

CURRITUCK COUNTY
NORTH CAROLINA
January 24-25, 2014

The Currituck County Board of Commissioners met for a special meeting on January 24 and 25, 2014, at the Historic Courthouse Conference Room. Present were Chairman O'Neal, Vice-Chairman Martin and Commissioners Aydlett, Gilbert, Griggs, McCord and Petrey.

On January 24, Chairman O'Neal called the meeting to order at 1:00 PM.

Consideration of New Business Items and Consent Agenda Items from cancelled January 21, 2014 meeting.

New Business

**A) Approval of NC Parks and Recreation Trust Fund (PARTF)
Assurance for Grant Application**

Dan Scanlon, County Manager, explained that approval was needed to submit the application. Should the grant be awarded, the County would be required to provide matching funds. Elements of the application would be baseball fields, bocci ball and horseshoes.

Commissioner Gilbert moved to go forward with the application. Commissioner Petrey seconded the motion. Motion carried unanimously.

B) Board Appointments

1. Appointments to Board of Adjustment

Thesesa Dozier, David Palmer and Cameron Tabor were unanimously reappointed to the Board of Adjustment.

2. Appointments to Senior Citizens Advisory Board

Marcia Steele was unanimously reappointed to the Senior Citizens Advisory Board.

Commissioner Gilbert moved to table her nomination. Motion carried.

3. Appointment to Library Board

Deborah Mountain was unanimously appointed to the Library Board.

C) Consent Agenda:

1. Approval of January 6, 2014 Minutes
2. Consideration of Amendment to Board Minutes of June 3, 2013
3. Budget Amendments

4. Lottery application-reallocate residual funds from closed projects to the JPK/Moyock Elementary School cafeteria roof replacements
5. Award Contract for Walnut Island Asphalt Overlay Project
6. Award Engineering Contract for Ocean Sands Water and Sewer District (OSWSD) Wastewater Expansion Environmental Assessment
7. Right of Entry and License Agreement for Mud Run

Commissioner Aydlett moved to approve the Consent Agenda. Commissioner Gilbert seconded the motion. Motion carried unanimously.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
51848	599002	JPK & Moyock Elem Roof Replacement	\$ 33,221	
51848	591001	CCMS HVAC/Griggs Gym		\$ 12,396
51848	598002	Central Elem Chiller		\$ 20,825
			<u>\$ 33,221</u>	<u>\$ 33,221</u>

Explanation: *School Facilities (51848)* - Transfer funds to close out the CCMS and Griggs Gym HVAC and Central Elementary School Chiller projects and move funds to complete the JPK and Moyock Cafeteria Roof replacement projects. This is funded with lottery funds.

Net Budget Effect: School Construction Fund (51) - No change.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
20609	590000	Capital Outlay	\$ 837,000	
20609	588000	Contingency		\$ 271,000
20310	402013	Ad Valorem Taxes		\$ 10,000
20380	481000	Investment Earnings		\$ 6,000
20390	499900	Appropriated Fund Balance		\$ 550,000
			<u>\$ 837,000</u>	<u>\$ 837,000</u>

Explanation: *Whalehead Subdivision Drainage (20609)* - Increase appropriations to fund Phase IV of the drainage project, boardwalk, SCADA and Dominion Power.

Net Budget Effect: Whalehead Subdivision Stormwater Drainage District (20) - Increased by \$566,000.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795	590000	Capital Outlay	\$ 3,495	
10795	532000	Supplies		\$ 3,495
			\$ 3,495	\$ 3,495

Explanation: *Parks & Recreation (10795) - Transfer funds to purchase 6 galvanized aluminum picnic tables for the Knotts Island Park.*

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
10775	532000	Supplies	\$ 450	
10380	486000	Donations		\$ 450
			\$ 450	\$ 450

Explanation: *Senior Citizens Center (10775) - To record donation received in memory of Mabel Berry. Funds will be used to purchase sewing supplies for the Senior Center.*

Net Budget Effect: Operating Fund (10) - Increased by \$450.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510	516200	Vehicle Maintenance	\$ 8,993	
10380	484001	Insurance Recovery		\$ 8,993
			\$ 8,993	\$ 8,993

Explanation: Sheriff (10510) - Increase appropriations to repair four Sheriff vehicles damaged in accidents since July 1, 2013.

Net Budget Effect: Operating Fund (10) - Increased by \$8,993.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640	532005	Supplies - Ag	\$ 745	
10390	499900	Appropriated Fund Balance		\$ 745
			<u>\$ 745</u>	<u>\$ 745</u>

Explanation: Cooperative Extension (10640) - To carry forward Pesticide Grant funding that came in June 2013.

Net Budget Effect: Operating Fund (10) - Increased by \$745.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510	557500	Crime Control Act	\$ 5,000	
10330	421500	Crime Control Act		\$ 5,000
			<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: Sheriff (10510) - Increase appropriations to increase funding expenditures pursuant to the NC Crime Control Act.

Net Budget Effect: Operating Fund (10) - Increased by \$5,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868	513000	Utilities	
		\$ 20,000	
66868	516200	Vehicle Maintenance	
		\$ 2,000	
66868	545000	Contracted Services	\$ 2,000
66360	470000	Utility Charges	\$ 20,000
		\$ 22,000	\$ 22,000

Explanation: *Southern Outer Banks Water System (66868) - Transfer funds to purchase tires and other maintenance for vehicles and increases in utilities during the year at the Southern Outer Banks Water System.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12545	590005	Capital Outlay	
		\$ 19,030	
12545	545000	Contract Services	\$ 5,181
		Appropriated Fund	
12390	499900	Balance	\$ 13,849
12546	590006	Capital Outlay	
		\$ 9,250	
12390	499900	Appropriated Fund	
		Balance	\$ 9,250
		\$ 28,280	\$ 28,280

Explanation: *Lower Currituck Volunteer Fire Department (12545); Corolla Volunteer Fire Department (12546) - 1) Transfer funds in Lower Currituck VFD contract for 5% grant matching funds to purchase fifteen SCBA and related supplies. 2) Increase appropriations to Lower Currituck VFD for 50% grant matching funds for the purchase/replacement of hydraulic rescue tools. 3) Increase appropriations to Corolla VFD to purchase wireless headsets. This funding request was recommended by the Fire and EMS Advisory Board in a letter dated October 22, 2013.*

Net Budget Effect: Fire Services Fund (12) - Increased by \$23,099.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550 526100	Airport Promotions	\$ 2,000	
10550 590000	Capital Outlay	\$ 1,800	
10650 516200	Vehicle Maintenance	\$ 200	
10650 526200	Economic Development Promotions	\$ 10,000	
10650 545000	Contracted Services		\$ 200
10380 482000	Miscellaneous		\$ 1,800
10390 495015	T F - Occupancy Tax		\$ 12,000
		\$ 14,000	\$ 14,000

Explanation: *Airport (10550); Economic Development (10650)* - Increase appropriations for additional promotion of the Airport and Economic Development, to replace airport equipment damaged by lightning and for repairs to the Economic Development vehicle.

Net Budget Effect: Operating Fund (10) - Increased by \$13,800.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10490 545003	Contracted Services - Court Facilities	\$ 2,000	
10460 545000	Contracted Services		\$ 2,000
		\$ 2,000	\$ 2,000

Explanation: *Public Works (10460); Court Facilities (10490)* - Transfer funds for additional costs of landscaping contracts.

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
50544 590000	Capital Outlay	\$ 39,000	
50390 495012	T F - Fire Services Fund		\$ 39,000
12541 587050	T T - County Governmental Construction	\$ 39,000	
12390 499900	Appropriated Fund Balance		\$ 39,000
		<u>\$ 78,000</u>	<u>\$ 78,000</u>

Explanation: *County Governmental Construction - Crawford Fire Station (50544) - Increase appropriations for the Crawford Fire Station addition and increase annual repayment amount to \$10,656.93.*

Net Budget Effect: Fire Services Fund (12) - Increased by \$39,000.
County Governmental Construction Fund (50) - Increased by \$39,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10420 561000	Professional Services	\$ 10,000	
10380 482000	Miscellaneous		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

Explanation: *Governing Body (10420) - Increase appropriations for lobbyist to work on various County issues.*

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

<u>Account Number</u>		<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
63838	521000	Rent	\$ 2,700	
63838	545800	White Goods Disposal	\$ 4,500	
63838	571501	Recycling - Electronics	\$ 25,000	
63838	545001	Contracted Services - Collection		\$ 32,200
			<u>\$ 32,200</u>	<u>\$ 32,200</u>

Explanation: *Solid Waste (63838)* - Transfer funds for increases in operations in Solid Waste disposal.

Net Budget Effect: Solid Waste (63) - No change.

<u>Account Number</u>		<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10510	539000	Unemployment Insurance	\$ 14,129	
10530	539000	Unemployment Insurance	\$ 13,276	
10640	539000	Unemployment Insurance Fund Balance	\$ 556	
10390	499900	Appropriated	\$ 7,039	
10960	539000	Unemployment Insurance		\$ 35,000
61818	539000	Unemployment Insurance	\$ 6,205	
61360	471000	Tap & Connection Fees		\$ 6,205
			<u>\$ 41,205</u>	<u>\$ 41,205</u>

Explanation: *Various Departments* - Transfer and increase appropriations for actual unemployment claims through July 31, 2013.

Net Budget Effect: Operating Fund (10) - Decreased by \$7,039.
Mainland Water Fund (61) - Increased by \$6,205.

The making of proper motions and review of quasi-judicial proceedings

Ike McRee, County Attorney, related he had presented the same workshop on quasi-judicial proceedings to the Planning Board as they should operate by the same rules and procedures as the Board of Commissioners. He noted three Planning Board members were absent.

Commissioner McCord moved that Mr. McRee offer the presentation again for the Planning Board members who missed it the first time. Commissioner Aydlett seconded the motion. Motion carried unanimously.

Mr. McRee reviewed how to make a motion and what to include in the motion in order for it to withstand quasi-judicial review. Consideration and motion must be based on whether the application meets the four criteria. Arguments against the project require expert testimony only. Commissioners suggested including information on the expert testimony requirements in the letter which is sent to adjacent property owners. Public hearing and motion needs to stick to findings of fact.

Mr. McRee noted Board of Adjustment is also a quasi-judicial proceeding, hearing appeals on the interpretation of the Planning Director.

Appointments to advisory boards

Mr. McRee reviewed the ordinance on making nominations for advisory boards. He noted that, although the term may have expired, the sitting member remains until replaced. Commissioner Griggs advised due diligence of appointees to find the best people to serve. Chairman O'Neal emphasized orientation for new members. The Clerk was to check for persons serving on more than one board.

Commissioner Committees (Planning, etc.)

There was discussion on dividing the Board of Commissioners into smaller committees with specific duties to operate more efficiently. Commissioner Aydlett moved to direct Mr. McRee to gather information from Pasquotank County and tailor to the needs of Currituck County. Commissioner Martin seconded the motion. Motion carried unanimously.

What are you looking for from the newly appointed ED Board?

Pater Bishop, Economic Development Director, had prepared a proposal of duties of the new board. Chairman O'Neal suggested increasing the number of members to eleven, seven of which would require county residence with one nomination by each Commissioner. The remaining four could live outside the county but have business ties to the county.

Commissioner McCord moved to increase the number of members to eleven, seven to be county residents with one nomination by each Commissioner, and the remaining four nominations by the Commissioners as a whole. Commissioner Petrey seconded the motion. Motion carried unanimously.

Mr. Bishop was to finalize the document and provide copies to the Commissioners to distribute to prospective members.

Water line extension policy

The Commissioners agreed the long term goal should be to provide central water for the entire county. Ben Woody, Planning and Community Development Director, reviewed five plans for providing the infrastructure. Commissioners agreed that option one, requiring infrastructure and water connection to be accomplished by the developer, was preferable.

At 5:00 PM, Commissioner Aydlett moved to recess the meeting until the following morning at 8:30 AM. Commissioner Gilbert seconded the motion. Motion carried. The meeting was recessed.

January 25, 2014, 8:30 AM

Fire Services Assessment

The Commissioners discussed scheduling a meeting with stakeholders to discuss the study. Commissioner Petrey requested that the other Commissioners read the study prior to the next meeting. Once the Commissioners had read the study, it would be released to the FEAB and Fire Departments.

Non-Profit Signage

In light of a recent request for exemption from the sign ordinance, Mr. Scanlon and Mr. Woody asked if any amendments were wanted. The Board agreed no amendments were necessary. Commissioners were in favor of equal, more aggressive enforcement. Mr. Woody was requested to allow non-profits to obtain one permit for all events during the year. Staff was also directed to look into a community event sign to be placed at each county recycling center.

Minor v. Major subdivisions - is there a reason/basis to maintain the distinction?

Mr. Woody reviewed the history and intent of minor subdivisions. After discussion, the Commissioners agreed that some minors were needed and a five-year limit was to be placed on turning a minor subdivision into a major subdivision. The minor subdivision was to be included in the major subdivision with infrastructure to encompass the entire tract.

Non-budgeted expenditures

Mr. Scanlon noted the budget was adopted as an ordinance, meaning no new expenditures should be added until planning the budget for the following year. Commissioners expressed the need to find a way to cut spending to decrease the tax rate by 1 to 2 cents and to look at the 10 year plan and see what can be put off. The Board agreed to apply the ordinance to bring projects forward at budget time.

Establishing reporting for projects

Commissioners requested a progress report on directives given to staff. Mr. Scanlon was to add a section to his weekly report giving an accounting of BOC tasked directives.

Shooting Range

Mr. Scanlon related the possibility of partnering with the Wildlife Resources Commission to construct a public shooting range. There was discussion on opening to the public. The Board was in favor of building two ranges, to move forward with the Sheriff's range, and explore the WRC partnership, preferably locating it on State property which Mr. Scanlon described.

Prioritizing Capital Improvement Projects

Mr. Scanlon noted that a list had been provided previously, and he requested the projects be prioritized for when funding becomes available. Funding sources for capital projects were reviewed. There was discussion on ways to narrow down. There were concerns with changing boards. It was suggested to start with smaller projects with short turn-around.

Potential Impact of Biggert-Waters Flood Insurance Reform Act

Mr. Woody reviewed how the act impacts Currituck County. He explained pre-FIRM (1984) and post-FIRM and the number of homes affected by each. With the new flood maps, 30% of the homes will be removed from special flood hazard area. Dunes and beach replenishment were considered to have assisted with this. Dune and beach replenishment would be studied to determine if further replenishment should be undertaken.

Homeowners insurance increase was discussed briefly.

Mr. Woody was to furnish an executive summary highlighting the numbers affected.

Upcoming year's work plan

Mr. Scanlon asked the Commissioners to let him know of anything to be included in the budget. Employee health insurance was discussed.

Mr. Scanlon described problems with NC FAST. If problems were not fixed by the middle of March, the federal government would cut funding to North Carolina, administrative funding to the County would cease, and the County would be impacted.

Mr. McRee related a member of the Brough Law Firm had contacted him to question whether legal representation of the Gees Group would present a conflict problem for the Board. The Board agreed not to waive the conflict.

Multi-family housing options

Mr. Woody noted the ordinance allows staff approval. He presented various scenarios for regulating MXR zoning. The Board agreed on conditional zoning for multi-family.

Density

Mr. Woody showed two examples of density which included the same number of dwellings but different configurations. He felt minimum lot size was not the way to deter high density. The Commissioners were hearing from Moyock citizens that they believed small lots were the issue and they did not want high density utilizing small lots.

Commissioners directed implementing minimum lot size of 20,000 square feet or greater for every new development on the mainland, unless it is a PUD.

Proposed Tolling of Knotts Island Ferry

The public hearing to be sponsored by NCDOT on February 4 was discussed as the first step to imposing tolls on the Currituck-Knotts Island Ferry. Commissioner Aydlett moved to contact Senator Cook and Representative Steinburg to request they use whatever means necessary to reintroduce legislation to exempt the Knotts Island Ferry from tolling. Commissioner Gilbert seconded the motion. Motion carried unanimously. It was noted that residents already pay taxes and gas tax. Tolls would be double taxing.

Beach strand activities – what level of commercial operations will be permissible

It was suggested that permitted commercial activities be left up to the subdivisions; however, Commissioners agreed to staff bringing an amendment for their consideration concerning parameters for commercial operations.

Vision for the off-road area

The only subject discussed was driving on the beach. It was suggested trying parking at the foreshore and directing traffic to drive behind the parked vehicles. Commissioner Aydlett felt this would be more dangerous as pedestrians, especially children, were more visible on the flat foreshore than they would be in the softer sand areas. There would also be more incidents of vehicles getting stuck in the soft sand and blocking traffic. Commissioner Petrey felt more education was needed concerning tire pressure when driving on the sand.

Adjourn

There being no further business, Commissioner Petrey moved to adjourn. Commissioner Aydlett seconded the motion. The meeting was adjourned.