

CURRITUCK COUNTY  
NORTH CAROLINA  
August 1, 2011

The Board met at 5:00 p.m. to discuss Outdoor Tour Operators and at 5:30 to discuss the Stormwater Manual.

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, Petrey, and Rorer.

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

The Reverend Paul Boop, Truth Alive Church, was present to give the invocation.

### **Approval of Agenda**

Commissioner Martin moved to approve agenda with amendments. Commissioner Gilbert 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** Resolution authorizing the filing of an application for approval of a financing agreement not to exceed \$8,500,000 for ten years to purchase the existing water systems from Carolina Water Service, Inc., Pine Island Water, LLC and to expand the Southern Outer Banks Water System capacity

Item 4 **Consent Agenda:**

1. Approval of July 18, 2011, Minutes
2. Resolution for Albemarle Regional Health Services to apply for, administer and report on all funding associated with the ROAP
3. Appointment of Dr. Greg Howell as ALS Medical Director for Currituck County Fire-EMS
4. Southern Outer Banks Water System Expansion 2011 Project Ordinance
5. College of the Albemarle Aviation & Technical Training Center Project Ordinance
6. Budget Amendment
7. Resolution in support of grant application for Industrial Development Fund Utility Account Program
8. Surplus property handheld meter readers
9. Resolution Designating Review Officers
10. Approval of Second Amendment to YMCA Lease Agreement

Item 5 Commissioner's Report

Item 6 County Manager's Report

Item 7 **Closed Session:**

1. Closed Session according to GS 143-318.11(3) to consult with an attorney in order to preserve the attorney-client privilege

Adjourn

**Public Comment**

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

Chairman Aydlett opened the public comment period.

Commissioner Etheridge reminded the public of fireworks at the Whalehead Club on Tuesday. He also requested a letter to DOT regarding signs warning of Farm Tractors on road.

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

**Public Hearing and Action Resolution authorizing the filing of an application for approval of a financing agreement not to exceed \$8,500,000 for ten years to purchase the existing water systems from Carolina Water Service, Inc., Pine Island Water, LLC and to expand the Southern Outer Banks Water System capacity.**

Sandra Hill, Finance Director, reviewed the purchase of water systems and expansion of existing system.

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

Commissioner O'Neal approved the resolution. Commissioner Petrey seconded the motion. Motion carried.

## **RESOLUTION**

### **RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Currituck, North Carolina desires to acquire existing water systems from Carolina Water Service, Inc of North Carolina, Pine Island Water, LLC and Turnpike Properties, LLC; upgrade the capacity of the existing Southern Outer Banks Water System (the "Project") to better serve the citizens of the Southern Outer Banks, Corolla, NC; and to pay off the existing debt for the Southern Outer Banks Water System that matures August 22, 2013; and

WHEREAS, The County of Currituck desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Currituck, North Carolina, meeting in regular session on the 1st day of August, 2011, make the following findings of fact:

1. The proposed contract is necessary or expedient to provide adequate and quality water to Corolla Light Planned Unit Development, Monterey Shores Planned Unit Development, Currituck Club Planned Unit Development and Pine Island Planned Unit Development and expand the capacity of the current Southern Outer Banks Water system.
2. The proposed contract is preferable to a bond issue for the same purpose because the County desires to borrow an amount not to exceed \$8,500,000, which would be bank qualified debt, for ten (10) years and it is more economical for the County to execute an installment purchase contract for this amount rather than increase the borrowing costs with the costs associated with a bond referendum and issuance of bonds.
3. The cost of financing under the proposed contract is comparable to the cost of issuing general obligation bonds. The process of having a bond referendum and going through the approval process would delay the project by six to eight months and the County desires to move forward with the installment purchase contract.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County will generate funds for this project through tap and usage fees over the term of the installment purchase contract.
5. The County of Currituck's debt management procedures and policies are good because the County has identified revenue sources to make debt payments and invests and monitors all funds to assure that debt payments are made when due.
6. The County does not anticipate increasing taxes for this new debt. The County anticipates that this utility system generated revenue will be sufficient for future debt payments for the life of this debt.
7. The County of Currituck is not in default in any of its debt service obligations.
8. The County of Currituck may be reimbursed for payments made for acquisition of assets, repayment of existing debt or other costs incurred prior to the loan closing.
9. The attorney for the County of Currituck has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Currituck County Finance Director is hereby authorized to act on behalf of the County of Currituck in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

**Consent Agenda:**

1. Approval of July 18, 2011, Minutes
2. Resolution for Albemarle Regional Health Services to apply for, administer and report on all funding associated with the ROAP
3. Appointment of Dr. Greg Howell as ALS Medical Director for Currituck County Fire-EMS

4. Southern Outer Banks Water System Expansion  
2011 Project Ordinance
5. College of the Albemarle Aviation & Technical  
Training Center Project Ordinance
6. Budget Amendment
7. Resolution in support of grant application for  
Industrial Development Fund Utility Account  
Program
8. Surplus property handheld meter readers
9. Resolution Designating Review Officers
10. Approval of Second Amendment to YMCA Lease  
Agreement

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

**COUNTY OF CURRITUCK  
CAPITAL PROJECT ORDINANCE**

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

**SECTION 1.** The projects authorized are purchase of existing water systems from Carolina Water Service, Inc of North Carolina that serves Corolla Light, Monterey Shores and Currituck Club; purchase of existing water system from Turnpike Properties, LLC that serves Pine Island; design and construction to expand the existing Southern Outer Banks Water System plant and distribution system to provide quality water for current customers and for customers in the system purchases above.

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

Professional Services/Design & Construction Mgmt	\$	600,000
0.75 mgd RO Treatment	\$	1,800,000
0.25 mgd Conventional Treatment	\$	500,000
1.5 mg Water Storage	\$	900,000
Piping/Distribution Lines	\$	700,000
Complete CWS Wells	\$	500,000
Carolina Water System purchase	\$	3,605,919
Pine Island Water System purchase	\$	2,000,000
Paint Existing Carolina Water Tank	\$	200,000
Payoff existing loan	\$	2,824,871
Contingency	\$	569,210
		<hr/>
		\$ 14,200,000

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

Loan from Occupancy Tax Fund	\$ 5,700,000
Commercial Loan for System Purchase	<u>\$ 8,500,000</u>
	<u><u>\$ 14,200,000</u></u>

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

**SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

**SECTION 6. CONTRACTUAL OBLIGATIONS**

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

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

**SECTION 7. USE OF BUDGET ORDINANCE**

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

**COUNTY OF CURRITUCK  
CAPITAL PROJECT ORDINANCE**

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

**SECTION 1.** The project authorized is design and construction documents for the College of the Albemarle Aviation and Technical Training Center in Maple, North Carolina.

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

Professional Services		
Preconstruction & Design Services	\$	456,830
Reimbursable Expenses		
Planning, Civil Engineering & Environmental	\$	35,000
Electric & Gas Utility Underground Fees	\$	35,000
Bonds, Permits, Fee Allowances	\$	35,000
Special Inspections Fees Allowance	\$	65,000
Geotechnical Report	\$	12,500
Builder's Risk Insurance	\$	35,000
Contingencies	\$	323,849
		<u>\$ 998,179</u>

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

Transfer from Capital Reserve	\$	998,179
	\$	<u>998,179</u>

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

**SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

**SECTION 6. CONTRACTUAL OBLIGATIONS**

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

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

**SECTION 7. USE OF BUDGET ORDINANCE**

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
43848-590000	Capital Outlay Appropriated Fund	\$ 220,000	
43390-499900	Balance		\$ 220,000
		<u>\$ 220,000</u>	<u>\$ 220,000</u>

**Explanation:** Land Banking Fund (43848) - To appropriate funds to purchase Mackey property and property from the State of North Carolina. Cost includes purchase price and estimated closing costs. Both properties are located in Maple, NC.

**Net Budget Effect:** Land Banking Fund (43) - Increased by \$220,000.

**RESOLUTION IN SUPPORT OF GRANT APPLICATION  
TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE  
INDUSTRIAL DEVELOPMENT FUND –UTILITY ACCOUNT PROGRAM**

BE IT RESOLVED, that a grant from the Department of Commerce Industrial Development Fund-Utility Account, through the County of Currituck be made to assist the Maple Commerce Park project, an 85-acre, NC-Certified Site being developed and marketed to attract industry and create jobs and increase taxable investment in the County.

BE IT FURTHER RESOLVED, that Currituck County will administer this grant in accordance with the rules and regulations of the Department of Commerce.

BE IT FURTHER RESOLVED, that the County will administer this grant through the County Finance Office & Economic Development Office.

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations.

BE IT FURTHER RESOLVED, that the amount of the grant application will be \$500,000.

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on August 1, 2011 authorized the following, pursuant to GS 160A and 270(b), the property listed below be declared surplus.

**Two handheld meter readers:**

**Datamatic Roadrunner S/N 003993292**

**Datamatic Roadrunner S/N 003953529**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of County of Currituck declare these items as surplus.

### **RESOLUTION**

WHEREAS, GS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as review officers to review plats before they are recorded; and

WHEREAS, appointed review officers shall certify that the plat meets the statutory requirements for recording; and

WHEREAS, the persons appointed as review officers should be experienced in mapping or land records management.

**NOW, THEREFORE, BE IT RESOLVED**, that the following individuals serving in the positions indicated are hereby designated as review officers as required by GS 47-30.1.

Tracy Sample, Tax Administrator  
Lucy Cardwell, GIS Specialist – Land Records  
Tammy Glave, Planner II  
Donna Voliva, Planner II  
Brad Schuler, Planner I  
Jason Litteral, Planner I  
Holly White, Senior Planner  
Ben Woody, Planning Director

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the individuals listed above, the Planning Director, Senior Planner, Planners and the Currituck County Register of Deeds.

### **Commissioner's Report**

Commissioner Petrey commended Finance Director, Sandra Hill.

Commissioner Rorer reminded staff of ceremony at the YMCA.

Commissioner O'Neal read a letter from State Auditor.

Commissioner Martin commented on buying local from farmers.

Chairman Aydlett commented on a rescue on Knotts Island.

**County Manager's Report**

**No comments**

**Closed Session:**

1. Closed Session according to GS 143-318.11(3) to consult with an attorney in order to preserve the attorney-client privilege

Commissioner Rorer moved to go into closed session as stated. Commissioner Gilbert seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.