

CURRITUCK COUNTY  
NORTH CAROLINA  
April 2, 2012

The Board of Commissioners met at 5:00 p.m. to discuss Tour Operators, Off Road Area Study, Beach Driving Committee recommendations and Drainage.

The Board directed staff to follow up recommendations discussed and bring back to the Board for further discussion.

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

**A) Invocation**

**B) Pledge of Allegiance**

The Reverend Keith Hamm, Powells Point Christian Church was present for the invocation.

**C) Approval of Agenda**

Commissioner Gilbert moved to amend the agenda by deleting Appointment to Fire and EMS Board under Board Appointments and discuss #3, Resolution to approve Branch Bank & Trust for financing of the Moyock Sewer in an amount of \$2,700,000 at a rate of 3.09% for 15 years, in the consent agenda under Old Business. Commissioner Aydlett seconded the motion. Motion carried.

**Public Comment**

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

**Administrative Reports**

A) Ron Lowe, East Carolina Behavioral Health

**Old Business**

A) **Consideration and Action:** PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales

stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.

- B) Resolution to approve Branch Bank & Trust for financing of the Moyock Sewer in an amount of \$2,700,000 at a rate of 3.09% for 15 years.

**New Business**

**A) Board Appointments:**

- 1. Appointment to Airport Board

- B) **Public Hearing and Action:** PB 12-05 Currituck County: Request to rewrite and adopt the Unified Development Ordinance to consolidate the county's zoning, subdivision, and flood damage prevention regulatory authority as authorized by the North Carolina General Statutes.

**C) Consent Agenda:**

- 1. Approval of March 19, 2012 Minutes
- 2. Disposal of Department of Social Services' files
- 3. Resolution to approve Branch Bank & Trust for financing of the Moyock Sewer in an amount of \$2,700,000 at a rate of 3.09% for 15 years. **MOVED TO OLD BUSINESS FOR DISCUSSION AND ACTION**
- 4. Approval of the Mainland Water System's Wellhead Protection Plan
- 5. Budget Amendments
- 6. Utility Service Corp Change Order #1; \$5,700 - A new roof vent, a new door for the cellular pod, and holes in the hydro-pneumatic tanks had to be filled with epoxy - Corolla Light Water Tank.
- 7. Resolution Surplus property, Sheriff's Department
- 8. Juvenile Crime Prevention Control Funding Plan for FY 2013

- D) **Commissioner's Report**

- E) **County Manager's Report**

Adjourn

**D) Public Comment**

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

Chairman Rorer opened the public comment period.

Commissioner Gilbert stated that this was "Domestic Violence Month" and reported on the efforts of Albemarle Hopeline.

Commissioner O'Neal requested staff to send another letter to Dominion Power opposing an additional rate increase when they just received one in November. Commissioner Aydlett seconded the motion. Motion carried.

Marie Long, Carova Beach, opposes the request for a safe zone on the northern beaches.

Commissioner Etheridge stated he also attended the Albemarle Hopeline breakfast.

Kim Old, Moyock, stated that the water tap fee for minor subdivisions is not fair since the county cannot provide water at this time. He requested the Board to waive the fee for minor subdivisions.

Commissioner O'Neal moved to waive the water tap fee for minor subdivisions until the text amendment was brought forward and acted upon. Commissioner Petrey seconded the motion. Motion carried.

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

### **Administrative Reports**

#### **A) Ron Lowe, East Carolina Behavioral Health**

Mr. Lowe, with Recovery Innovations, reviewed their program. This program provides recovery education to people in the community by partnering with key health and human service agencies. Currituck County's class and meeting place is at the Currituck County Detention Center.

### **Old Business**

- A) Consideration and Action: PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director reviewed the request.

On December 6, 2010, the Board of Commissioners granted Soundside Recycling a one-year extension of the Special Use

Permit (SUP) for a demolition landfill (recycling center). This extension required that all state permits needed to relocate operations east of the power transmission lines be issued within one year and that the applicant comply with all county ordinances within 90 days of the extension.

According to quarterly updates and recent correspondence with Racy Newbern, the State permit for the relocation of materials and operations was issued in March 2011. A pre-operative condition of the State permit is to provide a surety guarantee prior to operation of the new facility. The surety guarantee was secured in November 2011. Mr. Newbern stated that improvements to the site are underway to achieve compliance with the relocation requirement of the special use permit.

Prior to the April 2, 2012 Board of Commissioners meeting, staff will inspect the property to ensure the site complies with the relocation requirement of the SUP. A summary will be provided at the public hearing.

This special use permit was extended to April 2, 2012 and the applicant is requesting a renewal. The current special use permit and site plan are enclosed.

Commissioner Aydlett moved to approve with the following conditions: The use will operate in compliance with the State Permit; All required site modifications will be completed within six months; All previously approved conditions shall be included in the permit. Commissioner O'Neal seconded the motion. Motion carried.

**B) Resolution to approve Branch Bank & Trust for financing of the Moyock Sewer in an amount of \$2,700,000 at a rate of 3.09% for 15 years.**

Chairman Rorer requested the County Manager to review in detail #3 moved from the Consent Agenda.

Dan Scanlon, County Manager, reviewed the financing of the Moyock Sewer and completion date. He will bring the rate structure back to the Board for review at a later date.

Commissioner O'Neal moved to approve. Commissioner Martin seconded the motion. Motion carried.

**Resolution Approving Financing Terms**

**WHEREAS:** The County of Currituck (the "County") has previously determined to undertake a project for financing of design and construction of a Central Sewer Project in Moyock, NC (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated March 23, 2012. The amount financed shall not exceed \$2,700,000, the annual interest rate shall not exceed 3.09%, and the financing term shall not exceed fifteen (15) years from closing.

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

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

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal

and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

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

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

### **New Business**

#### **A) Board Appointments:**

##### 1. Appointment to Airport Board

Commissioner Aydlett appointed Robin Hutchings.  
Commissioner O'Neal seconded the motion. Motion carried.

##### 2. Appointments to Fire & EMS Board

#### **Tabled**

Commissioner Etheridge moved to have all the advisory boards have a voting member. Commissioner Gilbert seconded the motion. Motion carried.

**B)Public Hearing and Action: PB 12-05 Currituck County:  
Request to rewrite and adopt the Unified Development Ordinance to consolidate the county's zoning, subdivision, and flood damage prevention regulatory authority as authorized by the North Carolina General Statutes.**

Ben Woody, Planning Director, reviewed the request.

In 2009, the Board of Commissioners directed county staff to move forward with the process of updating and modernizing the county's development regulations. The revised Unified Development Ordinance (UDO) is the primary implementation link between the adopted Land Use Plan and other local planning initiatives. The standards included in the UDO not only reflect the policies of the Land Use Plan, but also address current market trends and incorporate best practices.

Staff is requesting the redlined version of the UDO Public Hearing draft be adopted with a six month effective date. During this six month period, applicants will have the option of choosing which development ordinance to submit applications under. Staff will also use this time to develop revised applications and administrative procedures for inclusion in an Administrative Manual.

The full public hearing draft of the UDO is available for review at the Historic Currituck Courthouse or at [www.newcodecurrituck.com](http://www.newcodecurrituck.com)

Chairman Rorer opened the public hearing.

Theresa Norrell, Moyock, addressed some of the questions and opposed the UDO.

Mattie Lawson, Kill Devil Hills, questioned sustainable development as defined by the Planning Director. She opposes the approval of the UDO because of UN Agenda 21.

Jill Rolfes, Moyock, opposes the UDO as more government and questioned the Planning Board's decision to approve.

Toni Tabb, Moyock, opposes the UDO and consider the issues in the UN Agenda.

Paul Beaumont, Shawboro, supports the new UDO because it streamlines the existing UDO and supports proceeding forward. He commended staff for their good work on this process.

Jim Owens, Maple property owner, supports the UDO and commends the Commissioners and Staff for a good job that encourages quality development.

Marie Long, Carova, supports staff and the UDO.

Rick Willis, stated that this represents the best effort by staff and supports the UDO.

Lynne Wilson, supports the new UDO.

Ben Rolfes, Moyock, stated that he is pro business but questions the process and requested the Board to re-evaluate.

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

Chairman Rorer moved to approve due to its consistency with the 2006 Land Use Plan and the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner Gilbert seconded the motion. Motion carried.

**C) Consent Agenda:**

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4. Approval of the Mainland Water System's Wellhead Protection Plan
5. Budget Amendments
6. Utility Service Corp Change Order #1; \$5,700 - A new roof vent, a new door for the cellular pod, and holes in the hydro-pneumatic tanks had to be filled with epoxy - Corolla Light Water Tank.
7. Resolution Surplus property, Sheriff's Department
8. Juvenile Crime Prevention Control Funding Plan for FY 2013

Commissioner O'Neal approved the consent agenda. Commissioner Martin seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
20609-590000	Capital Outlay	\$ 434,201	
	Appropriated Fund		
20390-499900	Balance		\$ 434,201
		<u>\$ 434,201</u>	<u>\$ 434,201</u>

**Explanation:** *Whalehead Subdivision Drainage District (20609)* - Increase appropriations for Dominion Power and Instrulogic for Phase II completion and for Engineering and Design for Phase III of the Whalehead Drainage Project.

**Net Budget Effect:** Whalehead Drainage District (20) - Increased by \$434,201.

<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	\$ 122,000	
	Appropriated Fund		
43390-499900	Balance		\$ 122,000
		<u>\$ 122,000</u>	<u>\$ 122,000</u>

**Explanation:** *Land Banking Fund (43838)* - Increase appropriations to purchase property on Gabbard Lane to include survey and other closing costs.

**Net Budget Effect:** Land Banking Fund (43) - Increased by \$122,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
17838-532000	Supplies	\$ 7,500	
17838-545000	Contract Services		\$ 7,500
		<u>\$ 7,500</u>	<u>\$ 7,500</u>

**Explanation:** *Whalehead Solid Waste District (17838)* - Transfer funds for totter decals and informational magnets in the Whalehead Solid Waste District.

**Net Budget Effect:** Whalehead Solid Waste District (17) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10796-545000	Contract Services	\$	3,190		
10796-590000	Capital Outlay			\$	3,190
		<u>\$ 3,190</u>		<u>\$ 3,190</u>	

**Explanation:** *Rural Center (10796)* - Transfer funds for site plan work for the Rural Center boardwalk, picnic pavilion and kayak launch program.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-590441	Technology over \$1,000	\$	3,000		
10531-532000	Supplies			\$	3,000
		<u>\$ 3,000</u>		<u>\$ 3,000</u>	

**Explanation:** *Emergency Management (10531)* - To transfer funds to purchase RUOK software.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
26535-532441	Technology under \$1,000	\$	386		
26535-545000	Contracted Services	\$	3,118		
26535-557100	Software License Fee	\$	7,869		
26535-590000	Capital Outlay	\$	83,040		
26535-588000	Contingency			\$	41,825
26390-499900	Appropriated Fund Balance			\$	52,588
		<u>\$ 94,413</u>		<u>\$ 94,413</u>	

**Explanation:** *Emergency Telephone System (26535)* - Transfer funds from contingency for the following items needed for an additional call taker station and to replace the UPS for communications.

Wireless amplifier	386
Surge Suppressor	1,300
Electrical Work	1,818
CAD License	3,600
PROQA Cardsets	4,269
Wrightline Dispatch Console	18,421
Motorola Dispatch Console	38,737
24/7 Intensive Use Chair	1,570
UPS	24,312
	\$ 94,413

**Net Budget Effect:** Emergency Telephone System Fund (26) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
10750-532441	Technology under \$1,000	\$ 1,300	
10750-590000	Capital Outlay		\$ 1,300
		\$ 1,300	\$ 1,300

**Explanation:** *Social Services (10750)* - Transfer funds to purchase a replacement computer and software for the Social Services.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
10535-545000	Contract Services	\$ 2,500	
10535-516000	Repairs & Maintenance		\$ 2,500
		\$ 2,500	\$ 2,500

**Explanation:** *Communications (10535)* - Transfer funds for contract to repair a generator.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10510-516200	Vehicle Maintenance	\$	9,264		
10380-484001	Insurance Recovery			\$	9,264
		<u>\$ 9,264</u>		<u>\$ 9,264</u>	

**Explanation:** Sheriff (10510) - Increase appropriations to repair vehicles covered by insurance claims.

**Net Budget Effect:** Operating Fund (10) - Increased by \$9,264.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10540-514000	Travel	\$	500		
10540-514500	Training & Education	\$	150		
10540-553000	Dues & Subscriptions			\$	100
10540-526000	Advertising			\$	150
10540-511000	Telephone & Postage			\$	200
10540-531000	Gas			\$	200
		<u>\$ 650</u>		<u>\$ 650</u>	

**Explanation:** Inspections (10540) - Transfer funds for staff development training and certification.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10460-545000	Contract Services	\$	17,600		
10460-532160	Maintenance Supplies	\$	8,000		
10460-592000	Courthouse Projects	\$	4,545		
10460-561000	Professional Services	\$	25		

10460-531400	Equipment Fuel	\$	1,000
10460-516000	Maintenance & Repair	\$	21,070
10460-590000	Capital Outlay	\$	8,100
		<u>\$</u>	<u>30,170</u>
		<u>\$</u>	<u>30,170</u>

**Explanation:** *Public Works (10460)* - Transfer funds for increases in contract renewals and for new facilities for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
60808-532000	Supplies	\$ 1,000	
60808-516000	Maintenance & Repair	\$ 1,000	
60808-588000	Contingency		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

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

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
61818-511000	Telephone & Postage	\$ 2,000	
61818-533800	Chemicals	\$ 3,250	
61818-531000	Gas	\$ 1,000	
61818-526000	Advertising	\$ 250	
61818-545000	Contract Services		\$ 3,500
61818-516200	Vehicle Maintenance		\$ 3,000
		<u>\$ 6,500</u>	<u>\$ 6,500</u>

**Explanation:** *Mainland Water (61818)* - Transfer funds for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
66868-516000	Repairs & Maintenance	\$	3,500		
66868-516001	Repairs & Maintenance - CW	\$	7,500		
66868-532001	Supplies	\$	7,500		
66868-590000	Capital Outlay	\$	35,000		
66868-545001	Contract Services			\$	30,186
66868-545002	Contract Services			\$	2,814
66868-533201	Lab Tests			\$	3,000
66868-513000	Utilities			\$	6,000
66868-514000	Travel			\$	1,500
66868-513002	Utilities - PI			\$	10,000
			<u>\$ 53,500</u>		<u>\$ 53,500</u>

**Explanation:** *Southern Outer Banks Water (66868)* - To transfer funds for operations for the remainder of this year and to replace an additional 72 membrances.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10790 503500	Temporary Salaries	\$	2,624		
10790 505000	FICA	\$	201		
10790-540000	Worker's Compensation			\$	64
10790-516000	Maintenance & Repair			\$	1,000
10790-511000	Telephone & Postage			\$	500
10790-545000	Contract Services			\$	1,261
			<u>\$ 2,825</u>		<u>\$ 2,825</u>

**Explanation:** *Library (10790)* -Transfer funds for additional temporary service hours from April 2 - June 30, 2012.

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

## RESOLUTION

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 2, 2012, authorized the following, pursuant to GS 160A and 270(b), that the law enforcement dog listed below be given to Bryan Bradley. This dog was retired on March 15, 2012.

Asset Tag	Description
6326	Cir-Microchip 967000001082801

### **D) Commissioner's Report**

Board of Commissioners wished everyone a Happy Easter.

Commissioner Aydlett requested funding for the repair of the Gibbs Woods Community Center and Voting place.

Commissioner Gilbert commented on the Currituck County school performance.

### **E) County Manager's Report**

**No comments**

### **Adjourn**

There being no further business, the meeting adjourned.