

CURRITUCK COUNTY
NORTH CAROLINA
April 16, 2012

The Board of Commissioners met at 5:00 p.m. to discuss the Off-Road Study. The Board agreed to fund overtime for two additional deputies for the beach.

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 Paul Bopp, Truth Alive Church, was present for the invocation

C) Approval of Agenda

Commissioner Aydlett moved to amend the agenda by adding under Administrative Reports: Chris Kelly & Julie Walter with Outer Banks Relief Foundation. Commissioner Gilbert seconded the motion. Motion carried

D) Public Comment

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

Administrative Reports

- A) Proclamation for National Day of Prayer
- B) Keith Hamm, to discuss Mobile Crisis Service in Currituck
- C) Chris Kelly and Julie Walters with Outer Banks Relief Foundation

New Business

- A) **Consideration and Action:** PB 11-02 Kitty Hawk Kites - Cotton Gin: Request for a special use permit renewal 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.
- B) **Board Appointments:**
 - 1. Appointment to Fire and EMS Advisory Board
 - 2. Appointment to Economic Development Board
- C) **Consent Agenda:**
 - 1. Proclamation-Employee Health and Fitness Day

2. Fireworks Resolution for July 4 Celebration
3. Resolution concerning Sea-Level Rise Reports and Policies
4. Resolution opposing Dominion Power Rate Increase
5. Budget Amendments
6. Approval of April 2, 2012 Minutes

D) Commissioner's Report

E) County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

TDA Budget Amendments

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.

Chief Robert Glover, Director of Fire & EMS, reviewed the details of the fire at Pine Island in Corolla. There were 2 houses destroyed, 2 damaged and several vehicles destroyed. The winds created "blow torch" effect towards other structures. At no time did the fire departments run out of water.

The Board commended the Chief and all the volunteers that helped with this fire. The Board requested a letter of appreciation to all personnel involved.

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

Administrative Reports

A) Proclamation for National Day of Prayer

The Board presented the proclamation to Janis Adams. The Board commended Ms. Adams for her years of service organizing the National Day of Prayer.

**PROCLAMATION
NATIONAL DAY OF PRAYER
MAY 3, 2012**

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, May 3, 2012, marks the 61st consecutive Day of Prayer, as mandated by both Houses of Congress and by our President in Public Law 100-307; and May 3, 2012, has been set aside as our National Day of Prayer.

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 **"One Nation Under God,"** and the scripture is "Blessed is the Nation Whose God is the Lord." (Psalm 33:12)

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 3, 2012, to worship and pray for the American troops, our nation, churches, families, education, businesses, media, government and for repentance, asking the Lord to grant us all wisdom for the challenges we face on a daily basis.

NOW, THEREFORE, the Board of Commissioners of Currituck County, North Carolina, does hereby proclaim May 3, 2012, as **"NATIONAL DAY OF PRAYER"** in Currituck, North Carolina, and urges its 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.

B) Keith Hamm, to discuss Mobile Crisis Service in Currituck

Mr. Hamm, is a private provider with East Carolina Behavioral Health. Mobile crisis services involve all support, services and treatment necessary to provide integrated crisis response, crisis stabilization interventions, and crisis prevention activities 24 hours a day 7 days a week. They have responded to over 200 calls in Currituck County this year.

The Board thanked Mr. Hamm for his report.

C) Chris Kelly and Julie Walters with Outer Banks Relief Foundation

Julie Walters, reviewed the Red Nose Wine Festival that will take place July 12 in Manteo to support the Outer Banks Relief Foundation.

New Business

A) Consideration and Action: PB 11-02 Kitty Hawk Kites - Cotton Gin: Request for a special use permit renewal 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.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request. He stated that the business had only operated briefly under the current SUP due to the time needed to prepare the site for the landing area as well as Hurricane Irene causing a delay. According to the conditions of the permit, the one year approval has expired; therefore, the request for renewal. Following is the SUP for which renewal is being requested:

SPECIAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Owner: Jerry and Thomas Wright
PO Box 24
Jarvisburg, NC 27947

Applicant: John Harris
Kitty Hawk Kites
PO Box 1839
Nags Head, NC 27959

Property Location: 6997 Caratoke Highway

Project: PB 11-02 Kitty Hawk Kites - Cotton Gin -
Special Use Permit

Proposed Use: Outdoor Recreation Facility (Tandem Hang
Gliding Training Facility)

Meeting Dates: February 8, 2011 - Planning Board
Recommendation
May 2, 2011 - Board of Commissioners' Public
Hearing/Action

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

- (A) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (C) This special use permit shall remain valid for one (1) year so long as the conditions under which it was granted are met.
- (D) Other 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. Flight operations are limited to light sport aircraft and tandem hang gliders only.
 5. Flight operations are only permitted from April 1 to October 1.

IN WITNESS WHEREOF, the County has caused this permit to be issued in its name, and the property owners/applicants of the property above described, do hereby accept this Special Use Permit together with all its conditions, as binding on them and their successors in interest.

Chairman Rorer opened the public hearing.

John Harris, applicant, reviewed the operation and stated that this past weekend was very successful.

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

Commissioner O'Neal moved to approve the renewal of the Special Use Permit for 3 years. After each year, the permit would be reviewed by staff. If found compliant, the permit would remain valid for the 3 year period. Commissioner Etheridge seconded the motion. Motion carried.

B) Board Appointments:

1. Appointment to Fire and EMS Advisory Board

Commissioner Aydlett appointed Jim Cason, Commissioner Petrey reappointed Charles Berry, Commissioner Gilbert appointed Evelyn Henley, Commissioner O'Neal reappointed Stanley Griggs. Motion was approved by acclamation.

2. Appointment to Economic Development Board

Commissioner Martin appointed Lauren Berry. Commissioner Gilbert seconded the motion. Motion carried.

C) Consent Agenda:

1. Proclamation-Employee Health and Fitness Day
2. Fireworks Resolution for July 4 Celebration
3. Resolution concerning Sea-Level Rise Reports and Policies
4. Resolution opposing Dominion Power Rate Increase
5. Budget Amendments
6. Approval of April 2, 2012 Minutes

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

Currituck County Employee Health and Fitness Day

Proclamation

WHEREAS, Currituck County Government is concerned about the health of its employees; and

WHEREAS, May 4, 2012, is designated Currituck County Employee Health and Fitness Day; and

WHEREAS, heart disease and cancer are the two leading causes of death in Currituck and are largely affected by what we eat and how physically active we are; and

WHEREAS, employers with highly effective health and productivity management programs have cost increases that are: 5 times lower for sick leave; 4.5 times lower for long-term disability; 4 times lower for short-term disability; and 3.5 times lower for general health care coverage.

WHEREAS, regular physical activity has curative and protective health benefits and can improve the quality of life for everyone; and

WHEREAS, a healthier populace means long-term cost savings for our county government; and

WHEREAS, County government shall encourage more physical activity opportunities for their employees; and

WHEREAS, County employees are becoming more aware of the need to eat smart and move more to improve their quality of life and reduce health care costs; and

WHEREAS, more fitness and nutrition educational programs shall be offered to county employees that support and encourage physical activity, healthy eating and worksite wellness;

NOW, THEREFORE, the Currituck Board of Commissioners hereby proclaims May 4, 2012, as Currituck County Employee Health & Fitness Day.

**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, 2012, 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, 2012.

**RESOLUTION
CONCERNING NORTH CAROLINA'S SEA-LEVEL RISE
REPORTS, POLICIES, AND MONITORING EFFORTS**

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea Level Rise Assessment Report*;" and

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, "*North Carolina Sea Level Rise Assessment Report*;" and

WHEREAS, also the NC Division of Emergency Management, under the auspices of the NC Department of Crime Control & Public Safety, is preparing a separate study report entitled, "*North Carolina Sea Level Rise Impact Study*" under the directives of the federal 2009

Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the NC Division of Emergency Management is utilizing the Science Panel's 2010 "*North Carolina Sea-Level Rise Assessment Report*" as a basis for their study report, and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Currituck County wishes to go on record with its concern to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the NC Division of Coastal Management sea-level rise policy and draft materials for the NC Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea-level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Currituck County requests the development of protocols articulating the precise methodology to how sea-level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreement upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CURRITUCK
COUNTY OPPOSING GENERAL RATE INCREASE REQUESTED BY DOMINION
NORTH CAROLINA POWER AND REQUESTING INTERVENTION OF NORTH
CAROLINA ATTORNEY GENERAL**

WHEREAS, Currituck County, and its neighbors throughout Northeast North Carolina within the Dominion service area, are experiencing protracted economic hardship and recession; and

WHEREAS, Currituck County residents and businesses continue to weather plummeting real estate values, decreased sales and revenues, record-breaking foreclosures, increased delinquencies in tax and utility payments and increases in unemployment insurance claims, food stamps and other public assistance; and

WHEREAS, electricity service is one of the basic necessities required by all County residents regardless of economic condition to live a safe and healthy life; and,

WHEREAS, the proposed general rate increase of approximately 15% on the average residential customer proposed by Dominion North Carolina Power, North Carolina Utilities Commission Docket E-22 Sub 479, will exacerbate the economic hardship already felt by the residents and businesses of Currituck County and Northeast North Carolina and place an undue burden on them; and,

WHEREAS, earlier in 2012, The North Carolina Utilities Commission Public Staff reached a settlement with Duke Energy to cut a proposed rate increase on 1.8 million customers from 17% to 7%; Still, the North Carolina Attorney General appealed the 7% rate increase, citing NC GS 62-133(b)(4) that Duke Energy failed to address 'changing economic conditions and other factors' such as customers' economic strife.

WHEREAS, The actions of the Public Staff in the Duke Energy case to deny the requested rate increase and propose a settlement, and of the North Carolina Attorney General to appeal the final ruling and reduction negotiated by the North Carolina Utilities Commission, should lead to similar conclusions regarding Docket E-22 Sub 479, Dominion North Carolina Power's request for a net 15% increase in rates for 2013, and the increase should be denied.

WHEREAS, County Staff shall be instructed to present this resolution and additional public comment to the North Carolina Utilities Commission and the office of the Attorney General of North Carolina.

NOW, THEREFORE BE IT RESOLVED THAT the Currituck County Board of Commissioners strongly opposes the rate increase requested by Dominion North Carolina Power. We respectfully request that the North Carolina Utilities Commission deny Dominion's request, and request that North Carolina Attorney General Roy Cooper and the Consumer Protection Division intervene on behalf of Dominion's Northeast North Carolina customer base.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-590000	Capital Outlay	\$ 25,812	
10510-540000	Worker's Comp		\$ 7,831
10511-540000	Worker's Comp		\$ 2,700
10512-540000	Worker's Comp		\$ 127
10330-449900	Misc Grants		\$ 12,906
10390-495015	T F - Occupancy Tax		\$ 2,248
		\$ 25,812	\$ 25,812

Explanation: *Sheriff (10510); Jail (10511); Animal Control (10512)* - Transfer funds and increase appropriations for bullet proof vests for deputies. This program is funded with a 50% matching grant from the US Dept of Justice.

Net Budget Effect: Operating Fund (10) - Increased by 15,154.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640-514500	Training & Education	\$ 400	
10640-532005	Supplies - AG	\$ 250	
10640-532004	Supplies - FCS		\$ 400
10330-449900	Miscellaneous Grants		\$ 250
		\$ 650	\$ 650

Explanation: *Cooperative Extension (10640)* - To record the NC Soybean Growers grant and to transfer funds for additional training.

Net Budget Effect: Operating Fund (10) - Increased by \$250.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-532000	Supplies	\$ 250	
10540-511000	Telephone & Postage		\$ 250
		<u>\$ 250</u>	<u>\$ 250</u>

Explanation: *Inspections (10540)* - Transfer funds to replace the fax machine in the Inspections Dept.

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
10430-545000	Contract Services	\$ 4,800	
10320-411004	Medicaid Hold Harmless		\$ 4,800
		<u>\$ 4,800</u>	<u>\$ 4,800</u>

Explanation: *Elections (10430)* - Increase appropriations to repair roof at voting precinct in Gibbs Woods.

Net Budget Effect: Operating Fund (10) - Increased by \$4,800.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-532000	Supplies	\$ 4,000	
10795-545000	Contract Services	\$ 14	
10795-590000	Capital Outlay	\$ 480	
10795-516001	Maintenance & Repairs		\$ 4,000
10795-576003	Flag Football		\$ 14
10795-576001	Baseball/Softball		\$ 480
		<u>\$ 4,494</u>	<u>\$ 4,494</u>

Explanation: *Parks & Recreation (10795)* - Transfer funds for operations for the remainder of 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
10531-532000	Supplies		\$ 4,000
10531-545000	Contract Services	\$ 4,000	
		<u>\$ 4,000</u>	<u>\$ 4,000</u>

Explanation: *Emergency Management (10531)* - Move EMPG funds for Hurricane exercise and to move the satellite dish from the EM truck to the mobile command post.

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
10510-502100	Overtime	\$ 15,725	
10510-505000	FICA	\$ 1,203	
10510-507000	Retirement	\$ 1,109	
10510-508000	Supplemental Retirement	\$ 786	
10510-531000	Fuel	\$ 888	
10510-590000	Capital Outlay	\$ 10,500	
10390-495015	T F - Occupancy Tax		\$ 30,211
		<u>\$ 30,211</u>	<u>\$ 30,211</u>

Explanation: *Sheriff (10510)* - Increase funding for Beach Patrol from May 25 through June 30, purchase two ATVs and for fuel for the remaining of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$30,211.

D) Commissioner's Report

Commissioner Martin reminded citizens of the Meet the Candidates.

Commissioner Etheridge commended the Chamber Staff on the Spring Social.

Commissioner O'Neal requested staff to locate a new site for the Boy Scouts to camp.

Commissioner Petrey expressed sympathy to Colon Grandy's family.

Commissioner Gilbert noted the Car & Cycle Show on Saturday for the ALAL.

Chairman Rorer reminded everyone to vote.

E) County Manager's Report

County Manager Scanlon, stated if any business was interested in connecting to the Moyock Water Treatment Plant, there will be a meeting on April 24.

Adjourn

There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Authority

TDA Budget Amendments

Commissioner Etheridge moved to approve. Commissioner Aydlett 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
15447-587010	T T - Operating Fund Appropriated Fund	\$ 2,248	
15390-499900	Balance		\$ 2,248
		\$ 2,248	\$ 2,248

Explanation: Occupancy Tax; Tourism Related Expenditures (15447) - Increase appropriations for bulletproof vest for the Outer Banks deputies. This will be funded through a 50% US Dept of Justice grant and 50% local funds.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$2,248.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 40,000	
15447-561000	Professional Services Appropriated Fund		\$ 10,000
15390-499900	Balance		\$ 30,000
		<u>\$ 40,000</u>	<u>\$ 40,000</u>

Explanation: Occupancy Tax; Tourism Related Expenditures (15447) - Increase appropriations for parking lots at Bonito and Sailfish in Corolla.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$30,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund Appropriated Fund	\$ 30,211	
15390-499900	Balance		\$ 30,211
		<u>\$ 30,211</u>	<u>\$ 30,211</u>

Explanation: Occupancy Tax; Tourism Related Expenditures (15447) - Increase appropriations for for additional ATV patrol from May 25 - June 30, 2012 and to purchase 2 ATV units and fuel for this year.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$30,211.

Adjourn

There being no further business, the meeting adjourned.