



**CURRITUCK COUNTY  
NORTH CAROLINA**

September 5, 2017

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 4:30 PM Fire Services**

The Board of Commissioners attended a 4:30 PM work session in the Conference Room of the Historic Courthouse to discuss Fire Services. Fire and Emergency Medical Services (EMS) Chief Ralph Melton and Deputy Chief Tim Riley were in attendance. Commissioner Beaumont began by recalling recommendations from a 2014 fire study, one which suggested the establishment of service standards in an effort to achieve uniformity, consistency and interoperability among fire and rescue departments county-wide. Challenges with multiple service contracts were presented, and County Manager, Dan Scanlon, highlighted the need to define rescue services, establish specific delivery standards, and meet the expectations of citizens. Costs, effects on services, training, response times, interdepartmental cooperation, apparatus and equipment, and other aspects relative to the establishment of standardized operations were discussed. At the conclusion of the work session, Chief Melton was tasked with developing a list of service standards for Board review. The Board would then provide directives to the Fire Advisory Board (FAB) and staff for implementation. The Board discussed the importance of setting standards of cooperation among departments, and Commissioner Gilbert asked Chief Melton to provide a list of training authorization colors used by the individual departments. The Board also agreed ocean rescue services with manned lifeguard stands should be extended through September 30th each year. County Attorney, Ike McRee, was directed to draft an ordinance to address digging and filling of holes on the beach. The work session closed at 5:39 PM.

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners met for its regular meeting at 6 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

| Attendee Name          | Title         | Status  | Arrived |
|------------------------|---------------|---------|---------|
| Bobby Hanig            | Chairman      | Present |         |
| Mike H. Payment        | Vice Chairman | Present |         |
| Paul M. Beaumont       | Commissioner  | Present |         |
| Mary "Kitty" Etheridge | Commissioner  | Present |         |
| Marion Gilbert         | Commissioner  | Present |         |
| Mike D. Hall           | Commissioner  | Present |         |
| Bob White              | Commissioner  | Present |         |

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Reverend Frank Custer, Mt. Zion United Methodist Church**

Reverend Custer of Mount Zion United Methodist Church offered the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Payment moved to amend the agenda to add Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and in order to preserve the attorney-client privilege.

The motion was seconded by Commissioner Gilbert and passed unanimously.

Approved agenda:

**Work Session**

4:30 PM Fire Services

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Reverend Frank Custer,  
Mt. Zion United Methodist Church

B) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**New Business**

**A) Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Certain Sections of Article II and Article III, Chapter 10 of the Currituck County Code of Ordinances Regulating the Use of County Parks, Public Beach Accesses and Boat Ramps.**

**B) Consent Agenda**

1. Approval Of Minutes for August 21, 2017
2. Budget Amendments
3. Classification Chart Revisions

4. Job Description Revision-Water Treatment Plant Supervisor
5. Master Fee Schedule Revision

**C) Commissioner's Report**

**D) County Manager's Report**

**Recess**

**Special Meeting of the Tourism Development Authority**

TDA Budget Amendments

**Adjourn Special Meeting**

**Closed Session**

**Amended Item**-Closed Session Pursuant to G.S. 143-318-11(a)(3) to Consult with the County Attorney in Order to Preserve Attorney-Client Privilege

**Adjourn**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Mike H. Payment, Vice Chairman   |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

**PUBLIC COMMENT**

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

No one was signed up nor wished to speak at public comment.

**NEW BUSINESS**

- A. Consideration of An Ordinance of the Currituck County Board of Commissioners Amending Certain Sections of Article II and Article III, Chapter 10 of the Currituck County Code of Ordinances Regulating the Use of County Parks, Public Beach Accesses and Boat Ramps.**

Ike McRee, County Attorney, reviewed the proposed modifications to the ordinance regulating the use of county parks, boat ramps and beach accesses. During review, Mr. McRee responded to questions from the Board and provided additional clarification as needed. Staff was directed to contact the Wildlife Resources Commission (WRC) in an attempt to address parking issues at the Knotts Island boat ramp, as some vehicles are being left for several days inhibiting others' ability to launch boats and park their vehicles

with trailers.

After discussion, Commissioner Gilbert moved to accept changes to the ordinance as presented by the County Attorney. Commissioner White seconded and the motion passed unanimously.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CERTAIN SECTIONS OF CHAPTER 10. PARKS AND RECREATION OF THE CURRITUCK COUNTY CODE OF ORDINANCES**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-169 a county may by ordinance regulate the use of county property.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Chapter 10, Article II, Division 3 of the Code of Ordinances to read as follows:

**DIVISION 3. - ~~WHALEHEAD~~ BOAT RAMPS**

**Sec. 10-81. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Facility* means ~~the easement along Club Road from Ocean Trail to the public parking areas, launching ramps, docks, and piers located in Poplar Branch Township, Corolla Light P.U.D. Phase 9, Whalehead Club and the public parking areas, launching ramps, docks, and piers.~~

*Motorboat* means any vessel equipped with propulsion machinery of any type, whether or not such machinery is the principal source of propulsion.

*Vessel* means every description of watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water.

**Sec. 10-82. - Construction of division.**

The provisions of this division shall be liberally construed to effectively carry out its purposes.

**~~Sec. 10-83. - Penalty for violation of division.~~**

~~(a) The violation of any provision of this division shall be a misdemeanor, and, upon conviction, the violator shall be punished as provided by section 1-8.~~

~~(b) In addition, enforcement of this division may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123.~~

**Sec. 10-84 ~~83~~. - Closing and opening hours.**

The facility shall is open at 4:00 a.m. and close at 12:00 midnight daily unless otherwise posted.

**~~Sec. 10-85. - Entrance pass required.~~**

~~A person entering upon the facility by foot or motor vehicle may be required at the entrance of the facility to state the purpose for which the person intends to use the facility and to receive a pass to enter onto the facility. This subsection shall not be construed so as to regulate or restrict the use of the facility in a way that would discourage public use of the facility.~~

**Sec. 10-86 ~~84~~. - Litter.**

It ~~shall be~~ is unlawful for any person to deposit litter, trash, garbage or other refuse at any place on the facility except in receptacles provided for disposal of trash, garbage or other refuse.

**Sec. 10-87 ~~85~~. - Parking.**

(a) *Unlawful parking.* No person shall leave, or cause to be left, any vehicle, boat, trailer or other obstruction on the facility in such a location, position or condition that it will prevent, impede or inconvenience the use by other persons of the facility, or leave parked any vehicle, boat trailer or other objects at any place on the facility other than on such place or zone as is designated as an authorized parking zone and posted and marked as a parking zone.

(b) *Twenty-four-hour parking.* No person shall leave, or cause to be left, a vehicle parked in the parking area of the facility for longer than 24 hours.

(c) *When facility is full.* At any time when the designated parking area of the facility is fully occupied, any person may enter and use the facility, provided the person makes other arrangements for parking and violates none of the provisions of this division.

**Sec. 10-88 86. - Launching, retrieving, mooring vessels.**

Motorboats and vessels may be launched and retrieved only at the boat ramp area of the facility. No person shall moor a motorboat or vessel to the dock or pier area of the facility for longer than 24 hours except that at Corolla Historic Park motorboats and vessels may be moored during park operating hours and county approved events and no motorboat or vessel may be moored at Currituck County Rural Center.

**Sec. 10-89 87. - Fishing; crabbing.**

A person may fish or crab from the dock or pier area of the facility but such activity shall not be conducted in a manner that prevents, impedes or inconveniences the use of the facility by other persons.

**Sec. 10-90. - Noise.**

~~It shall be unlawful for any person on the facility to produce or emit noises, amplified speech, music or other sounds that annoy, disturb or frighten other persons.~~

**Sec. 10-91 88. - Fireworks, loaded firearms prohibited.**

It shall be unlawful for any person to possess pyrotechnics or a loaded firearm on the facility.

**Sec. 10-92. - Intoxicating substances.**

~~It shall be unlawful for any person to possess or consume any beer, wine, whiskey, controlled substances or any other intoxicating substance, or to be intoxicated while on the facility or to sell, attempt to sell beer, wine, whiskey, controlled substance or any other intoxicating substance on the facility.~~

**Sec. 10-93. - Animals.**

~~It shall be unlawful for any person to cause or permit any animal owned by or in the custody or control of the person to enter on the facilities except when restrained by a leash or to be left unattended on the facilities. The provisions of this subsection do not apply to:~~

~~(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties; or~~

~~(2) A dog being used in a lawful hunt.~~

**Sec. 10-94 89. - Aircraft prohibited.**

It shall be unlawful for any person to voluntarily bring, land or cause to descend or alight, ascend or take off on or from the facility any airplane, flying machine, balloon, parachute, hang glider or other apparatus for aviation.

**Sec. 10-95 90. - Unlawful alteration, destruction.**

It shall be unlawful for any person to willfully or carelessly destroy, damage or deface the facility or to build, maintain, extend or make structural alterations to the facility.

**Sec. 10-96. - Commercial enterprises.**

~~It shall be unlawful for any person to engage in business, conduct commercial activity, or solicit contributions for any purpose on the facility except when part of a county sponsored activity or event~~

~~specifically authorized by the county manager, or licensee operating and managing the facility, or pursuant to a concession license agreement with the county or licensee operating and managing the facility.~~

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Chapter 10, Article II, Division 5 of the Code of Ordinances to read as follows:

~~DIVISION 5. - SOUTHERN AREA BEACH ACCESS AREAS AT PINE ISLAND~~

~~**Sec. 10-106. - Penalty for violation of division.**~~

~~(a) The violation of any provision of this division shall be a misdemeanor, and, upon conviction, the violator shall be punished as provided by section 1-8, by a fine of not more than \$500.00 or by imprisonment for not more than 30 days.~~

~~(b) In addition, enforcement of this division may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123.~~

~~**Sec. 10-107. - Closing and opening hours.**~~

~~The parking lot shall be open at 6:00 a.m. and close at 10:30 p.m. daily.~~

**Sec. 10-108 106. - Litter.**

It shall be unlawful for any person to deposit letter, trash, garbage or other refuse at any place in the facility or on the beach except in the proper receptacles provided there for such disposal.

**Sec. 10-109 107 - Parking.**

(a) *Unlawful parking.* No person shall leave, or cause to be left, any vehicle, trailer or other obstruction on the facility in such a location, position or condition that it will prevent, impede or inconvenience the use of the facility by other persons, or leave parked any vehicle or trailer or other object at any place on the facility other than at such place or zone as is designated as an authorized parking zone and clearly marked as such.

(b) *Overnight and twenty-four hour parking.* No person shall leave, or cause to be left, a vehicle or any other object, at the facility beyond 10:30 p.m., except in the event of a mechanical emergency, and then in that event the disabled vehicle or equipment must be removed from the facility within 24 hours of first being located thereon.

(c) *When facility is full.* At any time when the designated parking area of the facility is fully occupied, any person may enter and use the facility, provided the person makes other arrangements for parking and violates none of the other provisions of ~~these regulations~~ this division.

~~**Sec. 10-110. - Noise.**~~

~~It shall be unlawful for any person on the facility to produce or emit noises, amplified music or speech, or make sounds that annoy, disturb or frighten other users of the facility or the neighbors thereto.~~

**Sec. 10-111 108 . - Fireworks, loaded fire arms, bonfires prohibited.**

It shall be unlawful for anyone to possess pyrotechnics or a loaded firearm and/or kindle or maintain a beach fire or bonfire anywhere on the facility.

~~**Sec. 10-112. - Animals.**~~

~~It shall be unlawful for any person to cause or permit any animal owned by or in the control or custody of that person to enter on the facility except when restricted by a leash or to be left unattended on the facilities. A dog being used by a law enforcement officer to carry out the officer's official duties will be exempt from this prohibition.~~

~~(a) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties; or~~

~~(b) A dog being used in a lawful hunt.~~

**Sec. 10-113 109. - Unlawful alteration, destruction.**

It shall be unlawful for any person to willfully or carelessly destroy, damage or deface the facility, to build, maintain, extend or make structural alterations to the facility, or to in anyway disturb,

destroy or damage the fore-dune vegetation in any manner, or to launch, tie-up or retrieve any water craft, or other craft, whatsoever, on, over, across or through the dune in such a way as to cause any disturbance to or displacement of any part of the dune and/or its vegetative cover.

**Sec. 10-114. ~~Commercial enterprises.~~**

~~It shall be unlawful for any person to be intoxicated or under the influence of any controlled substance while on the facility, or to sell, attempt to sell, beer, wine, whiskey, a controlled substance or any other intoxicating substance on the facility.~~

PART III. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Chapter 10, Article III, Division 1 of the Code of Ordinances to read as follows:

**Sec. 10-131. - Parks owned by county designated public.**

All parks owned or controlled by the county are public parks. Currituck County parks are for the enjoyment of residents and visitors of the county.

**Sec. 10-132. - Hours of operation.**

County parks are open seven days per week, year round. The parks open at sunrise and close at sunset, unless otherwise posted. Gates may be locked at closing. After park closings, any individuals remaining or coming into the parks will be considered trespassing and subject to criminal prosecution. Vehicles remaining in the parks after closing will be locked in and not available to owners until the next park opening. The county is not responsible for the safe keeping of such vehicles.

**Sec. 10-133. - Prohibited activities.**

No person using or occupying a county parks, public beach access area or boat ramp shall drink, consume or possess any unsealed or opened container of alcoholic liquor or alcoholic beverage, nor shall any such person consume alcoholic liquor or any mixture thereof within the boundaries of such ~~recreation~~ areas. Illegal drugs and abusive language/behavior ~~is are not allowed~~ prohibited in a county parks, public beach access area or boat ramp. Notwithstanding the forgoing, a person using or occupying Knotts Island Ruritan Park; Currituck County Rural Center (CCRC), Soundside Park or Historic Corolla Park properties may drink, consume, possess or serve alcoholic beverages pursuant to rules and regulations adopted from time to time by the board of commissioners.

**Sec. 10-134. ~~Dogs~~ Animals in County Parks, Public Beach Accesses and Boat Ramps.**

~~(a) Except as permitted herein, dogs are not permitted in county parks except service dogs for the disabled. Notwithstanding the foregoing, dogs are permitted in the county park located at 140 Gabbard Lane, Spot, North Carolina when in compliance with the conditions set forth in subsections (1) through (7) of subsection (b) below.~~

~~(b)(a) Dogs may be~~ are permitted in county parks, public beach accesses and boat ramps for a particular purpose sponsored by a group, association or organization that has obtained a permit under section 10-148 of this Code and with the following conditions:

- (1) Dogs must have current vaccinations and licenses. Proof of vaccinations and licensure is required upon request of ~~the group, association or organization permitted to use a county park for a particular purpose,~~ a law enforcement officer or animal control officer, or other county official.
- (2) Dogs under four months of age or female dogs in heat are not permitted.
- (3) Dogs must be under the control of an adult at all times, must wear a collar or harness with any required tags and must be on a leash unless part of a specially trained performing group under ~~the voice control which specially trained performing group is included in the permit of the sponsoring group, association or organization.~~
- (4) Each dog owner or adult in control of a dog shall remove and dispose of their dog's fecal matter ~~in containers provided for such disposal.~~

- (5) Aggressive dogs are not permitted, and any dog displaying aggression shall be immediately removed from the county park.
- (6) No dog shall be left unattended.
- (7) Dog owners or adults in control of a dog shall provide potable drinking water for their dog.
- (8) No dog is permitted at Currituck Community Park Athletic Complex during scheduled athletic events.

**Sec. 10-135. - Firearms.**

Firearms and hunting are not allowed in county parks. Firearms used for hunting are permitted, provided they are kept in a locked case at all times while on park grounds.

**Sec. 10-136. - Hitting golf balls.**

It shall be unlawful for any person to drive or hit a golf ball with any golf club in or upon ~~any area in the county under the supervision and control of the department of recreation as a public park or public playground~~ a county park.

**Sec. 10-137. - Kite-flying.**

Kite-flying at Maple Park only is not permitted. Kite-flying at all other county parks is permitted.

**Sec. 10-138. - Water-related activities.**

Fishing is permitted at all county parks. Catch and release fishing only is permitted at Maple Park. Except at Historic Corolla Park, ~~S~~swimming and wading are prohibited in all county parks. Boating and motorized water activities are permitted in those county parks that have boating access ramps.

**Sec. 10-139. - Vehicles.**

All vehicles including bicycles must be parked in parking spaces provided. Bicycles, roller skating, roller blading, segways, golf carts, electric vehicles and skateboards are allowed in designated areas only. Go-carts, motorized trail bikes, all-terrain vehicles, and minibikes, ~~etc.~~, are prohibited at county parks. Remote-controlled cars, planes, and boats are prohibited at Maple Park only.

**Sec. 10-140. - Park grills.**

Park grills are designed for charcoal only. Charcoal should be left in the grills after cooking for disposal by county personnel. Personal cooking grills no larger than 24 inches in diameter are allowed but may not be used under any shelters. It is unlawful to gather and burn wood.

**Sec. 10-141. - Picnic shelters and park facilities.**

All picnic shelters and park facilities are available on a first-come basis. The pavilions at each park are available on a first-come basis unless previously reserved. Reservations of the pavilions for designated hours may be made by signing an agreement obtained from the ~~Currituck County Parks and Recreation Department~~ county and paying payment of the required fees. Reservation agreements must be signed and ~~on filed in with the Currituck County Parks and Recreation Department~~ county prior to use. The person signing the reservation agreement is ~~held~~ held liable for cleanup and any damages or maintenance fees incurred as a result of his/her group's activities. Facilities ~~should~~ must be left as found.

**Sec. 10-142. - Cooking trailers and equipment.**

Cooking trailers and equipment are allowed at the pavilions in county parks. However, the hauling vehicle must be disconnected and the vehicle parked in the parking lot. No other trailers will be allowed next to the shelters.

**Sec. 10-143. - Commercial activity.**

(a) Except as indicated in subsection (b), no person may engage in commercial activity in a county park, public beach access or boat ramp, which includes but is not limited to the sale or attempted sale or advertisement for sale of any goods or services on recreational premises.

(b) The provisions of subsection (a) of this section do not apply to county-sponsored activities or other events specifically authorized by the county manager or commercial activity conducted pursuant to a concession license agreement with the county.

**Sec. 10-144. - Amplified music.**



Amplified music, when compliant with Chapter 9, Article II of this Code and used during a county-sponsored activity or county approved event, is permitted in county parks as long as it complies with the Currituck County Noise Control Ordinance, Chapter 9, Article II of the Currituck County Code of Ordinances.

**Sec. 10-145. - Decorations.**

The nailing, stapling, and/or tacking of decorations to any park structures are not allowed. The taping of decorations to parks structures is permitted.

**Sec. 10-146. - Fees.**

Fees may be charged to enter or use the facilities of ~~in~~ county parks in accordance with the execution of an agreement with the ~~Currituck County Parks and Recreation Department~~ county. The county may charge such a fee for special events.

**Sec. 10-147. - Waterfowl and wildlife.**

Park patrons are encouraged to observe the parks' waterfowl and other wildlife. However, handling, feeding, harassment, and/or the capture of wildlife is prohibited on county parks.

**Sec. 10-148. - Recreational facilities.**

(a) The softball fields, volleyball courts, horseshoe pits, and other recreational facilities are provided for and maintained by ~~Currituck County~~ the county. Park patrons are responsible for supplying their own athletic equipment such as softball gloves, bats and balls, Frisbees, volleyballs, horseshoes, etc.

(b) Whenever any group, association or organization desires to use recreational facilities for a particular purpose, a representative of the group, association or organization shall first obtain a permit from the director of recreation for such purposes. A person seeking issuance of a permit under this subsection shall file an application with the director. The application shall state the following:

- (1) The name and address of the applicant.
- (2) The name and address of the person, corporation or association sponsoring the activity, if any.
- (3) The day and hours for which the permit is desired.
- (4) The park or portion thereof for which such permit is desired.
- (5) An estimate of the anticipated attendance.
- (6) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should issue under this subsection.

(c) The director shall issue a permit when ~~he~~ the director finds that:

- (1) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- (2) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (4) The proposed activity or use will not entail unusual, extraordinary or burdensome expense or sheriff operation by the county.
- (5) The facilities desired have not been reserved for use at the date and hour required in the application.

(d) Within 14 days after receipt of an application, the director shall advise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within seven days, to the office of the county manager, which shall consider the application under the standards set forth in this subsection and sustain or overrule the director's decision, within seven days. The decision of the county manager or his designee shall be final.

(e) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the rules and regulations were inserted in the permit.

(f) The director ~~shall have the authority to~~ may revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

(g) ~~The director shall establish a fees schedule for the use of recreational facilities will be in accordance with the county fee schedule adopted by the board of commissioners. subject to the approval of the county manager or his designee. The fees shall be reviewed annually, and the county manager or his designee is authorized to make such adjustments in the fees as he deems appropriate. An accurate copy of the fee schedule shall be posted in a conspicuous place in the office of the department.~~

(h) An entire county park may only be rented three days in one month, unless the Currituck County Recreation Advisory Board grants permission to the applicant. If the recreation advisory board does grant such permission, boat ramps will remain open to the public.

**Sec. 10-149. ~~Violation of park rules and regulations.~~**

~~Violation of any of the park rules and regulations set forth in this article may result in the expulsion of the park patron with the possible denial of future privileges to use the county parks. In addition, violation of any of the park rules and regulations shall be a Class 3 misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment for not more than 30 days for each separate violation. Each day any violation of this article shall continue shall constitute a separate offense, unless otherwise specified.~~

PART IV. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 1-8(i)(4) of the Code of Ordinances to read as follows:

(i) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the county shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty. The initial issuance of a warning citation upon a violator as provided above shall not be required for the immediate imposition of civil penalties for a determination of a violation of any of the following provisions:

- (1) Chapter 3, section 3-36;
- (2) Chapter 8, article IV;
- (3) Chapter 9, section 9-1, section 9-4, section 9-7, section 9-33;
- (4) Chapter 10, ~~section 10-58, section 10-59, section 10-61, subsection 10-62(b), subsection 10-62(c), subsection 10-63(c), section 10-64, section 10-104;~~
- (5) Chapter 12, article IV, section 12-62.

PART V. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PART VI. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART VII. This ordinance is effective upon adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Marion Gilbert, Commissioner  
**SECONDER:** Bob White, Commissioner  
**AYES:** Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**B) Consent Agenda**

Mr. Scanlon, at the request of Commissioner Hall, reviewed one of the budget amendments which carried forward some funding dollars that had been obligated during the prior year.

Commissioner Gilbert moved to approve Consent Agenda. The motion was seconded by Commissioner Payment and passed unanimously.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Marion Gilbert, Commissioner  
**SECONDER:** Mike H. Payment, Vice Chairman  
**AYES:** Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

**1) Approval Of Minutes for August 21, 2017**

**1. BOC Minutes for August 21, 2017**

**2. Budget Amendments**

|                           |  | Debit   | Credit  |
|---------------------------|--|---|---|
| <u>Account Number</u>     | <u>Account Description</u>   | <u>Decrease Revenue or<br/>Increase Expense</u> | <u>Increase Revenue or<br/>Decrease Expense</u> |
| 10640-532004              | Supplies - Home Economics  | \$ 853  |   |
| 10390-499900              | Appropriated Fund Balance  |   | \$ 853  |
|                           |  |   |   |
|                           |  |   |   |
|                           |  |   |   |
|                           |  | <u>\$ 853</u>                                   | <u>\$ 853</u>                                   |
| <b>Explanation:</b>       | Cooperative Extension (10640) - Carry-forward NCDOT MIPPA Grant funds that expire 9/29/17. |   |   |
|                           |  |   |   |
| <b>Net Budget Effect:</b> | Operating Fund (10) - Increased by \$853.  |   |   |

|   |                            | Debit                                |          | Credit                               |        |
|---|----------------------------|--------------------------------------|----------|--------------------------------------|--------|
|   |                            | Decrease Revenue or Increase Expense |          | Increase Revenue or Decrease Expense |        |
| <u>Account Number</u>   | <u>Account Description</u> |                                      |          |                                      |        |
| 26535-532000  | Supplies                   | \$                                   | 965      |                                      |        |
| 26535-545000  | Contract Services          | \$                                   | 831      |                                      |        |
| 26535-590000  | Capital Outlay             | \$                                   | 48,248   |                                      |        |
| 26390-499900  | Appropriated Fund Balance  |                                      |          | \$                                   | 50,044 |
|   |                            | \$                                   | 50,044   | \$                                   | 50,044 |
| <b>Explanation:</b> Emergency Telephone Fund (26) - Carry forward purchase orders from FY 2017 that were not completed at year end. |                            |                                      |          |                                      |        |
|   | Vendor                     | PO                                   |          | Amount                               |        |
|   | Indoff Inc                 |                                      | 20171690 | \$                                   | 5,243  |
|   | Centurylink                |                                      | 20171537 | \$                                   | 831    |
|   | Wireless Communications    |                                      | 20171289 | \$                                   | 43,970 |
|   |                            |                                      |          | \$                                   | 50,044 |
| <b>Net Budget Effect:</b> Emergency Telephone System Fund (26) - Increased by \$6,074.  |                            |                                      |          |                                      |        |

|  |                            | Debit                                |        | Credit                               |        |
|--|----------------------------|--------------------------------------|--------|--------------------------------------|--------|
|  |                            | Decrease Revenue or Increase Expense |        | Increase Revenue or Decrease Expense |        |
| <u>Account Number</u>  | <u>Account Description</u> |                                      |        |                                      |        |
| 10660-561000   | Professional Services      | \$                                   | 20,000 |                                      |        |
| 10330-447500   | Planning Grants            |                                      |        | \$                                   | 20,000 |
|  |                            | \$                                   | 20,000 | \$                                   | 20,000 |
| <b>Explanation:</b> Planning (10660) - Increase appropriations for Coastal Resilience Rainfall Flood Study. This will be funded through \$20,000 grant funds from the NC Division of Coastal Management and \$6,667 County matching funds that were budgeted in the annual budget process. |                            |                                      |        |                                      |        |
| <b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$20,000.   |                            |                                      |        |                                      |        |

|                       |                                 | Debit                                   | Credit                                  |
|-----------------------|---------------------------------|---|---|
|                       |                                 | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u>      |   |   |
| 50795-590005          | Veteran's Park Dock Improvement | \$ 25,000                               |   |
| 50380-481000          | Investment Earnings             |   | \$ 25,000                               |
|                       |                                 | <u>\$ 25,000</u>                        | <u>\$ 25,000</u>                        |

**Explanation:** County Governmental Construction (50795) - Increase appropriations for parking lot improvements at Veteran's Park in Coinjock, NC.

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$25,000.

|                       |                                    | Debit                                   | Credit                                  |
|-----------------------|------------------------------------|---|---|
|                       |                                    | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u>         |   |   |
| 10410-561000          | Professional Services              | \$ 41,993                               |   |
| 10390-495042          | T F - Transfer Tax Capital Fund    |   | \$ 41,993                               |
| 42450-587010          | T T - Operating Fund               | \$ 41,993                               |   |
| 42450-587050          | T T - Co Governmental Construction |   | \$ 41,993                               |
|                       |                                    | <u>\$ 83,986</u>                        | <u>\$ 83,986</u>                        |

**Explanation:** Administration (10410); Transfer Tax Capital Fund (42450) - Increase appropriations for feasibility study for County broadband service.

**Net Budget Effect:** Operating Fund (10) - Increased by \$41,993.  
Transfer Tax Capital Fund (42) - No change.

|                       |                            | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
|                       |                            | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| <u>Account Number</u> | <u>Account Description</u> |   |   |
| 10460-590000          | Capital Outlay             | \$ 30,000                               |   |
| 10380-488400          | ABC Profits                |   | \$ 30,000                               |
|                       |                            | <u>\$ 30,000</u>                        | <u>\$ 30,000</u>                        |

**Explanation:** Public Works (10460) - Increase appropriations for access control for the Historic Courthouse.

**Net Budget Effect:** Operating Fund (10) - Increased by \$30,000.

|   |                            | Debit                                |        | Credit                               |        |
|---|----------------------------|--------------------------------------|--------|--------------------------------------|--------|
|   |                            | Decrease Revenue or Increase Expense |        | Increase Revenue or Decrease Expense |        |
| <u>Account Number</u>   | <u>Account Description</u> |                                      |        |                                      |        |
| 10795-590000  | Capital Outlay             | \$                                   | 8,000  |                                      |        |
| 10380-488400  | ABC Profits                |                                      |        | \$                                   | 8,000  |
|   |                            |                                      |        |                                      |        |
|   |                            | \$                                   | 8,000  | \$                                   | 8,000  |
| <b>Explanation:</b> Parks & Recreation (10795) - Increase appropriations for Firewise security gate project at Sound Park \$4,000. Also, repair and replace doors at Sound Park damaged by vandalism. |                            |                                      |        |                                      |        |
| <b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$4,000.   |                            |                                      |        |                                      |        |
|   |                            | Debit                                |        | Credit                               |        |
|   |                            | Decrease Revenue or Increase Expense |        | Increase Revenue or Decrease Expense |        |
| <u>Account Number</u>   | <u>Account Description</u> |                                      |        |                                      |        |
| 10460-590000  | Capital Outlay             | \$                                   | 16,047 |                                      |        |
| 10380-484001  | Insurance Recovery         |                                      |        | \$                                   | 11,047 |
| 10380-481000  | Investment Earnings        |                                      |        | \$                                   | 5,000  |
|   |                            |                                      |        |                                      |        |
|   |                            | \$                                   | 16,047 | \$                                   | 16,047 |
| <b>Explanation:</b> Public Works (10460) - Increase appropriations to replace emergency lighting in COA, YMCA and Sr Center damaged by lightning during July storms.                                  |                            |                                      |        |                                      |        |
| <b>Net Budget Effect:</b> Operating Fund (10) - Increased by \$16,047.  |                            |                                      |        |                                      |        |

|                           |   | Debit                                       |          | Credit                                      |         |
|---------------------------|---|---|----------|---|---------|
| <u>Account Number</u>     | <u>Account Description</u>  | <u>Decrease Revenue or Increase Expense</u> |          | <u>Increase Revenue or Decrease Expense</u> |         |
| 10441-545000              | Contract Services   | \$  | 6,428    |   |         |
| 10441-590000              | Capital Outlay  | \$  | 41,675   |   |         |
| 10460-590000              | Capital Outlay  | \$  | 22,365   |   |         |
| 10550-590000              | Capital Outlay  | \$  | 1,442    |   |         |
| 10660-561000              | Professional Services   | \$  | 11,500   |   |         |
| 10750-590000              | Capital Outlay  | \$  | 12,665   |   |         |
| 10980-545000              | Contract Services   | \$  | 88,320   |   |         |
| 10980-590000              | Capital Outlay  | \$  | 5,563    |   |         |
| 10390-499900              | Fund Balance Appropriated   |   |          | \$  | 189,958 |
| 20609-545000              | Contract Services   | \$  | 39,695   |   |         |
| 20390-499900              | Fund Balance Appropriated   |   |          | \$  | 39,695  |
| 63838-545001              | Contract Services   | \$  | 19,672   |   |         |
| 63390-499900              | Fund Balance Appropriated   |   |          | \$  | 19,672  |
|                           |   |   |          |   |         |
|                           |   | \$  | 249,325  | \$  | 249,325 |
| <b>Explanation:</b>       | Various Departments - Carry forward purchase orders from prior fiscal year. |   |          |   |         |
|                           | Centurylink   |   | 20171729 | \$  | 48,103  |
|                           | Quible & Assoc  |   | 20171455 | \$  | 19,672  |
|                           | Coastal Roofing   |   | 20171753 | \$  | 39,235  |
|                           | Moffatt & Nichol  |   | 20171370 | \$  | 39,695  |
|                           | Atlas Engineering   |   | 20170332 | \$  | 35,030  |
|                           | Crowder Gulf  |   |          | \$  | 18,221  |
|                           | Destination by Design   |   | 20170003 | \$  | 11,500  |
|                           | B & M Contractors   |   | 20171691 | \$  | 1,442   |
|                           | Albemarle Fence Co  |   | 20171748 | \$  | 29,943  |
|                           | Gately Communication  |   | 20170960 | \$  | 921     |
|                           | Eastern Data  |   | 20171453 | \$  | 5,563   |
|                           |   |   |          |   |         |
|                           |   |   |          | \$  | 249,325 |
| <b>Net Budget Effect:</b> | Operating Fund (10) - Increased by \$189,958.                               |   |          |   |         |
|                           | Whalehead Stormwater District (20) - Increased by \$39,695.                 |   |          |   |         |
|                           | Solid Waste (63) - Increased by \$19,672.                                   |   |          |   |         |

**3. Classification Chart Revisions**

**4. Job Description Revision-Water Treatment Plant Supervisor**

**5. Master Fee Schedule Revision**

**C) Commissioner's Report**

Commissioner Gilbert reminded everyone of the Bulls and BBQ Festival and Currituck Heritage Day on September 16th at the Rural Center.

Commissioner Etheridge announced the annual Senior Citizen Wellness Day would be held on Wednesday, September 20, from 11 AM till 2 PM. Lunch will be provided for those who register by Thursday, September 14. She announced September as National Voter Registration month and encouraged citizens to register to vote. Voter registration drives would begin in Corolla on September 19 and wrap up in Powells Point on September 28. Registration locations can be found on the Currituck County Board of Elections Facebook page and will be announced through the public information office.

Commissioner Payment also announced the Currituck Heritage Festival on Sept 16 at the Rural Center located on Spot Road. He said Governor Roy Cooper declared the competition a Kansas City BBQ state sanctioned event. This year, Currituck Kids will host the People's Choice Award which will offer attendees the chance to sample the Kentucky BBQ competition entries.

**D) County Manager's Report**

No report.

**RECESS**

Chairman Hanig recessed the regular meeting of the Board of Commissioners to hold a Special Meeting of the Tourism Development Authority.

**SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners recessed the September 5, 2017, regular meeting to hold a Special Meeting sitting as the Tourism Development Authority. The meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. Chairman Hanig called the meeting to order at 6:33 PM.

**E. TDA Budget Amendments**

Travel and Tourism Director, Tameron Kugler, was seated with the Board and County Manager, Dan Scanlon, reviewed the budget amendments up for consideration.

After review Commissioner Hall moved to approve the budget amendments. The motion was seconded by Commissioner Gilbert and carried unanimously.



|                       |                            | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
| <u>Account Number</u> | <u>Account Description</u> | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 15447-545002          | Historic Preservation      | \$ 11,692                               |   |
| 15447-592001          | Whalehead Projects         | \$ 21,157                               |   |
| 15390-499900          | Appropriated Fund Balance  |   | \$ 32,849                               |
|                       |                            | <u>\$ 32,849</u>                        | <u>\$ 32,849</u>                        |

**Explanation:** Occupancy Tax - Carry forward purchase orders that were started in prior fiscal year.

|                      |          |           |
|----------------------|----------|-----------|
| B W & A Books Inc    | 20170503 | \$ 11,692 |
| Premiere Contracting | 20171004 | \$ 21,157 |

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by .

|                       |                            | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
| <u>Account Number</u> | <u>Account Description</u> | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 15447-561000          | Professional Services      | \$ 15,000                               |   |
| 15320-415000          | Occupancy Tax              |   | \$ 15,000                               |
|                       |                            | <u>\$ 15,000</u>                        | <u>\$ 15,000</u>                        |

**Explanation:** Tourism Related Expenses (15447) - Increase appropriations for hotel study for the County.

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

|                       |                            | Debit                                   | Credit                                  |
|-----------------------|----------------------------|---|---|
| <u>Account Number</u> | <u>Account Description</u> | Decrease Revenue or<br>Increase Expense | Increase Revenue or<br>Decrease Expense |
| 15448-545000          | Contract Services          | \$ 40,500                               |   |
| 15448-561000          | Professional Services      | \$ 1,200                                |   |
| 15320-415000          | Occupancy Tax              |   | \$ 41,700                               |
|                       |                            | <u>\$ 41,700</u>                        | <u>\$ 41,700</u>                        |

**Explanation:** Whalehead Operations (15448) - Increase appropriations for grounds maintenance at the Historic Corolla Park and for elevation certificate for the Whalehead Club required for flood insurance.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$41,700.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Mike D. Hall, Commissioner   |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

### ADJOURN SPECIAL MEETING

With no further discussion or consideration, Commissioner Gilbert moved to adjourn the meeting of the Tourism Development Authority and reconvene the regular meeting. Commissioner White seconded the motion, which carried unanimously, and the Special Meeting of the Tourism Advisory Board was adjourned at 6:35 PM.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Marion Gilbert, Commissioner   |
| <b>SECONDER:</b> | Bob White, Commissioner  |
| <b>AYES:</b>     | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

### CLOSED SESSION

After adjournment of a Special Meeting of the Tourism Development Authority, Chairman Hanig reconvened the regular meeting of the Board of Commissioners.

#### 1. Amended Item-Closed Session Pursuant to G.S. 143-318-11(a)(3) to Consult with the County Attorney in Order to Preserve Attorney-Client Privilege

Chairman Hanig moved to enter Closed Session pursuant to G.S. 143-318-11(a)(3) to consult with the County Attorney and in order to preserve the attorney-client privilege. Commissioner Gilbert seconded the motion. The motion carried unanimously and the Board of Commissioners entered closed session.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Bobby Hanig, Chairman  |
| <b>SECONDER:</b> | Marion Gilbert, Commissioner   |
| <b>AYES:</b>     | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |

### ADJOURN

#### Motion to Adjourn Meeting

With no further business after returning from Closed Session, Commissioner Etheridge made a motion to adjourn. The motion was seconded by Commissioner Hall and carried

unanimously. The regular meeting of the Board of Commissioners concluded at 7:19 PM.

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Mary "Kitty" Etheridge, Commissioner   |
| <b>SECONDER:</b> | Mike D. Hall, Commissioner   |
| <b>AYES:</b>     | Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner |