenue and activities to the area.

Crouse Gray, Attorney for applicant, stated that his client has been in real estate for 27 years.

David Murray, Attorney, requested to redirect by quoting from the Randall Travel Marketing Report.

Wanda Harrison, Baldwin Court, stated that this would affect property values and opposes the request.

David Murray, Attorney, stated that Mr. Seery's affidavit on property values is competent evidence.

Bruce Yeutter, Corolla Light, supports the project.

James Tucker, landscaper, supports project.

Michael Grabski, Corolla Light, stated that there was information still missing on the impact of the sound.

Crouse Gray, Attorney for applicant, stated that Rick Willis will clear up existing Waste Water confusion.

Chairman Aydlett asked if they would be willing to provide extra buffering on back of the area. Mr. Willis will consider this.

Crouse Gray, Attorney, stated that this was not a mega-theater and it would be away from houses. He requested the Board grant the permit with staff conditions.

The evidentiary phase of the hearing was closed.

Commissioner Etheridge moved to approve with staff recommendations and additional buffering if necessary and closing time is 10:00 P.M. Commissioner Gilbert seconded the motion. Motion carried.

Public Hearing and Action: PB 11-04 Three of a Kind, Inc.: Request to amend the Unified Development Ordinance, Chapter 9 Infrastructure to require the county to return money held for installation of water lines and related apparatus to the developer if the waterlines have not been installed within three years after such payment.

Ben Woody, Planning Director, reviewed the request.

**Three of a Kind, Inc.
PB 11-04
UDO AMENDMENT REQUEST**

An amendment to Chapter 9 Infrastructure to require the county to return money held for installation of water lines and related apparatus to the developer if the waterlines have not been installed within three years after such payment.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Section 9.2.6.4 is amended as follows:

9.2.6.4 Fees (PB 08-49, 10/20/08)

All connection fees shall be paid for each residential lot that is required to be connected to the county water system prior to final plat approval. All connection fees shall be paid for each commercial lot required to be connected to the county water system at the time of issuance of the building

permit authorizing construction to begin. Any payment(s)/deposit(s) made to Currituck County or otherwise provided to Currituck County for the installation of water lines and/or related apparatus for or related to subdivision or plat approval shall be returned to the developer or its designee if the water lines have not been installed within three years of such payment(s)/deposit(s).

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Aydlett opened the public hearing.

William Brumsey, Attorney for applicant, reviewed the request.

Commissioner O'Neal moved to approve with developer's substitution of the payment(s)/deposit(s) with surety bond or letter of credit in like amount. Chairman Aydlett seconded the motion. Motion carried.

Discussion on use of alcohol in county facilities

Discussed during Public Comment period.

Appointment to Board of Adjustment

Commissioner Etheridge moved to appoint David Palmer. Commissioner Petrey seconded the motion. Motion carried.

Appointment to Economic Development Board

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

Consent Agenda:

1. Budget Amendments
2. Resolution for Surplus vehicles in Sheriff's Department
3. Amendments to Wastewater Ordinances (TABLED)
4. Approval of April 4, 2011, Minutes

Commissioner Etheridge moved to table item 3 in consent agenda. Commissioner O'Neal seconded the motion. Motion carried.

Commissioner Martin moved to approve consent agenda.
 Commissioner Gilbert seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415-532000	Supplies	\$ 681	
10415-514000	Travel		\$ 681
		\$ 681	\$ 681

Explanation: *Legal (10441)* - Transfer funds to supplies needs due to excessive copies for planning and litigation cases.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-521000	Rent	\$ 200	
10430-545000	Contracted Services	\$ 660	
10430-532100	Ballot Programs & Imprint		\$ 860
		\$ 860	\$ 860

Explanation: *Elections (10430)* - Transfer funds to rent and contracted services for increased rent during the November election and pest control for the Elections office.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-514000	Travel	\$ 726	
10440-514500	Training & Education	\$ 137	
10445-514500	Training & Education	\$ 137	
10440-545100	Credit Card Fees		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Finance (10440); Human Resources (10445) - Transfer funds from credit card fees for MAPS training/Laserfiche training and travel for this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10480-514000	Travel	\$ 165	
10480-521000	Equipment Lease	\$ 10,524	
10480-557300	Excise Tax on Deeds	\$ 8,000	
10480-557301	Floodplain Mapping Fee	\$ 7,000	
10480-557303	ARM Fee	\$ 1,200	
10480-557400	Children's Trust Fund Domestic Violence Centers	\$ 5,300	
10320-407000	Marriage Licenses		\$ 11,000
10320-410000	Excise Tax on Deeds		\$ 6,165
10480-514500	Training & Education		\$ 500
10480-545100	Data Processing		\$ 10,524
10480-557302	Deed of Trust Fee		\$ 5,000
		<u>\$ 33,189</u>	<u>\$ 33,189</u>

Explanation: Register of Deeds (10480) - To increase appropriations for revenue based expenses in the Register of Deeds and to reclassify equipment lease and data processing fees.

Net Budget Effect: Operating Fund (10) - Increased by \$17,165.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10490-532003	Supplies - Court Facilities	\$ 1,713	
10490-545000	Contracted Services - Other	\$ 1,500	
10490-590003	Capital Outlay - Court Facilities	\$ 38,370	
10460-592000	Courthouse Projects		\$ 33,773
10310-400010	Ad Valorem Taxes - Current Levy		\$ 7,810
		\$ 41,583	\$ 41,583

Explanation: *Court Facility Fees (10490)* - To increase appropriations for shelving and supplies for the Clerk of Courts Office, to replace heat pump in Courtroom A and for operations for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$7,810.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-557002	Permit Incentive Plan	\$ 10,000	
10310-400010	Ad Valorem Taxes - Current Levy		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: *Inspections (10540)* - To increase appropriations refunds to customers that meet the terms of the Permit Incentive Plan.

Net Budget Effect: Operating Fund (10) - Increased by \$10,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-514500	Training & Education	\$ 257	
10550-513000	Utilities	\$ 2,850	
10550-531002	Aviation Fuel	\$ 150,000	
10550-535000	Credit Card Maintenance	\$ 3,500	

10550-506000	Insurance Expense	\$	1,264
10550-507000	Retirement Expense	\$	1,500
10350-467100	Aviation Fuel	\$	131,250
10350-467101	Tax Exempt Fuel Sales	\$	10,000
10350-468000	Sale of Fixed Assets	\$	6,195
10310-400010	Ad Valorem Taxes - Current Levy	\$	6,398
		<u>\$</u>	<u>156,607</u>
		<u>\$</u>	<u>156,607</u>

Explanation: *Airport (10550)* - To increase appropriations for additional fuel sales and operating costs for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$153,843.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10775-514500	Training & Education	\$ 62	
10775-514000	Travel		\$ 62
10790-514500	Training & Education	\$ 246	
10790-514000	Travel		\$ 246
		<u>\$ 308</u>	<u>\$ 308</u>

Explanation: *Senior Center (10775); Library (10790)* - To transfer funds for operations.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
51380-425000	Public School Capital Fund	\$ 5,250	
51848-590000	Capital Outlay		\$ 5,250
		<u>\$ 5,250</u>	<u>\$ 5,250</u>

Explanation: *School Construction (51848)* - To reduce School Technology budgeted from the Public School Capital Building Fund. Technology funds run directly through the School budget and do not pass through the County.

Net Budget Effect: School Construction Fund (51) - Reduced by \$5,250.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-533200	Lab Tests Water	\$ 122	
60808-533201	Lab Tests Sewer	\$ 6,000	
60808-533600	System Supplies Water		\$ 122
60808-516001	Repairs and Maintenance		\$ 1,000
60808-561001	Professional Services		\$ 4,000
60808-545001	Contracted Services		\$ 1,000
		<u>\$ 6,122</u>	<u>\$ 6,122</u>

Explanation: *Ocean Sands Water and Sewer Fund (60808) - Transfer for operations for the remainder of this fiscal year.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66390-495015	T F - Occupancy Tax Fund	\$ 5,700,000	
66868-590000	Capital Outlay		\$ 5,700,000
		<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

Explanation: *Southern Outer Banks Water System (66868) - Loan from Occupancy Tax for the purchase of the Pine Island and Corolla Light Water Systems and to renovate the Corolla Light storage tank.*

Net Budget Effect: Southern Outer Banks Water System (66) - Increased by \$5,700,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-590000	Capital Outlay	\$ 1,700	
61818-516000	Repairs & Maintenance		\$ 1,700
		<u>\$ 1,700</u>	<u>\$ 1,700</u>

Explanation: *Mainland Water System (61818) - Transfer funds to replace a sewer pump on the*

Mainland Water plant that failed April 2, 2011.

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-532000	Supplies	\$	8,000		
10795-516001	Repairs & Maintenance - Maple Park			\$	8,000
			<u>\$ 8,000</u>		<u>\$ 8,000</u>

Explanation: Recreation (10795) - Transfer funds for supplies needed for the remainder of this fiscal year.

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

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 18, 2011 authorized the attached list of vehicles from the Sheriff’s Department, pursuant to GS 160A and 270(b), be declared surplus for public auction the date to be determined; and

WHEREAS, the volunteer fire and rescue departments within the county shall have the option to obtain the attached list of surplus property prior to auction in accordance with the adopted Surplus Property Disposal Policy for Volunteer Fire and Rescue Departments.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners reserves the right to reject any and all bids.

AUC #	VEH I.D.	Year	Make	Model
3024		1994	CHEV	CAPRICE
5512		2001	FORD	CROWN VIC
5509		2002	FORD	CROWN VIC
5741		2004	FORD	CROWN VIC
5962		2005	FORD	CROWN VIC
5959		2005	FORD	CROWN VIC
5965		2005	FORD	CROWN VIC
6097		2006	FORD	CROWN VIC

Commissioner's Report

Commissioner Martin thanked the citizens for their input at public comment.

Commissioner Etheridge questioned if we had a mutual aid agreement for surrounding counties.

Commissioner O'Neal questioned if the county offered a discount if citizens on the outer banks paid up front their impact fee for water.

Commissioner Rorer commended staff on the UDO rewrite. He also attended the Relay for Life this past week.

Commissioner Petrey and Gilbert appreciated the community involvement in helping the Board make decisions.

County Manager's Report

County Manager stated that the National Weather Service said that Currituck did have a EF1 tornado. There is no federal assistance funding for Currituck.

Closed Session according to GS 143-318.11(3) to consult with attorney to provide attorney client privilege.

Commissioner Etheridge moved to go into closed session as stated. Commissioner Martin seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken. There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Authority

Call to Order

TDA Budget Amendments

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-587066	T T - SOBWS Appropriated Fund	\$ 5,700,000	
15390-499900	Balance		\$ 5,700,000
		\$ 5,700,000	\$ 5,700,000

Explanation: *Tourism Promotion (15442)* - Transfer funds to the Southern Outer Banks Water System for a 5 year loan at 2.5% interest for start up costs to purchase the Corolla Light and Pine Island Water Systems, renovate the elevated storage tank at Corolla Light and expand the existing Southern Outer Banks water system.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$5,700,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15442-514000	Travel	\$ 2,200	
15442-514500	Training & Education		\$ 2,200
		\$ 2,200	\$ 2,200

Explanation: *Tourism Promotion (15442)* - Transfer funds for travel for the remainder of this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Adjourn

There being no further business, the meeting was adjourned

**RESOLUTION APPROVING THE EXHIBITION, USE AND DISCHARGE OF
PYROTECHNICS AT THE WHALEHEAD CLUB
IN COROLLA, NORTH CAROLINA**

WHEREAS, pursuant to N.C. Gen. Stat. §§14-410 and 14-413 a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the board of commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as The Whalehead Club in Corolla, North Carolina on July 4, 2011 which will be a public exhibition and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as The Whalehead Club in Corolla, North Carolina on July 4, 2011.

Section 2. This resolution shall be effective upon adoption

ADOPTED the 2nd day of May, 2011

O. Vance Aydlett, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

**LOWER CURRITUCK VOLUNTEER FIRE
DEPARTMENT
P. O. Box 207
Grandy, North Carolina 27939**

April 7, 2011

Currituck County Board of Commissioners:

O. Vance Aydlett, Jr., Chairman
John D. Rorer
J. Owen Etheridge
Marion Gilbert
Paul Martin
S. Paul O'Neal
H. M. Butch Petrey

The Lower Currituck Volunteer Fire Department, Inc. is requesting consent to purchase a new command vehicle to replace a 1992 Mercury sedan that was recently surplused. The department obtained several proposals from area dealers for a 2011 Chevrolet Suburban. The lowest proposal was from Bobby Murray Chevrolet in Raleigh. The cost is \$40,000.75. This purchase will be through state contract.

The department has approximately \$10,000 for a down payment and will finance the balance with the Local Government Federal Credit Union. The down payment is from donated revenue, not tax payer funds.

A copy of the specifications for the selected vehicle is available upon request. The department believes this vehicle will provide a six to eight year service life.

Thank you for your consideration on the matter.

Sincerely,

William E. "Bill" Jones
Chief
Lower Currituck Vol. Fire Department