



COUNTY OF DARE
PO Box 1000, Manteo, NC 27954

DARE COUNTY BOARD OF COMMISSIONERS

Dare County Administration Building
954 Marshall C. Collins Dr., Manteo, NC

Tuesday, January 02, 2024

“HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?”
Caring for Our Community – A Nurturing Place Where All Can Live and Grow.

- 9:00 AM CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1** Opening Remarks - Chairman's Update
- ITEM 2** Service Pins
- ITEM 3** Employee of the Month
- ITEM 4** Public Comments
- ITEM 5** **Public Hearing**-Zoning Text Amendment to Section 22-23.2 MH-A Zoning District, Section 22-2 Definitions, and addition of a New Section 22-58.10 Portable Storage Containers
- ITEM 6** **Public Hearing**-County Adoption of Dare County 2022 Land Use Plan
- ITEM 7** Proclamation-Honoring the 150th Anniversary of the Chicamacomico Life-Saving Station
- ITEM 8** Special Use Permit Application 7-2023-- Proposed Group Housing on Existing Residential Property
- ITEM 9** Special Use Permit Application 8-2023-- Travel Trailer Sites on Existing Commercial Property
- ITEM 10** County Audit Requirement for Volunteer Fire Departments and Other Nonprofits
- ITEM 11** Presentation of the June 30, 2023 Annual Comprehensive Financial Report & Audit
- ITEM 12** Update to County Financial Policies
- ITEM 13** Stormwater Master Plan Update
- ITEM 14** **Consent Agenda**
1. Approval of Minutes
 2. Tax Collector's Report
 3. McGuireWoods Consulting
 4. Dare County Transportation – Title VI Policy Update
 5. Budget Amendment – Emergency Management
 6. Budget Amendment - Parks & Recreation
 7. Health & Human Services - Public Health Division Lead and Asbestos Inspection Funding
 8. Health & Human Services - Public Health Division NENCPPH Public Health Workforce Grant
 9. DHHS - Public Health Division Vehicle Lease Agreement with PORT Health
- ITEM 15** **Board Appointments**
1. Older Adult Services Advisory Council
 2. Dare County Tourism Board
 3. Upcoming Board Appointments
- ITEM 16** Commissioners' Business & Manager's/Attorney's Business
- ITEM 17** Closed Session

ADJOURN UNTIL 9:00 A.M. ON FEBRUARY 5TH, 2024



Opening Remarks - Chairman's Update

Description

Dare County Chairman Robert Woodard will make opening remarks.

Board Action Requested

Informational Presentation

Item Presenter

Chairman Robert Woodard, Sr.



Service Pins - January, 2024

Description

Service pins for the month of January will be presented.

Board Action Requested

None

Item Presenter

Robert Outten, County Manager



Employee of the Month

Description

The Employee of the Month Certification will be presented.

Board Action Requested

None

Item Presenter

To Be Determined



Public Comments

Description

The Board of Commissioners encourages citizen participation and provides time on the agenda at every regularly scheduled meeting for Public Comments. This is an opportunity for anyone to speak directly to the entire Board of Commissioners for up to five minutes on any topic or item of concern.

Comments can be made at the Commissioners Meeting Room in Manteo (Administration Bldg., 954 Marshall Collins Drive, Manteo) or through an interactive video link at the Fessenden Center Annex (47013 Buxton Back Road, Buxton).

Board Action Requested

Hear Public Comments

Item Presenter

Robert Outten, County Manager



Public Hearing--Zoning Text Amendment to Section 22-23.2 MH-A Zoning District, Section 22-2 Definitions, and addition of a New Section 22-58.10 Portable Storage Containers

Submitted by William & Shelly Daugherty

Description

William & Shelly Daugherty have submitted a zoning text amendment application seeking the addition of portable storage container services to mini storage facilities in the MH-A, and the addition of the new Section to the Dare County Zoning Ordinance that regulates the service and the storage containers. A detailed staff report, draft text language with conditions, and a statement of consistency and reasonableness is attached for the Board's review.

Board Action Requested

Conduct Public Hearing and act on proposed amendments

Item Presenter

Noah H Gillam, Planning Director

December 12, 2023

MEMORANDUM

TO: DARE COUNTY BOARD OF COMMISSIONERS

FROM: Noah H Gillam, Planning Director

RE: Text Amendment to the MH-A District to include portable storage unit services to Mini-storage facilities and associated amendments

A text amendment application has been submitted by William and Shelly Daugherty to amend the MH-A zoning ordinance. The applicants are seeking the addition of portable storage unit services to the currently permitted use of mini-storage facilities. In addition the applicants have include amendments to the definition section that include a definition of portable storage container and portable storage unit service, and draft language for a proposed new section of the Dare County Zoning Ordinance that regulates the usage of portable storage containers both on and off site of the mini storage facility.

The MH-A intent statement reads as follows “to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas and provide a setting for a limited number of business uses associated with a coastal village location. The MH-A district currently permits a mix of residential and commercial/light industrial uses such single family homes, mobile homes, boat building shops, catering businesses, house and boat moving businesses, and mini storage facilities. I have attached copy of the MH-A regulations for the Board’s review. Since the proposed use would be an expansion of a uses already permitted in the district staff feels that the portable storage unit services would not disrupt the follow of the neighborhood and zoning district.

Since the proposed amendment to the MH-A would allow for the placement of additional structures on a parcel, staff recommends that they be treated as group development subject to the requirements of Section 22-31 Group Developments. This provision will

require Special Use Permit review, so individual properties will be addressed accordingly and conditions can be implemented based on site plan specifics.

The definitions drafted by the applicants for portable storage container and portable storage unit service seem reasonable for the intended use of the amendment. Staff recommends the Board review the proposed definitions during the discussion to see if any language needs to be added or omitted.

In discussion with the applicants, planning staff advised that if the amendment was approved language would need to be included that regulated the portable storage containers service both on the mini storage facility site and customers properties. This draft language is proposed as new section to the ordinance which is appropriate since the containers will not always be located in the MH-A zoning district. The draft language drafted by the applicants establishes a time limit for placement of portable storage containers on properties, the need for anchoring requirements, and the number of units allowed on customer properties. Planning staff expanded the applicants drafted language for the proposed section to include the requirements of the Dare County Flood Damage Prevention Ordinance, signage dimension limitations on portable storage containers, number of containers allowed and method of storage on service site, and added language that would afford other districts that allow storage facilities to have portable storage container service as an accessory use to the already offered storage facilities.

The Dare County Planning Board reviewed the proposed text amendments at their December 5, 2023 meeting. The Planning Board during their review found that the amendment to the MH-A was consistent with the intent of the district and that the definitions of the portable storage containers and portable storage container service were reasonable. In the discussion the Planning Board reviewed the draft Section 22-58.10 as drafted by the applicant and the expanded version drafted by staff. The Planning Board found that the Planning Staff draft language for the new section addressed concerns dealing with flooding and wind and that the signage limitations were consistent with Dare County's sign ordinance. The planning board recommended that a condition be placed in the draft language that requires the portable storage containers to be constructed to meet the North Carolina Wind Code requirements for Dare County.

At close of the Planning Board discussion the Planning Board found that the proposed amendments were consistent with the policies of the 2009 Dare County Land Use Plan, specifically LUC #5 and #LUC 6 and recommended favorable action on the proposed amendments and conditions. The Land Use Plan Policies and Planning Board approved draft text amendments are attached to this memorandum for the Boards review.

Any favorable action by the Board of Commissioners must also include a finding of consistency and reasonableness. A draft statement of this finding is attached.

Draft Motions:

Motion to adopt: "I move that the draft amendments to Section 22-23.2 MH-A zoning district, Section 22-2 Definitions, and new Section 22-58.10 Portable Storage Containers be adopted as drafted by Planning Staff. A statement of consistency and reasonableness as prepared by staff is adopted as part of this motion."

Motion to revise: ""I move that the draft amendments to Section 22-23.2 MH-A zoning district, Section 22-2 Definitions, and new Section 22-58.10 Portable Storage Containers be adopted (insert revised language). A statement of consistency and reasonableness as prepared by staff is adopted as part of this motion."

No motion is needed if the Board chooses to take no action on the proposed amendments. Failure to take no action on the proposed regulation or amendment shall be deemed a denial of the proposed regulation or amendment unless stated otherwise by the Board of Commissioners.

Draft Section 22-2 Definition

11. Aerial adventure centers including climbing walls, zip lines and rope courses, bungee or trampoline facilities.

12. Fishing pier.

13. Tennis, racquet ball and other racket courts.

14. Swimming pools and aquatic centers. (Adopted 3-2-2015)

Parking space - A vehicular storage space of not less than 10 x 20 feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way.

Planned Unit Development - Deleted from the Zoning Ordinance on September 19, 1994.

Planning and development regulation jurisdiction - The unincorporated portions of Dare County in which Dare County may adopt and apply development regulations.

Planning Board - Dare County Planning Board.

Portable Storage Container - a portable, weather-resistant, commercially available for lease or rent receptacle designed and used for the storage or shipment of residential or commercial personal property. The term shall not include yard waste containers, construction debris containers.

Portable Storage Unit Service - A commercial service leasing, providing, maintaining, constructing, assembling, delivering, retrieving and storing or leasing space to store portable storage containers.

Pre-existing towers and antennas - Any tower or antenna for which a permit was issued prior to June 21, 1999 of these regulations.

Principal business use - The business activity which comprises the primary or majority of the commercial activity that occurs on a site as permitted by Dare County. (Adopted 8-20-2012)

Principal dwelling unit - The primary dwelling unit located on a lot or parcel providing independent living facilities for one or more persons including permanent provisions for sleeping, living, eating, cooking, and sanitation. (Adopted 10-15-2018)

Public building - A building that is designed for use by a government-affiliated, non-profit organization for community and public sector services and activities. This shall include such buildings as federally-owned buildings, state-owned buildings, volunteer rescue buildings, community centers, libraries, recreation centers, and civic centers. Buildings or facilities owned or leased by the County of Dare shall be considered as county-owned or leased facilities and permitted as detailed in each zoning district. (As adopted 5- 16-11)

Quasi-judicial decision - A decision involving gathering facts regarding a specific application of a development regulation that requires discretion when applying the standards of the regulation. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

SECTION 22-23.2 - MH-A MANNS HARBOR/ MASHOES ZONING DISTRICT

The following regulations shall apply to the MH-A zoning district:

(a) Intent. The MH-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

(1) Detached single-family dwellings.

(2) Duplexes.

(3) Customary accessory uses.

(4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

(5) Traditional commercial fishing businesses, including crab shedding operations.

(6) County owned or leased facilities.

(7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. Automobile detailing, auto shops, paint and body shops.

2. Agriculture/aquaculture.
3. Bake shops (cakes, pastries, edibles and bakery goods).
4. Barber and beauty shops including tanning and exercise facilities.
5. Bicycle rentals with buffered storage areas.
6. Boarding horses, equestrian activities according to state regulations.
7. Boat building shop and related industry.
8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities including portable storage unit services. Mini-storage facilities with multiple buildings or with portable storage unit services shall be submitted for site plan review under Section 22-31, "Group Development."
28. Music shops and music lessons.

Section 22-58.10—PORTABLE STORAGE CONTAINERS and PORTABLE STORAGE UNIT SERVICES

Portable Storage Unit Services may be offered as accessory uses to mini-storage facilities, storage warehouses, and storage/warehousing and storage centers in the following zoning districts: **CS, I-1, HML, MC-2, MC-1, C-2, C-3, MH-A** and **S-1**. Subject to the provisions of Section 22-31 Group Developments, and the following conditions

1. Portable Storage Containers shall not be used for residential or commercial occupancy
2. Portable Storage Containers may only be located upon a residential or commercial property for fourteen (14) consecutive days unless associated with construction at the property pursuant to duly obtained development permits. Portable storage containers associated with development permits must be secured and installed in compliance with the Dare County Flood Damage Prevention Ordinance and must be removed from the site within thirty (30) days from the expiration of permits or the issuance of a certificate of compliance or certificate of occupancy. No more than two (2) Portable Storage Containers may be located upon a property at the same time. The property owner upon which the Portable Storage Container is located is responsible for complying with this provision.
3. Portable Storage Containers located on the site of Portable Storage Container Service shall be securely anchored and in compliance with the Dare County Flood Damage Prevention Ordinance if on site for more than fourteen (14) consecutive days. Customer access to Portable Storage Containers located on the site of a Portable Storage Container Service shall be restricted to normal business hours and shall only occur in the presence of an employee of the Portable Storage Container Service.
4. Portable Storage Containers located on the site of Portable Storage Container service shall be kept in a designated area on the property and in compliance with applicable setbacks; this designated area shall count as lot coverage. Portable storage containers stored on site shall not be stacked or stored vertically atop another.
5. Signage on Portable Storage Containers shall be limited to 12 square feet in total sign area.
6. Portable storage containers shall be designed and/or constructed to meet the North Carolina Building Code requirements for High Wind Zones applicable in Dare County and certified by a North Carolina licensed engineer.



STATEMENT OF CONSISTENCY AND REASONABLENESS

On January 2, 2024 the Dare County Board of Commissioner considered a zoning text amendment submitted by William and Shelly Daugherty that would amend Section 22-23.2 MH-A zoning district, Section 22-2 Definitions, and creates a new Section 22-58.10 Portable Storage Containers. This amendment seeks to expand the services offered by mini storage facilities and storage warehouses throughout Unincorporated Dare County.

The Dare County Planning Board reviewed the proposed amendments on December 5, 2023 and voted to recommend favorable action on the amendment.

Section 22-86 of the Dare County Zoning Ordinance requires the Board of Commissioners to approve a statement of consistency and reasonableness for any proposed zoning amendment.

The 2009 Dare County Land Use Plan is the comprehensive plan for Unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

A review of the Dare County Land Use Plan found the following policies to be applicable to the zoning text amendment.

Land Use Compatibility Management Topic

Policy LUC #5

Dare County encourages the continued existence and development of locally-owned businesses in Unincorporated Dare County.

Policy LUC #6

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not to serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is manage the size of commercial structures, which serves as a disincentive for regional commercial centers for location in villages.

Based upon a review of the policies, the Dare County Board of Commissioner finds the proposed amendments to Section 22-23.2 MH-A, Section 22-2, and new Section 22-58.10 to be consistent with the 2009 Dare County Land Use Plan

The Planning Board and Board of Commissioners acknowledges the intent of the MH-A is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition

zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with the a coastal village location. The Planning Board and Board of Commissioners also acknowledge that the commercial districts are established to provide for the development of commercial facilities to furnish a broad range of services and commodities to serve the entire community.

The Dare County Board of Commissioner hereby adopts the text amendments to Section 22-23.2 MH-A zoning district, Section 22-2 Definitions, and new Section 22-58.10 Portable Storage Containers as drafted by Staff.

**COUNTY OF DARE
ZONING AMENDMENT APPLICATION
OR AMENDMENT TO DEVELOPMENT REGULATION**

Any zoning map, zoning text amendment, or amendment to other development regulation is subject to legislative review and approval by the Dare County Board of Commissioners according to the procedures of Section 22-81 of the Dare County Zoning Ordinance. Applications for amendments shall be made in writing to the Dare County Planning Director and shall be signed by all property owners or their duly authorized agents.

Property Owner (s) William & Shelly Daugherty
Address: Attn: Benjamin M. Gallop, Attorney; P.O. Box 2029, Manteo, NC 27954
Telephone: (252)256-3811 **Email:** bmgallop@galloplawfirm.com

Property Description:
 E pt 9, 8; 7r Harbor Estates

 Lot Phase/Section Block Subdivision
 Parcel: 023856000 & 023856008 PIN: 975916746839 & 975916745975

Text Amendment **Map Amendment**

Present Zoning Classification: Section 22-23.2 MH-A

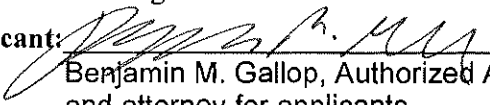
Requested Zoning Classification : Section 22-23.2 MH-A

Explanation of Request: The applicants request that Portable Storage Unit Service be added as an
included use in the MH-A zoning district with a mini-storage facility use and that the site

plan for such a combined use be processed under the same rules as a group development

in the MH-A zoning district. Please see attached proposed amendments for further information

Amendment applications shall not be processed by the Planning Director until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Director shall schedule review of the application as established in the Zoning Ordinance Sections 22-82 to 22-86. Amendments are legislative decisions and involve review by the Planning Board and Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Director. Citizen comments shall be processed according to Section 22-82 and Section 22-85 of the Zoning Ordinance.

Applicant:  **Date:** 11/9/2023
Benjamin M. Gallop, Authorized Agent
and attorney for applicants

SECTION 22-23.2 - MH-A MANNS HARBOR/ MASHOES ZONING DISTRICT

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All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

- (1) Detached single-family dwellings.
- (2) Duplexes.
- (3) Customary accessory uses.
- (4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

- (5) Traditional commercial fishing businesses, including crab shedding operations.
- (6) County owned or leased facilities.
- (7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. Automobile detailing, auto shops, paint and body shops.
2. Agriculture/aquaculture.
3. Bake shops (cakes, pastries, edibles and bakery goods).
4. Barber and beauty shops including tanning and exercise facilities.
5. Bicycle rentals with buffered storage areas.
6. Boarding horses, equestrian activities according to state regulations.
7. Boat building shop and related industry.

8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities.
28. Music shops and music lessons.
29. Elder in-home care facility (not to exceed 4 non-related patients).
30. Offices (financial, professional, medical and real estate).
31. Outboard engine repairs/sales.
32. Photography.
33. Plant nursery.
34. Pottery, clay works, ceramics.
35. Pressure washing business.
36. Radio, TV broadcasting and film production studio.
37. Restaurants – provided alcoholic beverage sales do not exceed 40% of total sales. Restaurants shall not feature a "drive-thru" window service, whereby patrons are served while seated in a motor vehicle. Restaurant seating capacity shall not exceed 100.
38. Seafood sales as per State of North Carolina regulations.

39. Sign making shops.
40. Small engine repair and sales.
41. Tree farms.
42. Taxidermist.
43. Tree removal, stump grinding, log splitting and wood sales.
44. Upholstery shops.
45. Welding shops.

(8) All church functions and cemeteries; churches are allowed to add additional structures to their properties.

(9) Fire stations, schools and other public buildings.

(10) Home occupations.

(11) Traditional village businesses including, but not limited to:

- a. Offices (financial, professional, medical and real estate).
- b. Retail/wholesale shops:
 1. Antiques, furniture and home decor.
 2. Apparel.
 3. Artist and art supplies.
 4. Avian breeding, sales and supplies.
 5. Bait and tackle supplies, fishing rod and lure assembly shops.
 6. Beehives.
 7. Books.
 8. Camera and photo supplies.
 9. Catering home business, in accordance with Health Code Standards.
 10. Coffee/tea cakes, pies, bakery goods and edibles.
 11. Florist.
 12. Fruit and vegetable stand.
 13. Gifts and imports.
 14. Hobby goods.
 15. Home schooling.
 16. Hunting and fishing supplies.
 17. Jewelry.
 18. Leather goods.
 19. Livestock for personal use only.

20. Millinery shops.
 21. Music shops and music lessons.
 22. Photography equipment sales and service.
 23. Sewing shop/needle works, dry goods and supplies.
 24. Tack and equestrian associated sales.
 25. Toys.
 26. Upholstery.
 27. Woodcarving.
- (12) Public parks and playgrounds.
- (13) Small bed and breakfast homes as defined in Section 22-2.
- (14) Fish houses; dockage, and piers (maximum pier length limited to 100 feet, measured from the shoreline extending to open water).
- (15) Resident businesses provided that:
- a. Family member(s) resides on premises;
 - b. Merchandise produced on or off the premises may be sold at the business;
 - c. The total square footage designated as the resident business may not exceed 40% of the total floor area of the home. The business may be located within the confines of the home and/or in an accessory building located on the same property so long as total structures do not exceed 50% of the lot coverage;
 - d. Parking requirements – Section 22-56 for the proposed use shall be applied.
- (16) Family child care homes as defined in Section 22-2 and subject to the provisions of Section 22-29.1. (Amended 5-16-11)
- (17) Child care facilities which are an accessory use of an existing or proposed church, public school, or other public building.
- (18) Pet grooming; no overnight commercial kennel facilities.
- (19) Accessory dwelling unit according to the provisions of Section 22-58.6 of this code. (Adopted 10-15-2018)
- (20) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.
- (c) Special uses.** The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article IX of this chapter:
- (1) Private clubs, golf courses, tennis courts, picnic areas, beach clubs and concessions integral thereto; provided that no open commercial activity and that no sign other than a directional sign is allowed.
 - (2) Public and private utility facilities, substations.
 - (3) Boat sales.

(4) Boat rentals; not to include personal watercraft and those vessels propelled by non-conventional inboard/outboard motors (i.e., "airboats").

(5) Telecommunication towers only associated with a principal use that is authorized as either a permitted use or special use in this district and subject to all standards established in Section 22-29.2.

(6) Mobile home parks, according to the standards of the Dare County Mobile Home Park Ordinance; not to include travel trailer parks.

(7) Fishing and hunting camp. A facility that provides organized fishing and hunting activities for customers for a fee. The facilities may include overnight guest quarters, clubhouse facilities, a swimming pool, storage buildings, piers, docks and private boat launching areas.

a. Overnight guest quarters shall be individual cabins constructed of components on permanent foundations consistent with the North Carolina State Building Code. The total square footage of each cabin shall not exceed 800 square feet of heated space. Cabins may be rented on a daily or weekly basis not to exceed 30 consecutive days. This 30-day limit shall not be interpreted to prohibit use of a fishing-hunting camp by community, civic or church groups for more than 30 consecutive days whereby the group reserves the camp for use by its membership which may change on a weekly or daily basis. For example, a youth group from eastern North Carolina reserves use of the camp for the months of June and July and during these months sub-chapters of the group from individual counties make use of the camp on a weekly basis. Portable toilets shall not be used as bathroom facilities.

b. Density: 1 cabin per 20,000 square feet of non-wetland area. Any wetland areas shall not be used in the calculation of density.

c. Setbacks: All cabins shall be located on the parcel according to the minimum setbacks for the MH-A district and shall be located a minimum of 20 feet from another cabin.

d. Any lot proposed for use as a fishing-hunting camp shall have frontage on the Albermarle Sound from Haulover Point to the western terminus of the William B. Umstead Bridge. This frontage shall be no less than 100 feet in width.

e. Travel trailers, motor homes, pickup coaches, recreational vehicles, tents or other temporary dwellings shall not be occupied on the camp property.

f. Boating launching facilities and clubhouse facilities shall be for the use of the guests of the camp. The clubhouse structure shall not be calculated in the cabin density calculation. No overnight guest quarters shall be provided in the clubhouse facility.

g. Signage for the camp shall be limited to 1 free-standing sign located at the entrance of the camp and shall not exceed 32 square feet in size.

h. Other reasonable conditions that may be imposed by the Board of Commissioners.

(Adopted 10-18-10)

(8) Workforce housing units - special use review if two or more WHU units subject to provisions of Section 22-58.7.

(9) Educational housing projects subject to the provisions of Section 22-58.8.

(10) Special use subdivisions subject to the provisions of Section 22-58.9.

(d) Dimensional requirements.

(1) Minimum lot size:

a. Single-family lots served by a private well and on-site septic tank/drain field system: 20,000 square feet of soil not classified as coastal wetland.

b. Single-family lots served by a county/state operated central water supply and on-site septic tank/drain field system: the lot size may be reduced to 15,000 contiguous square feet.

c. Duplex lots if served by a private well regardless of wastewater disposal method: 20,000 square feet.

Duplex lots if served by central water regardless of wastewater disposal method: 15,000 square feet. (Amended 10-15-2018)

(2) Maximum gross building size (applicable to all structures except publicly owned buildings, schools, and those structures directly associated with a church): 10,000 square feet excluding decks, porches, and similar non-heated space.

(3) Newly platted lots shall comply with the following dimensional standards:

a. Minimum lot width: 75 ft. measured at the building setback line.

b. Minimum front yard: 25 ft.

c. Minimum side yard: 10 ft. An additional 10 ft. side yard adjacent to the street is required for corner lots.

d. Minimum rear yard: 20 ft. No rear yard setback is required for waterfront lots.

(4) Maximum allowable lot coverage: 30%. Lot coverage of 50% may be authorized for those sites with an accessory dwelling unit and/or a traditional village business.

(5) Height limitation for commercial/light industry buildings: 40 feet. All other uses: 35 feet.

(Adopted 5-21-07)

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 5-17-2023)

Commercial Development

As noted in the previous section, residential development is the preferred pattern of development for unincorporated Dare County. However, some commercial development is necessary to provide goods and services to the local residents and our seasonal visitors. One objective established for commercial development is that such development should reflect the Outer Banks coastal heritage. In the Planning Board discussions of this issue, various alternatives were addressed and it was noted that this objective will be difficult to implement. Most often building design standards are used to establish architectural features, façade, and paint schemes. Reaching a consensus of appropriate building design standards is difficult and often faced with opposition from the business community. The importance of aesthetics as a quality of life issue and our continued appeal to seasonal visitors was stressed by the Planning Board in writing the policies for this topic.

One objective identified for this management topic was to keep commercial development on a neighborhood scale and of a scope that is not designed to attract regional markets. In 2003, the Dare County Board of Commissioners adopted gross floor limitations for the commercial zoning districts in unincorporated areas of the County. The zoning maps for Mann Harbor and Wanchese also included gross floor area limitations. In 2007, a gross floor area limitation was also adopted by the Board of Commissioners for the unzoned areas of Dare County. These gross floor area limitations should assist with the objective of neighborhood commercial development, not commercial development for regional markets.

The Planning Board also noted that the 2003 policy encouraging the continued existence of locally owned businesses should be included in the 2009 update. Many of the locally owned businesses have been in operation for many years, and in some instances, before zoning regulations were adopted by Dare County. Some of the businesses may have been rendered non-conforming with the overlay of zoning regulations. Amendments to the Zoning Ordinance to address the non-conforming status of older, existing businesses should be considered to ensure the replacement or repair of non-conforming commercial structures in support of the policy for locally-owned businesses. The eclectic nature of the businesses in unincorporated Dare County, especially along the Highway 12 corridor on Hatteras Island, is part of the appeal of the Outer Banks. Creating a favorable environment for the business community will assist with the continued success of the small neighborhood shops and stores in existence today.

Another potential tool identified during the LUP update process to implement the County's objectives is amendment of the Zoning Ordinance to limit drive-thru window service at restaurants and food service businesses. Most franchise food service businesses, especially the fast-food industry, rely on drive-thru window service. An amendment to eliminate this option for food service establishments

would provide an additional layer of protection for the unincorporated areas from franchise businesses that often employ unoriginal, generic, or replicated corporate building designs that are inconsistent with the traditional architecture of the Outer Banks. In addition to the incompatibility of these franchise restaurants with existing coastal village atmosphere, there are secondary impacts such as trash, lines of waiting vehicles, and a decrease in the appeal of the neighborhood that accompany these commercial developments.

The first section of the LUP noted that the needs of the permanent population and the seasonal population vary in terms of what commercial services and goods are desired. Many of the commercial businesses in Dare County are solely focused on the provision of souvenirs and tourist-related goods to the visiting population. The proliferation of these tourist-oriented businesses was identified by a vast majority of the respondents to the Citizen Involvement Poll as an important issue of concern. This concern was also voiced at all of the public input workshops held at the beginning of the update process in 2007. Other jurisdictions have adopted building design standards to address concerns about the aesthetics of these tourist-oriented retail operations. Building design standards do not address the profusion of such retail establishments. The legality of targeting one segment of the retail market and how to do so was identified as an implementation strategy by the Planning Board. Although it may prove extremely difficult to craft an ordinance aimed at tourist-related businesses, there was a strong consensus among the Planning Board that such efforts were worthy of study and research.

Policy LUC #5

Dare County encourages the continued existence and development of locally-owned businesses in unincorporated Dare County.

Implementation Strategy:

1. Inventory of older existing commercial businesses and consideration of zoning amendments to ensure their replacement or repair in the event of damage from a natural disaster. (2011)

Policy LUC #6

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not to serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is to manage the size of the commercial structures, which serves as a disincentive for regional commercial centers for location in villages.

Intent of Commercial Districts that offer Storage Facilities

- **Commercial Services District (CS)** -- The CS district is created to provide a setting for various service establishments that are more intense in their scope of activities than retail/office zoning districts but not as intense as those generally found in an industrial setting.
- **Industrial District (I-1)**-- The industrial district is established to provide for the development of commercial and industrial facilities to better furnish a broad range of services and commodities to serve the entire community including, but not limited to, such facilities as commercial laundry, food and beverage ware-housing and procession, building supply facilities, construction equipment storage and servicing, manufacture, production and marketing of concrete and concrete products and other similar uses.
- **Historic Mill Landing (HML)**--The Historic Mill Landing Marine District (HML) is established to protect and preserve the historic pattern of the village and ensure the preservation of unique features and structures that have long been associated with the Mill Landing waterfront location. Because of the historical background of the fishing village and the community's strong relationship to water resource activities in a coastal village location, the district promotes constructive improvements to existing businesses to allow for the continuation of those harbor activities that serve people and industry and strengthen the economic base of Dare County.
- **Wanchese Wharf Marine Commercial (MC-1)**-- The Wanchese Wharf Marine Commercial I District is identified in the general location along the boundaries at the west end of Old Wharf Road at the shoreline area of Oyster Creek, a natural deep-water port. The Wanchese Wharf area is historically known as a natural deep-water port and has been used for shipping and harbor activities since before the Civil War. For that reason, land uses in the district are established to preserve and protect the continuation of harbor activities and promote constructive improvements to existing businesses and allow for future development with limitations characterizing much of the lands and a gross building size of 10,000 square feet.
- **Harbor Road Marine Commercial (MC-2)** -- The Marine Commercial District is established to protect the existing varying marine-oriented uses that require a waterfront location while promoting marine-oriented uses and other commercial businesses that do not require a waterfront location, but are related to, or serve a marine interest. The district is designed to promote constructive improvements to existing businesses, orderly growth and future development that is sensitive to any environmental conditions and limitations characterizing much of the lands within the district situated along the north and south boundaries of Harbor Road extending to the entrance of Wanchese Industrial Park.

- **C-2 General Commercial (C-2)** -- The C-2 district is established to provide for the proper grouping and development of commercial facilities to serve permanent residents and the general public.
- **C-3 Commercial District (C-3)** -- The C-3 district is established to provide for the development of commercial facilities to furnish a broad range of services and commodities to serve the entire community.
- **S-1 Special District (S-1)** -- The S-1 special district is established as a transitional area to allow broad flexibility of services and uses while establishing certain density limitations, setbacks, parking requirements and other general requirements.



Public Hearing--County adoption of Dare County 2022 Land Use Plan

Description

On November 7, 2023 the Dare County Planning Board conducted a final review of the draft Dare County 2022 Land Use Plan and recommended approval and that the Plan be forwarded to the Board of Commissioners for review and adoption. As part of the States requirements before a local government can adopt a land use plan and submit it to the State for certification a public hearing must be scheduled and held.

Board Action Requested

Conduct Public Hearing, and adopt the Dare County 2022 Land Use Plan as recommended by the Planning Board.

Item Presenter

Noah H Gillam, Planning Director.

December 18, 2023

MEMORANDUM

TO: DARE COUNTY BOARD OF COMMISSIONERS
FROM: Noah H Gillam, Planning Director
RE: Land Use Plan Update—Final Review

As one of the 20 CAMA coastal counties, Dare County is required to prepare a comprehensive plan or a land use plan to guide development in the Unincorporated areas of the County, and to ensure compliance with CAMA regulations. Land use plans are not a regulatory document like a zoning ordinance but serve as a policy document used by CAMA staff for consistency determinations in review of major CAMA permit applications. Land use plans also provide guidance to the Board of Commissioners and the Planning Board when reviewing zoning amendments and other land use issues.

The current plan was adopted by Dare County in 2009 and certified by the NC Coastal Resources Commission in 2011. Local governments are encouraged to update their LUPs every 5-10 years. In early 2018 the Dare County Planning Department and Planning Board started working to update the Dare County Land Use Plan. As part of the update the County is required to have participation from the citizens of the county, and create a Public Participation Plan which establishes various public participation activities. In April of 2018 Dare County held three public workshops which solicited public input from citizens and property owners on the vision statement and policies of the LUP. Another public participation activity was a survey that was posted on the Dare County webpage from April 23, 2018 through May 28, 2018, and received 329 responses. Once all the public participation workshops and surveys were completed Planning Staff and Planning Board analyzed the results of the surveys and comments began working to draft the updated Land Use Plan.

On June 14, 2021, the Planning Board conducted a final review of the draft LUP before to sending to the Division of Coastal Management on June 25, 2021 for a completeness review. The draft LUP was returned to Dare County on December 15, 2021 for corrections after a series of State reviews. Planning Staff updated the plan based on the States comments and resubmitted the draft LUP to Coastal Management on May 31, 2022 for a second completeness review. After addressing the States comments final approval from the state was received on June 13, 2023.

The Planning Board conducted a final review of the draft 2022 Dare County Land Use Plan and its policies at their November 7, 2023 meeting and recommended approval of the Plan and that it be forwarded to the Board of Commissioners for adoption.

The Board of Commissioners are required to hold a public hearing on the adoption of the draft 2022 Land Use Plan at which time they will be in a position to approve the plan and adopt a Resolution of Approval. If favorable action is found by the Board, the plan will be sent to the Division of Coastal Management for Certification.

Draft Motion: "I move that the Dare County 2022 Land Use Plan be adopted as recommend by the Dare County Planning Board."



RESOLUTION OF THE BOARD OF COMMISSIONERS OF DARE COUNTY, NORTH CAROLINA, ADOPTING THE 2022 DARE COUNTY LAND USE PLAN

WHEREAS, from March 2018 through December 2023, Dare County drafted a Coastal Area Management Act (CAMA) Land Use Plan, and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the Dare County Planning Department and Dare County Planning Board; and

WHEREAS, on November 7, 2023, the Planning Board recommended approval of the adoption of the draft Plan; and

WHEREAS, the Dare County Board of Commissioners conducted a duly advertised public hearing on the draft Plan at the Regular Meeting of the Dare County Board of Commissioners on January 2, 2024; and

WHEREAS, at the Regular Meeting on January 2, 2023 the Board of Commissioners of Dare County, North Carolina found the policies and Future Land Use Maps in the draft Plan to be consistent with the Dare County desired vision for the future and unanimously approved to adopt the draft Plan; and

WHEREAS, the adopted Plan will be submitted as required by State law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Division Director; and

WHEREAS, a review of the adopted Plan by the Coastal Resources Commission will be scheduled; and the CRC will then decide on certification of the locally adopted Plan;

WHEREAS, a certified copy of the Dare County CAMA Land Use Plan will be forwarded to the Office for Coastal Management for federal approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners for Dare County, North Carolina has adopted the draft Plan; and

BE IT FURTHER RESOLVED that the County Manager of Dare County is hereby authorized to submit the adopted Plan to the State for certification as described above.

Adopted this 2nd day of January 2024.

Robert Woodard Sr., Chairman

Robert L. Outten, County Manager

Attest: Skyler Foley, Clerk to the Board



Proclamation - Honoring the 150th Anniversary of the Chicamacomico Life-Saving Station

Description

The Chicamacomico Life-Saving Station has requested to declare October 2024 as Life-Saving Service Commemoration Month to honor the legacy of the United States Life Saving Service in North Carolina and appreciate the thousands of visitors a year who continue to be inspired by the positive impacts of the surfmen, their families, and descendants - many of whom still reside in the county today.

Board Action Requested

Adopt Proclamation

Item Presenter

John Griffin, Chicamacomico Executive Director



A PROCLAMATION

Honoring the 150th Anniversary of the Chicamacomico Life-Saving Station in Rodanthe and Declaring October 2024 as Life-Saving Service Commemoration Month

WHEREAS, during the late 1700s and early 1800s, an increase in maritime trade resulted in the greater possibility of near-shore shipwrecks occurring along the East Coast of the United States, and;

WHEREAS, at that time, large sections of the Eastern Seaboard were sparsely populated, leaving sailors with little hope of being rescued should their ship begin to sink—and a very small chance of survival if they made it to shore due to the isolated nature of the beaches, and;

WHEREAS, in 1848 the foundation for the future United States Life-Saving Service was laid when the United States government provided a New Jersey congressman with funding to provide life-saving services in his state, and;

WHEREAS, in the years that followed, the shipping of goods as well as transportation by water, although perilous, expanded dramatically as the United States became industrialized, and;

WHEREAS, this increase in maritime activity subsequently resulted in a greater loss of lives and vessels along the Eastern Seaboard, and dramatic events involving these losses demonstrated the need for a formal life-saving service to be established, and;

WHEREAS, Sumner Kimball, a young lawyer from Maine, was appointed to serve as chief of the U.S. Department of the Treasury's Revenue Marine Division in 1871 and asked the U.S. Congress to authorize \$200,000 to fund life-saving stations along the East Coast, and;

WHEREAS, on April 20, 1871, the U.S. Congress appropriated this \$200,000 in funding for life-saving purposes, and that same year, a network of existing volunteer life-saving stations scattered along the East Coast were formally organized as a separate agency of the U.S. Department of Treasury, resulting in the official establishment of the United States Life-Saving Service, and;

WHEREAS, Sumner Kimball identified the coast of North Carolina—which is often referred to as the "the Graveyard of the Atlantic" due to the frequency of shipwrecks that occurred as vessels attempted to traverse the area's treacherous shoals—as an area of high priority, and;

WHEREAS, by 1874, funds were appropriated to begin building seven life-saving stations along the coast of North Carolina, the first of which to be completed was the Chicamacomico Life-saving Station in Rodanthe, which was commissioned on December 4, 1874, and;

WHEREAS, construction of all seven life-saving stations—Chicamacomico, Jones Hill, Caffey’s Inlet, Kitty Hawk, Nags Head, Oregon Inlet and Little Kinnakeet—was completed by October 1874, and;

WHEREAS, in 1878, an additional 11 stations were constructed on the coast of North Carolina—including the now-famous Kill Devil Hills Life-Saving Station, whose crew members provided assistance to the Wright brothers—as well as the Hatteras Inlet station, and;

WHEREAS, a series of additional stations continued to be constructed from the North Carolina/Virginia state line to northern border of South Carolina, eventually totaling 29 stations that were located an average of six miles apart from one another, and;

WHEREAS, over the course of its 44 years in operation before it was merged with the Revenue Cutter Service and became the United States Coast Guard, the, the United States Life-Saving Service responded to 28,121 vessels—and of the 178,741 lives that were in peril at sea, crew members successfully saved a record number of 177,286 lives.

WHEREAS, we note that October 2024 is the 150th anniversary of the arrival of the United States Life-Saving Service to the coast of North Carolina, and;

WHEREAS, we reflect upon the rich heritage of the men and women of Dare County who sacrificed comfort and risked their own personal safety to save the lives of strangers in danger at sea, and;

WHEREAS, we acknowledge the tireless work that continues to preserve the heritage, stories, and legacies of the United States Life Saving Service in North Carolina, ensuring that the heroism of these men are never forgotten, and;

WHEREAS, we honor the legacy of the United States Life Saving Service in North Carolina, and appreciate the thousands of visitors a year who continue to be inspired by the positive impacts of the surfmen, their families, and descendants- many of whom still reside in the county today, and therefore;

WE, THE DARE COUNTY BOARD OF COMMISSIONERS, do hereby recognize and celebrate the 150th anniversary of the Chicamacomico Life-Saving Station in Rodanthe and also proclaim October 2024 as “Life-Saving Service Commemoration Month” in Dare County in honor of those who so bravely served in the United States Life-Saving Service along our shoreline.

This, the 2nd day of January, 2024.

Robert Woodard Sr., Chairman

Attest:

Skyler Foley, Clerk to the Board



*Special Use Permit Application 7-2023-- Proposed Group Housing on Existing Residential Property
Submitted By James Yax & John Kuchta*

Description

A site plan and special use permit application has been submitted by James Yax & John Kuchta for the development of a proposed group housing development, upon an existing residential property. A detailed staff report, site plan, and draft special use permit are attached with this cover sheet.

Board Action Requested

Approval of the draft SUP and site plan. "I move that the proposed group housing development and site plan submitted by James Yax & John Kuchta be approved as presented."

Item Presenter

Morgan J. Potts, Planner

December 18, 2023

MEMORANDUM

TO: DARE COUNTY BOARD OF COMMISSIONERS

FROM: Morgan Potts, Planner

RE: Special Use Permit Application 7-2023 Group Development for James Yax & John Kuchta

A Special Use Permit Application has been submitted by James Yax and John Kuchta for a proposed group housing project. The property is identified as parcel 015154000 on the Dare County Tax records and is located at 53770 NC 12 Hwy in Frisco, NC. The property is zoned S-1 and group developments are permitted in this district subject to review as a special use, as referenced in Section 22-31 Group Developments of the Dare County Zoning Ordinance. The parcel is 24,937 square feet and meets the minimum lot size required for a group development.

There are currently two existing structures on the parcel, one principle use single family dwelling and an accessory structure storage shed. The accessory structure will be demolished. The applicant is proposing to construct two additional single family dwellings. The proposed structures will be 3 stories, 2-bedroom dwellings, wood framed on pilings. The proposed site plan shows the dwellings being separated by 20 feet meeting the requirements of the group development ordinance.

Each structure in the group development will be accessed directly off of NC 12 Highway via an existing driveway. The site plan has been reviewed by the fire marshal, and his comments are attached to this memo. Conditions have been added to the draft SUP to address these topics.

A final site plan of the group development depicting footprint areas shall be recorded in the Register of Deeds. Dwellings in the group development may be transferred to individual owners with the remainder of the site dedicated as common area owned by a homeowners association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.

The proposal was reviewed by the Dare County Planning Board at their December 5, 2023 meeting. The conditions in the draft SUP and site plan were identified by the Planning Board and recommended as reasonable and appropriate conditions to apply to the proposed use. A copy of the site plan and draft SUP are attached to this memo for the Boards review.

The notice procedures for quasi-judicial uses established in Section 22-72 of the Dare County Zoning Ordinance were implemented.

Draft motion: "I move that SUP#7-2023 and associated site plan for the proposed group development be approved."

SPECIAL USE PERMIT APPLICATION

Date: 11/14/23 Application No. _____

Property Owner/Petitioner: JAMES YAX & JOHN KUCHTA

Address: 53770 NC 12 HWY, FRISCO, NC 27936

Telephone: 1(757)513-5982 Email: jimmyyax@gmail.com

Review Fee Paid: \$200⁰⁰ jpkuhta@outlook.com

Project Description: SITE PLAN SUBMITTED FOR THE PURPOSE OF CONSTRUCTION OF TWO ADD'L, TWO BEDROOM HOMES (1500sf heated/conditioned space) AT ABOVE REFERENCED PROPERTY IN ADDITION TO THE EXISTING 3-BEDROOM DWELLING ON SITE.

Property Description:

PARCEL IN FRISCO

Lot	Phase/Section	Block	Subdivision
Parcel: <u>015154000</u>			PIN: <u>050511067801</u>

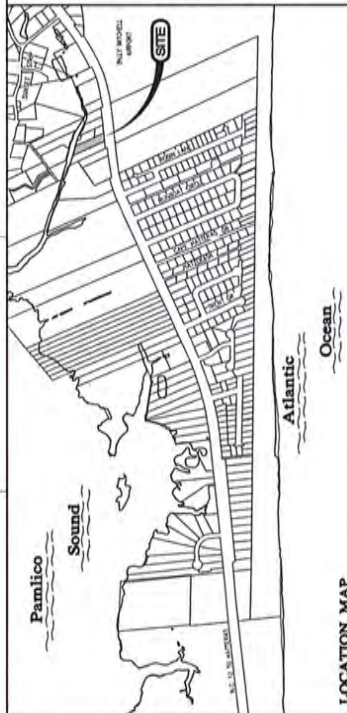
APPLICATION IS HEREBY made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-31(c) Special Use: GROUP DEVELOPMENT (GROUP HOUSING)

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

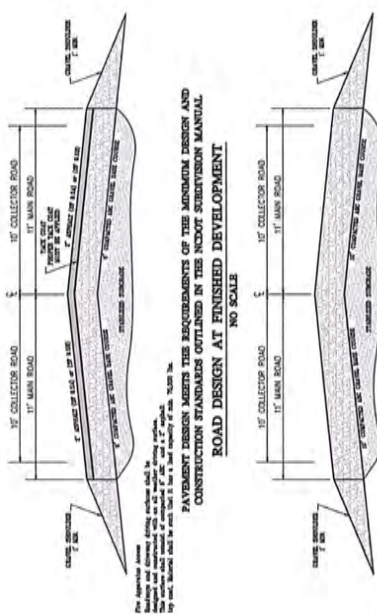
Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: [Signature] for JIMMY YAX Date: 11/14/23

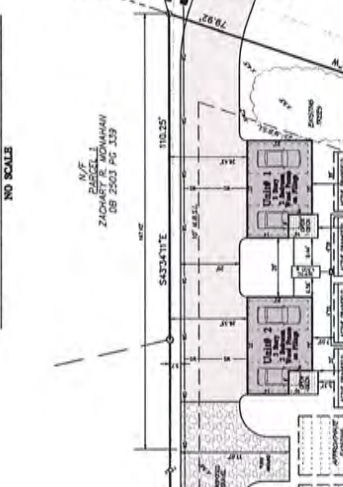


GENERAL NOTES:

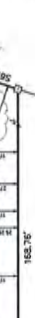
- SUBJECT PROPERTY: HOUSE ENGINEERING P.C. 53770 No. 12 Hwy Raleigh, NC 27606
- STREET ADDRESS: 53770 No. 12 Hwy Raleigh, NC 27606
- PARCELS & NUMBER: 0100000000
- RECORD REFERENCE: 2015-000000
- FROM DATA: 2015-000000
- SUBJECT PROPERTY: 53770 No. 12 Hwy Raleigh, NC 27606
- PROPOSED DEVELOPMENT: 1.5 BERTON PERSONAL RESIDUAL (PDR) WITH 1.0 ADDITIONAL 2 BERTON (INDIVIDUAL)
- PROPOSED LOT COVERAGE: 100%
- ACRES COVERED: 1.5770
- SURVEY DATA TAKEN FROM: A. MILLER & SONS INC.



ROAD DESIGN AT FINISHED DEVELOPMENT NO SCALE



STONE BASE VEHICULAR CIRCULATION AREA N.T.S.



NOTE:
THE DATA SHOWN ON THESE PLANS IS BELIEVED TO BE ACCURATE. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXISTING UTILITIES AND DIMENSIONS OF THE EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND TO PROTECT THEM AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ANY OTHER AGENCIES THAT MAY BE INVOLVED IN THE PROJECT.

APPROVALS

DATE	DATE
12/05/23	12/05/23
12/05/23	12/05/23
12/05/23	12/05/23

REVISIONS

No.	Date	Description
1		
2		
3		

OWNER: HOUSE ENGINEERING P.C.
FOR: Yax and Kuchta
 53770 No. 12 Hwy
 Raleigh, NC 27606
PROJECT NUMBER: 237006
SCALE: 1" = 20'-0"

DATE: 12/05/23
PROJECT NO.: 237006
SCALE: 1" = 20'-0"

BEFORE YOU DIG!

North Carolina
 www.nc811.org



COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Morgan Potts, Planner
From: Steven R. Kovacs, Fire Marshal
Date: November 30, 2023
Re: Yax/Kuchta Group Development

I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There shall be no parking allowed with the drive aisle at any time.
- There needs to be a fire hydrant within 400-feet of the structures along the travel path of the fire apparatus. Currently the plan shows that there is a fire hydrant located within approximately 300 feet of the structures. Flow data from Dare County Water Department shows the available flow exceeds the require 1,250 gallons per minute calculated for this project.

** Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*



Special Use Permit No. #7-2023

Dare County Sections 22-27.1, 22-31, 22-65, 22-70 & 22-72

Application of: James Yax & John Kuchta for Group Development

On January 02, 2024 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Storage Warehouses and Group Developments
3. The subject property is zoned S-1. This property is identified on the Dare County tax records as PARCEL 015154000 and located in the Frisco Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

SPECIAL USE: A Group Development consisting of 3 residential structures; 1 existing primary structure, and two new units. The existing accessory structure will be demolished. A site plan depicting the proposed improvements identified as Appendix A is included as part of this permit.

CONDITIONS:

1. The group development shall operate as prescribed in the definition set forth in Section 22- 31 of the Dare County Zoning Ordinance. The structures shall be constructed as depicted on the attached site plan.
2. All structural improvements shall be located in the dwelling footprints as recorded on the final plat.
3. The structures shall be located on the parcel in conformance with the setbacks of Section 22-27.1 and Section 22-31 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. A final site plan of the group development depicting the footprint areas shall be recorded in the Register of Deeds. The dwelling units may be transferred to individual owners with the remaining area of the site dedicated as common area owned by a homeowner's association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.
5. Building permits for the structures shall be secured within 24 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance. If the developer chooses to construct the structures at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy.
6. All structures shall be constructed in compliance with the requirements of the Dare County Fire Marshal, North Carolina Building Code, and the North Carolina Fire Code.
7. There shall be no staging of equipment or materials in or along the right-of-way of NC Highway 12.
8. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.

9. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
10. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This 02nd day of January 2024

SEAL:

COUNTY OF DARE

By: _____
Robert L Woodard Sr.
Dare County Board of Commissioners

ATTEST:

By: _____
Skyler Foley
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____
James Yax, Primary Owner

By: _____
John Kuchta, Secondary Owner

APPROVED AS TO LEGAL FORM

By: _____
Robert L Outten

SECTION 22-31 - GROUP DEVELOPMENT PROJECTS

(a) Generally. Group development projects, consisting of two or more buildings devoted to a common or similar use and constructed on a single lot, may be permitted in specified districts as special use permits according to the provisions of Sections 22-65 and 22-70. Such review and approval shall be required for all group development projects. Adequate scaled site plans shall be submitted to allow for review of the size and location of all buildings, structures, streets, drives and parking spaces and their relationship to any open spaces and adjacent properties. Such group housing development plans shall also be accompanied by a computation or schedule, expressed in acres or portions thereof, which indicates the area and percentage of the site devoted to:

- (1) Gross area.
- (2) Parking area.
- (3) Net area.
- (4) Building area.
- (5) Open space.**

(b) Design standards. - Generally. All group development projects shall comply with the following design standards:

(1) Street access. Any building established as a part of a group development project, which cannot properly be served by emergency or service vehicles from an existing abutting street, shall be made accessible to such vehicles by a publicly-dedicated street. All street improvements shall consist of a minimum 45-foot-wide right-of-way, with 20-foot-wide paved improvements located internal to this 45-foot right-of-way. All pavement and sub-base materials used in the construction of the street improvements shall be consistent with applicable NCDOT standards for acceptance into the state highway maintenance system. All proposed street improvements shall be built to be consistent with all other applicable NCDOT standards, including but not limited to, roadway design, utility placement, drainage improvements.

(2) The developer shall submit, as a part of the group development site plan, a signed statement of a North Carolina-licensed professional engineer, stating that the proposed streets as designed will meet all of the requirements of this section. The developer shall provide for inspections to ensure that the streets are being constructed in accordance with the approved site plan by an independent, licensed professional engineer during the construction process, whose reports are to be submitted to the Planning Board in accordance with a schedule submitted, and approved as part of the group development. Once the street improvements are complete, the developer shall submit a certificate of an independent, licensed professional engineer that the streets have been constructed in accordance with the approved site plan.

(3) The ownership of the streets shall be conveyed to a home owners' association or similar organization. The developer shall submit evidence that the ultimate owner of the streets will be institutionally and fiscally capable of maintaining the streets and rights-of-way to the specified standards in perpetuity. The developer must agree to maintain the streets until the owners' organization is fully functional, and must agree to contribute to that organization its share of the maintenance for all lots retained by the developer or successor.

(4) The approved site plan, the uniform covenants and deeds shall plainly indicate that the streets are dedicated to public use, and their maintenance is the responsibility of the owners' organization in perpetuity, or until the streets are accepted into the state highway system.

(5) Off-street parking and loading facilities. Off-street parking and loading facilities established in connection with a group development project shall be of such design, location and arrangement as will

not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency or service vehicles.

(6) Separation of buildings. All buildings established as a part of a group development project shall be separated by not less than 20 feet.

(7) Setback requirements. Unless otherwise provided by this chapter for a specific type of group development, each group development project shall comply with the front yard setback and the side and rear yard requirements established for the district in which it is located.

(8) Prohibited uses. In no case shall a use be permitted as a part of a group development project that is prohibited by this chapter in the district in which such project is to be located. (Amended on 6-2-2008)

(c) Same - Group housing projects. In addition to the other standards set forth in this section, a group housing project shall comply with the following requirements:

(1) **Setbacks.** All buildings established as a part of a group housing project shall be set back not less than 25 feet from any side or rear property line.

(2) **Location.** No dwelling structure established as a part of a housing project shall be situated on a lot so as to face the rear of another dwelling structure within the development or on adjoining property.

(3) **Lot size.** A group housing project shall be permitted only on a lot or plot of ground having an area of not less than 20,000 square feet. (11-20-75, art. 3, 3.13)

(d) Group developments may be allowed in the following zoning district: R-2, R2-A, R2-B, R-2H, R2-AH, R-3, RS-6, RS-8, RS-10, SP-C, VC, VC-2, C-2, C-2H, C-3, I-1, S-1, BT, RB, MLM, WVC, MC-1, MC-2, SNC, and Highway 345. Only those uses listed as permitted and/or special uses in the applicable zoning district shall be considered for group developments. This language is not intended to allow any use as a group development that is not permitted by right in the applicable district. (Adopted by the Dare County Board of Commissioners on February 4, 2002)

(e) Disclosure of flood and other hazards.

(1) Any land proposed development as a group development as defined in this subsection which is located, wholly or partially, in a special flood hazard area as designated on the Flood Insurance Rate Map for Dare County shall include the following certificate on the site plan that is submitted for special use permit approval by Dare County:

“This property, or portions of this property, is located within a special flood hazard area as designated on Flood Insurance Rate Maps for Dare County. Location in a special flood hazard area represents a one percent (1%) or greater chance of being flooded in any given year. Flood insurance may be required by lending institutions for structures constructed on property located in special flood hazard areas.”

(2) Any land proposed for development as a group development which is located, wholly or partially, in a Coastal Outer Barrier Resources Areas as determined by the U.S. Fish and Wildlife Service, the following certificate shall be included on the final plat submitted for approval by Dare County Planning Director:

“**This property, or portions of this property, is located within a Coastal Outer Barrier Resources Act (CBRA) zone as determined by the U.S. Fish and Wildlife Service. Location in a CBRA zone precludes the availability of federally-insured loans and the purchase of federal flood insurance through the National Flood Insurance Program.**”

(3) The certificate shall also be included in any restrictive covenants that may be recorded for the group development or be included in any rental agreement that may be used in conjunction with the

leasing of rental units approved as part of a group development. A copy of these documents including this certificate shall be provided to Dare County in conjunction with the approval of the final as-built site plan.

(Adopted 1-20-2015; amended 11-20-2017)

(Am. Ord. passed 6-21-2021)



*Special Use Permit Application 8-2023-- Travel Trailer Sites on Existing Commercial Property
Submitted By Tod & Angie Gaskill*

Description

A site plan and special use permit application has been submitted by Tod and Angie Gaskill for the development of travel trailer sites in conjunction with an existing commercial property. A detailed staff report, site plan, and draft special use permit are attached with this cover sheet.

Board Action Requested

Approval of the draft SUP and site plan. "I move that the proposed travel trailer sites in conjunction with an existing commercial property, and site plan submitted by Tod & Angie Gaskill be approved as recommended by the Planning Board."

Item Presenter

Noah H Gillam, Planning Director

December 8, 2023

MEMORANDUM

TO: DARE COUNTY BOARD OF COMMISSIONERS

FROM: Noah Gillam, Planning Director

RE: Tod Gaskill Travel Trailer Sites on Existing Commercial Property SUP Application

Tod and Angela Gaskill have submitted a Special Use Permit application to allow for travel trailer sites on their existing commercial property in Frisco, NC. The property is identified as parcel 015069000 in the Dare County tax records and is located at 53013 NC 12 Hwy. The parcel is zoned S-1, and travel trailers sites developed on commercial property in conjunction with another commercial use are permitted subject to special use permit review.

The total parcel area is 4.32 acres and the proposed area for travel trailer sites is 3.55 acres. Section 160.37 Camping Spaces at Commercial Sites establishes that a minimum of 20 spaces shall be provided and that spaces shall be developed according to the provisions of Section 160.28 Configuration of Camping Spaces. The applicant is proposing to install twenty-four spaces, in the free form configuration allowed by section 160.28. The site plan shows all sites being separated by the required 15-foot and accessed by the required 20-foot internal access roads. A detailed site plan is attached with this memo showing the existing and proposed improvements on the property.

The applicant is proposing to install two wastewater systems to service the travel trailer sites and proposed bathhouse. Each travel trailer site will have individual sewer hook-ups. One system will be designed to service travel trailers that are left in the park on a year-round basis, while the other will be designed for sites that are for transient visitors. Improvement permits for the designed septic systems have already been issued by the Dare County Health Department. The proposed bathhouse shall consist of a minimum of two toilets, two showers, and two sinks for each sex. This shall be noted on the site plan. Conditions have been added to the draft SUP to address the bathhouse facilities.

A vegetative buffer of indigenous trees and bushes is being proposed on the north, west and east park boundaries. The southern boundary of the parcel is a vegetated wetland and will not require any additional buffer requirements. A landscaping plan is included with the site plan, and conditions have been added to the draft SUP addressing the buffer and its maintenance.

The area of land disturbance for the installation of improvements is greater than one acre and will require a North Carolina Soil Erosion and Sedimentation Plan, and State Stormwater management permit from the North Carolina Department of Environmental Quality. No land disturbing activity shall occur on the property until copies of the permits are provided to the Dare County Planning Department. The site plan identifies a pocket of wetlands on the western property line, if it is the applicant's intentions to fill these wetlands copies of the appropriate Army Corps of Engineers permits shall also be supplied to the Planning Department before ground disturbing activities.

The Dare County Fire Marshal reviewed the site plan, and has indicated that a fire hydrant will need to be installed within 400-feet of the furthest campsite along the travel path of the fire apparatus, and that all roads shall be installed and maintained with at least 20-feet of width, and have all weather surface capable of carrying the imposed weight of at least 75,000 pounds. Conditions have been added to the draft SUP to reflect the fire marshal comments.

A copy of the site plan has been provided to the Dare County Public Works department as required by the Travel Trailer Park Ordinance to ensure the proper placement of the solid waste receptacles.

The Dare County Planning Board reviewed the Special Use Permit Application and site plan at their December 8, 2023 meeting. The Planning Board found the site plan and conditions of the SUP to be reasonable and appropriate.

The notice procedures for quasi-judicial hearings established in Section 22-72 of the Dare County Zoning Ordinance were implemented for today's quasi-judicial hearing.

A draft SUP is attached for the board's review, reasonable and appropriate conditions discussed in the Board's review can be added.

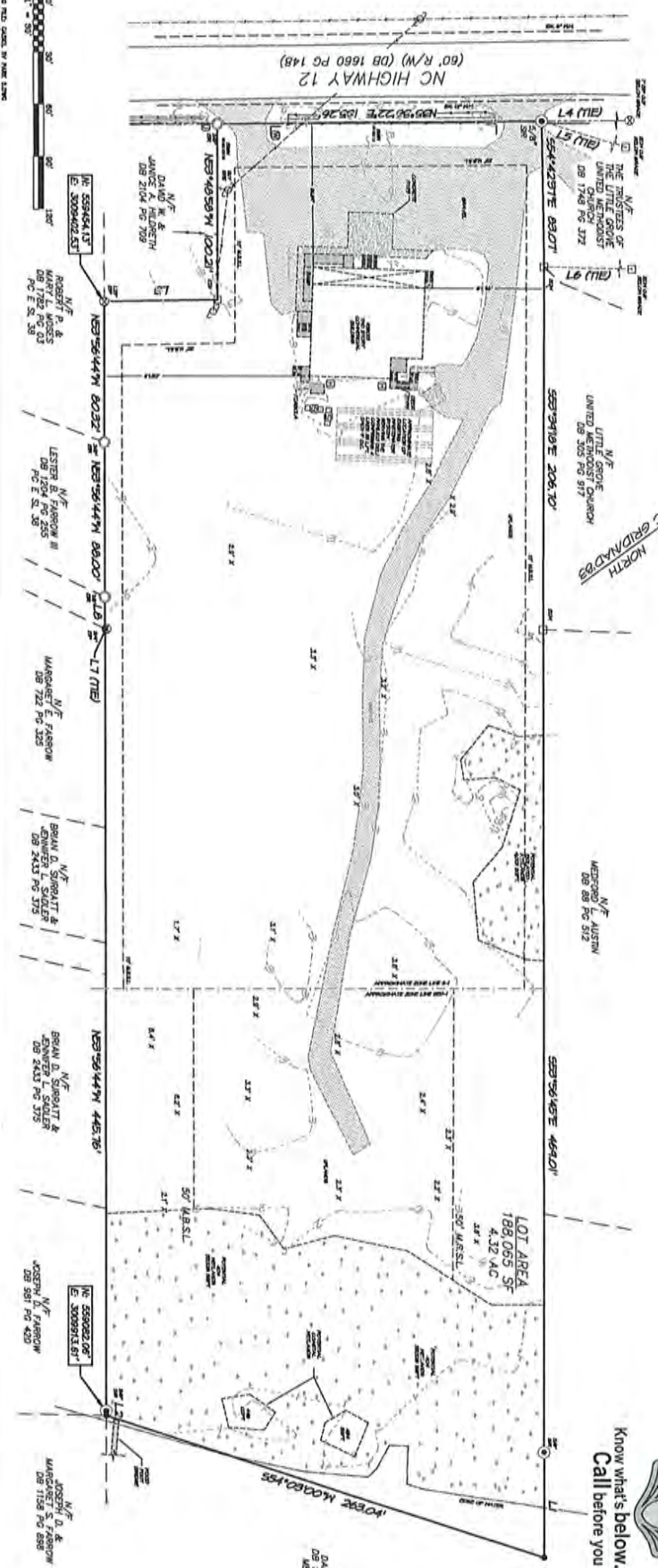
Draft Motion: "I move that SUP 8-2023 and associated site plan for the travel trailer sites on the commercial property located at 53013 NC 12 Hwy in Frisco be approved."

LINE	DESCRIPTION	DATE
1	EXISTING	02/02/07
2	NEW	02/02/07
3	NEW	02/02/07
4	NEW	02/02/07
5	NEW	02/02/07
6	NEW	02/02/07
7	NEW	02/02/07
8	NEW	02/02/07
9	NEW	02/02/07

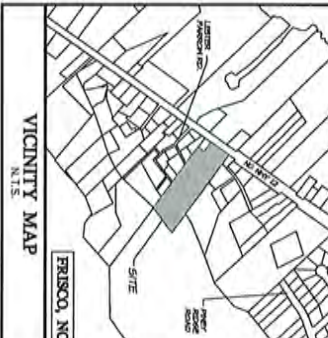
LEGEND:

- FOUND REBAR (REBAR)
- FOUND IRON (PIPER)
- SET PROPERTY CORNER(S)
- SET PROPERTY CORNER(S) - MONUMENTED
- WALTER VESTER
- UTILITY (PEDESTAL)
- SEPTIC
- HVAC UNIT
- UTILITY POLE (NAVD 86)
- SPOT GRADE (NAVD 86)
- PROPERTY LINE
- RIGHT OF WAY LINE
- ADJOINING PROPERTY LINE
- MINIMUM BUILDING SETBACK
- MINIMUM SETBACK
- EDGE OF PAVEMENT
- OVERSEAD WALK
- CENTERLINE DITCH
- HOOD FENCE
- VINYL FENCE

SHEET INDEX	SHEET NO.
EXISTING CONDITIONS	EX1
EROSION CONTROL PLAN	SE1
EROSION CONTROL PLAN DETAILS	SE2-SE3
SITE PLAN	C1
GRADING PLAN	G1
LANDSCAPING PLAN	LS1
UTILITY PLAN	U1
WASTEWATER SYSTEM DETAILS	U2 - U8



1. OWNER: ELIOT T. & ANGELA D. GASKILL, 5303 NC 12 HWY, PRISCO, NC 27561
2. DESIGNER: ANLAUF ENGINEERING, P.L.L.C., 2000 W. 10TH ST., SUITE 100, PRISCO, NC 27561
3. APPROVAL: N.C. STATE ENGINEERING BOARD, REG. NO. 10001, APRIL 1, 2007
4. PREPARED BY: ANLAUF ENGINEERING, P.L.L.C., 2000 W. 10TH ST., SUITE 100, PRISCO, NC 27561
5. PROJECT NUMBER: 07-001
6. ADDRESS: 5303 NC 12 HWY, PRISCO, NC 27561
7. LAND AREA: 4.32 ACRES (188,065 SQ FT)
8. PROJECT AREA: 4.32 ACRES (188,065 SQ FT)
9. RECORD NUMBER: 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



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NOTE:
THIS PLAN, SPECIFICATIONS, AND CONTRACT DOCUMENTS SHALL BE CONSIDERED TO BE THE ENTIRE AGREEMENT BETWEEN THE OWNER AND THE CONTRACTOR. NO OTHER DOCUMENTS, SPECIFICATIONS, OR CONTRACT DOCUMENTS SHALL BE USED IN CONNECTION WITH THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LICENSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRAINING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EXPERIENCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECOMMENDATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECOMMENDATIONS.

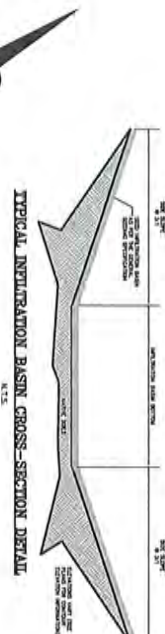
15 SHEETS OF	EX1 SHEET NO.	DATE: 10/17/23 DRAWN BY: JIA CHECKED BY: JIA	PROJECT NO: 2154 SHEET NO: EX1	EXISTING CONDITIONS 5303 NC 12 HWY ELIOT T. & ANGELA D. GASKILL PRISCO DARE COUNTY NORTH CAROLINA		NO. DATE REVISIONS		
				PROJECT NO: 2154 SHEET NO: EX1				

LINE	BEARING	DISTANCE
1	N 89° 56' 44" W	80.327'
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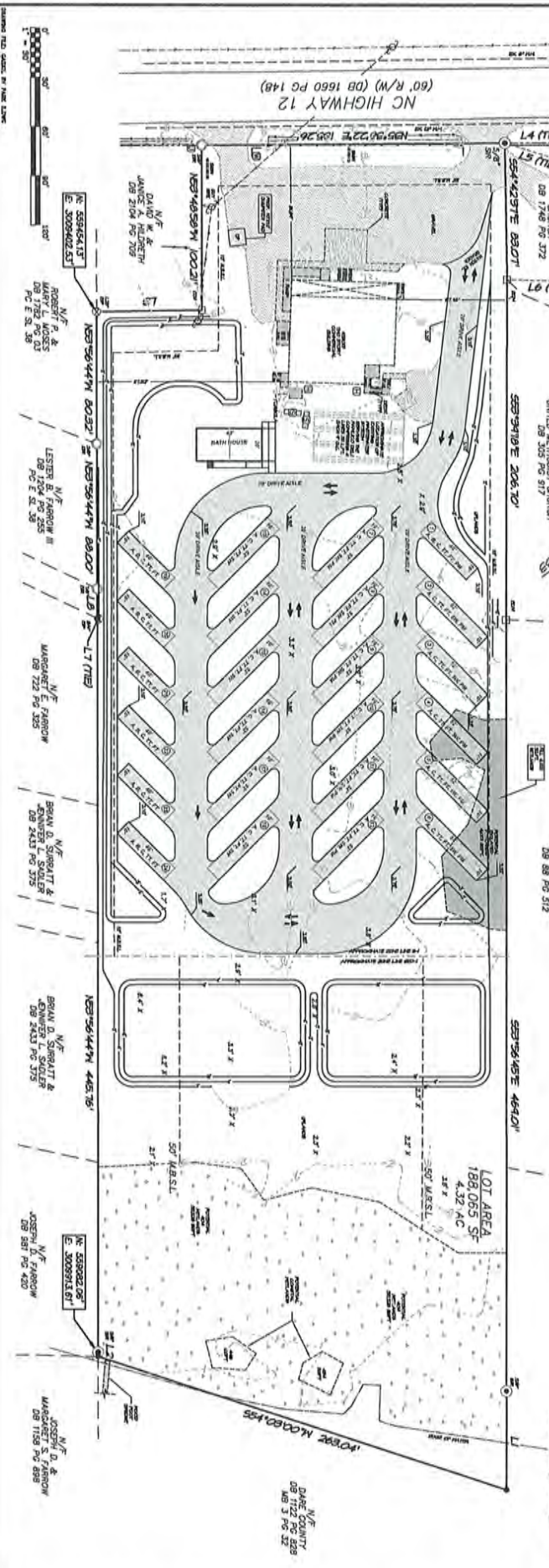
SYMBOL	DESCRIPTION
○	FOUND IRON REBAR/PIER
○	FOUND IRON FIREPIER
○	SET PROPERTY CORNER(S)
○	EXISTING CONCRETE MONUMENT(S)
○	CORNER POINT
○	WATER METER
○	WATER FEDERAL
○	SEPTIC
○	UTILITY POLE
○	SPOT GRADE (NAVD 89)
○	PROPOSED LINE
○	RIGHT OF WAY LINE
○	ADJOINING PROPERTY LINE
○	MINIMUM BUILDING SETBACK
○	LINE (REAR) SETBACK
○	EDGE OF WATER LINE
○	OVERSEAD WARE
○	CENTERS LINE DITCH
○	TOP OF BLANK
○	WOOD PILE
○	WAVE PILE
○	PROPOSED GRAVEL

LEGEND:

FOUND IRON REBAR/PIER
FOUND IRON FIREPIER
SET PROPERTY CORNER(S)
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CENTERS LINE DITCH
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WOOD PILE
WAVE PILE
PROPOSED GRAVEL



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NOTE: THIS GRADING PLAN IS PRELIMINARY AND NOT FOR CONSTRUCTION. THE GRADING PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE OF NORTH CAROLINA. THE GRADING PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF ANLAUF ENGINEERING, P.L.L.C.

Know what's below.
Call before you dig.



<p>GRADING PLAN</p> <p>53013 NC 12 HWY</p> <p>ELIOT T. & ANGELA D. GASKILL</p> <p>FRISCO BARE COUNTY NORTH CAROLIA</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>PROJECT NO. 21134</p> <p>OWNER: JLL</p> <p>DATE: 10/17/23</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>	<p>DATE: 10/17/23</p> <p>DESIGNER: JLL</p> <p>CHECKER: JLL</p> <p>SCALE: AS SHOWN</p> <p>SHEET NO. 15</p> <p>TOTAL SHEETS 15</p>
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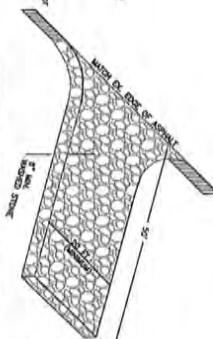
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LEGEND:

- ROAD (IRON REBAR/REIN)
- ROAD (IRON REBAR/REIN)
- SET PROPERTY CORNERS
- EXISTING CONCRETE FOUNDATION
- WATER METER
- UTILITY FURNISH
- SEPTIC
- UTILITY POLE
- SPOT GRADE (NAD 83)
- PROPERTY LINE
- RIGHT OF WAY LINE
- ADJOINING PROPERTY LINE
- MINIMUM BUILDING SETBACK
- MINIMUM DRIVEWAY SETBACK
- EDGE OF PAVEDWAY
- EDGE OF WATER LINE
- OVERHEAD WIRE
- CENTERLINE DITCH
- TOP OF BLANK
- VANAL TRUCK

SOIL EROSION & SEDIMENTATION CONTROL PLAN NOTES

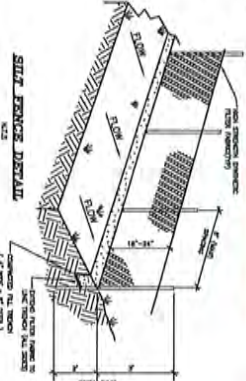
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GRAVEL CONSTRUCTION ENTRANCE/EXIT DETAIL

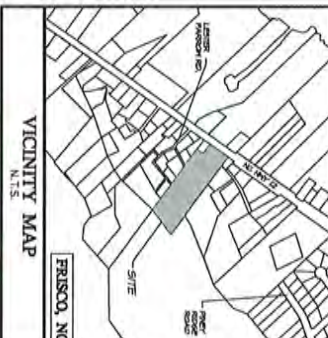
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1. CONCRETE
2. GRAVEL
3. SAND
4. GEOTEXTILE
5. ASPHALT
6. PAVEMENT
7. CURB
8. DRAINAGE
9. SLOPE
10. EROSION CONTROL
11. SEDIMENT CONTROL
12. STABILIZATION
13. VEGETATION
14. SLOPE STABILIZATION
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18. VEGETATION
19. SLOPE STABILIZATION
20. EROSION CONTROL



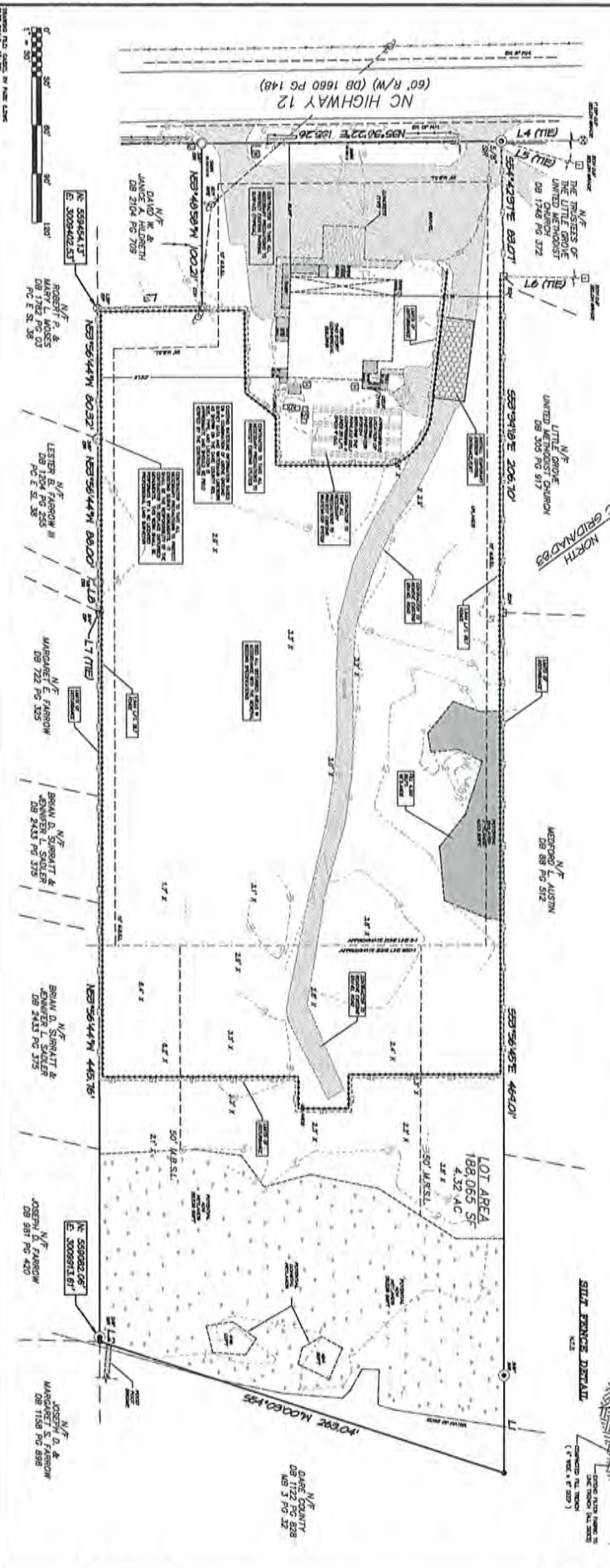
SILT FENCE DETAIL

PRELIMINARY - NOT FOR CONSTRUCTION



VICINITY MAP
PISCES, NC

Anlauf
Engineering, P.L.L.C.
Civil Engineering Services



EROSION CONTROL PLAN
53013 NC 12 HWY
ELIOT T. & ANGELA D. GASKILL

FRISCO DARE COUNTY NORTH CAROLINA

DATE: 10/17/23
SHEET NO. 15 OF 15 SHEETS

REVISIONS



Special Use Permit No.8 --2023

Dare County Sections 22-27.1, 22-70, 22-72 & Chapter 160.

Application of: Tod and Angela Gaskill

On January 02, 2024 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Travel Trailer Parks
3. The subject property is zoned S-1. This property is identified on the Dare County tax records as parcel 015069000 and located in the Frisco tax district.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following special use is granted to Tod and Angela Gaskill for Travel Trailer Sites on a Commercial Site subject to such conditions as are hereinafter set out:

SPECIAL USE: 24 travel trailer sites and associated bathhouses on an existing commercial site. A site plan depicting the proposed improvements is included as part of this Permit.

CONDITIONS:

1. The travel trailer park shall operate as prescribed in the definition set forth in Chapter 160 Travel Trailer Parks and Campgrounds of the Dare County Zoning Ordinance.
2. A total of 24 travel trailer sites; a 800 square feet bath house. 15' feet of separation must be maintained between sites and structures. Each travel trailer site shall be improved with a surface material such as gravel or concrete. One 10' x 20' parking space for motor vehicles shall be provided for each camping space.
3. Travel Trailers may be allowed to remain in the park on a year-round basis however such units shall not be used as permanent dwellings. Any travel trailer that remains in the park on a year round basis shall be fully licensed and ready for highway use. Highway use is defined as remaining on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions.
4. Ownership of camping spaces shall be retained by the property owner. Camping spaces shall not be individually conveyed or sold in fee simple title, as condominiums, fractural ownership or interval ownership.
5. The length of occupancy of any travel trailer shall be less than 90 consecutive days.
6. No additions, decks, porches, or other appurtenances other than 100 square foot entrance landing shall be allowed for each travel trailer. IT shall be the responsibility of the park owner to ensure that all travel trailer owners are aware of this requirement. Any travel trailer site found to be in violation shall be required to remove all improvements found to be inconsistent with the travel trailer park ordinance.
7. In areas of two way travel a 20' wide gravel road shall be constructed and in areas of one way travel a 12' wide gravel road shall be constructed. The gravel road shall be constructed of a minimum 8" depth of gravel consistent with NCDOT sub-base standards for subdivision roads and have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds. All roads shall maintain a clear height of 13-feet 6-inches.
8. The campground shall be served by central water from the Dare County water system and will utilize two on-site wastewater systems subject to approval by the Dare County Health Department.

9. A bathhouse facility will be constructed on the site as required by the Dare County Travel Park Ordinance. The number of fixtures provided shall be as established in the Travel Trailer Park Ordinance. 24 sites shall require Two showers, Two Toilets, and Two sinks for each sex.
10. The perimeter of the travel trailer sites shall be buffered according to Section 160.37 of the Travel Trailer Park Ordinance and the approved site plan. The north, west, and east boundaries shall be planted with one row of indigenous trees spaced 10 feet on centers, and one row of indigenous shrubs spaced 5 feet on centers. Buffers shall be perpetually maintained by the property owner.
11. A fire hydrant shall be installed within 400-feet of the furthest campsite along the travel path of the fire apparatus. The proposed fire hydrant to be installed shall be coordinated with the Dare County Fire Marshal, and shall be tested for flow and the results shall meet the requirements of the Dare County Fire Marshal prior to any improvements being installed on site.
12. All supplemental state and federal permits shall be secured prior to ground disturbing activities and the installation of any of the improvements for the travel trailer park. Copies of these permits shall be provided to the Dare County Planning Department.
13. A copy of the tenants lease shall be provided to the Dare County Planning Department.
14. All proposed improvements shall be installed within 12 months of the Dare County Board of Commissioner Approval. A final plat depicting the location of all site improvements shall be submitted to the Planning Director for final review to ensure compliance with the approved site plan.
15. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
16. There shall be two trash receptacles placed on the property for the travel trailer sites as requested by Dare County Public Works. These trash receptacles shall be located as indicated on the site plan.
17. A violation of this Permit Shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specification; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements of misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
18. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This 02nd day of January 2024

SEAL:

COUNTY OF DARE

By: _____
Robert L Woodard Sr.
Dare County Board of Commissioners

ATTEST:

By: _____
Skyler Foley
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HERE IN ARE ACCEPTED

By: _____
Tod & Angela Gaskill
Owners

APPROVED AS TO LEGAL FORM

By: _____
Robert L. Outten
County Attorney



COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Noah Gilliam, Planning Director
From: Steven R. Kovacs, Fire Marshal
Date: November 30, 2023
Re: Gaskill RV Park

I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There needs to be a fire hydrant within 400-feet of the furthest campsite along the travel path of the fire apparatus. Currently the plan shows no fire hydrant. The closest appears to be approximately 280 feet north of the driveway of the property on NC 12 which far exceeds the needed travel distance.

** Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*



County Audit Requirement for Volunteer Fire Departments and Other Nonprofits

Description

Please see the attached Item Summary.

Board Action Requested

Authorize staff to change the County policy for nonprofit financial reporting and to include those changes in future nonprofit contracts.

Item Presenter

David Clawson, Finance Director

Item Summary: County Audit Requirement for Volunteer Fire Departments and Other Nonprofits

The current County requirement for nonprofits is to have an annual audit if the County provides, including special district tax levies, greater than \$100,000 per year.

Over the last two to three years, there have been issues with cost, timeliness, and inability to find auditors to perform the work. Within the last year, two local CPA firms have discontinued performing nonprofit audits.

Staff, with help from Potter & Company, Dowdy & Osborne, and Burgess, Lowman & Lay, researched an alternative, known as Agreed Upon Procedures (“AUP”) engagements. For an AUP, the nonprofit would annually contract with a CPA firm to perform certain procedures on a random sample of transactions from the fiscal year.

Also, NC S.L. 2012-169 requires any nonprofit receiving more than \$5,000 in local, State, or federal funds in a year, to file an IRS Form 990. The form is essentially an annual financial statement, usually prepared by a tax preparer.

The Audit Committee met on 12/5 and recommends to retroactively change the County’s nonprofit policy for those receiving more than \$100,000 per year to:

- Accept the IRS Form 990 as financial statements; and
- Require an annual Agreed Upon Procedures engagement by a CPA firm, with the AUP to include:
 - Determine if bank reconciliations were completed for each month.
 - Review and test one bank reconciliation.
 - Test 25 randomly selected transactions, mainly disbursements, but to include at least one receipt/deposit, and if applicable, one payroll transaction. The performing firm will determine testing elements.

This change would eliminate the County audit requirement for certain Volunteer Fire Departments: Avon, Buxton, Frisco, Hatteras, Salvo, Colington, Roanoke Island (unless the Town of Manteo requires), and Rodanthe Waves, and for the Hatteras Rescue Squad.

Community Centers and the Children & Youth Partnership have other (not County) audit requirements.

Action Requested: Authorize staff to change the County policy for nonprofit financial reporting, and to include those changes in future nonprofit contracts.



Presentation of the June 30, 2023 Annual Comprehensive Financial Report & Audit

Description

Presentation by Dan Morrow, Partner, Potter & Company and by the Finance Director.
The ACFR is posted at:
<https://www.darenc.gov/departments/finance/annual-comprehensive-financial-reports>

Board Action Requested

None

Item Presenter

Dan Morrow, Partner, Potter & Company
David Clawson, Finance Director

12/12/2023

Dare County
2023 Annual Comprehensive Financial Report &
Audit

<https://www.darenc.gov/departments/finance/annual-comprehensive-financial-reports>

Dare County 2023 ACFR

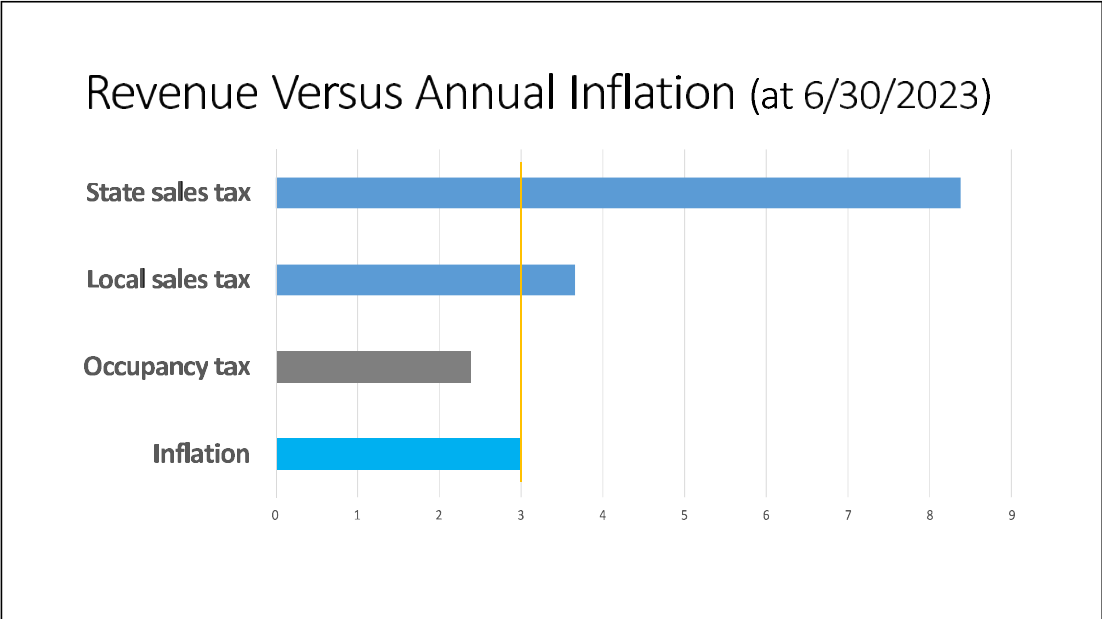
- # of funds - no change at 35
 - Added Storm Water
 - NCORR gone
- Report decreased to 240 pages
- GASB 96 Software Subscriptions
 - Operating leases no longer exist
 - "Right to Use Assets"
- General Fund
 - Operating
 - Capital Investment
 - LEOSSA Activity
 - HH & Hospice
 - Storm Water
 - Community Housing

Dare County 2023 ACFR

- Major funds
 - General
 - Beach Nourishment
 - Housing (State funds)
 - Capital Projects
- Non-major
 - Special Revenue
 - C&D Landfill
 - E911
 - SS Foster Care
 - Sanitation
 - Inlet Maintenance
 - Donations
- Special Revenue – continued
 - SLFRF/AR Plan Grant
 - Deeds of Trust
 - Fines & Forfeitures
 - Representative Payee
 - Opioid Settlement
 - Coronavirus
- School Capital Projects

Revenues

Fiscal Year	Occupancy Tax	Local Sales Tax	State-wide Sales Tax	Local Land Transfer Tax	Taxable Retail Sales in Billions
2014	5.29%	1.70%	5.26%	9.13%	\$1.215
2015	2.71%	5.28%	9.93%	21.20%	\$1.279
2016	5.01%	6.37%	5.87%	2.76%	\$1.352
2017	8.36%	6.14%	4.63%	4.11%	\$1.484
2018	5.21%	3.41%	5.66%	7.40%	\$1.551
2019	3.27%	3.28%	6.22%	4.86%	\$1.599
2020	(4.82)%	(0.17)%	3.94%	0.47%	\$1.561
2021	50.27%	30.39%	16.32%	126.43%	\$2.055
2022	7.53%	10.81%	13.24%	4.75%	\$2.312
2023	2.38%	3.66%	8.38%	(36.47)%	\$2.393



Items to Note

- **Governmental debt at 0.75% of assessed property value**
 - Sales to Assessment Ratio at 79.11%
- **General Fund (consolidated) unassigned fund balance = 33.89% of #10 fund (General Operating) revenues**
 - Prior year 34.53%

Items to Note

- General Fund (consolidated) available fund balance = \$59,649,204
- Dredge loan forgiveness = \$1,797,463
- Six beach nourishment projects completed
- Education local current expense highest county in the State 19 of the last 21 years – no lower than 2nd

Items to Note

- Water System automated meter system:
 - Roanoke Island, Hatteras Island, & Colington complete
 - Duck 70% complete
 - Southern Shores 90% complete
 - Kitty Hawk 95% complete
- EMS Debt Issued & Construction Started (Series 2023A LOBs)
 - Southern Shores, Dare Medflight, Kill Devil Hills

Items to Note

- Financial reporting Certificate of Achievement from GFOA for 32nd year
- Clean audit opinion
- No grant findings & no grant questioned costs

Items to Note

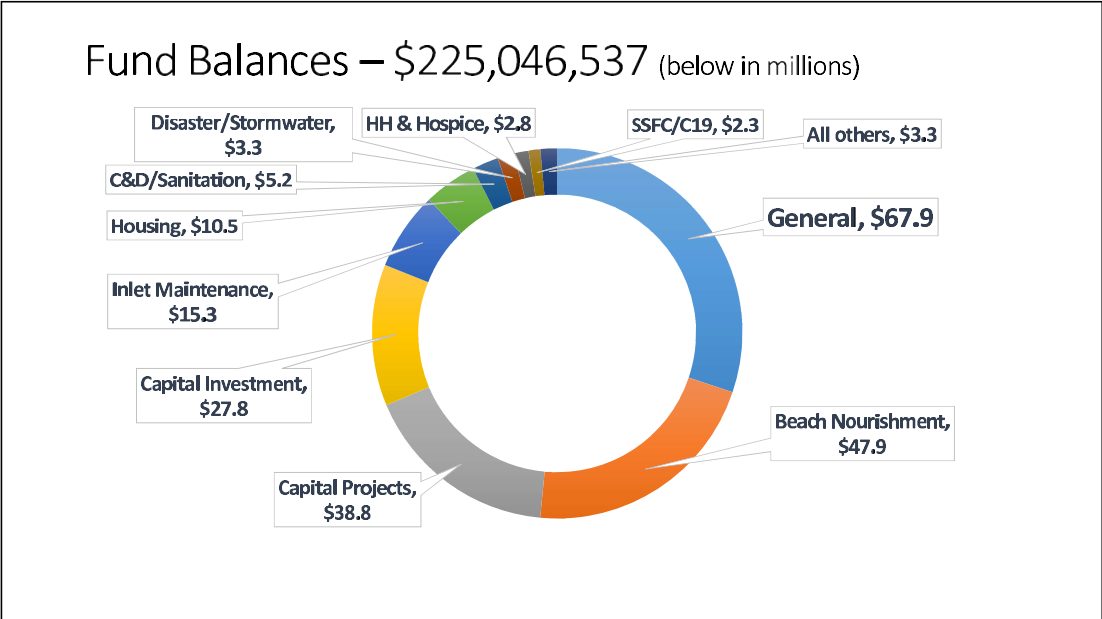
- Major federal programs tested
 - 93.778 Medicaid
 - 97.036 Disaster Grants Buxton beach nourishment – Dorian and Florence

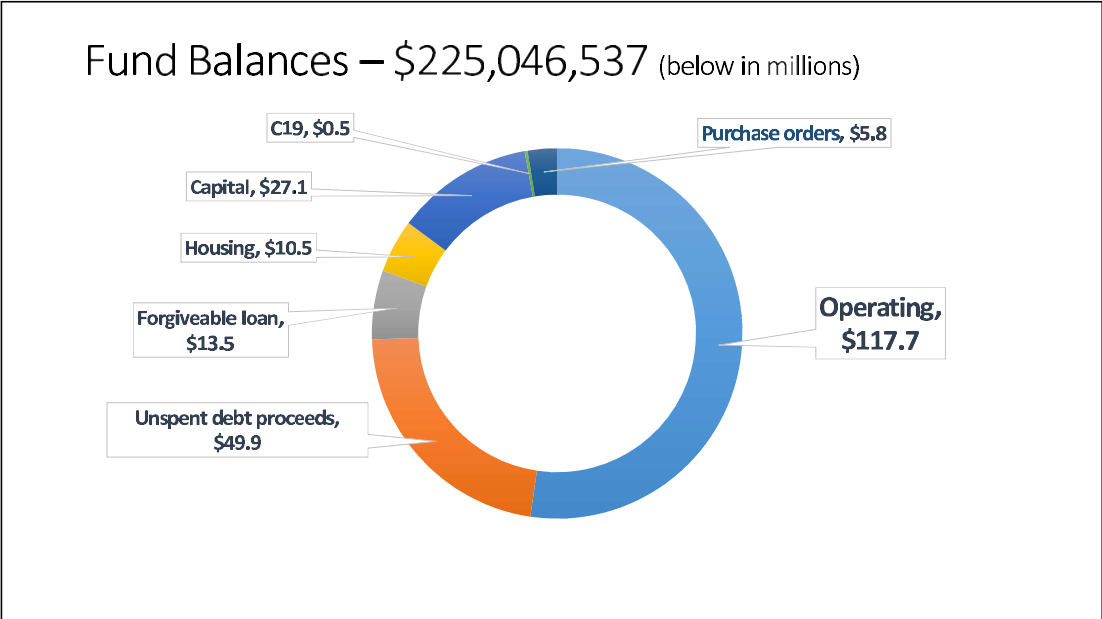
Items to Note

- Major State programs tested
 - Medicaid
 - NCEM – Buxton beach nourishment – Dorian and Florence
 - NC DWR - Island H modification
 - NC DWR – Miss Katie Oregon Inlet dredging
 - NC DEQ - Buxton beach nourishment
 - NC DEQ - Avon beach nourishment

Governmental Fund Balances \$225 million

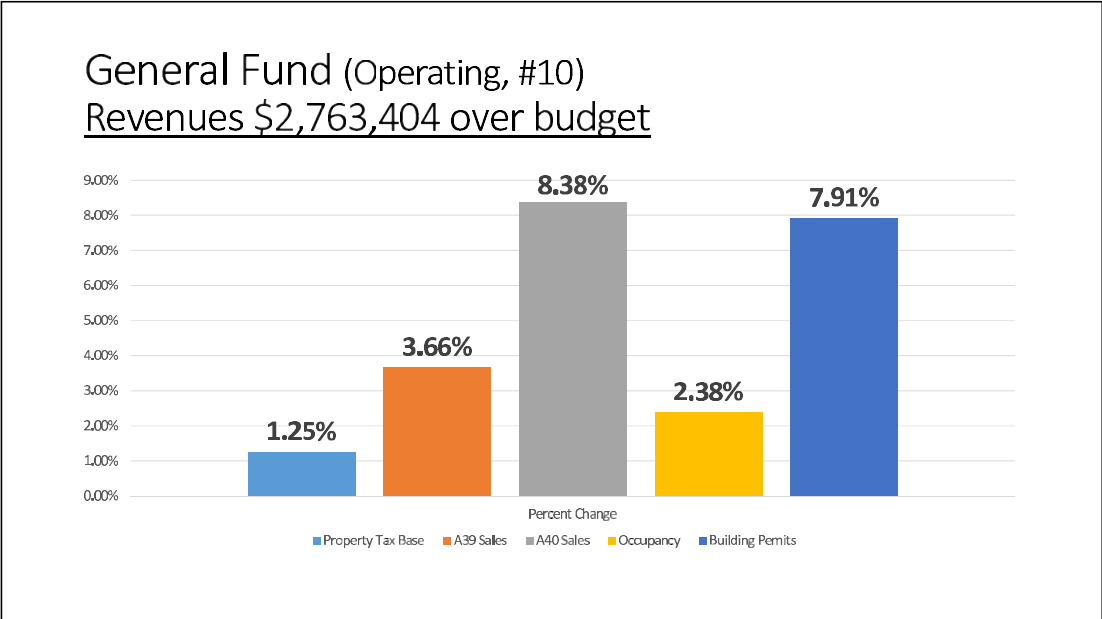
Fund	Type	\$225,046,537
General	General operating	\$67,937,536
Beach Nourishment	Major Special Revenue	\$47,906,264
Capital Projects	Major Capital Project	\$38,804,477
Capital Investment	General	\$27,759,679
Inlet Maintenance	Nonmajor Special Revenue	\$15,256,440
Community Housing	General	\$10,500,000
C&D and Sanitation	Nonmajor Special Revenue	\$5,188,615
Disaster & Storm Water	General	\$3,347,837
Home Health & Hospice	General	\$2,759,389
SS Foster Care & C19	Nonmajor Special Revenue	\$2,269,705
All others		\$3,316,595

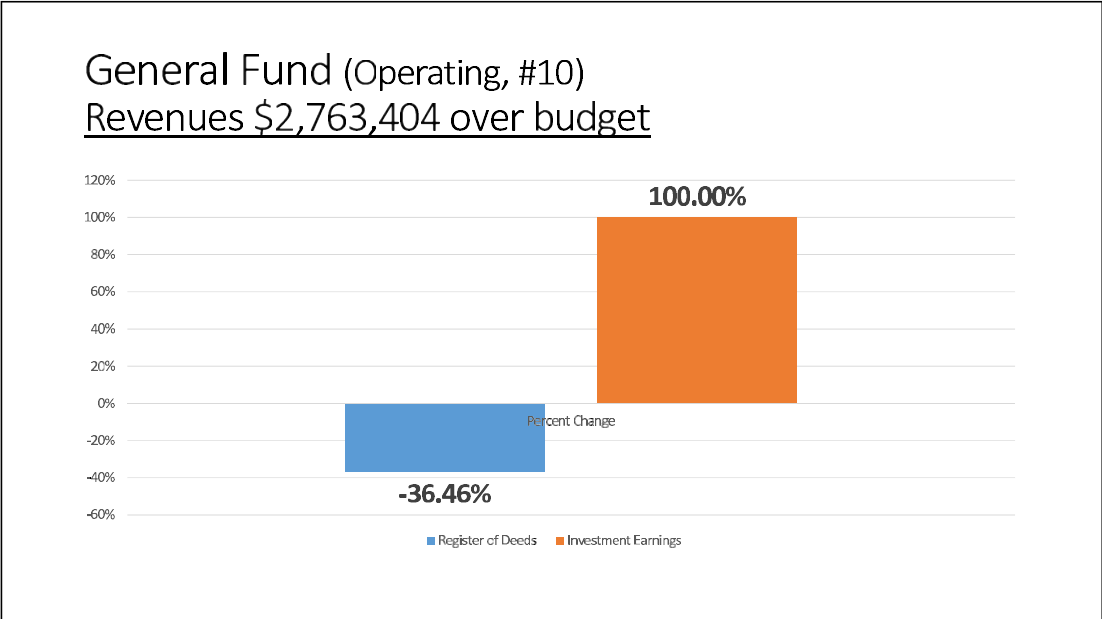


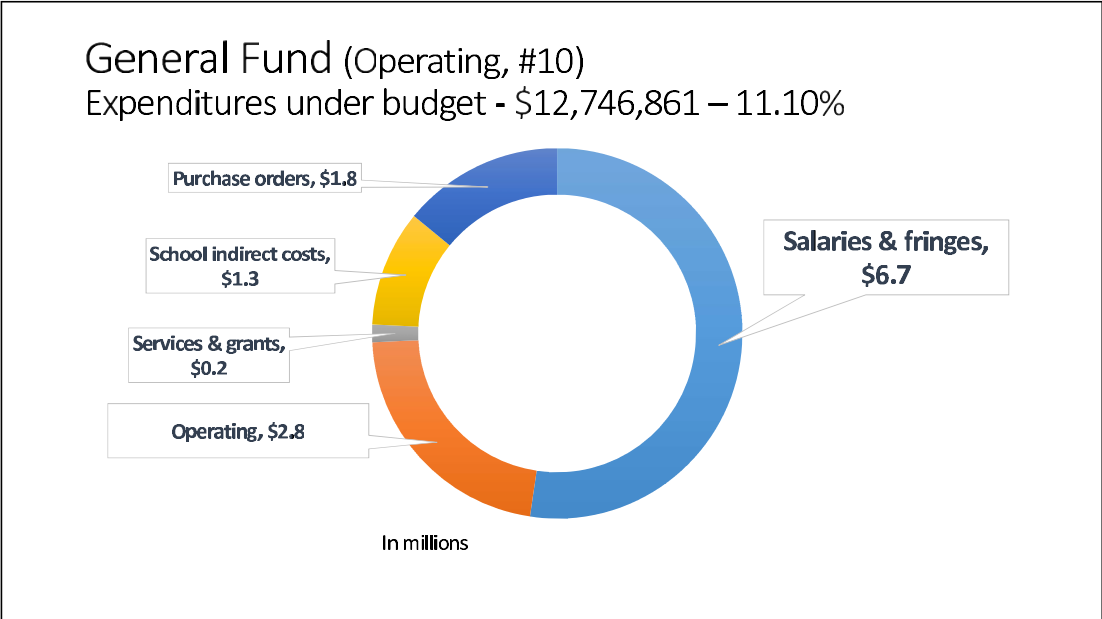


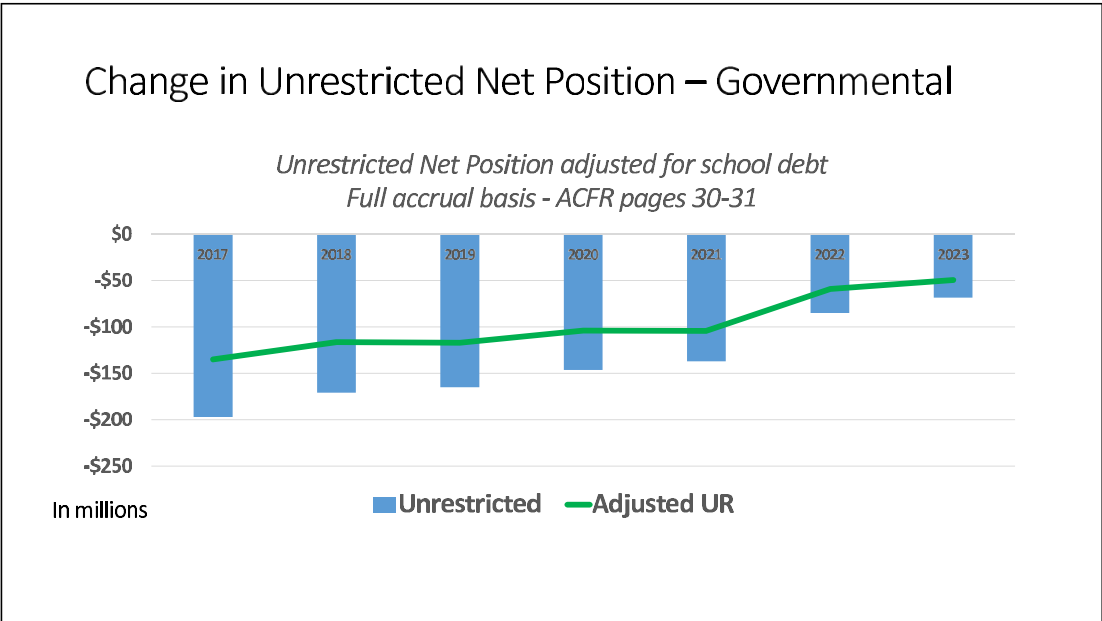
General Fund (Operating fund = #10)

Beginning FB			\$59,678,799
	Revenues & other sources	\$124,733,236	
	Expenditures	(\$102,092,632)	
	Capital investment	(\$10,425,000)	
	Inlet Maintenance, LEOSSA, C&D, & E911	(\$788,750)	
	Storm Water	(\$2,000,000)	
	Inlet Maintenance	(\$668,117)	
	Capital Projects	(\$500,000)	
	Net for the year		\$8,258,737
Ending FB			\$67,937,536









To Watch

- **C&D Landfill budget and fund balance**
 - Must continue to increase for closure costs
- **Sanitation Fund**
 - As in 2023 budget, will continue to need incremental tax increases
 - Lost \$117,767 of fund balance but trucks from FY 2022 delivered
- **Home Health & Hospice (General) Fund**
 - Transfer unrestricted amount to General Fund in FY 2024

The Report

- Letter of Transmittal p. 2
- MD&A p. 15
- Water p. 39 & 168 & 193
- Component Units p. 45
- Footnotes p. 47
- General Fund p. 130
- Irrevocable Trusts p. 180
- Statistical Section p. 196
- Grants p. 227



Update to County Financial Policies

Description

Attached is an update to the County Financial Policies. In the text, items in blue are additions and items in red mark-outs are deletions. Explanations are the comments in the right column. There are two substantive changes.

The first is a recommendation to change the General Fund unassigned fund balance percentage from 21% to 25%. The detail of the 6/30/2023 unassigned fund balance follows this summary.

The second is to allow a commercial paper investment of up to \$5 million if it has two ratings with a "plus" (A1+/P1+/F1+). \$3 million is currently allowed with A1/P1/F1.

Board Action Requested

Adopt updates to the County Financial Policies.

Item Presenter

David Clawson, Finance Director

Dare County
June 30, 2023 Audit

General Fund (consolidated) fund balance:

Total fund balance	\$ 112,508,253
Less:	
Inventories	13,382
Stabilization by State statute	17,864,589
Sheriff	77,325
Health Department	364,169
Capital or debt service	26,078,520
Disaster Recovery	1,412,997
LEO Special Separation Allowance	113,804
Storm water	1,559,370
Housing	10,500,000
Appropriated fund balance in fiscal year 2024 budget	12,739,482
Fund Balance policy (21%)	<u>25,889,361</u>
Available for appropriation	<u>\$ 15,895,254</u>

Total unassigned fund balance = \$41,784,615 or 33.89% of unconsolidated General Fund revenue of \$123,282,361.

	<u>At 21%</u>	<u>At 25%</u>
Fund Balance Policy	\$25,889,361	\$30,820,668
Over Fund Balance Policy	<u>\$15,895,254</u>	<u>\$10,963,947</u>
Total unassigned fund balance	\$41,784,615	\$41,784,615



County of Dare

North Carolina

Financial Policies

**County of Dare, North Carolina
Financial and Budgetary Policies**

Introduction

The County of Dare has long maintained comprehensive financial policies covering a broad range of the elements of the County’s financial plans and financial systems that underlay the management of overall financial resources. These policies have major objectives to be achieved that include:

- I.** To link long-term financial planning with short-term daily operations and decision making.
- II.** To maintain and improve the County’s financial position.
- III.** To maintain and improve the County’s credit ratings by meeting or exceeding the requirements of rating agencies through sound financial policies.
- IV.** To maintain and increase investor confidence in the County and to provide credibility to the citizens of the County regarding financial operations.
- V.** To comply with the North Carolina Budget and Fiscal Control Act and the policies of the North Carolina Local Government Commission (the “LGC”).
- VI.** To effectively conduct asset-liability management of the County’s balance sheet.

County of Dare, North Carolina Financial and Budgetary Policies

Operating Budget

- I. The County's Annual Budget Ordinance will be balanced in accordance with the Local Government Budget and Fiscal Control Act (G.S. 159-8(a)).
- II. The County's Annual Budget Ordinance will be adopted by each July 1 (G.S. 159-13(a)).
- III. In order to force a higher level of planning throughout all levels of County government, the annual budget will be developed using a biennial cycle. Every two years the budget document will be ~~prepared~~~~developed~~ to include a current year budget ~~and as well as~~ a second year, planned budget. The following year's budget process will then consist of updating the previously ~~developed~~ planned budget.

Revenue Policy

- I. Ad Valorem Tax – As provided by the North Carolina Budget and Fiscal Control Act, estimated revenue from the Ad Valorem Tax levy will be budgeted as follows:
 - Assessed valuation will be estimated based upon historical trends and growth patterns in a conservative manner.
 - The estimated percentage of collection will not exceed the actual collection percentage of the preceding fiscal year, ~~per~~~~in accordance with~~ State law.
 - The property tax rate will be set each year based upon the costs of providing general governmental services, meeting debt service obligations and building or maintaining any reserves or fund balances the Board deems necessary.
- II. Economically Sensitive and Weather Sensitive Revenues – The County has certain tourism-related revenues, specifically occupancy and sales taxes that can be adversely affected by regional and national economic conditions and can be significantly adversely affected by weather, especially hurricanes or the threat of hurricanes. Such revenues, while having the capability of substantial annual growth, shall be budgeted in a conservative manner, ~~at a rate of growth less than that historically experienced, within the Annual Budget Ordinance.~~
- III. User Fees – The Board of Commissioners (the "Board") will set user fees annually by listing such fees within the Annual Budget Ordinance. The user fees will maximize charges for services that can be individually identified and where costs are directly related to the provision of or to the level of service provided.
 - Emphasis of user fees results in the following benefits:
 - The burden on the Ad Valorem tax is reduced.
 - User fees are paid by all users, including those exempt from property taxes.
 - User fees help minimize subsidization in any instance where there are requirements in order to qualify for the use of the service and the service is not provided to the general public.
 - User fees produce information on the demand level for services and help to make a connection between the amount paid and the services received.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- IV. ~~Investment Interest Earnings Income~~ – ~~Investment interest earnings income~~ is subject to variability based upon changes in prevailing interest rates, which can-not be predicted with certainty. ~~The~~Such revenue ~~will~~shall therefore be budgeted in a conservative manner ~~within the Annual Budget Ordinance~~ and shall comply with the Asset – Liability Management section of this policy.
- V. Grant Funding – Staff will pursue opportunities for grant funding. Application for grant funding will be made after a grant has been evaluated for consistency with the Board’s goals and compatibility with County programs and objectives. Staff must have Board approval to apply for ~~a grant for any amount over \$50,000 and for~~ any grant that requires a local dollar match. All awarded grants can only be accepted by Board action at which time the related budget shall be established.
 - Grants that have been awarded in prior years and are recurring in nature will be included and addressed through the annual budget process.
 - Grants that fund operating expenditures but have a funding termination date must fully disclose that fact to the Board prior to acceptance.
 - The grant manager for each grant ~~is~~shall be the related department head. The grant manager is responsible for all grant monitoring, compliance and reporting. The grant manager will provide ~~copies of~~ all documents to the Finance Department. The Finance Department will maintain a grant file by fiscal year for each active grant.
 - For grants involving federal funds, the grant manager is responsible for checking the list of federally debarred contractors prior to awarding any contracts. The grant manager will comply with the Cost Allowability for Charges Against Federal Awards Policy section of this policy. The grant manager is responsible for compliance with all applicable sections of federal Uniform Guidance.
 - The grant manager for disaster recovery FEMA/NCEM grants is the Finance Director.
- VI. Appropriation of Fund Balance – Fund balance originally appropriated with adoption of the General Fund annual operating budget shall not exceed 3% of the prior fiscal year’s budgeted expenditures, unless done per Section II of the Reserve/Fund Balance section of this policy.
 - ~~Any further appropriation of fund balance in the General Fund during the fiscal year shall require five “yes” votes from the seven member Board.~~
- VII. Budgetary Responsibilities – Revenue initiating departments shall develop initial budget estimates of applicable revenues. ~~Those estimates are to be supported by variables (base, rate, etc.) that comprise such revenue.~~ Monitoring of the revenue budget shall be performed by the department and the Finance Department in a timely manner throughout the fiscal year and shall include an analysis of actual versus budgeted variances. Compliance of revenue with all laws and/or regulations is primarily the responsibility of the revenue initiating department.
- VIII. Revenue Spending Policy: For projects or programs with multiple revenue sources, and for all County funds (General, Water, etc....), revenues are used and expended in the following order: bond and other debt proceeds, federal grant funds, State grant funds, federal funds other than grants, State funds other than grants, local non-County funds, and County funds.
- IX. Fund Balance Spending Policy: For purposes of fund balance classification, expenditures made from fund balances are to be made from restricted fund balance

Commented [DC1]: Addition

Commented [DC2]: Addition for current practice

Commented [DC3]: Former Rating Agencies comment. The reality is that the Board can change the policy and then vote with a majority.

County of Dare, North Carolina Financial and Budgetary Policies

first, followed by committed fund balance, then assigned fund balance and lastly unassigned fund balance. A deviation by the Finance Director or County Manager from this policy is authorized if such deviation is in the best interest of the County.

Expenditure Policy

- I. Expenditure budgets shall be monitored throughout the fiscal year by department heads, the Finance Department and the County Manager. Budget compliance is the responsibility of the department head and the Finance Director.
- II. Budgeted funds will only be spent for the department and for the categorical purposes for which they are intended. The annual operating budget ordinance defines staff authorization for operating budget adjustments. Appropriations of debt proceeds will be made only for the purpose for which such debt instrument was issued or for the payment of debt principal and interest. Donations will be spent only toward the intent for which they were given.
- III. Budgeted expenditures for debt service for any variable rate debt or synthetic variable rate debt will be set to at least the average of the prior five years.
- IV. For continuing contracts, funds will be appropriated in the annual budget ordinance to meet current year obligations arising under the contract, in accordance with G.S. 160A-17.
- V. Payroll will be processed in accordance with the requirements of the Fair Labor Standards Act. Overtime and benefit payments will be made in accordance with the County's Personnel Ordinance.
- VI. The County will comply with 2 CFR Part 200.305 of the Code of Federal Regulations regarding the timely distribution of Federal funds as it relates to payments made by the County for which Federal funds will be used and expended.
- VII. The County will fund current expenditures with current resources and will strive to avoid balancing budgets utilizing one-time revenues.
- VIII. The County will employ the use of the carryover method for reappropriation of outstanding purchase orders and contracts as of the end of each fiscal year into the new fiscal year. The process shall be explained in each year's budget ordinance.

Commented [DC4]: Addition from an actual occurrence

Reserve/Fund Balance Policy

- I. In accordance with State statute, appropriated fund balance in any fund will not exceed the sum of cash and investments less the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts ("reserved by State statute").
- II. The County will maintain a General Fund unassigned fund balance that significantly exceeds the minimum of eight percent (8%) required by NC State Treasurer Fiscal Management. The percentage is to be determined by dividing the consolidated General Fund unassigned fund balance by actual current (same) year revenues of the General Fund (#10 General Fund only). The target goal of the County for the General Fund is a minimum unassigned fund balance is of 21.25%. The annual calculation shall be disclosed in the Notes to the Financial Statements in the ~~CA~~ACFR.

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Adopted 02/21/2005
Revised 08/06/2007; 06/15/2009; 07/20/2009; 01/07/2013; 02/04/2013; 10/07/2013; 10/06/2014; 06/15/2020;
09/06/2022; 02/06/2023; 01/02/2024

**County of Dare, North Carolina
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- **Purpose of Reserve:** These funds will be utilized to avoid cash flow interruptions, generate interest income, eliminate the need for short-term borrowing, guard against the effects of an economic downturn, guard against the effects of natural or other disasters, and maintain the County’s credit ratings.
 - **Reserve Drawdown:** The fund balance may be drawn down below the ~~2+25%~~ target percentage for emergencies, including those of an economic nature, by Board action.
 - **Reserve Replenishment:** If the unassigned fund balance falls below the target percentage for two consecutive fiscal years, the County will replenish funds by direct appropriation in the next budget developed for the fiscal year after the occurrence is known. In that instance, the County will annually appropriate an expenditure line item (“to increase fund balance”) of at least 25% of the last known difference between the target percentage level and the actual balance until the target level is met. In the event appropriating 25% is not economically feasible, the County will appropriate a lesser amount and shall reaffirm by Board resolution its commitment to fully replenish the fund balance over a stated longer period of time.
 - **Reserved By State Statute:** For purposes of the above section, ~~the 2+25%~~ unassigned fund balance calculation shall remove the fund balance effects of a FEMA/State accounts receivable in the Disaster Recovery Fund which creates a larger amount of reserved by State statute.
- III. Any General Fund unassigned fund balance that exceeds the target goal may be transferred for the following uses:
- to the Capital Investment Fund;
 - to the Disaster Recovery Fund;
 - to a Capital Projects Fund for a specific project;
 - to the Community Development Housing Fund;
 - to the Law Enforcement Special Separation Allowance Activity Fund;
 - to an irrevocable trust fund for retiree postemployment health benefits (OPEB) liability; or
 - to an irrevocable trust fund for the Law Enforcement Special Separation Allowance liability.
- IV. The County will appropriate within the General Fund annual budget a Contingency appropriation each fiscal year ~~of at least \$300,000.~~
- V. The County shall maintain a Disaster Recovery Special Revenue Fund and the County shall strive to maintain a minimum total fund balance equal to 1% of the current year General Fund operating budget (#10 fund).
- VI. The County shall maintain a Capital Investment Fund, and a School Capital Investment Fund, that budgets and accounts for non-grant funded capital outlays, debt service, the County’s capital improvements plan, EMS helicopter major maintenance, major equipment replacements, a roof replacements plan, and an HVAC replacements plan.
- ~~Beginning with the fiscal year 2020 budget,~~ The Board shall budget an annual transfer of \$10,425,000 from the General Fund (#10) to the Capital Investment Fund (#11), which represents the net amount of capital and debt service funding during fiscal year 2019. The amount of the transfer may

Commented [DC5]: Financial Advisor, Finance Director and County Manager recommend increasing the unassigned percentage to 25%

Commented [DC6]: To reflect what we have actually done

Commented [DC7]: Fiscal year 2024 addition of School Capital Reserve Fund

Adopted 02/21/2005
Revised 08/06/2007; 06/15/2009; 07/20/2009; 01/07/2013; 02/04/2013; 10/07/2013; 10/06/2014; 06/15/2020; 09/06/2022; 02/06/2023; 01/02/2024

**County of Dare, North Carolina
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decrease due to an emergency, ~~such as COVID-19~~, or due to reduced capital funding needs. ~~Also beginning with the fiscal year 2020 budget, the Board commits to~~ The following revenues are committed to the Capital Investment Fund: the land transfer tax and the transfer from the General Fund. The following revenues are committed to the School Capital Investment Fund: the Education Lottery, the land transfer tax, and Lottery ~~and~~ the restricted portions of article 40 and article 42 sales taxes.

- The County shall maintain a Capital Investment & Debt Affordability Model for both funds that projects the above revenues, capital expenditures, existing and future debt service, EMS helicopter major maintenance, roof replacements, and HVAC replacements.
- The Debt Affordability Model will calculate annual coverage into the future with coverage defined as total ending fund balance, excluding the EMS helicopter reserve below, divided by annual debt service (actual and projected) for at least seven future years. The County will strive to maintain coverage levels of at least ~~0.5033~~ times with a target of ~~1.00050~~ times.
- Any unspent budget for EMS helicopter major maintenance, will be reserved within the total fund balance of the Capital Investment Fund for that purpose up to a maximum of \$1 million, unless the County Manager determines otherwise.
- All grant funded or partially grant funded capital shall be budgeted within the General (#10) or other fund as appropriate..

VII. If the County enters into a swap agreement and incurs the risk of a potential swap termination payment, or if the County issues a form variable rate debt, the County will create a termination/hedge reserve within the General Fund, or for termination payment risk, the County may instead obtain a non-reimbursable insurance policy for swap termination payments from a 'AAA' or 'AA' rated monoline bond insurer. The amount that budgeted debt service exceeds actual debt service expenditures for debt issues subject to a swap shall be reserved up to the potential swap termination payment as of each June 30

Commented [DC8]: Fiscal year 2024 addition of School Capital Reserve Fund

County of Dare, North Carolina Financial and Budgetary Policies

Asset-Liability Management

- I. The County will seek to incorporate coordinated investment and debt structuring decisions with the goal of such coordination being to use each side of the balance sheet to mitigate, or hedge, cash flow risks posed by the other side of the balance sheet.
- II. The County considers short-term investments to be effective hedges to variable rate debt because movements in interest rates should have offsetting impacts upon both.
 - Given the prevalent patterns of business, economic and interest rate cycles, the County's policy will be to strive to match temporary increases in interest income to temporary increases in interest expense through the use of variable rate debt or synthetic variable rate debt.
 - This policy recognizes that variable rate debt generally offers lower interest costs and that the use of higher interest income to offset higher interest expense is preferable to creating a budget imbalance due to reliance upon temporarily increased interest income.
- III. The General Fund balance reserved for said purpose and/or the General Fund ~~unreserved and undesignated~~ unassigned fund balance shall be the source of funds for any potential swap termination payments. Adequate liquidity shall be maintained in the pooled investment portfolio to provide liquidity for any potential swap termination payments.
- IV. The Finance Director is designated to monitor and report on financial market conditions and their impact on performance of debt, investments, and any interest rate hedging products implemented or under consideration.
- V. The Finance Director is designated as the individual responsible for negotiating financial products and coordinating investment decisions for debt structure. The Finance Director is designated as the individual responsible for recommending debt structure to the Board.
- VI. The County shall incorporate the use of variable rate debt or synthetic variable rate debt, as allowed by the Debt Management Section of the LGC, into its debt structure. Unhedged variable or synthetic variable rate debt shall not exceed 20% of the County's total, non-Utility debt outstanding.

**County of Dare, North Carolina
Financial and Budgetary Policies**

Capital Improvements Policy

I. Capital Improvements Plan

- The County will update and readopt annually a five-year capital improvements plan (CIP) which projects capital needs and details the estimated costs, description and anticipated funding sources for capital projects.
- The annual update of the CIP will be conducted in conjunction with the annual operating budget process.
- The first year of the five-year CIP will be the basis of formal fiscal year appropriations during the annual budget process.
- The CIP will generally address those capital assets with a value of \$50,000 or more and a useful life of five years or more and will include all capital outlay items in the Capital Investment Fund.
- A feasibility, programming, or cost estimation study is eligible for inclusion in the CIP for a project for ~~which a future request is being considered~~. Such a study is encouraged in order to generate more reliable cost estimates for the CIP.
- The County expects to see new capital items generally first appear in the last year of the CIP.
- The County acknowledges pay-as-you-go financing as a significant capital financing source, but will ultimately determine the most appropriate financing structure for each capital project both on an individual basis after examining all relevant factors of the project and in conjunction with the funding of the entire CIP.
- The County will only consider capital project requests from the Dare County Board of Education if that entity participates in the CIP process unless dictated otherwise by State or federal mandates or new sources of funds, such a State bond issue for local construction.
- The County will update and readopt annually a seven-year CIP for the Water Fund (Utility System) which projects capital needs and details the estimated costs, description and anticipated funding sources for capital projects. Pay as you go capital improvement funding normally will be ~~funded~~ in a minimum range of 35% to 50% of the system's capital improvement plan. This percentage is measured as an average over several years to recognize the effect upon the percentage% of a ~~major~~ debt issuance.

Commented [DC9]: We will use the new budget & CIP software (ClearGov). The Capital Module will include all Capital Investment Fund capital outlay requests.

II. Capital Formation

- The County's one percent realty transfer tax is the primary revenue source for the Capital ~~Investment Fund Reserve~~ Special Revenue Fund. The Capital ~~Investment Fund Reserve~~ Fund is the funding source for pay-as-you-go financing and for debt service payments for ~~debt-financed~~ debt-financed projects in the CIP.
- Given the historical volatility of the realty transfer tax, the five year projections of revenue used to complete the CIP shall be very conservative.
- Revenues restricted for school capital and school debt service are the primary sources for the School Capital Investment Fund.

Commented [DC10]: Split of CIF into general and schools.

**County of Dare, North Carolina
Financial and Budgetary Policies**

III. Fixed Assets

- The capitalization threshold for fixed assets shall be \$5,000. The threshold will be applied to individual fixed assets and not to groups of fixed assets. Fixed assets will only be capitalized if they have a useful life of at least two years following the date of acquisition. ~~A physical inventory of capitalized fixed assets will be performed, either simultaneously or on a rotating basis, so that all fixed assets are physically accounted for at least once every four years.~~
- The Finance Department will have fixed asset records annually reviewed by each department. The Internal Auditor will annually audit a sample of department fixed asset records.

Commented [DC11]: Change to reflect current practice.

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Debt Policy

- I. Debt will only be incurred for financing capital assets that, because of their long-term nature or because of budgetary restraints, cannot be acquired from current or budgeted resources. Debt will not be used for operational needs. Debt financing can include general obligation bonds, revenue bonds, certificates of participation, lease/purchase agreements, special obligation bonds, or any other financing instrument allowed under North Carolina law.
- II. The County will seek to structure debt and to determine the best type of financing for each financing need based on the flexibility needed to meet project needs, the timing of the project, taxpayer or rate payer equity, and the structure that will provide the lowest interest cost in the circumstances.
- III. Debt financing will be considered in conjunction with the approval by the Board of the County's CIP.
- IV. Capital projects financed through the issuance of bonds; ~~or installment financings or lease financings~~ will be financed for a period not to exceed the expected useful life of the project.
 - Non-Utility debt will normally have a term of 20 years or less. In no instance will the term of non-Utility debt exceed 25 years.
 - Utility (Water) debt will ~~not normally~~ have a term ~~of 20 years or less. In no instance will the term of Utility debt to~~ exceed 30 years.
- V. The County will strive to maintain a high level of pay-as-you-go financing for its capital improvements.
- VI. Debt Affordability
 - The net debt of the County, as defined in G.S. 159-55, is statutorily limited to 8% of the assessed valuation of the taxable property within the County. The County will utilize a self-imposed ceiling of 4%.
 - Total General Fund debt service will not exceed any limits imposed by the LGC. As a guide, formulas established by the LGC and rating agencies will be monitored and appropriately applied by the County. Debt service as a percentage of the operating budget will be targeted at 14% to 16% ~~of noncapital expenditures.~~
 - ~~However, it is recognized that the debt service burden of the debt issued for schools in 2001, 2002, 2004 and 2005 will raise this ratio significantly, but temporarily, above this target, reaching as high as approximately 22% in FY 2007, until the payoff of the Series 2003 General Obligation Refunding Bonds in fiscal year 2011.~~
 - The County will strive to achieve amortization of 60% or more of its non-Utility debt principal within ten years.
- VII. The County will seek to structure debt in the best and most appropriate manner to be consistent with the Asset – Liability Management section of this policy.
- VIII. The County's Utilities System Revenue Bonds are supported by rates and charges. Fund balances (net assets) are maintained to provide additional liquidity for the utility system. Revenue bond coverage, ~~as defined by the bonds' General Indenture~~, will be maintained at not less than 1.5 times.
- IX. The County will seek to employ the best and most appropriate strategy to respond to a declining interest rate environment. That strategy may include, but does not have to be

Commented [DC12]: There are no more Lease Financings with GASB #87. All are installment financings.

Commented [DC13]: Old section no longer needed.

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Revised 08/06/2007; 06/15/2009; 07/20/2009; 01/07/2013; 02/04/2013; 10/07/2013; 10/06/2014; 06/15/2020;
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limited to, delaying the planned issuance of fixed rate debt, examining the potential for [and structure of refundings](#) of outstanding fixed rate debt, and the issuance of variable rate debt. The County will seek to employ the best and most appropriate strategy to respond to an increasing interest rate environment. That strategy may include, but does not have to be limited to, the issuance of variable rate debt (an historically lower interest cost), the use of a forward starting variable to fixed swap, and the use of forward delivery fixed rate debt.

- X. The County will monitor the municipal bond market for opportunities to obtain interest rate savings by refunding by forward delivery, currently refunding or [taxable](#) advance refunding outstanding debt. The estimation of net present value savings for a traditional fixed rate refunding should be, at a minimum, in the range of 2.5% to 3% of the refunded maturities before a refunding process begins. The estimation of net present value savings for a synthetic fixed rate refunding should be, at a minimum, in the range of 5% to 6% of the refunded maturities before a refunding process begins.
- XI. The County will strive for the highest possible bond ratings in order to minimize the County's interest costs.
- XII. The County will normally obtain three debt ratings (Fitch Ratings, Moody's, Standard & Poor's) for all publicly sold debt issues.
- XIII. While some form of outstanding debt exists, the County will strive to have a portion of that debt in the form of general obligation debt.
- XIV. ~~For all years that the County has greater than \$50 million of publicly sold debt outstanding, the County will provide annual information updates to each of the debt rating agencies if desired by those agencies.~~
- XV. The County will use the [Annual](#) Comprehensive ~~Annual~~ Financial Report (the "[ACCAFR](#)") as the disclosure document for meeting its obligation under SEC Rule 15c2-12 to provide certain annual financial information to the secondary debt market via various information repositories.
- XVI. The County recognizes the significance of the debt portfolio and the need for the ability to properly manage and maintain that portfolio. The Finance Director will maintain a current database of all debt utilizing [Debtbook](#) ~~MunEase~~ software or equivalent.

Commented [DC14]: Rating agencies now do annual monitoring.

**County of Dare, North Carolina
Financial and Budgetary Policies**

Debt Compliance

The Finance Director or his or her designee is responsible for the implementation and performance of all items within this section.

- I. Arbitrage Rebate
 - a. Annual arbitrage rebate calculations will be performed by an external qualified expert for each debt issue:
 - i. With an original payment term of five years or greater; or
 - ii. With an original payment term of five years or less that does not ~~meet~~^{use} an arbitrage spenddown calculation.
 - 1. For debt issues of 59 months or less and uses an arbitrage spenddown calculation, staff may perform rebate calculations if such calculation is determined to be necessary or required.
 - b. Any liabilities determined by the annual arbitrage rebate calculations will be recorded as a liability in the general ledger and if ~~required~~^{applicable}, a deposit shall be made into a trustee held arbitrage rebate account to bring the balance of the account to the calculated liability.
 - i. If an arbitrage rebate calculation subsequently reduces a calculated liability, the recognized liability and if applicable, the trustee held arbitrage rebate account, may remain over accrued and over deposited at the discretion of the Finance Director.
 - ii. When amounts are known, rebatable interest earnings will be recorded as an arbitrage liability and not as a County revenue.
 - c. Upon each ~~five-year~~^{five-year} arbitrage payment date for each debt issue, the required arbitrage rebate payment shall be made to the IRS, if a liability exists~~applicable~~.
 - d. Records of the following will be maintained for the life of the debt plus three years:
 - i. The computation of the bond yield;
 - ii. Annual arbitrage rebate computations;
 - iii. Computation of yield reduction payments, if applicable;
 - iv. Any and all forms 8038-T that must accompany payments to the IRS; and
 - v. Any and all forms 8038-R submitted for refunds of prior arbitrage rebate payments.
- II. Bond Proceeds ~~– the Finance Department will:~~
 - a. On a continual basis ensure that bond proceeds are used in compliance with the requirements of the related debt documents and LGC approvals.
 - b. On an annual basis review and take any necessary actions to see that bond proceeds are timely spent;
 - i. The review will be performed in conjunction with annual arbitrage rebate calculations.

Commented [DC15]: To formalize accounting treatment.

**County of Dare, North Carolina
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- III. Bond Financed Property
 - a. Annually, in conjunction with annual audit preparation, review building uses for compliance with the related debt documents.
 - b. ~~C~~Continually monitor building uses for compliance with the related debt documents and private activity rules.
- IV. Covenants
 - a. ~~Maintain a list of covenants required by all debt documents by debt issuance and a~~Annually document compliance with debt~~such~~ covenants by disclosures in the ACFR and certifications to Bond Trustees.
- V. General Requirements
 - a. All records necessary to support the tax-exempt status of the debt will be maintained for the life of the debt plus three years.
 - b. For each debt issue except for installment financings~~capitalized leases~~ of a term of 59 months or less, bond counsel shall be required to prepare and distribute a complete set of documents relating to the debt, including but not limited to:
 - i. Federal tax or information returns (8038 series);
 - ii. Transcripts, official statements and other offering documents;
 - iii. Minutes and resolutions authorizing the issuance of the debt;
 - iv. Certifications of the issue price of the bonds, if applicable;
 - v. Formal elections approving the bond issue, if applicable; and
 - vi. Formal elections of alternate accounting methodology, if applicable.
 - c. The following items shall be maintained for the life of the debt plus three years, if applicable:
 - i. Appraisals, demand surveys, or feasibility studies;
 - ii. Documents related to government grants associated with construction, renovation or purchase of debt-financed facilities;
 - iii. Publications, brochures and newspaper articles for or related to a debt financing;
 - iv. Trustee statements for the debt financing;
 - v. Correspondence (letters, emails & faxes) for debt financings;
 - vi. Reports of any prior IRS examinations of the County or of a debt financing;
 - vii. Records documenting the allocations of earnings from investments relating to debt financings; and
 - viii. Records of investments relating to a debt financings for:
 - 1. Investment contracts;
 - 2. Credit enhancements;
 - 3. Financial derivatives; and
 - 4. Bidding of financial products.
- VI. Other
 - a. If a refunding escrow requires the future purchase of a zero coupon SLGS security the Finance Director shall create and maintain a tickler file for the future occurrence and shall contact the relevant trustee to ensure that the proper purchase is executed by the trustee.
 - b. Records documenting the use of debt proceeds shall be maintained in the accounting system and/or the Finance Department or other location where indicated for:

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09/06/2022; 02/06/2023; 01/02/2024

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- i. Expenditures of proceeds for construction or other activities;
- ii. Expenditures of proceeds for issuance costs;
- iii. Copies of requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks relating to the use of proceeds;
- iv. Copies of contracts entered into for the use of the proceeds (County Manager);
- v. A record of expenditures incurred prior to issuing debt and subsequently reimbursed from proceeds;
- vi. Fixed asset records;
- vii. Depreciation schedules for debt financed depreciable property; and
- viii. Fixed asset records that track purchases and sales of debt financed assets.
 - 1. All of the above items are otherwise required by debt documents or other County policies and procedures.

VII. Private ~~Activity~~ ~~Business Use~~

- a. If any trade or business activities by or with non-governmental entities or persons occurs with respect to debt financed facilities during the life of the related debt, records of the activity will be maintained to include at least:
 - i. Management and other service agreements;
 - ii. Research contracts;
 - iii. Naming rights contracts;
 - iv. Ownership documentation;
 - v. Leases;
 - vi. Subleases;
 - vii. Leasehold improvement contracts;
 - viii. Joint venture arrangements;
 - ix. Limited liability corporation arrangements; and
 - x. Partnership arrangements.

~~*b.~~ Every County department is responsible for reporting Private Activity uses of buildings to the Finance Department.

VIII. Continuing Disclosure

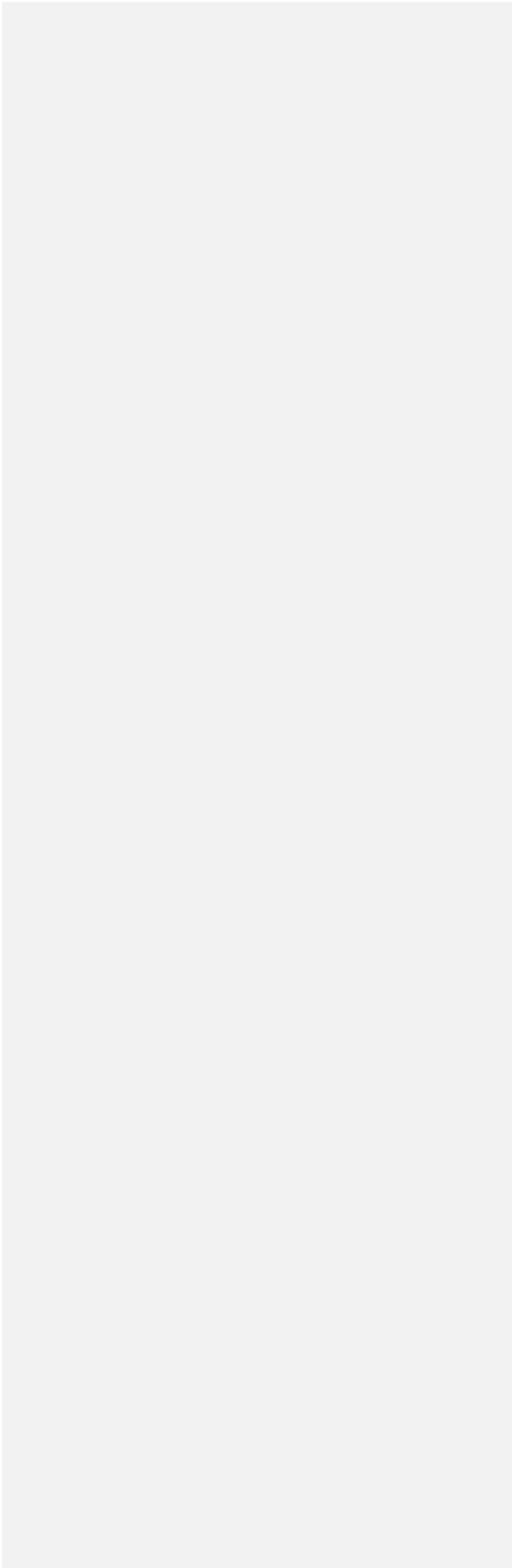
- a. A record shall be maintained detailing each debt issue that is subject to continuing disclosure requirements and the documents and additional information required to be disclosed.
- b. Continuing disclosure for the prior fiscal year end shall be filed by each January 31.
- c. Material event notices required for the incurrence of privately placed debt (direct debt) and the properly redacted debt documents, will be filed within 10 business days of the debt closing.
 - i. Requests for proposals for direct debt will require that a draft continuing disclosure notice be provided by the winning proposal with the debt documents.
- d. Other material event notices as required, determined by the County Attorney, or by bond counsel shall be timely filed.
- ~~e.~~ Confirmation of each instance of continuing disclosure shall be filed with the LGC.

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Commented [DC16]: Addition to try to make sure Finance is made aware of changes in Building use and/or leases and potential leases.

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Financial and Budgetary Policies**

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**County of Dare, North Carolina
Financial and Budgetary Policies**

Accounting, Auditing and Financial Reporting

- I. The County will maintain accounting systems in compliance with the North Carolina Local Government Budget and Fiscal Control Act. The County will maintain accounting systems that enable the preparation of financial statements in conformity with generally accepted accounting principles (GAAP).
 - ~~The basis of accounting within governmental funds will be modified~~ accrual.
 - ~~The basis for accounting within all Enterprise and Internal Service Funds will be the accrual basis.~~
- II. Financial systems will be maintained to enable the continuous monitoring of revenues and expenditures or expenses ~~with complete sets of monthly reports provided to the Board, the County Manager, the Finance Director and the Assistant Finance Director.~~ Monthly expenditure/expense reports will be provided to each director and department head for their functional area and online, real time, view only, access to the financial system will be made available to department heads and other staff as much as practical and its use encouraged.
- III. The County will place emphasis on maintenance of an accounting system which provides strong internal budgetary and financial controls designed to provide reasonable, but not absolute, assurance regarding both the safeguarding of assets against loss from unauthorized use or disposition and the reliability of financial records for preparing financial statements and reports, as well as the accountability of assets.
- IV. Departments and specifically the Information Technology Department shall consult with and seek input from the Finance Department concerning internal controls, integration, and reporting capabilities prior to the procurement or during the internal development of any system that will process and/or record financial transactions or data.
- V. An annual audit will be performed by an independent certified accounting firm which will issue an opinion on the annual financial statements as required by the Local Government Budget and Fiscal Control Act.
- VI. The County will solicit proposals, when recommended by the Board's Audit Committee, from qualified independent certified public accounting firms for audit services. The principal factor in the audit procurement process will be the auditor's ability to perform a quality audit. The County will enter into a multiyear agreement with the selected firm for a period of four fiscal years. Firms are not barred from consecutive contract awards.
- VII. The County will maintain a standing audit committee. The committee will oversee the independent audit of the County's financial statements, from the selection of the auditor to the resolution of any audit findings.
- VIII. The Finance Department will conduct ~~some form of~~ internal audit procedures at least one time per year, specifically focusing upon cash receipts procedures and purchasing cards transactions.
- IX. The County will prepare a ACCAFR. The ACCAFR will be prepared in compliance with established criteria to obtain the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting and will be submitted to that award program each year.
- X. Full and complete disclosure will be provided in all regulatory reports, financial statements and debt offering statements.

Commented [DC17]: All changes are to update for current practices, especially those that have changed with advancing technology.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- XI. The County will use the [ACCAFR](#) as the disclosure document for meeting its obligation to provide certain annual financial information to the secondary debt market via various information repositories. The annual disclosure is a condition of certain debt covenants and contracts that are required by SEC Rule 15c2-12.
- ~~XII. All policies and procedures will be maintained and made available on the County's intranet site. The Finance Department will develop and maintain a Financial Procedures Manual as a central reference point and handbook for all financial, accounting and recording procedures.~~
- ~~XIII. XII. The Information Technology Department will establish, document and maintain a Computer Disaster Recovery Plan and will provide for the daily backup of data and the offsite storage of the same.~~

**County of Dare, North Carolina
Financial and Budgetary Policies**

Cash Management Policy

I. Interfund Loans that result from fiscal year-end cash balances are authorized in the policy and in the annual budget ordinance.

II. Receipts

- All aspects of cash receipts shall be subject to proper internal controls with standard controls documented and followed by revenue generating departments.
- The Finance Department shall prescribe internal control procedures for departments, which address adequate segregation of duties, physical security, daily processing and reconciliation, use of automated resources, and treatment of overpayments.
- Cash receipts will be collected as expediently as reasonably possible to provide secure handling of incoming cash and to move these moneys into interest bearing accounts and investments.
- All incoming funds will be deposited daily as required by State law.
- The Internal Auditor ~~Finance Director~~ is responsible for conducting ~~at least two~~ random or risk based internal audits of cash receipting locations ~~per fiscal year~~.
- Upon any suspicion of fraud, the department head shall timely notify the Finance Department for further investigation.
- Upon any suspicion of non-compliance with internal control directives, the department head shall timely notify the Finance Department for further investigation.

III. Cash Disbursements

- The County’s objective is to retain monies for investment for the longest appropriate period of time.
- Disbursements will be made timely in advance of or on the agreed-upon contractual date of payment unless earlier payment provides greater economic benefit to the County.
- Inventories and supplies will be maintained at minimally appropriate levels for operations in order to increase cash availability for investments purposes.
- Dual signatures are required for County checks. Electronic signature of checks, drafts and purchase orders is approved.
- Electronic payments shall be utilized to the fullest extent possible where it is determined to be cost effective by the Finance Department. Such payments shall be integrated with financial systems and shall have proper ~~data processing~~ internal controls.

Commented [DC18]: To formalize in Policies. Already addressed in budget ordinances.

**County of Dare, North Carolina
Financial and Budgetary Policies**

Utilities System Policy

- I. The County's Utilities System Revenue Bonds are supported by rates and charges. Fund balances (net assets) are maintained to provide additional liquidity for the utility system. A seven year capital improvements plan will be maintained for the system and will be included as part of the system's budget for both operating and capital.
 - a. Revenue bond coverage, as defined by the bonds' General Indenture, will be maintained at not less than 1.5 times.
 - b. Utility system cash on hand at fiscal year-end will be maintained at not less than 2.0 times the following year's operating budget (budgetary operating expenditures defined as budgeted expenditures, including capital outlay in operating budget, less any budgeted operating reserve line item).
 - c. Pay as you go capital improvement funding will be funded in a range of 35% to 50% of the system's capital improvement plan.
 - i. This percentage is measured as an average over several years to recognize the effect upon the % of a major debt issuance.
- II. All financial policies of the County, where relevant, apply to the Utility System: Operating Budget, Revenue, Expenditure, Reserve/Fund Balance, Assets & Liability Management, Capital Improvements, Debt, Debt Compliance, Accounting Auditing and Financial Reporting, Cash Management, Investments and Swaps.
- III. Sections of the County's financial policies specific to the Utilities System are:
 - a. Debt Policy, section IV: Utility System debt will not ~~initially~~ have a term ~~of 20 years or less. In no instance will the term of the Utility System debt to~~ exceed 30 years.
 - b. Debt Policy, section VIII: The County's Utilities System Revenue Bonds are supported by rates and charges. Fund balances (net assets) are maintained to provide additional liquidity for the utility system. Revenue bond coverage, as defined by the bonds' General Indenture, will be maintained at not less than 1.5 times.
 - c. Capital Improvements Policy, section I.b: The County will update and readopt annually a seven-year CIP for the Water Fund (Utility System) which projects capital needs and details the estimated costs, description and anticipated funding sources for capital projects.

**County of Dare, North Carolina
Financial and Budgetary Policies**

Investment Policy

I. Policy

- It is the policy of the County to invest public funds in a manner that will provide the highest investment return with the maximum security while meeting the daily cash flow requirements of the County and conforming to all State statutes governing the investment of idle funds.

II. Scope

- This investment policy applies to all financial assets of the County except authorized petty cash, trust funds administered by the Social Services Director, the Library Trust Fund, and debt proceeds, which are accounted for and invested separately from pooled cash. The County pools the cash resources of its various funds and participating component units into a single pool in order to maximize investment opportunities and returns. Each fund's and participating component unit's portion of total cash and investments is tracked by the financial accounting system.

III. Prudence

- The standard of prudence to be used by authorized staff shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- Authorized staff acting in accordance with procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

IV. Authorized Staff

- G.S. 159-25(a)6 delegates management responsibility for the investment program to the Finance Director. The Finance Director will establish and maintain procedures for the operation of the investment program which are consistent with this policy. Such procedures will include delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director will be responsible for all transactions undertaken and will establish and maintain a system of controls to regulate the activities of subordinates.
- In the absence of the Finance Director and those to which he or she has delegated investment authority, the County Manager or his or her designee is authorized to execute investment activities.

V. Objectives

- The County's objectives in managing the investment portfolio, in order of priority, are safety, liquidity, and yield.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- Safety
 - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To best mitigate against credit risk (the risk of loss due to the failure of the security issuer) diversification is required. To best mitigate against interest rate risk (the risk that changes in interest rates will adversely affect the market value of a security and that the security will have to be liquidated and the loss realized) the second objective, adequate liquidity, must be met.
- Liquidity
 - The investment portfolio shall remain sufficiently liquid to meet all operating and debt service cash requirements that may be reasonably anticipated. The portfolio will be structured so that securities mature concurrent with cash needs (static liquidity), with securities with an active secondary market (dynamic liquidity), and with deposits and investments in highly liquid money market and mutual fund accounts.
- Yield
 - The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary, economic and interest rate cycles, taking into account investment risk constraints and liquidity needs.

VI. Ethics and Conflicts of Interest

- Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the County Manager any interests in financial institutions with which they conduct business material to them. They shall further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the County.

VII. Authorized Financial Dealers and Financial Institutions

- The Finance Director will maintain a list of financial institutions that are authorized to provide investment services. Authorized financial institutions will be selected by credit worthiness and must maintain an office in the State of North Carolina. These may include “primary” dealers or regional dealers that qualify under SEC Rule 15C3-1 (uniform net capital rule).
- Any financial institutions and broker dealers that desire to become qualified to conduct investment transactions with the County must supply the Finance Director with the following:
 - Audited financial statements;
 - Proof of National Association of Securities Dealers certification;
 - Proof of State registration; and
 - Certification of having read the County’s investment policy.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- Any previously qualified financial institution that fails to comply or is unable to comply with the above items upon request will be removed from the list of qualified financial institutions.
 - The Finance Director shall have discretion in determining the number of authorized financial institutions and may limit that number based upon the practicality of efficiently conducting the investment program. The Finance Director shall also have the discretion to add or remove authorized financial institutions based upon potential or past performance.
- VIII. Internal Control
- The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and that the valuation of costs and benefits requires the use of estimates and judgments by management.
- IX. Collateralization
- Collateralization is required for certificates of deposit. North Carolina General Statutes allow the State Treasurer and the Local Government Commission to prescribe rules to regulate the collateralization of public deposits in North Carolina banks. These rules are codified in the North Carolina Administrative Code – Title 20, Chapter 7 (20 NCAC 7). The Pooling Method of collateralization under 20 NCAC 7 allows depositories to use an escrow account established with the State Treasurer to secure the deposits of all units of local government. This method transfers the responsibility for monitoring each bank’s collateralization and financial condition from the County to the State Treasurer. The County will only maintain deposits with institutions using the Pooling Method of collateralization.
- X. Delivery and Custody
- All investment security transactions entered into by the County shall be conducted on a delivery versus payment basis. Securities will be held by a third party custodian designated by the Finance Director and each transaction will be evidenced by safekeeping receipts and tickets.
- XI. Authorized Investments
- The County is empowered by North Carolina G.S. 159-30(c) to invest in certain types of investments. The Board of Commissioners approves the use of the following investment types, the list of which is more restrictive than G.S. 159-30(c):
 - Obligations of the United States or obligations fully guaranteed as to both principal and interest by the United States.
 - Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Housing Administration, and the United States Postal Service.
 - Obligations of the State of North Carolina.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- Bonds and notes of any North Carolina local government or public authority that is rated “AA” or better by at least two of the nationally recognized ratings services ~~or that carries any “AAA-insured” rating.~~
- Fully collateralized deposits at interest or certificates of deposit with any bank, savings and loan association or trust company that utilizes the Pooling Method of collateralization (section VIII.I).
- Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service, which rates the particular obligation AI, P1, F1 or better.
- Banker’s acceptance of a commercial bank or its holding company provided that the bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
- Participating shares in a ~~mutual~~ fund for local government investment per G.S. 159-30(c)(8) and (10).
- Evidences of ownership of, or fractional undivided interest in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian (STRIPS).
- Guaranteed investment contracts utilizing repurchase agreements but only for the investment of debt proceeds which are to be collateralized at 105% and marked to market on a daily basis.
- Prohibited Forms of Authorized Investments:
 - ~~➤ The use of r~~Repurchase agreements in the normal investment portfolio (not debt proceeds) ~~is prohibited.~~
 - ~~➤ The use of c~~Collateralized mortgage obligations ~~is prohibited.~~
 - ~~➤ The use of a~~Any type of securities lending practices ~~is prohibited.~~

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XII. Diversification

- Investments will be diversified by security type and by institution.
- With the exception of United States treasury securities, ~~and the North Carolina Capital Management Trust, and the North Carolina Investment Pool,~~ no more than 35% of the County’s total investment portfolio will be invested in a single security type or with a single financial institution.
- The total investment in certificates of deposit shall not exceed ~~20~~25% of the County’s total investment portfolio and the investment in certificates of deposit with a single financial institution shall not exceed \$3,000,000.
- ~~The total investment in commercial paper shall not exceed 35% of the County’s total investment portfolio and the portfolio. The investment in commercial paper of a single issuer shall not exceed \$3,000,000. unless the issuer carries two plus ratings (A1+, P1+, F1+), then the investment shall not exceed \$5,000,000.~~

Commented [DC19]: To allow investment of \$5 million with an issuer that has at least two “plus” ratings. Those that the County currently or has owned = Nordea Bank, Old Line Funding, Royal Bank of Canada, Metlife Funding, KfW Bank, University of California, and Prudential Funding.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- The total investment in bankers’ acceptances shall not exceed 5% of the County’s total investment portfolio and the investment in bankers’ acceptances of a single issuer shall not exceed \$12,000,000.
- The Finance Director is responsible for monitoring compliance with the above restrictions. If a violation occurs, the Finance Director shall report such to the County Manager and to the Board along with a plan to address the violation.

XIII. Maximum Maturities

- To the extent possible, the County will attempt to match its investments with anticipated cash flow requirements. Beyond identified cash flow needs, investments will be purchased so that maturities are staggered.
- The following maturity limits are set for the County’s investment portfolio:
- At least 60% of the investment portfolio will have maturities of no more than 3 years from the date of purchase.
- At least 80% of the investment portfolio will have maturities of no more than 5 years from the date of purchase.
- At least 92.5% of the investment portfolio will have maturities of no more than 10 years from the date of purchase.
- At least 97.5% of the investment portfolio will have maturities of no more than 15 years.
- No investments maturing more than 20 years from the date of purchase may be purchased.
- For purposes of this section, for any variable rate demand obligation, the purchase date is considered to be the last reset and remarketing date and the maturity date is considered to be the next reset and remarketing date.
- ~~If any change is made to the County’s policy for unreserved and undesignated fund balance in the General Fund (section II.E.2), then sections VIII.M.2.a-e of this policy must be concurrently revised.~~

XIV. Selection of Securities

- The Finance Director or his or her designee will determine which investments shall be purchased and sold and the desired maturity date(s) that are in the best interest of the County. The selection of an investment will involve the evaluation of, but not limited to, the following factors: cash flow projections and requirements; current market conditions; and overall portfolio balance and makeup.

XV. Responses to Changes in Short Term Interest Rates

- The County will seek to employ the best and most appropriate strategy to respond to a declining short term interest rate environment. The strategy may include, but does not have to be limited to, purchases of callable “cushion” bonds, lengthening of maturities in the portfolio, and increases in the percentage of ownership of treasury notes relative to that of treasury bills.
- The County will seek to employ the best and most appropriate strategy to respond to an increasing short term interest rate environment. That strategy may include, but does not have to be limited to, purchases of “step-up” securities, shortening of maturities in the portfolio, the use of floating rate investments, and increases in the percentage of ownership of treasury bills relative to that of treasury notes.

Commented [DC20]: Old section referring to maximum maturities that should have been removed in the past.

**County of Dare, North Carolina
Financial and Budgetary Policies**

- XVI. Performance Standards
 - The investment portfolio will be managed in accordance with the parameters specified within this policy. The investment portfolio will strive to obtain a market average rate of return within the constraints of the County’s investment risk profile and cash flow needs.
 - The performance benchmarks for the performance of the portfolio will be rates of return on 90 day commercial paper and on three year treasury notes.
- XVII. Active Trading of Securities
 - It is the County’s intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal. However, if economic or market conditions change making it in the County’s best interest to sell or to trade a security before maturity, that action may be taken.
- XVIII. Pooled Cash and Allocation of Interest Income
 - All moneys earned and collected from investments other than bond proceeds will be allocated monthly to the various participating funds and component units based upon the average cash balance of each fund and component unit as a percentage of the total pooled portfolio. Earnings on bond proceeds will be directly credited to the same proceeds.
- XIX. Marking to Market
 - ~~A report of the market value of the portfolio will be determined generated at least monthly semi-annually by the Finance Director. The Finance Director will use the reports to review the investment portfolio in terms of value and price volatility, as well as for compliance with GASB Statement #31.~~
- XX. Software
 - The County recognizes the significance of the size of its investment portfolio and of the requirements contained in this policy. The County will utilize investment software which enables efficient transaction processing and recording, sufficient portfolio monitoring and the ability to maintain reporting compliance with this policy.
- XXI. Reporting
 - The Finance Director will prepare and distribute to the Manager and the Board a monthly investment report ~~that will be submitted with the Board’s monthly report package.~~
 - The monthly investment report will include a listing of all investments and will show the investment number, the investment description, the purchase, call and maturity dates, the yields to call and to maturity, the weighted average yields to call and to maturity by investment type and in total, the coupon rate, the par value and the ending amortized value. The report will also include earnings information for the last twelve months with that information compared to the established benchmarks.
 - The monthly investment report will include reporting on the status of diversification compliance.
- XXII. Policy Considerations
 - A maturity or diversification violation created in error or by fluctuations in the size of the portfolio does not require corrective action. The violation

Commented [DC21]: Software and pricing service allows the County to mark-to-market at anytime.

Adopted 02/21/2005
Revised 08/06/2007; 06/15/2009; 07/20/2009; 01/07/2013; 02/04/2013; 10/07/2013; 10/06/2014; 06/15/2020;
09/06/2022; 02/06/2023; 01/02/2024

**County of Dare, North Carolina
Financial and Budgetary Policies**

may be cured through an increase in the portfolio size or the maturity of an investment.

**County of Dare, North Carolina
Financial and Budgetary Policies**

Swap Policy

I. Definitions

- “County” means the County of Dare, North Carolina.
- “County Manager” means the person from time to time serving as the county manager of the County.
- “Finance Director” means the person from time to time serving as the responsible finance officer of the County.
- “Swap Agreement” shall mean a written contract entered into with an acceptable counterparty in connection with debt issued or to be issued by or behalf of the County in the form of a rate swap agreement, basis swap, forward rate agreement, interest rate option agreement, rate cap agreement, rate floor agreement, rate collar agreement or other similar agreement, including any option to enter into or terminate any of the foregoing or any combination of such agreements.

II. The Conditions Under Which Swap Agreements May Be Entered Into

- The County may use a Swap Agreement for the following purposes only:
 - To achieve significant savings as compared to a product available in the traditional cash market.
 - To enhance investment returns within prudent risk guidelines.
 - To prudently hedge risk in the context of a particular financing or the overall asset/liability management of the County.
 - To incur variable rate exposure, such as selling interest rate caps or entering into a swap in which the County’s payment obligation is floating rate.
 - To achieve more flexibility in meeting the County’s overall financial objectives than can be achieved in conventional markets.
- The Board must receive an opinion acceptable to the market from a nationally recognized bond counsel law firm acceptable to the County Manager and to the Finance Director that the Swap Agreement is a legal, valid and binding obligation of the County and entering into the transaction complies with applicable law.
- The County will inform the Debt Management Section of the LGC of any potential Swap Agreement. The County will review the proposed Swap Agreement with the staff of the LGC and will obtain LGC staff approval, or if determined to be required by the LGC staff, obtain approval of the LGC prior to the execution of any Swap Agreement.
- The failure of the County to comply with any provision of this policy will not invalidate or impair any Swap Agreement.
- The County may not use a Swap Agreement for speculative purposes. Associated risks will be prudent risks that are appropriate for the County to assume.
- The County shall contract for the services of a Financial Advisor for every swap transaction contemplated.

III. Aspects of Risk Exposure Associated with Such Contracts

- Before entering into a Swap Agreement, the County shall evaluate all the risks inherent in the transaction. The evaluation shall be in written form

**County of Dare, North Carolina
Financial and Budgetary Policies**

and shall be presented to the governing Board. The risks to be evaluated should include counterparty risk, termination risk, collateral posting risk, rollover risk, basis risk, tax event risk and amortization risk.

- The County shall endeavor to diversify its exposure to counterparties. To that end, before entering into a transaction, it should determine its exposure to the relevant counterparty or counterparties and determine how the proposed transaction would affect the exposure. The exposure should not be measured solely in terms of notional amount, but rather how changes in interest rates would affect the County’s exposure.

IV. Counterparty Selection Criteria

- The County may enter into a Swap Agreement if the counterparty has at least two long-term unsecured credit ratings in at least the double A category from Fitch, Moody’s, or S&P and the counterparty has demonstrated experience in successfully executing Swap Agreements. The County may enter into a Swap Agreement if the counterparty has at least two long-term unsecured credit ratings in the single A category or better from Fitch, Moody’s, or S&P only if the counterparty has demonstrated experience in successfully executing Swap Agreements and if (a) the counterparty either provides a guarantor or assigns the agreement to a party meeting the rating criteria in the preceding sentence, or (b) the counterparty collateralizes the Swap Agreement in accordance with the criteria set forth in this Policy and the transaction documents.
- If the ratings of the counterparty, or if secured, the entity unconditionally guaranteeing its payment obligations, fall below the A category at any time subsequent to the execution of the swap, then the obligations of the counterparty must be fully and continuously collateralized by direct obligations of, or obligations the principal and interest on which are guaranteed by, the United States of America and such collateral must be deposited with a financial institution serving as a custodial agent for the County.

V. Methods By Which A Swap Agreement Is To Be Procured

- *Negotiated Method.* The County may procure a Swap Agreement by a negotiated method under the following conditions:
- The Finance Director makes a determination that, due to the size and complexity of a particular swap, a negotiated transaction would result in the most favorable pricing and terms; or
- The Finance Director makes a determination that a proposed derivative embedded within a refunding debt issue meets the County’s saving’s target; and
- The County receives a certification from a financial institution or financial advisor that the terms and conditions of the Swap Agreement provide the County a fair market value as of the date of its execution in lights of the facts and circumstances.
- *Competitive Method.* The County may also procure a Swap Agreement by competitive bidding. The competitive bid may limit the number of firms solicited to no fewer than three. The County may determine which parties it will allow to participate in a competitive transaction. In situations in

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**County of Dare, North Carolina
Financial and Budgetary Policies**

which the County would like to achieve diversification of counterparty exposure, the County may allow a firm or firms not submitting the bid that produces the lowest cost to match the lowest bid. The parameters for the bid must be disclosed in writing to all potential bidders.

VI. Long-Term Implications

- In evaluating a particular transaction involving the use of a Swap Agreement, the County shall review long-term implications associated with entering into the Swap Agreements, including costs of borrowing, historical interest rate trends, variable rate capacity, credit enhancement capacity, opportunities to refund related debt obligations and other similar considerations.

VII. Swap Agreements To Be Reflected In The County's Financial Statements

- The County shall disclose and reflect the use of Swap Agreements in its financial statements in accordance with generally accepted accounting principles.

VIII. Management Review of Swaps

- A written annual management review of swap agreements shall be prepared by the Finance Director and submitted to the County Manager.
- Valuation of swap agreements shall be conducted semi-annually by the Finance Director and submitted to the County Manager.

IX. Termination Payments

- If the County enters into a swap agreement and incurs the risk of a potential swap termination payment, or if the County issues some form variable rate debt, the County will create a termination/hedge reserve within the General Fund, or for termination payment risk, the County may instead obtain a non-reimbursable insurance policy for swap termination payments from a 'AAA' or 'AA' rated monoline bond insurer.
- The County shall also seek to negotiate a "term-out" provision for any potential termination payment which will make the termination payment payable over a five year period.

**County of Dare, North Carolina
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Cost Allowability for Charges Against Federal Awards Policy

- I. All costs incurred under a Federal grant award shall be subject to the cost allowability standards articulated in OMB’s *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.
- II. Prior to entry in the financial records, the grant manager shall determine the nature of the expense and evaluate:
 - *Allowability* - meets the general requirements established in 2 CFR § 200.403(a) through §200.403(g). Departments will maintain a system of internal controls over Federal expenditures to provide reasonable assurance that Federal awards are expended only for allowable activities and that the costs of goods and services charged to Federal awards are allowable and in accordance with the above referenced cost principles. Costs will meet the following general criteria:
 - Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
 - Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
 - Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the County.
 - Be accorded consistent treatment.
 - Be determined in accordance with generally accepted accounting principles.
 - Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.
 - Be adequately documented.
 - *Selected Items of Costs* - is consistent with one of the allowability factors for selected items of costs articulated in 2 CFR § 200.420 through § 200.475.
 - *Grant Budget* - is consistent with the allowable expenses provided for in the grant agreement.
- III. These procedures will be employed regardless of whether the Department classifies the expense as direct or indirect (F&A) cost.
- IV. If deemed allowable, the grant manager shall code the expense in accordance with the account code established for the Federal grant and have the Finance Department record the amount in the financial records.
- V. If the grant manager cannot establish the allowability of an expense, consultation with the Finance Director shall be required to make the determination before any cost is entered in the financial records. If unable to be resolved by the Finance Director, the grant manager shall seek clarification with the Federal awarding agency or pass-through agency.
- VI. If deemed ineligible for reimbursement under the Federal award, the Finance Department will record the item as an “Ineligible Cost”.

**County of Dare, North Carolina
Financial and Budgetary Policies**

Review and Revision

- I. The County will formally review this set of financial and budgetary policies at least once every three years.



Stormwater Master Plan Update

Description

Dare County received a FEMA Flood Mitigation Assistance grant to update the Stormwater Master Plan for the unincorporated areas of the county. The consultant, WithersRavenel, solicited public input, assessed stormwater risks and hazards, identified critical project areas, conducted site surveys, and developed two engineered designs which can be used for future grant opportunities.

Board Action Requested

Adopt Stormwater Master Plan

Item Presenter

Barton Grover, Grants & Waterways Administrator

Stormwater Master Plan



DARE COUNTY

North Carolina

December 2023

This report is an update of the 2001 Stormwater Master Plan and financed in part by a Flood Mitigation Assistance Grant through the North Carolina, Department of Public Safety, Division of Emergency Management.

Prepared By:



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Executive Summary

The 2023 Dare County Stormwater Master Plan is an update to the 2001 plan and pertains only to the unincorporated portions of the County. This document provides recommendations for stormwater management through a review and evaluation of the governing regulations and stormwater infrastructure. The objective is to make regulatory recommendations and provide cost-effective engineered solutions to managing flooding risk within the county limits. Through public input and stakeholder engagement, specific project areas within the County were identified. WithersRavenel inventoried priority storm drain infrastructure in the project areas and developed comprehensive existing conditions 2D HEC-RAS models to simulate hydrology and hydraulics for the 2-, 10- and 100-year storm events. In addition to the current tidal conditions, scenarios for each return event were simulated to account for a 1-foot sea level rise and 2.6-foot (80 cm) sea level rise. Lastly, a storm surge condition was simulated for the 100-year event. These models, in addition to review of public and stakeholder input, were used to identify areas of concern for further investigation and for potential conceptual project areas to mitigate future flood risk. In total eight (8) areas of concern were identified and modeled. Conceptual stormwater improvement plan designs were developed for two (2) critical areas, including cost opinions.

Location	Problem Description	Project Description	Order of Magnitude Cost
North Roanoke Island	Ponding	Installation of Storm Drainage Network, Swales, and Culverts	\$6M to \$8M
Wanchese	Ponding	Swale Maintenance/ Enhancement	\$500K to \$1M
Colington Pond	Abandoned/blocked outlet	Installation of Pond Outfall	\$250K to \$500K
Rodanthe	Ponding/Altered Drainage Channel	Re-Establish North Drain Connectivity	\$500K to 1M
Avon - Ocean View Drive	Ponding	Installation of Infiltration Trenches and Swales	\$1.5M to \$2M
Buxton - Old Lighthouse Rd	Ponding	Installation of Infiltration Trenches, Culverts and Storm Drainage Network	\$500K to \$1M
Frisco	Ponding	Culverts and Swale maintenance/enhancement	\$500K to \$1M
Hatteras Village	Ponding	Installation of Detention Swales	\$250K to \$500K
Countywide	Policy	Policy update: develop a comprehensive stormwater management policy with emphasis on implementing Low Impact Development	\$50K to \$250K
Countywide	Program Management	Stormwater Asset Inventory, Mapping, and Maintenance Program	\$150K to \$250K



Chapter 1 - Introduction

The Dare County *Stormwater Master Plan* (Plan) is a document that outlines an approach to stormwater management for the unincorporated portions of Dare County. This document provides direction for stormwater management for Dare County (County). The starting point for this Plan begins with the purpose, goals, and objectives described in this chapter.

Stormwater master plans that have the most success are the ones with clear purpose, goals, and action items. To develop a clear purpose and goals, it is necessary to identify the problems or potential problems in the watershed. Drainage/ponding and water quality within the County have been identified as problems and the purpose and goals described below provide direction for the future stormwater management effort to improve these problems. These problems have been magnified by the increasingly intense storm events and sea level rise the County is experiencing. These events and forces are causing challenges to existing infrastructures such as roads and stormwater network. Sand drifts may block drainageways with sediment deposits, reducing the capacity of the network. The 2022 Sea Level Rise Technical Report from the National Oceanic and Atmospheric Administration (NOAA) states that in the next 30 years, the sea level is expected to rise 10 to 14 inches on the East Coast.

1.1 Purpose and Goals

This updated Stormwater Master Plan serves as a tool to provide a comprehensive and unified framework for stormwater management and evaluate drainage issues and develop possible solutions to address stormwater issues. The scope of this study is restricted to unincorporated portions of Dare County and does not include any areas located with the municipal areas of Dare County. As part of this study, public input was solicited, and stakeholders engaged. This input along with field visits and hydrologic and hydraulic models were utilized to identify critical problem areas. The risk and hazards were assessed, and potential mitigation measures developed.

The goals of the plan are to provide recommendations to meet the purpose of improving hydrological functions and protecting and improving water quality. The specific goals are to:

- 1) Evaluate the water quantity and water quality problems in the County and recommend solutions to mitigate these problems.
- 2) Evaluate the current county policies regarding stormwater control and recommend potential improvements.
- 3) Provide capital improvement projects and outline maintenance actions that incorporate recommendations from the plan.

1.2 Master Plan Update

Dare County was awarded a Flood Mitigation Assistance Grant through the North Carolina, Department of Public Safety, Division of Emergency Management to provide updates to the 2001 master plan. The following are the primary tasks of the master plan update.

- 1) Solicit public input and engage local stakeholder groups.
- 2) Mapping and analysis of existing stormwater infrastructure.



- 3) Assess stormwater risks and hazards.
- 4) Identify critical project areas and potential mitigation measures with an emphasis on innovative and/or nature based-solutions where practicable.
- 5) Conduct site survey on identified critical project areas.
- 6) Develop at least two detailed engineering project proposals that can be used for future grant opportunities.

1.3 Structure of the Plan

- **Chapter One - Introduction**

- The purpose and goals have been described and the contents of the plan are listed in this section. The methodology is provided to describe the basis for the recommendations.

- **Chapter Two - Regulation/Ordinance Review**

- In this chapter all federal, state and local regulations and ordinances relating to stormwater will be reviewed.

- **Chapter Three - Policy**

- In this chapter, the existing policy with regards to stormwater management is described. Changes to existing policy and new areas requiring a policy decision action are provided.

- **Chapter Four - County Overview**

- This chapter provides a description of the physical setting and the interaction of land use, soil types, water features, and hydrology and their effect on water quantity and quality.

- **Chapter Five - Watershed Characteristics**

- The characteristics of the County, along with the quantity and quality problems, are described and action items recommended.

- **Chapter Six - Stormwater Management Program**

- The action items from the preceding chapters are summarized. The estimated costs for the recommended action items are provided in this chapter. Potential funding sources are identified.

1.4 Methodology

The methodology for this Plan included review and revision as needed of the Stormwater Master Plan produced in 2001, public input gathered to identify current flooding areas of concern, and hydrologic & hydraulic modeling of selected areas of concern. Recommendations for improvements to alleviate flooding issues are made based on identified sources of flooding. Concept plans with modeled improvements were further developed for two areas.



Chapter 2 - Regulation/Ordinance Review

Decisions the County currently makes regarding stormwater issues have an effect on future water quality, storm drain system performance, and system condition. This chapter outlines the existing Federal, State and County regulations and ordinances regarding stormwater management and evaluates policy changes necessary for effective management in the future.

2.1 Federal Regulations

This section provides a summary of federal regulations that presently define, or in the future may affect, stormwater management requirements for the County. The goal of this review is to identify and summarize the regulatory and technical issues that must be incorporated into the County's stormwater management and development policies. The requirements presented in this section will subsequently be compared to existing County stormwater management policies with recommended modifications provided as necessary.

2.1.1 The Clean Water Act

In 1972, Congress amended the Federal Water Pollution Control Act, referred to as the Clean Water Act (CWA), to prohibit the discharge of any pollutants to navigable waters from a point source, unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. As pollution control measures for industrial process wastewater and municipal sewage were implemented and refined, it became evident that diffuse sources of water pollution were adversely impacting water quality. In particular, stormwater runoff from agricultural and urban land was found to significantly impair water quality. Polluted stormwater runoff is commonly transported through municipal separate storm sewer systems (MS4s), and then often discharged, untreated, into local water bodies.

At the Federal level, Sections 401, 402 and 404 of the Clean Water Act require permits for those activities that might affect water quality either through direct discharge of dredged and fill materials or from runoff. The most recent federal regulations that will significantly impact existing storm water management practices are 40 CFR Parts 9, 122, 123, and 124 - National Pollutant Discharge Elimination System (NPDES) - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule (commonly referred to as Phase II Storm Water Regulations). Phase II regulations expanded the existing NPDES stormwater program (Phase I) by addressing stormwater discharges from small MS4s and construction sites that disturb one acre or more.

2.1.2 Phase I NPDES Stormwater Regulations

In 1987, Congress amended the CWA to require implementation of a comprehensive national program for addressing storm water discharges. This implementation has occurred in two phases. The first phase, referred to as "Phase I," was promulgated in November 1990. Phase I requires NPDES permits for storm water discharge associated with the following sources:

- Municipal separate storm sewer systems serving populations of 100,000 or more.
- Several categories of industrial activity, including construction sites that disturb five or more acres of land.



Applicability to Dare County:

As of the year 2023, the County is not required to obtain an NPDES stormwater discharge permit under the Phase I regulations because of its small population and lack of industrial activity.

2.1.3 Phase II Stormwater Regulations

The second phase, referred to as “Phase II,” was promulgated in August 1995. These regulations were adopted in December 1999. In June 2023, EPA signed a rule entitled NPDES Small MS4 Urbanized Area Clarification to clarify the term “urbanized areas” Phase II expands the existing stormwater program to include:

- Discharges of stormwater from urban areas with a population of at least 50,000
- Non-traditional MS4s such as public universities, department of transportation, hospitals, and prisons.
- Construction sites that disturb between one and five acres of land.

Certain sources are excluded from Phase II based on a demonstrable lack of impact on water quality. This regulation also allows other sources not automatically regulated on a national basis to be designated for inclusion based on their increased likelihood for local impairment of water quality. Phase II conditionally excludes stormwater discharges from industrial facilities that have “no exposure” of industrial activities or materials to storm water. States with NPDES permitting authority (North Carolina Division of Water Quality has permitting authority) can extend NPDES requirements to smaller Counties if there is reason to anticipate that stormwater runoff from those areas has been or may impact high quality waters. Phase II requires that industrial facilities owned by Small Municipal Separate Storm Sewers Systems (MS4s) obtain coverage under an NPDES permit by March 10, 2003.

Permitted MS4 entities are required to develop a Stormwater Management Plan (SWMP) to address pollutants. The SWMP is organized by the following six minimum measures which will be discussed in more detail in subsequent sections.

- Public Education and Outreach on Stormwater Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations



Public Education and Outreach on Stormwater Impacts

MS4 phase II entities must implement a public education program or conduct outreach activities to distribute educational materials to the community. The education programs and/or outreach activities should inform individuals and households about target pollutants, likely pollutant source, the impacts of pollutants on water bodies and identify the steps that must be taken to reduce storm water pollutants. Entities are required to maintain a website, provide a stormwater helpline, and have specific campaigns for target audiences. MS4s are encouraged to collaborate with other entities within their vicinity or with the State to amplify messaging and incorporate information into State implemented educational programs.

Public Involvement/Participation

Public Education is focused on information sharing while Public Involvement entails public participation in the planning and implementation of local stormwater management programs. The permitted entity is responsible for creating volunteer opportunities for citizens which could include volunteer monitoring, stream clean-ups, or serving on an advisory group.

Illicit Discharge Detection and Elimination

The intention of the illicit discharge minimum measure is to eliminate non-stormwater discharge into storm sewer systems. The program requirements include:

- Develop a storm sewer system map showing the location of all outfalls, and names and location of all waters of the United States that receive discharges from those outfalls.
- Effectively prohibit through ordinance, or other regulatory mechanism, illicit discharges into the separate storm sewer system and implement appropriate enforcement procedures and actions as needed, and to the extent allowable under State, Tribal, or local law.
- Develop and implement a plan to detect and address illicit discharges, including illegal dumping, to the system;
- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

The illicit discharge and elimination program addresses non-stormwater discharges if it falls under the categories listed below and if the operator of the small MS4 identifies them as significant contributors of pollutants. These categories include: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

Construction Site Stormwater Runoff Control

For the construction site stormwater runoff control measure, MS4 Phase II entities are required to develop, implement and enforce a pollutant control program to reduce pollutants in any stormwater runoff from construction activities that result in land disturbance of one or more acres. Construction activity on sites disturbing less than one acre must be included in the program if the



construction activity is part of a larger common plan of development or sale that would disturb one or more acres. The construction runoff control program must include an ordinance or other regulatory mechanism to require erosion and sediment controls to the extent practicable and allowable under State, Tribal or local law. The program must also include sanctions to ensure compliance. The program must also include, at a minimum:

- Requirements for construction site operators to implement appropriate erosion and sediment control.
- Procedures for site plan review by the small MS4, which incorporate consideration of potential water quality impacts.
- Requirements to control other waste such as discarded building materials, chemical and sanitary waste at the site that may adversely affect water quality.
- Procedures for receipt and consideration of information submitted by the public to the MS4.

Post-Construction Stormwater Management in New Development and Redevelopment

Studies and investigations indicate that prior planning and designing for the minimization of pollutants in stormwater discharges is the most cost-effective approach to stormwater quality management. MS4 Phase II entities are required to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that result in land disturbance of greater than or equal to one acre. This also includes projects less than one acre, which are part of a larger common plan of development or sale. The NPDES permit requires the operator of a regulated small MS4 to:

- Develop and implement strategies that include a combination of structural and/or non-structural Best Management Practices (BMP)s.
- Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law.
- Ensure adequate long-term operation and maintenance of BMPs.
- Ensure that controls are in place that would minimize adverse water quality impacts.

Pollution Prevention/Good Housekeeping for Municipal Operations

This minimum measure required MS4 Phase II entities to develop and implement an operation and maintenance program that includes a training component focused on preventing or reducing stormwater from municipal operations. The program must include government employee training that addresses prevention measures pertaining to municipal operations such as: parks, golf courses and open space maintenance; fleet maintenance; new construction or land disturbance; building oversight; planning; and stormwater system maintenance. The program may use existing stormwater pollution prevention training materials offered by the State, Tribe, EPA, or environmental, public interest, or trade organizations. The EPA encourages operators of MS4s to include the following in their programs:

- Implement maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants discharged from the separate storm sewers.
- Implement controls for reducing or eliminating the discharge of pollutants from street,



roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas operated by the MS4.

- Adopt procedures for the proper disposal of waste removed from the separate storm sewer systems and areas listed above, including dredge spoil, accumulated sediments, floatables, and other debris.

Applicability to Dare County

The final Phase II regulations, dated December 9, 1999 and updated July 2023 to clarify urbanized area, list areas in the United States that require or may require permitting under the Phase II program. These areas include:

- ***Urban areas with a population of at least 50,000***
- ***Governmental entities located fully or partially within an urbanized area***
- ***Governmental entities (located outside of an urbanized area) that must be examined by the NPDES permitting authority for potential designation***

As of October 2023, unincorporated Dare County was not included on any of these federal lists, and has not been designated to obtain a MS4 permit. Although a Phase II permit is not required at this time, WR recommends that the County implement applicable Phase II management measures as part of its long-term stormwater management policies. These management measures are good standard practice for water quality protection, and their implementation would ensure that Phase II requirements would be in place if a permit becomes necessary in the future.

2.2 State Regulations

Stormwater management requirements in North Carolina fall under the jurisdiction of the North Carolina Administrative Code (NCAC), the North Carolina Coastal Area Management Act (CAMA), and the North Carolina Sedimentation Pollution Control Act. The associated agencies responsible for the implementation of stormwater management requirements are the Department of Environmental Quality (DEQ); the Sedimentation Control Commission; and the Coastal Resources Commission (CRC). Summarized stormwater management requirements for the three agencies are provided as follows and will serve as the technical basis for recommended modifications to County ordinances. The Division of Energy, Mineral, and Land Resources (DEMLR) and the Division of Coastal Management (DCM), regulate development and land use activities to protect water quality. Additionally, the North Carolina Department of Transportation has published guidelines for drainage studies and hydraulic design.

2.2.1 Division of Coastal Management

In 1974, the NC General Assembly passed the Coastal Area Management Act (CAMA) to guide development in fragile and productive areas that border the state's sounds and oceanfront. The Division of Coastal Management (DCM) regulates development activities and stormwater controls that occur in the 20 coastal counties of North Carolina through the Coastal Area Management Act (CAMA) (15A NCAC 7H, 7J, & G.S. 133A, Article 7). Any land disturbing activity which occurs in an area of environmental concern (AEC) must receive a CAMA permit. There are four categories of AECs: Estuarine and Ocean System, the Ocean Hazard System, Public Water Supplies, and



Natural and Cultural Resource Areas. The following locations for a project would be considered occurring within an AEC:

- In, or on the shore of, navigable waters;
- On a marsh or wetland;
- Within 75 feet of the normal high water line along an estuarine shoreline;
- Near the ocean beach;
- Within an ocean high hazard flood area;
- Near an inlet;
- Within 30 feet of the normal high water level of areas designated as inland fishing waters by the N.C. Marine Fisheries Commission and the N.C. Wildlife Resources Commission;
- Near a public water supply;
- Within 575 feet of Outstanding Resource Waters defined by the Environmental Management Commission.

The DCM reviews proposed development plans with respect to agency and public comment, CRC rules, and local CAMA Land Use Plans. The CAMA permit system is divided into major and minor permits, based on the size and possible impacts of a project.

General permits are used for routine projects that usually pose little or no threat to the environment. General permits are issued on-site by DCM staff.

A **Major permit** is required for land disturbing activities which:

- Occur in an AEC
- Alter more than 20 acres of land
- Propose a structural footprint exceeding 60,000 square feet on a single parcel
- Require other State or Federal permits
- Excavates or drills for natural resources in an AEC or under water

Development activities requiring a CAMA Major Permit may also require one of the following permits that are issued by the State:

- Permit to excavate and/or fill
- Easement in lands covered by water
- Water quality certification

A **Minor permit** is required when a Major or General permit is not required but the project is located within or partially within an AEC. Minor permits are required if the project meets the following conditions:

- Occurs within an AEC (described above)
- Project requires no other state or federal permits
- It does not qualify for a CAMA permit expansion



- It is considered “development” under CAMA.

Development is defined as any activity in an AEC involving, requiring, or consisting of the construction or enlargement of a structure; excavation, dredging, filling, bulkheads, driving of pilings, alteration of land, sand dunes, shore, bank, or bottom of any waterway. The Coastal Area Management Act (CAMA) excludes certain activities, such as highway maintenance, agriculture and silviculture from permit requirements {GS 113A-103 (5)(b)}.

Minor permits are required for single-family homes unless it meets an exemption below. Local permit officers can provide assistance regarding CAMA requirements. It is advisable to inquire about a permit before starting any construction.

The following activities are exempt from a Minor permit:

- Additions and modifications to simple structures for private use such as existing bulkheads, piers, docks, boathouses, and boat ramps that already have permits.
- Maintenance and expansion of certain projects that have state easements and/or state Dredge-and-Fill permits. Projects qualify if the dimensions don't exceed 20 percent of the dimensions originally permitted, primary use does not change, work does not damage the natural environment and/or adjacent property owners.
- Emergency maintenance and repairs when life and property are in danger.
- Single-Family Residences built within the estuarine shoreline if the structure is built more than 40 feet landward of the normal water level. No land-disturbing activities may occur between the house and the water.
- Single-Family Residences in the High Hazard Flood AEC as long as development is consistent with other CAMA standard and the local land-use plan.
- Structural maintenance and repair (excluding replacement) of damaged structure provided the repair is less than 50 percent of the value of the structure and does not violate CAMA standards
- Accessory uses or structures related to the main use of the site that require no electricity, plumbing, or other service connections and do not exceed an area of 200 square feet of floor area.
- Installation and maintenance of sand fencing if CAMA requirements are met

2.2.2 Division of Energy, Mineral, and Land Resources

The NC Department of Environmental Quality - Division of Energy, Mineral, and Land Resources (DEMLR) requires a Sedimentation and Erosion Control Plan for land disturbing activities greater than one acre (15A NCAC 4B & G.S. 113A, Article 4). The purpose of the Sedimentation and Erosion Control Plan is to show practices that will be implemented, during and after construction, that will control erosion and prevent sediments from leaving the site.

Primary requirements for a Sedimentation and Erosion Control Plan are as follows:

- A sufficient buffer zone must be retained or established along any natural water course or lake to contain all visible sediment to the first 25 percent of the buffer strip nearest the disturbed area. An undisturbed 25-foot buffer must be maintained along trout waters.
- The angle of cut-and-fill slopes must be no greater than that sufficient for proper



stabilization. Graded slopes must be vegetated or otherwise stabilized within 21 working days of completion of a phase of grading.

Off-site sedimentation must be prevented, and a ground cover sufficient to prevent erosion must be provided within 7 to 14 days depending on the slope of the site. Temporary erosion control measures shall be converted to permanent ground stabilization as soon as possible but no later than 90 calendar after the last land disturbing activity.

- Erosion and sedimentation control measures must be designed to provide protection from a rainfall event equivalent in magnitude to the 10-year peak runoff. In areas where High Quality Waters (HQWs) are a concern the design requirement is the 25-year storm.
- Runoff velocities must be controlled so that the peak runoff from the 10-year frequency storm occurring during or after construction will not damage the receiving stream channel at the discharge point. The velocity must not exceed the greater of:
 - The maximum nonerosive velocity of the existing channel, based on soil texture.
 - Peak velocity in the channel prior to disturbance.
 - If neither condition can be met, then protective measures must be applied to the receiving channel.

The above referenced NC General Statute created the Sedimentation Control Commission to develop and administer North Carolina's sedimentation and erosion control program. This program is implemented by the DEQ DEMLR under the Commission's direction. Authorized local governments or agencies may adopt their own ordinances; however, local programs must be approved by the Commission and must meet or exceed the minimum standards set by the state. If their programs are approved, local governments administer and enforce them. Because these programs vary widely in content and scope, the administering agency should be consulted to avoid violations of local ordinances.

The state assists and encourages local governments and other state agencies to develop their own erosion and sedimentation control programs. DEMLR reviews local programs as needed to assure uniform enforcement of the Act.

As part of the educational requirements of the Sedimentation Pollution Control Act, the Sedimentation Control Commission sponsored the development of [The Erosion and Sediment Control Planning and Design Manual](#) dated May 2013 (ESC Design Manual). The ESC Design Manual is a basic reference for the preparation of a comprehensive erosion and sedimentation control plan and for the design, construction and maintenance of individual practices.

The ESC Design Manual contains information useful in the selection and design of Best Management Practices (BMPs) used in sedimentation and erosion control. The ESC Design Manual is intended to serve as a guide to help local governments and developers comply with the Sedimentation Pollution Control Act.



2.2.3 Division of Water Quality

The Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina (15A NCAC 2B & G.S. 143-214.1, 215.1, 215.3 Article 3) defines surface water classifications and provides development restrictions and buffer requirements. Surface waters in Dare County include the ocean, the Intracoastal Waterway, Croatan Sound, Currituck Sound, Pamlico Sound, Roanoke Sound, Alligator River, and various other small lakes, rivers, and canals.

The following letter system is used to define the "best usage classifications" for waters in Dare County area:

- SA** Tidal systems designated for shell fishing for market purposes, primary recreation, aquatic life propagation and survival, fishing, wildlife, and secondary recreation.
- SB** Indicates a designation of a tidal system for primary recreation, aquatic life propagation/protection and secondary recreation.
- SC** Tidal systems designated for aquatic life propagation and maintenance of biological integrity, wildlife, secondary recreation, agriculture and any other usage except primary recreation or shell fishing.
- C** Fresh water systems designated for aquatic life propagation and maintenance of biological integrity, wildlife, secondary recreation, agriculture, and any other usage except primary recreation or drinking water supplies.
- HQW** (High Quality Waters) Indicates a supplemental classification for waters protected by an Antidegradation Policy enforced through the DENR. These include waters with excellent ratings based on biological & physical/chemical characteristics, such as NC Marine Fisheries Commission designated primary nursery areas (PNA) and Wildlife Resource Commission designated trout waters.
- ORW** (Outstanding Resource Waters) Those waters that have exceptional state or national recreational or ecological significance and which have exceptional water quality.
- SW** Swamp waters, or waters which have low velocities and other natural characteristics which are different from adjacent streams.

The SA primary classification denotes surface waters, such as the Pamlico Sound, which are suitable for commercial shell fishing and all other tidal saltwater uses. Supplemental classifications such as HQW provide added protection for waterbodies.

The Department of Environmental Quality enforces the Stormwater Management regulation and general statute (15A NCAC 02H and G.S.143-215.1) and the Water Supply Watershed Protection Act (15A NCAC 02B & G.S. 143-214.5) for the protection of surface waters. These rules were developed to control pollutants in stormwater runoff, limit impervious surfaces or built upon area, and ensure that adequate stormwater management practices are implemented.



2.2.4 North Carolina Administrative Code Section 15A NCAC2H.1000

The North Carolina stormwater management regulations are located in [Administrative Code Section 15A NCAC 2H.1019](#), which is included as Appendix A of this report. To ensure the protection of surface waters of the State, a stormwater management permit is required for any development activities in the 20 coastal counties which

- Require a CAMA major development permit (see Section 2.2.1 of this report)
- Requires an Erosion and Sedimentation Control Plan (see Section 2.2.2 of this report) a project that doesn't meet either previous requirements but meets one of the following criteria:
 - Nonresidential projects that propose to cumulatively add 10,000 square feet or more of built-upon area
 - Residential properties that are located within one-half mile and draining to SA waters and propose to add more than 10,000 square feet of built-upon area and result in a percentage built-upon area greater than 12 percent

Dare County is included in the 20 coastal counties and is subject to permitting requirements as specified in 15A NCAC 2H.1019. Permitting requirements as specified in 15A NCAC 2H.1019 are described in the following paragraph. North Carolina stormwater management permit application forms are provided in Appendix B.

2.2.5 Stormwater Permitting Requirements: Coastal Counties

Stormwater management permits for development activities within the 20 coastal counties fall into one of the three following categories:

- Category 1: Development activities located within one-half mile and draining to waters classified as SA-HQW or SA-ORW
- Category 2: Development activities that drain to freshwaters classified as B-ORW and C-ORW
- Category 3: Development activities in areas except those defined in items 1 and 2.

Dare County has a significant number of SA waters; therefore, permitting requirements are primarily as specified by Category 1.

Dare County Permitting Requirements (SA Waters)

Permitting requirements for the County's SA waters are classified according to low density and high-density options. Project density is calculated as the total built-upon area divided by the total project area as defined in 15A NCAC 2H.1003. Permitting requirements for the two options are summarized as follows:

- **Low Density Option – SA Waters**
 - Built-upon area of 12 percent or less;
 - A vegetative buffer of at least 50-feet wide from perennial waterbodies, perennial streams, and intermittent streams for new development and at least 30 feet in width for redevelopment.



- Maximize dispersed flow through vegetated areas and minimize channelization of flow
- Flows that can't be dispersed shall be transported by vegetated conveyance that is stable and won't erode during the peak flow from the 10-year storm event.
- Curb and gutter systems are allowed with outlets to convey stormwater to grassed swales or vegetated areas designed according to standards in 15A NCAC 2H.1003.
- **High Density Option – SA Waters**
 - Built-upon area of 25 percent or less within 575 feet of SA-ORW
 - A vegetative buffer of at least 50-feet wide from perennial waterbodies, perennial streams, and intermittent streams for new development and at least 30 feet in width for redevelopment.
 - Utilizing one of the following approaches for treating and discharging stormwater
 - Runoff volume match with any excess runoff volume released at a non-erosive velocity at the edge of the vegetated setback or to an existing stormwater drainage system
 - Runoff treatment without discharging in excess of the predevelopment conditions during the one-year, 24-hour storm event. Runoff treatment must meet the minimum design criteria set forth in 15A NCAC 2H.1050 -.1062. The runoff volume in excess of the one-year, 24-hour volume runoff shall be released at a non-erosive velocity at the edge of the vegetated setback or to an existing stormwater drainage system
 - Runoff treatment for the difference between the pre- and post-development runoff volumes for the one-year, 24-hour storm event and meet the following requirements:
 - Document infeasibility to design an infiltration system in accordance with 15A NCAC 2H.1051
 - Stormwater must be filtered through a minimum of 18 inches of sand prior to discharge
 - Discharge from the stormwater control shall be directed to a level spreader-filter strip or a swale that fans at natural grade, or a natural wetland that does not contain a conveyance to SA waters
 - Runoff volume in excess of the one-year, 24-hour volume runoff shall be released at a non-erosive velocity at the edge of the vegetated setback or to an existing stormwater drainage system

Dare County Permitting Requirements (non-SA or freshwater)

Permitting requirements for the County's other coastal water other than SA waters or freshwater ORW that are classified according to low density and high-density options. Project density is



calculated as the total built-upon area divided by the total project area as defined in 15A NCAC 2H.1003. Permitting requirements for the two options are summarized as follows:

- **Low Density Option - Non-SA or Freshwater**
 - Built-upon area of 24 percent or less;
 - A vegetative buffer of at least 50-feet wide from perennial waterbodies, perennial streams, and intermittent streams for new development and at least 30 feet in width for redevelopment.
Maximize dispersed flow through vegetated areas and minimize channelization of flow
 - Flows that can't be dispersed shall be transported by vegetated conveyance that is stable and won't erode during the peak flow from the 10-year storm event.
 - Curb and gutter systems are allowed with outlets to convey stormwater to grassed swales or vegetated areas designed according to standards in 15A NCAC 2H.1003.
- **High Density Option - Non-SA or Freshwater**
 - Stormwater control systems must be designed to control runoff from all surfaces generated by 1.5 inch storm
 - A vegetative buffer of at least 50-feet wide from perennial waterbodies, perennial streams, and intermittent streams for new development and at least 30 feet in width for redevelopment.

Dare County Permitting Requirements (Freshwater ORW)

Water quality conditions shall clearly maintain and protect the outstanding resource values of waters classified as Outstanding Resource Waters (ORW). Stormwater management strategies to protect resource values of waters classified as ORW shall be developed on a site-specific basis during the proceedings to classify these waters as ORW. The requirements of this Rule serve as the minimum conditions that must be met by development activities. More stringent stormwater management measures may be required on a case-by-case basis where it is determined that additional measures are required to protect water quality and maintain existing and anticipated uses of these waters.

- **Low Density Option - Freshwater ORWs**
 - Built-upon area of 12 percent or less
 - A vegetative buffer of at least 50-feet wide from perennial waterbodies, perennial streams, and intermittent streams for new development and at least 30 feet in width for redevelopment.
Maximize dispersed flow through vegetated areas and minimize channelization of flow
 - Flows that can't be dispersed shall be transported by vegetated conveyance that is stable and won't erode during the peak flow from the 10-year storm event.
 - Curb and gutter systems are allowed with outlets to convey stormwater to grassed swales or vegetated areas designed according to standards in 15A



NCAC 2H.1003.

- **High Density Option - Freshwater ORWs**
 - Stormwater control systems must be designed to control runoff from all surfaces generated by 1.5 inch storm
 - A vegetative buffer of at least 50-feet wide from perennial waterbodies, perennial streams, and intermittent streams for new development and at least 30 feet in width for redevelopment.

Stormwater Control Measure (SCM) Design Criteria

North Carolina's approach to stormwater quality management in the 20 coastal counties is based first on minimizing impervious surfaces and, secondly, on treating stormwater runoff from these surfaces. The state's [Stormwater Design Manual](#) is compatible with the Minimum Design Criteria (MDC)s that are codified in the stormwater rules 15A NCAC 02H .1050-.1062. This manual went into effect on January 1, 2017 and is periodically updated with new guidance to best meet the stormwater rules. The Stormwater Design Manual includes important information on the following:

- Common Site and SCM Elements
- Design Calculation Guidance
- MDCs and Recommendations for SCM Design
- MDCs and Recommendations for New Stormwater Technologies
- Guidance for Specific Types of Sites (Low Density, Single Family, Linear Transportation, etc.)

It is recommended that users refer to the Stormwater Design Manual to ensure all SCMs meet required sizing and minimum design criteria.

2.2.6 North Carolina Division of Highways

Guidance in methods, policies, procedures, and criteria that must be followed during highway drainage studies and hydraulic designs is provided in the North Carolina Department of Transportation, [Guidelines for Drainage Studies and Hydraulic Design](#) document dated August 8th, 2022. Information from this document is pertinent to the development of recommended County stormwater management policies as there are various state roads in unincorporated Dare County.

General Drainage Policies and Practices

North Carolina long adhered to the Civil Law Rule in regard to surface water drainage. This rule obligates owners of lower land to receive the natural flow of surface water from higher lands. It subjects a landowner to liability whenever he interferes with the natural flow of surface waters to the detriment of another in the use and enjoyment of his land. Since almost any use of land involves some change in the drainage and water flow, a strict application of the civil law principles was impracticable in a developing society. Thus, a more moderate application of this rule evolved to allow a landowner reasonable use of his property.

The North Carolina Supreme Court formally adopted the Rule of Reasonable Use with respect to surface water drainage and abandoned the Civil Law Rule (Pendergrast V. Aiken) in August 1977.



The adopted Reasonable Use Rule allows each landowner to make reasonable use of his/her land even though by doing so, alters in some way the flow of surface water thereby harming other landowners. Liability is incurred only when this harmful interference is found to be unreasonable and causes substantial damage.

There are still some unanswered questions in the application of the adopted Reasonable Use Rule to specific areas of State agency activities. However, the rule is in line with the realities of modern life and will provide just, fair and consistent treatment. Therefore, the policies and practices of the Department of Transportation in regard to surface drainage matters follow this rule.

Engineer's Responsibility

The Reasonable Use Rule places responsibility on the "landowner" to make reasonable use of their land. While "reasonable use" is open for interpretation on a case-by-case basis, it would certainly infer from an engineering standpoint that provisions for, and treatment of, surface waters on the property are made in accordance with sound, reasonable and acceptable engineering practices.

The rule also states that liability incurs only when harmful interference with the surface water is found to be unreasonable and causes substantial damage. Therefore, it is incumbent on the Engineer to evaluate the potential effects of surface water activities on both up and downstream properties and to include provision in the design to hold these effects to reasonable levels.

Augmentation, Acceleration

Development of property can cause an increase in the quantity and peak rate of flow by increasing impervious areas and providing more hydraulically efficient channels and overland flow. It is the policy of the Department of Transportation to develop and make reasonable use of its lands and rights-of-way through sound, reasonable and acceptable engineering practices and to deny responsibility for augmented accelerated flow caused by its improvements unless determined to cause unreasonable and substantial damage. It is likewise the policy of the Department of Transportation to expect this same practice and acceptance of responsibility by other property owners and those engaged in the development of these properties.

Diversions

Diversions are defined as the act of altering the path of surface waters from one drainage outlet to another. It is the policy of the Division of Highways to design and maintain its road systems, so that no diversions are created thereby, insofar as is practicable from good engineering practice.

Any person(s) desiring to create a diversion into any highway rights-of-way shall do so only after receiving written permission. This permission will be granted only after it has been determined that the additional flow can be properly handled without damage to the highway, that the cost for any required adjustments to the highway system will be borne by the requester, and that appropriate consideration and measures have been taken to indemnify and save harmless the Division of Highways from potential downstream damage claims. It is Department of Transportation policy not to become a party to diversions unless refusal would create a considerable and real hardship to the requesting party.

Improvements and Maintenance of Drainage Within the Right-Of-Way

Drainage structures and ditches shall be kept open and maintained at a functioning level such that they do not present an unreasonable level of damage potential for the highway or adjacent



properties.

Where the elevation of the flow-line of an existing culvert under a highway is not low enough to adequately provide for natural drainage, the Department of Transportation will assume full responsibility for lowering the culvert or otherwise provide needed improvement.

Where a requested culvert invert adjustment is a result of a property owner lowering the flow-line of the inlet and outlet ditch in order to improve drainage of his property, the following considerations shall be given to the action taken:

- The lowered drain must have a reasonable expectancy of being functional and maintainable.
- Department of Transportation participation (up to full cost) must be based on benefit gained by the roadway drainage system as a result of the lowering.
- Where the new installation is of doubtful benefit, or of no benefit to highway drainage, the requesting party must bear the entire cost of installation.

Where the size of an existing highway culvert is determined to be of unacceptable adequacy in regard to the roadway system functioning as a result of a general overall development of the watershed, it is the Department of Transportation responsibility to replace the structure or otherwise take appropriate action. Where this same culvert inadequacy is the result of a single action or development, it is felt to fall within the realm of "unreasonable and substantially damaging" under the State adopted drainage ruling. Therefore, the party responsible for the action or development should bear the cost of replacement.

Where a new culvert crossing is requested, if the culvert is required for proper highway drainage or sufficient benefits to the highway drainage system would occur, the full cost will be borne by the Department of Transportation providing there is no diversion of flow involved. Where the new installation is of doubtful or no benefit to highway drainage, the property owner will bear the entire cost. When both parties receive benefit, a joint effort may be negotiated.

Established culvert crossings will be maintained and requests to eliminate any culvert should have approval of the State Hydraulics Engineer.

When new private drives are constructed entering the highway, the property owner can furnish, delivered to the site, the amount, type and size pipe designated by the Department of Transportation, to be installed by maintenance forces.

No alteration, attachment, extension, nor addition of appurtenance to any culvert shall be allowed on highway rights-of-way without written permission.

Improvements and Maintenance of Drainage Outside the Right -Of -Way

While it is the responsibility of the Department of Transportation to provide for adequate drainage for constructing and maintaining the State Highway System, it is not its policy nor responsibility to provide improved drainage for the general area traversed by such roads, unless incidental to the drainage of the road or highway itself. Drainage involvement outside the highway rights-of-way is limited to two general areas of justification:

- Sufficient benefit would be gained by such action to warrant the cost. These benefits would be in such areas as reduction in roadway flood frequency or extent, facilitation of maintenance, or a reduction in potential damages.



- Work is required to correct a problem or condition created by some action of the Division of Highways.

It is not the responsibility of the Department of Transportation to eliminate flooding on private property that is not attributable to acts of the agency or its representative.

In general, outlet ditches will be maintained for a sufficient distance below the road to provide adequate drainage, therefore. On large outlets serving considerable areas outside the right-of-way, the maintenance should be done on a cooperative basis, with the benefited properties bearing their proportionate share. Shares will, in general, be based on proportioning of runoff from the areas served by the outlet.

It is not the policy of the Department of Transportation to pipe inlet or outlet drains, natural or artificial, outside the right-of-way, which existed as open drains prior to existence of the highway. Where the property owner wishes to enclose an inlet or outlet, the Division of Highways may install the pipe adjacent to the right-of-way if justified by reason of reduced maintenance, safety or aesthetics if the pipe is furnished at the site by the property owner. This does not apply to the development of commercial property.

Obstructions

It is the policy of the Department of Transportation that when a drain is blocked below the highway, which is detrimental to highway drainage, if from natural causes, the Department of Transportation will take necessary measures to remove the block or obstruction. Where the block is caused by wrongful acts of others, it is the policy of the Department of Transportation to take whatever recourse deemed advisable and necessary to cause the party responsible to remove the block. Where a block occurs downstream of a highway, whether natural or artificial, and is of no consequence to the Division of Highways, it is the policy to remain neutral in causing its removal.

Drainage Easements

Where runoff is discharged from the right of way at a point where there is no natural drain or existing ditch, a permanent drainage easement is required to allow construction of a ditch or channel to convey the discharge to an acceptable natural outlet. When the discharge is into a natural drain or existing ditch and the increase in flow would exceed the capacity or otherwise create a problem, a temporary drainage easement can be obtained to allow enlarging or otherwise improving the drain to a point where the increase in discharge will not cause damage. It is generally preferable that any structural feature such as a drop inlet, catch basin, or pipe-end be contained within a permanent easement.

Subdivision Streets

When road and streets built by others are accepted onto the system for maintenance, responsibility for the drainage system, discharge pattern and outlet locations is as it existed at the time of acceptance and is limited to the rights-of-way.

Hydrology

The hydrological analysis phase involves the determination of discharge rates and/or volumes of runoff that the drainage facilities will be required to convey or control. Many hydrological methods are available, and most can be appropriately and effectively used under proper control and application. When the site involves a FEMA flood study area, discharge methods and values



provided in the report will take precedent over these methods for determining compliance with the regulation. The results from any hydrologic procedure should be compared to historical site information and adjustments made in the values estimated or procedure used when deemed appropriate. The designer must also consider potential future land use changes within a watershed over the life of a roadway structure and include this effect when estimating design discharges.

Method for Calculating Peak Discharge

If a watershed less than 100 acres, is primarily composed of pavement, grassed shoulders and slopes, and/or other mixed surface type runoff, the rational formula should be used for discharge determination.

Highway Design Discharge Criteria

One specific criterion on which the design is evaluated and generally referred to as the “design discharge” is the flood level and frequency which results in inundation of the travel way. The minimum desirable levels of protection from travel way inundation by roadway classification are listed as follows:

Roadway Classification	Design Frequency
Interstate (I)	50 year
Primary (US & NC)	50 year
Secondary (Major, City Thoroughfare)	50 year
Secondary	25 year

Culvert Design Criteria

There are four discharge levels that must be evaluated for each culvert design. These are:

1. The “design discharge”.
2. The Q100 base flood.
3. Q-overtopping. This discharge is computed after a trial size is selected.
4. Q10 for outlet protection and erosion control measures.

Other discharges may be required on a site-specific basis. Examples are:

1. Q-average. For permit determination.
2. Q-bank full. For fish passage, channel stability or floodplain analysis.

Storm Drainage System Design Criteria

The purpose of a storm drainage system is to collect and transport stormwater runoff from the highway to an outlet. The complete system consists of the curb and gutter, inlet structures, lateral and trunk line pipes, and junctions and manholes. The design process for storm drainage systems usually follows the basic steps of planning/data collection, hydrologic/hydraulic design, and outfall analysis.



Design Frequency

Roadway inlet location, capacities and gutter spread is to be analyzed using a standard rainfall intensity of 4.0 inches/hour. The storm drain pipe system is to be designed using a Q10 discharge with a minimum time of concentration of 10 minutes assuming 100% pick-up at each inlet.

In sag areas where relief by curb overflow is not provided, the system standard design level (Q25–Q50) is to be used for analysis to ensure traffic flow is not interrupted.

Pipe System

Storm drain pipes shall be concrete unless a site limitation such as grade or corrosive conditions dictate the use of an alternate material. The minimum pipe size to serve a single inlet is 12-inch diameter. For more than one inlet, or a length of more than 100 feet, a 15-inch diameter pipe is the minimum size. When differing size pipes enter and exit a junction, the desired practice is to match the crowns of the pipes.

Roadside Ditches

A roadside ditch is a man-made channel generally paralleling the roadway surface and distinguished by a regular geometric shape. Roadway ditches are to be designed to contain as a minimum the Q10 (10-year) flow. The typical roadway ditch section is established with sufficient depth to drain the pavement subbase and flat side slopes for safe vehicle traverse. This generally provides very generous capacity for the design flow requirements. Therefore, actual capacity determination can be done on a selective basis at sites on common project grades to verify adequacy and establish limitations on the length of the ditch run.

The size requirements of the project special side ditches along the toes-of-fill will be established based on an analysis of the design flood. This ditch capacity analysis will be performed using Mannings' equation. The roadway section including shoulders and slopes shall be considered an urban watershed.

2.2.7 NCDOT Subdivision Roads

A subdivision road is one that serves a parcel or tract of land that is subdivided into two or more lots, building sites or other divisions for sale or building development for residential purposes where such subdivisions include a new road or change in an existing road.

Subdivision roads may be designated public or private. Public designations will be built to minimum construction standards of the North Carolina Department of Transportation (NCDOT) as required under North Carolina General Statute 136-102.6. Private roads need not meet minimum construction requirements but must meet minimum construction requirements before ever becoming a part of the State-maintained system.

NCDOT Subdivision Roads Drainage Design and Construction Requirements

Design criteria for NCDOT subdivision roads are provided in [Subdivision Roads – Minimum Design Standards](#) dated January 2010 and revised July 2020, which is included as Appendix C of this report. Drainage design and construction requirements for state-maintained subdivision roads are summarized for review purposes in the following paragraphs.



Requirements for Addition of Subdivision Roads to the State System

- Erosion and Sedimentation – All subdivision roads shall have an acceptable permanent vegetative cover established and other acceptable permanent erosion control measures installed in accordance with Division of Highways' specifications, prior to addition to the State-maintained system.
- All pipe culverts, storm sewers and appurtenances shall be free of all debris and silt build-up and shall be structurally and hydraulically sound and functioning in a normal manner. All drainage ditches shall be of such a width and depth and with such a slope as to carry the anticipated discharges. Paved ditches or riprap shall be required where necessary.

Minimum Drainage Requirements for Subdivision Roads

The Department of Transportation shall review all drainage prior to acceptance of any facility to the State System. All storm drainage shall be adequate so that the road may be maintained without excessive cost, and not cause flooding on private property from storm runoff of the design frequency. Permanent drainage easements may be required. The minimum design frequency shall be as follows but may be increased at the recommendation of the State Hydrographic Unit Head.

1. Storm sewer collector - 10 years
2. Cross drainage – 25 years

In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving or rock riprap may be required. Subsurface drainage shall be adequate to maintain a stable subgrade.

When road crossings are within areas designated as flood hazard areas under the Federal Flood insurance Program, the design must be approved by the responsible local governing agency for its consistency with local flood zoning ordinances.

Minimum Criteria for Curb and Gutter Design

Minimum design criteria for curb and gutter include the following:

- All curb and gutter sections must meet Department of Transportation standards
- The standard 2'-6" concrete curb and gutter is the preferred type to be used. Types of other curb may be used provided the 6" height is maintained.
- The concrete Valley Gutter is an allowable type.
- Any other types of gutters will be subject to the approval of the Division Engineer after review on an individual basis. Approval will be subject to the terrain factors in the area under study as they relate to potential maintenance problems.

2.2.8 NCDOT Policy on Street and Driveway Access to Highways

The North Carolina Department of Transportation has deemed it necessary to regulate the location, design, construction, and maintenance of street and driveway connections to the State Highway System for the purpose of protection for such highways, economy of maintenance, preservation of proper drainage, safe and efficient movement of traffic thereon, and full utilization of the taxpayer's investment. The objective of this Policy is to establish uniform criteria governing



such location, design, construction, and maintenance. A copy of the most recent [NCDOT Policy on Street and Driveway Access to North Carolina Highways](#) dated July 2003, is provided in Appendix D. Drainage requirements for street and driveway access to highways are summarized for review purposes in the following section.

Drainage Requirements for Street and Driveway Access to Highways

Driveways must be constructed so that they do not adversely affect the highway drainage or drainage of the adjacent properties. The drainage and the stability of the highway subgrade must not be impaired by driveway construction or roadside development. In no case may the construction of a driveway cause water to flow across the highway pavement, or to pond on the shoulders or in the ditch, or result in erosion within the right-of-way.

- Drainage collected by ditches, gutters, or pipes on private property shall not be discharged into the highway drainage system unless expressly approved by the Division of Highways. The applicant may be required to submit a drainage study to the Division of Highways justifying the drainage system proposed and the pipe or sewer sizes to be used. Natural drainage laws and practices must be observed.
- Where the construction of a driveway necessitates crossing a highway ditch, a culvert pipe shall be installed in the ditch. The low point of the driveway profile shall be at or close to the ditch line. Under no circumstances will existing ditches or gutters be filled without adequate alternate provisions for drainage being made.
- Culvert pipe shall be of a size adequate to carry the anticipated flow in the ditch as determined by the Division of Highways and shall not be smaller than 15 inches, inside diameter.
- The structural material and gauge of the driveway culvert pipe shall be adequate to withstand the loads from the anticipated vehicular traffic across the driveway. The culvert shall meet or exceed the requirements of the North Carolina Standard Specifications for Roads and Structures. The length of the culvert may be determined as the sum of the width of the driveway (surfaced width and shoulder) at the ditch line and the length needed to accommodate a sideslope of at least 1 vertical to 3 horizontal from the driveway grade to the ditch. A minimum 20 feet of pipe shall be used on all commercial and residential subdivision driveways. Plastic pipe is not acceptable for drainage purposes.
- Where headwalls or wingwalls are constructed with drainage facilities, a minimum roadway clearance of 30 feet, measured from the edge of pavement, should be observed unless protected by guardrail. The use of flared-end sections should be encouraged.
- All drainage structures deemed necessary by the Division of Highways, including incidentals, shall be furnished by the applicant. The Division of Highways will install the drainage pipe for the applicant at the current rate of installation. If, however, the applicant makes the installation, the Division of Highways is required to inspect the installation, and the applicant will be appropriately charged for the inspection. One inspection fee will be charged for each application, regardless of the number of installations involved, provided all installations are available for inspection.

2.3 Local Ordinances

Local ordinances are critical in regulating development through zoning and planning. Local



ordinances should control the density of development and establish building codes consistent with sound environmental practice. This section refers to the Dare County Code of Ordinances current through Ordinance passed 5-17-2023 and State legislation through 2023 Regular Session #1. The following provides a summary of some of the subdivision and zoning ordinances for Dare County.

Dare County has the following subdivision and zoning ordinances in place to control development:

- Minimum lot size, per the subdivision ordinance, is 20,000 square feet for lots with a private well (this includes unzoned areas within the County).
- Minimum lot size, per the subdivision ordinance, is 15,000 square feet for lots served by central water (this includes unzoned areas within the County).
- Minimum lot size of 20,000 square feet for single family homes with a private well and on-site septic system in zones N-H, BNH, ELNH, CP-R, RS-1, MP-1, RS-6, RS-8, RS-10, R-1, R-1A, R-2, R2-A, R-2B, R2-H, SP-2,R-3, , C-1, SP-C, S-1, and V-C. (Note: A single family home served by a private well and an on-site septic tank system in zone R-4 requires a minimum lot area of 15,000 square feet).
- Minimum lot size of 15,000 square feet for single family homes served by a central water supply and on-site septic system in zones N-H, BNH, CP-R, RS-1, MP-1, RS-6, RS-8, RS-10, R-1, R-1A, R-2, R2-A, R-2B, R2-H, SP-2,R-3, R-4, C-1, SP-C, S-1, V-C and VC-2.
- Minimum lot size of 15,000 square feet for single family homes served by a central water supply and a central wastewater disposal system in zones N-H, BNH, CP-R, RS-1, MP-1, RS-6, RS-8, RS-10, R-1, R-1A, R-2, R2-A, R-2B, R2-H, SP-2, SP-C, C-1, S-1, V-C and VC-2.
- Minimum lot size of 40,000 square feet for single family homes in zone SED-1.
- Minimum lot size requirement is 20,000 square feet for duplexes with a private well regardless of wastewater disposal method and 15,000 square feet for duplexes served by a central water supply regardless of wastewater disposal method in zone S-1, RS-6, RS-8.
- Minimum lot size requirement is 25,000 square feet for duplexes in zone RS-10, , unless served by an approved public or community sewage disposal system, in which case the lot size may be reduced to 12,500 square feet
- Minimum lot size requirement is 20,000 square feet for duplexes in zones R-2, R-2A, R-2B, and R-3 unless served by an approved public or community sewage disposal system, in which case the lot size may be reduced to 15,000 square feet.
- Minimum lot size of 80,000 square feet for duplexes in zone SED-1.
- Multi-family dwellings in RS-6: Must be served by an approved public or community sewage disposal system: Six (6) dwelling units per acre.
- Multi-family dwellings in RS-8: Must be served by an approved public or community sewage disposal system. Eight (8) dwelling units per acre.
- Minimum lot size of 7,500 square feet for first dwelling unit and 4,000 square feet for each additional dwelling unit in multi-family dwellings in zone RS-10.
- Multi-family dwellings in R-3: Must be served by an approved public or community sewage disposal system. Ten (10) dwelling units per acre except a dwelling density bonus of ten (10) additional units per acre may be applied in a commercial group development existing on October 20, 1992 that is served by an approved public or community sewage treatment



and disposal system.

- Minimum lot size of 160,000 square feet, developed at a density of one unit per 40,000 square feet of land area (or 4 single family structures per cluster lot) in zone SED-1.
- Minimum lot size of 30,000 square feet for residential businesses in zones R2-A and R-2B.
- Minimum lot size of 40,000 square feet for commercial services in zone CS.
- Minimum lot size of 20,000 square feet for commercial businesses in zone V-C.
- For commercial districts all minimum lot sizes must be sufficient to meet requirements of County Health Department.
- 35-foot building height restrictions for zones N-H, CP-R, RS-1, MP-1, RS-6, RS-8, RS-10, R-1, R-1A, R-2, R-2B, R-3, R-4, C-1, C-2, C-3, CS, V-C, and SED-1.
- A 52-foot building height restriction for zones S-1.
- The maximum allowable lot coverage by principal use and all accessory structures is 20% for zones N-H and SED-1 (lots used as cluster sites).
- The maximum allowable lot coverage by principal use and all accessory structures is 25% for zone SED-1 (lots 80,000 or more square feet).
- The maximum allowable lot coverage by principal use and all accessory structures is 30% for zones CP-R, RS-1, MP-1, RS-6, RS-8, RS-10, R-1, R-1A, R-2, R-2A, R-2B (for homes, bed and breakfasts, and resident businesses), R-3, R-4, V-C (single family homes), SED-1 (lots 60,000-79,999 square feet).
- The maximum allowable lot coverage by principal use and all accessory structures is 35% for zones I-1 and SED-1 (lots 40,000-59,000 square feet).
- The maximum allowable lot coverage by principal use and all accessory structures is 50% for zones R-2B (for all structures not listed above) and C-1.
- The maximum allowable lot coverage by principal use and all accessory structures is 60% for zones C-2, C-3, CS, S-1, and V-C (other than single family homes).

See the Dare County Zoning Ordinances for specific requirements. There are several zoning districts in which vegetation removal is restricted. Dare County has requirements for stormwater drainage included in their subdivision ordinances. These requirements dictate that surface water drainage in all subdivisions must comply with NCDOT standards.

CAMA Land Use Plan

Dare County is currently in the process of updating its CAMA Land Use Plan. The following Statements of local policy on land use issues which affect stormwater management in Dare County were taken from the current 2009 Land Use Plan. WithersRavenel understands that an updated 2019 Land Use Plan is under review and as of the date of this report has not been approved.

Floodplain Management

Dare County participates in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS). Dare County's Flood Damage Prevention is the governing regulation for implementation of floodplain rules and follows the model floodplain ordinance developed by the



North Carolina Floodplain Management Program.

Areas of Environmental Concern (AECs), Estuarine Waters, Public Trust Waters, Ocean Hazard Areas

According to the policy statement regarding AECs, Dare County shall seek to ensure that these areas are protected and only those uses which are compatible with the appropriate management of the Estuarine System will be allowed. Such development must be compatible so as to minimize the likelihood of significant loss of private property and public resources. Enforcement of the County's Zoning Ordinance, Subdivision Regulations, CAMA use standards, and the National Flood Insurance Program's base flood elevation standards will continue to protect these resources.

Stormwater Runoff

The County recognizes the value of water quality maintenance in regards to protecting commercial and recreational fishing resources and providing clean water for other recreational purposes. The stormwater management program will provide another tool for the County to reduce stormwater pollution to the waterways and enhance the water quality in the area. The stormwater management of the County Code of Ordinances (Chapter 153.34) does not include provisions for attenuating runoff for proposed development.

Surface Water Quality

The County is continuing to seek methods to protect and enhance the water quality of the estuarine system, and to develop new management measures and practices to improve water quality. The stormwater management program will provide another tool for the County to reduce stormwater pollution to the waterways and enhance the water quality in the area. The County relies on state and federal permitting authority to augment local management strategies. Tools such as the Division of Energy, Mineral, and Land Resources Sedimentation and Erosion Control Permit and the Division of Water Quality Stormwater Management Permit are integral to Dare County's ability to mitigate effects of stormwater runoff. The County encourages the use of low impact development (LID) practices for stormwater management and relies on practices developed by the Division of Water Quality. The Dare County Soil and Water Conservation Office provides technical, educational, and cost share programs for improving water quality through the installation of Best Management Practices (BMPs).

Protection of Trees and Vegetation

The County's policy is to provide the public with information on best management practices for tree removal and land clearing, but not to prevent vegetation removal on private property due to a conflict with property rights generally associated with private ownership.

Types of Urban Growth Patterns Desired

The implementation of the stormwater management program will not affect the desired growth patterns on the island. The program will help to improve visual aspects on the island (reducing or eliminating standing water during storms), which will help to encourage the desired growth patterns.

Redevelopment of Developed Areas, Including the Relocation of Threatened Structures

It is County policy that density allowances for redevelopment areas conform to existing County



building and zoning regulations, even if they are more restrictive than when the structure was originally built.

Continuing Public Participation

County policy is to assure that all residents have a full and adequate opportunity to be informed of and participate in the County's planning decision-making process. The stormwater management program also includes public education and public participation.



Chapter 3 - Policy

This chapter outlines the existing County policies regarding stormwater management and evaluates what policies need changes for effective management in the future. Current responsibilities of the County are explained in this chapter.

3.1 Responsibilities

Stormwater management in Dare County is currently the responsibility of the State of North Carolina. Dare County would be responsible for stormwater management if the County implements a stormwater management program and adopts a stormwater management ordinance.

Currently the County has the following responsibilities regarding stormwater management:

- Approval of site plans with respect to amount of built upon area, setbacks from the mean high water mark.
- Inspection of new subdivisions for compliance with subdivision ordinances, including stormwater drainage systems.

3.2 Stormwater Management

Chapter 153.34 of the Code of County Ordinance includes stormwater management requirements as it relates to development drainage. However, the County does not currently have a comprehensive Stormwater Management Ordinance. A stormwater ordinance would help to prevent illicit discharges and dumping into the storm drain. An ordinance can make it illegal to put gasoline, oil, antifreeze, and other pollutants into the storm drain system. It would also be illegal for any person to put anything in the ditch, storm drain, or other drainage way that impedes or interferes with the free flow of stormwater. Additionally, the stormwater ordinance would also assist in limiting the amount of impervious surface on lots, thus reducing the quantity of stormwater entering the storm drain system and help to reduce the risk of flooding during storms.

3.2.1 Public Education/Involvement

This *Stormwater Master Plan* provides a way for the County to improve stormwater management in the future and to reduce deficiencies of the storm drain system. An important part of the plan is educating citizens about stormwater runoff, the importance of protecting the environment by not polluting the stormwater runoff, and ways that they can reduce stormwater runoff to help decrease flooding.

The County has also provided for public involvement as part of the development of the stormwater master plan. Two public workshops, one in Manteo and one in Buxton were held to inform the public about the plan and to solicit input regarding areas of concern and potential solutions. The public provided input on additional areas of concern and other topics.

3.2.2 Pollution Prevention

Pollution prevention can play a large part in the amount of pollution that enters the waterways through stormwater runoff. Educating business owners and citizens about pollution prevention techniques is the best approach to reduce or prevent pollution. Dare County and the Dare Soil and



Water Conservation District implement the following measures for reducing pollutants.

- [Dare County Public Works](#) offers Hazardous Household Waste drop-off events each spring.
- Offers practical tips for conservation on the Soil and water Conservation website: <https://www.darenc.gov/departments/planning/soil-and-water/conservation-practices>
- Shares information about the Community Conservation Assistance Program, which is a voluntary, incentive-based program designed to improve water quality through the installation of various best management practices (BMPs) on urban, suburban and rural lands not directly involved with agriculture production.

The following programs are recommended for enhancing the stormwater pollution prevention program in Dare County:

- Develop specific lawn maintenance recommended practices for the area and make a pamphlet to be mailed in the beginning of every spring.
- Develop a recommended list of vegetation that are effective in filtering pollutants, promote voluntary planting of a vegetative buffer.
- Coordinate with commercial business owners to establish parking lot cleaning operations including recommended procedures and schedules. Develop a stormwater management manual with focus on low impact development and retrofits to existing structures. The Town of Nags Head's *Low Impact Development Manual and Stormwater Reference Manual* can be used as a template by the County:
<https://nagsheadnc.gov/AgendaCenter/ViewFile/Item/3408?fileID=5185>

3.2.3 Illicit Discharge Detection and Elimination

Illicit discharge detection and elimination is a way for the County to ensure that only stormwater is entering the stormwater system. The infiltration of septic tank effluent into drainage channels and wetlands have been identified by the County as an ongoing concern. Currently, the County Health Department sites, permits, and inspects septic tank systems on a case-by-case basis. In the future, it is possible that the impact of septic tank discharges on the quality of County stormwater runoff will be scrutinized more closely by regulatory agencies.

Under the final NPDES Phase II rule, permit requirements for system operators, regarding illicit discharges, will include the following:

- Develop a storm sewer system map showing the location of all outfalls, and names and location of all waters of the United States that receive discharges from those outfalls.
- Effectively prohibit through ordinance, or other regulatory mechanism, illicit discharges into the separate storm sewer system and implement appropriate enforcement procedures and actions as needed, and to the extent allowable under State, Tribal, or local law.
- Develop and implement a plan to detect and address illicit discharges, including illegal dumping, to the system;
- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

At this point in time, the County is not regulated under the NPDES Phase II rule and has not



implemented these components. As part of the field investigation conducted with this update an approximate inventory of piped systems was created and can be found in Appendix F. This preliminary map could be utilized in the preparation of full drainage system mapping with drainage boundary delineation and outfall identification. Drainage system mapping would provide long-term benefit to the County, especially if the County plans to implement a long-term maintenance program. In addition to the illicit discharge issues, the mapping would be beneficial in the general administration of the County's stormwater management program. WR recommends that the County incorporate the preparation of drainage system mapping into its long-term stormwater management goals.

3.2.4 Increased Runoff Due to Development

As land is developed, the area of perviousness usually decreases which reduces the natural ability of soils to absorb rainfall. This decrease accelerates the quantity of runoff and increases peak rates of flow. If measures are not taken during design to incorporate low impact development of other runoff attenuating measures, this increased rate of flow can cause flooding and erosion and sedimentation problems. The use of structural and non-structural Stormwater Control Measures can provide a solution, as can the implementation of a stormwater ordinance.

3.3 Drainage System Design, Operation and Maintenance

A stormwater drainage system consists of manmade conduits and channels and natural ponds, streams, creeks, rivers, and floodplains. Flooding is the most noticeable problem that occurs with poorly designed or maintained drainage systems. North Carolina Department of Transportation design criteria has been reviewed for applicability in the service area and these criteria were summarized in Section 2.2.5 - 2.2.6. These design criteria, along with NC DEMLR stormwater design criteria are excellent references and should be followed by the County during design and construction of additional stormwater management measures. The County may also want to develop their own Stormwater Drainage Design Manual.

It is important that the County has an easement for its storm drain systems so maintenance and repairs can be performed when necessary. For County-owned storm drain systems carrying runoff from public right-of-way, the County may want to obtain an easement for any drainage channel. Storm drain systems which only carry runoff from private property are considered private systems and the County is not responsible for their maintenance.

If the County so decides, the operation and maintenance of the drainage system in the County will be the responsibility of the County. For the County to effectively maintain the stormwater drainage system, the County needs an inventory of the major components. This inventory includes type, location, size, material, slope, length, condition, and current ownership. Some of this has been collected from previous field investigations of the drainage system. All areas of the system would be put on a schedule that identifies what type of maintenance needs are to be performed and how often it should be done. A contingency plan would be developed that outlines what maintenance activities are needed after a major storm or hurricane.

A step-by-step procedure for responding to minor maintenance and repair requests would also be developed. The amount of major and minor maintenance work performed would be tracked as a way to evaluate stormwater management program success.



3.4 Stormwater Control Measures (SCMs)

SCMs are methods or practices that can effectively reduce stormwater pollution. Some SCMs prevent pollutants from reaching stormwater such as street sweeping and other SCMs reduce the amount of pollutants already in the runoff such as an infiltration trench. Structural control SCMs described in the NC Department of Environmental Quality – Division of Energy, Mineral, and Land Resources *Stormwater Design Manual* include:

- Infiltration System
- Bioretention Cell
- Wet Pond
- Stormwater Wetland
- Permeable Pavement
- Sand Filter
- Rainwater Harvesting
- Green Roof
- Level Spreader-Filter Strip
- Disconnected Impervious Surface
- Treatment Swale
- Dry Pond
- New Stormwater Technologies
 - StormFilter
 - Silva Cell Suspended Pavement with Bioretention
 - Filterra
 - Bayfilter

3.5 Low Impact Development (LID) for Homeowners

Although new development or redevelopment may not necessitate structural SCMs to meet the state’s stormwater program requirements, homeowners are encouraged to proactively incorporate LID devices where feasible to mitigate the impact of impervious surfaces and reduce runoff. LID uses techniques to capture and store stormwater as close to the source as possible to promote infiltration and treatment, thereby reducing runoff and the amount of pollution that runoff can convey. Several factors should be determined when considering best LID practices, such as:

- Identify natural features
- Focus on prevention
- Work with the landscape by identifying direction of flow and locations of stormwater accumulation and infiltration.
- Keep it simple managing stormwater close to its source
- Practice multitasking such that the landscape treat pollutants and is aesthetically pleasing
- Maintenance requirements to ensure practice is right fit for the location
- Approximate level of seasonal high water table.

Devices and practices suitable for residential stormwater improvements may include:

- Rerouting downspouts to vegetation



- Vegetated swales
- Rain gardens
- Drip line infiltration trenches
- Infiltration trench/gravel bed
- Cistern/rain barrel

For more information on considerations, design recommendations, maintenance, and best practices, refer to the [Town of Nags Head Low Impact Development Manual](https://nagsheadnc.gov/AgendaCenter/ViewFile/Item/3408?fileID=5185) - Appendix E: <https://nagsheadnc.gov/AgendaCenter/ViewFile/Item/3408?fileID=5185>.

3.6 Floodplain Management

Dare County participates in the Federal Flood Insurance Program. As part of this program, if a building is located in a flood prone area, the ground floor elevation must be certified before a building permit can be issued.

No changes are recommended to the existing floodplain practices and policies regulated by the County. Any drainage system improvements proposed in the floodplain will have to comply with the existing requirements.



Chapter 4 - County Review

This overview describes the physical features of the unincorporated portions of Dare County and the effects these features have on stormwater quality and quantity.

Dare County is located in the northeastern corner of the Coastal Plains of North Carolina. Its land area encompasses a portion of mainland, Roanoke Island, and barrier islands. The County comprises a total land area of 383.23 square miles, 354.64 square miles is unincorporated. According to data from the U.S. Fish and Wildlife Service's National Wetlands Inventory, there are approximately 6,895 acre of wetlands in the unincorporated areas of Dare County. The primary village areas of interest in this study are shown on Figure 1 below. The incorporated areas of Dare County not addressed in this plan include the municipalities of Duck, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores. Additionally, federal lands such as National Parks Service Property, National Seashore property, National Wildlife Refuges, and military facilities are not addressed in this Plan.



Figure 1- Unincorporated Dare County Villages



4.1 Setting

Dare County is located along the eastern seaboard of North Carolina and borders 85 miles of the Atlantic Ocean. The county is part of the lower Coastal Plain physiographic region of North Carolina and has a mean elevation of 12 feet. Mainland Dare County is predominantly residential development with some commercial businesses. The barrier islands of Dare County, known as the Outer Banks, have a steady year-round population with a significant increase during the summer months due to seasonal tourism.

4.2 Hydrography

Approximately 89% of Dare County is located within the Pasquotank River Basin, which begins in the southeast corner of Virginia, and flows southeast into North Carolina continuing to the Atlantic Ocean. A portion of this river basin has been classified by the United State Geological Survey (USGS) as the Albemarle watershed and has been given a corresponding 8-digit hydrological unit code (HUC) (03010205). The Albemarle watershed contains most of the Dare County mainland, Roanoke Island, barrier islands north of Oregon Inlet, and Hatteras Island North of Gull Island Bay. Primary water features include Currituck Sound, Albemarle Sound, Roanoke Sound, Croatan Sound, and the Atlantic Ocean.

The remaining portion of Dare County is included in the USGS Pamlico Sound watershed (03020105). This watershed is located in the Tar-Pamlico River Basin. Within the Pamlico Sound watershed, the Hatteras Inlet watershed includes Hatteras Island south of Gull Island Bay and the peninsula formed at the southeast corner of the Dare County mainland, located between the Long Shoal River and Sandy Point. Primary water features of this watershed include the Pamlico Sound and the Atlantic Ocean.

4.3 Hydrologic and Hydraulic Characteristics

4.3.1 Water Bodies

The Albemarle Sound is a large estuarine waterbody containing fresh to brackish water. Salinity is low due to dilution from freshwater inflow from several rivers including the Chowan, Roanoke, Pasquotank, and Alligator rivers. The Alligator River is a large blackwater river that flows into the Albemarle Sound from the south. A major portion of this river (south of US 64) has been designated as outstanding resource waters (ORW) as determined by the NC Division of Water Quality (DWQ) Water Quality Standards Program. ORWs are considered to have exceptional state or national recreational or ecological significance. These waters are of excellent quality and require special protection to maintain existing uses. The Alligator River borders the Alligator River National Wildlife Refuge on the eastern shore and serves as a spawning area for anadromous fish.

Currituck Sound is in the northeast portion of the basin, where Martin's Point is located, and is characterized as a shallow waterbody containing fresh to brackish water. Wind movement largely influences water circulation in the sound. The Northwest River, which receives drainage from the Great Dismal Swamp, is a major tributary to Currituck Sound.

The Croatan-Albemarle, Croatan, Roanoke, and Pamlico Sounds border the western side of the barrier islands south of Currituck Sound. A majority of this estuarine area is classified as shellfish harvesting areas (SA). SA waters are tidal systems that have been designated for shellfish harvesting, primary recreation, fishing, aquatic life propagation, and wildlife use. Some of these



waters are classified as SB waters, which are waters that are used for primary recreation, including frequent or organized swimming. Currituck Sound and Kitty Hawk Bay are classified SC waters. The Best Usage classification of these waters is considered aquatic life propagation and maintenance of biological integrity, wildlife, secondary recreation, and other uses besides primary recreation and shell fishing.

Salt marshes occur between the open water of the sounds and the upland areas of the barrier islands. These marshes are comprised of several various marsh grasses which filter shoreline runoff and river deposits.

The majority of Dare County is located within the 100-year flood plain. There is an area west of Stumpy Point on the Mainland that is located outside the 100- and 500- year floodplains. Much of northern Roanoke Island and much of the central area of Wanchese is located outside the 100- and 500-year floodplains. The majority of the unincorporated Outer Banks in Dare County are within the 100-year floodplain, with the exception of some pockets of high ground throughout.

4.3.2 Soils

Dare County is comprised of several general soil groups also called soil units. The 1977 Dare County Soil Survey categorizes these units based on similar soil types, patterns, relief, and drainage. Typically, these areas consist of one or more major soils and several minor soils. These general categories are used to compare the suitability of large areas for general land uses, but should not be used for individual site selection. For the purposes of this document, however, they offer a concise description of the general soil characteristics of the county.

Mainland

The Dare County mainland consists of very poorly drained organic and mineral soils. The water table is at or near the surface for a large portion of the year. Wetness and flooding are the area's main limitations. Additionally, low strength, subsidence, and the risk of fire limit the organic soils during dry periods. The soils found on the mainland make up 71 percent of the soils found in the entire county.

The Pungo-Belhaven soil unit is found on broad flats and consists of nearly level, very poorly drained soils. These soils have a mucky surface layer with an underlay of loamy material. This unit comprises approximately 51 percent of the county. These soils are used almost exclusively as woodland and wildlife habitat due to several limitations that affect urban and agricultural uses. These limitations include wetness, low strength, flooding, and a high percentage of logs, roots, and stumps in the organic layer.

11 percent of Dare County is comprised of the Hyde-Cape Fear soil unit. These soils are nearly level, very poorly drained soils, with a loamy surface layer and a loamy or clayey subsoil. Hyde-Cape Fear soils are found on broad flats predominantly in the northern central portion of the mainland. Management concerns include wetness, flooding, and low strength.

Ponzer-Roper soils comprise 9 percent of the county and are found on broad flats throughout the central mainland. They are nearly level, very poorly drained soils and have a mucky surface layer with a loamy underlay. These soils are susceptible to wetness and flooding, and are also limited by excessive humus and low strength.

The Dare County mainland marsh areas are lined with a thin strip of soils generalized as the Hobonny-Carteret-Currituck soil unit. This soil unit is also found on Roanoke Island and the Outer



Banks, cumulatively comprising 10 percent of the county. These soils are nearly level, very poorly drained and are primarily utilized as wildlife habitat due to frequent flooding by tides, extreme wetness, and exposure to salt spray. The soils consist of a mucky or sandy surface layer with a similar substratum.

A small portion of the mainland, the Manns Harbor area, is located on the Baymeade-Icaria-Johns soil unit. These soils are more prevalent on Roanoke Island and are discussed in the following section.

Roanoke Island

A large portion of the soil on Roanoke Island is categorized as the Hobonny-Carteret-Currituck soil unit. These nearly level, very poorly drained soils have a sandy or mucky surface and subsurface layers and are found in marsh areas. These areas are utilized almost exclusively as woodland and wildlife habitat due to frequent flooding and extreme wetness.

The developed areas of Roanoke Island are mainly located on the Baymeade-Icaria-Johns soil unit. These soils are nearly level to sloping, with drainage ranging from well drained to very poorly drained. They are found on flats, gently sloping ridges, and depressions with a sandy surface and a loamy subsoil. Collectively, these soils comprise 2 percent of the county's soils. Development and agricultural uses of these soils are limited due to the slope, seepage, the sandy texture, and the flooding of low areas during high-wind tides.

Northern Beaches and Hatteras Island

The Newhan-Duckston-Corolla soils are found along the seaboard side of the Northern Beaches and Hatteras Island and make up 11 percent of the county's soils. Soils within this unit are nearly level to steep and range from excessively drained to poorly drained. They are sandy throughout, making them unsuitable for cropland or woodland uses. These areas are mainly used for urban, recreational and beach activities.

Fripp-Ousley-Osier soils are found on gently sloping or sloping ridges, on flats, and in depressions on the sound side of the Northern Beaches and Hatteras Island. These sandy soils make up 6 percent of the county's soils and range from excessively drained to poorly drained. Management concerns include slope, wetness, seepage, flooding.

The sound side of the Northern Beaches and Hatteras Island is also sporadically lined with a thin strip of marshland soils generalized as the Hobonny-Carteret-Currituck soil unit. This soil unit is also found on Roanoke Island and the Dare County mainland. Cumulatively, it comprises 10 percent of the county. These soils are nearly level, very poorly drained and are primarily utilized as wildlife habitat due to frequent flooding by tides, extreme wetness, and exposure to salt spray. The soils consist of a mucky or sandy surface layer with a similar substratum.

4.4 Water Quality Characteristics

Several Dare County shellfish harvesting areas (SA) have been closed for many years due to poor water quality, specifically high fecal coliform bacteria levels, as determined by the NCDEQ Marine Fisheries Division. These prohibited territories include:

- All waters in the Alligator river and its tributaries
- Waters in the Albemarle Sound – Colington Harbor area



- Waters in the Currituck Sound
- All waters in Shallowbag Bay and its tributaries,
- Waters in the Roanoke sound beginning on the south side of the mouth of Broad Creek, including Mill Creek and its tributaries,
- All those waters in Broad Creek,
- Waters in Roanoke sound near Whalebone,
- All waters near the Oregon Inlet Fishing Center,
- Waters near Ballast Point, including Pirates Cove and other tributaries in the area,
- All waters within Old Nags Head Cove canal system
- Waters near Sand Point,
- Waters near north Shore of Baum Creek on Roanoke Island,
- All waters of Spencer and Callaghan Creeks,
- All waters upstream of mouth of Manns Harbor,
- Waters near South End of Roanoke Island,
- All waters in the canals north of Baumtown Road
- All waters in the Point Peter Canal
- Waters near Lake Worth drainage canal, on west side of Stumpy Point Bay,
- Waters on east side of Stumpy Point Bay near Drain Point,
- All waters in The Slash between Hatteras Ferry Landing Area and Sandy Bay
- Waters in Sandy Bay Area,
- All creeks, canals and tributaries along Hatteras Island between Duncan Point and Joe Saur Creek, to include Joe Saur Creek
- All waters in Sunset Village Marina and surrounding canals
- Waters in Frisco Marina Canals
- Waters in Brooks Point Area,
- Waters in Brigands Bay Canal
- All of Rodanthe Boat Harbor,
- All of Salvo Harbor,
- All of Avon Harbor,
- All waters in Askins Creek,
- All waters in Mill Creek
- Waters in Cape Creek Area
- All waters along Hatteras Island east of Brooks Point in Brigand Bay



- All waters in Hatteras Colony canals
- Waters in Rodanthe Drain area
- All waters in Spencer Creek
- All waters in Port Avon Canal
- and all waters in Pains Bay.

For a complete and up to date description of the closed shell fishing areas, please contact the Marine Fisheries division of the NCDEQ. The main contributors to the impairment of these waters have been identified as urban runoff, failing septic tank systems, and marinas.

Unincorporated Dare County, like many of the coastal areas and barrier islands in North Carolina have septic tank systems, not a municipal sewer system. Many of the coastal areas which still have septic tanks in use have very high fecal coliform counts in the surrounding estuarine waters.

4.5 Land Use

The unincorporated areas of Dare County primarily consist of federal conservation areas. Among these are the Alligator River National Wildlife Refuge, the Pea Island National Wildlife Refuge, and the Cape Hatteras National Seashore.

The unincorporated portions of Dare County that support predominantly residential and commercial properties are the villages of Colington, Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, Hatteras, along with Roanoke Island, and the mainland. These residential and commercial properties mainly consist of impervious surfaces as a result of paved areas (e.g., roads, streets, parking lots, driveways, etc.) and structures (e.g., shopping centers, commercial buildings, houses, etc.). Vegetation, if present, varies and includes maintained lawns, maintained scrub areas along utility easements, or landscaped areas.

4.6 Effects on Water Quality

Stormwater runoff is rainfall or snowmelt that runs off the ground or impervious surfaces (buildings, roads, parking lots, etc.) and ultimately drains to surface waters including streams, ponds, lakes, estuaries, sounds, or the ocean. Most of the Dare County drainage system consists of swales along roads which collect stormwater runoff. There are also several catch basins with piped outfalls to the Sound.

The collection systems, although inadequate, primarily serve to address the water quantity problem but do not address the water quality problem of pollutant removal. Wetlands and vegetated areas perform the natural function of reducing the flow rate of stormwater runoff and allowing the pollutants to settle and filter through soils. This natural pollutant removal system by the environment helps to reduce the impact of man-made pollution on surface waters.

Land use dictates the type of pollutants that enter stormwater runoff and ultimately impact surface waters. First flush is the first portion of runoff from a storm and it usually contains the highest concentrations of pollutants. The land use within the service area affects water quality because of the associated pollutants. Table 4-1 shows the land use activities associated with pollutants.

Table 4-1 Stormwater Pollutants



Pollutant	Land Use Activity
Suspended solids and turbidity	<ul style="list-style-type: none"> • Plowing agricultural fields/gardens • Land clearing for development without proper sedimentation/erosion controls
Nutrients (chlorophyll, phosphorus, nitrogen)	<ul style="list-style-type: none"> • Fertilizer (nitrogen) application to lawns, golf courses, and crops
Fecal coliform	<ul style="list-style-type: none"> • Overuse or failure of septic tanks • Package plant malfunctions • Leaks in sewer lines • Waste from pets, domestic and wild animals
Oil and grease	<ul style="list-style-type: none"> • Leaky automobiles, industrial areas, illegal dumping
Toxic chemicals	<ul style="list-style-type: none"> • Automobiles, industrial areas, illegal dumping, pesticide application

4.7 Effects on Water Quantity

Stormwater runoff quantity problems occur in various locations throughout Dare County. These problems include:

- Flooding/ localized drainage problems,
- Soil erosion,
- Freshwater flow increase to estuaries/shellfish harvest areas, and
- Clogged pipes, culverts, and ditches caused by debris from flooded areas.

Development typically causes an increase in the volume and velocity of stormwater runoff that can result in environmental problems. Increased impervious surfaces reduce the opportunity for stormwater runoff to be naturally retained and filtered by vegetation, wetlands, and estuaries. Pipe culverts located under roads and driveways allow a ditch or channel to flow.

Major drainage problems observed on the island, discussed in Chapter 5, are a direct result of inadequate or altered flow paths and conveyances for runoff and increased runoff. Stormwater management will allow the County to effectively design, implement, construct, and manage stormwater controls to prevent environmental problems associated with the increasing amount of stormwater quantity.

4.8 Future Development

As outlined in the 2009 CAMA Dare County Land Use Plan, future development will focus on



residential and commercial development centered around existing village centers. The unincorporated areas of Dare County generally do not have access to a centralized wastewater treatment system and therefore soil suitability for septic tank systems will continue to be a factor in future development.

Table 4-2 illustrates the Dare County population data and the projections of the N.C. Office of State Budget and Management as of 2023. It is significant to note that this data includes all portions of the county, including municipalities. Population growth in these areas, seen in Table 4-3, is considerably higher than the growth of the county as a whole. Further, this indicates a lower countywide growth rate for the remaining unincorporated portions.

In 2010, the U.S. Census determined the year-round population of Dare County to be 33,920. The 2020 U.S. Census determined the year-round population of Dare County to be 36,915. With that data, the N.C. Office of State Budget and Management (OSBM) projected the 2030 population to be 41,583, an increase of 12.3% over 10 years. The OSBM has also projected a population increase of 11% during the period from 2030 through 2040.

Table 4-2 Dare County Population

2010 (Census)	2020 (Census)	2010-2020 % Growth	2030 (Projected)	2020-2030 % Growth (Projected)	2040 (Projected)	2030-2040 % Growth (Projected)
33,920	36,915	8.8%	41,583	12.3%	46,142	11%

Table 4-3 Incorporated Dare County Population Data

Municipality	2010 (Census)	2020 (Census)	% Growth 2010-2020
Duck	369	742	101%
Kill Devil Hills	6,683	7,656	14.6%
Kitty Hawk	3,272	3,708	13.3%
Manteo	1,434	1,602	11.7%
Nags Head	2,757	3,146	14.1%
Southern Shores	2,714	3,107	14.5%

Overall, this growth and development will cause an increase in overall imperviousness in developed areas of Dare County and an increase in number of individuals and structures potentially at risk during flooding events.



Chapter 5 - Drainage Problem Area Recommendations

5.1 Methodology

The project was broken down into five tasks. The initial task of this study was a field study of existing stormwater infrastructure. The second task was public participation. An online survey was developed to solicit input from community members on issues and potential areas of concern pertaining to stormwater and flooding. Additionally, two in-person charettes were held in Manteo and Buxton for interested citizens and meetings were held with stakeholders including representatives from environmental non-profits, NC Department of Transportation, Outer Banks Home Builders Association, and the Outer Banks Association of Realtors. The third task was hazard identification and modeling which included both field assessments and hydrologic and hydraulic modeling. Eight locations were selected for modeling to assess flooding risk and potential solutions. The models were developed using a combination of publicly available state data sets (i.e. LiDAR, SSURGO soils, orthoimagery, building layers). Rainfall depths for the 2-, 10-, and 100-year storms were taken from the NOAA Atlas 14. Storm events were modeled in conjunction with various tidal conditions including normal tides, 1 foot sea level rise, 80 cm sea level rise, and storm surge events.

These models were used to assess infrastructure, specifically buildings, for flooding risk. From these assessments, conceptual stormwater improvements were developed. Conceptual plans and costs were developed for two project areas.

5.1.1 Selection Criteria

During the selection of areas of concern for further modeling as well as the selection of areas for development of proposed recommendations, consideration was given to the source and extents of flooding as well as citizen input and concern addressed, if flooding remediation (such as post storm pumping) has been required in the past, county access/ownership, and long-term viability of solutions with anticipated future sea level rise. For areas of concern that were selected for further investigation, several criteria were evaluated to determine the most appropriate proposed solution for each area. The criteria which were evaluated were:

- Cost to Implement and Maintain
- Regulatory Requirements
- Effectiveness at Solving the Problem
- Acceptability to the County and the Public
- Longevity
- Site Suitability
- Environmental Impact

Cost to Implement and Maintain

The cost to implement and maintain each solution was evaluated and compared. Specific costs for each recommendation were not determined, but relative costs of potential solutions were



compared to determine the most cost-effective solutions.

Regulatory Requirements

Each solution was evaluated to determine if any special regulatory requirements would have to be met for implementation.

Effectiveness at Solving the Problem

Each recommended solution was selected for its effectiveness at solving the flooding problem. The recommended solution may only alleviate the problem in some storm events, not completely solve it, but the other criteria indicated that this solution was the most appropriate.

Acceptability to the County and the Public

Each solution was evaluated as to whether it would be an acceptable solution to the County and to the public.

Longevity

The longevity of each proposed solution was considered.

Site Suitability

Some solutions cannot be constructed in certain areas due to regulatory and/or physical site constraints.

Environmental Impact

Each recommendation was evaluated to determine if any positive or negative environmental impacts would occur due to implementation of the solution.

5.1.2 Field Assessment of Infrastructure

A field assessment was conducted in August of 2022 to identify existing infrastructure and potential areas of concern for further investigation. Field assessment consisted of driving all roadways in unincorporated Dare County and noting the presence of infrastructure, including culverts and collection system structures and pipes. General condition and notes of areas needing maintenance were also recorded.

Throughout the unincorporated County, piped stormwater collection systems were found to be minimal, with the majority of piped systems found in Hatteras Village or associated with parking lot drainage. Piped systems were typically found to be rather small networks with less than five connected inlets or structures. The majority of stormwater drainage in the county occurs through a system of swales and drainage canals. Swales are generally well established along NC-12 but the presence and condition of swales on secondary roads varies greatly. Field maps of inventory collected are provided in Appendix F.

The infrastructure identified in the field was incorporated, as appropriate, in the flood modeling produced in section 5.2.



5.1.3 Public Input

Public input on the update to the stormwater master plan was collected in three ways, in-person public meetings, an online survey, and stakeholder meetings.

There were two in person public meetings held, one in Buxton on Hatteras Island and one in Manteo, to provide opportunities for community members from all parts of the county to attend. There was a total of nine community members in attendance and some themes that arose included concerns about maintenance of swales and potentially blocked culverts, new construction raising lots for septic systems and causing flooding on adjacent properties, tidal and wind driven surge flooding from the sound, and ponding where stormwater infrastructure does not exist. Locations identified as of concern during the public meetings are mapped in Appendix G.

An online survey was offered for individuals who were unable to attend the in person public meetings. The survey received a total of 804 responses. Major areas of concern and key findings of the survey are listed below. Locations identified in the survey are mapped alongside the locations identified in the public meetings and full survey results can also be found in Appendix G.

- Respondents were asked to select the most significant flooding hazard from a list; sound side flooding was the most common with 34% of respondents selecting it as their most significant concern followed by 26% selecting poorly maintained or insufficient drainage infrastructure.
- 62% of respondents indicated that their residence or property has been subjected to flooding.
- When asked to indicate favorability towards different techniques of reducing flood risk improving maintenance, improving the existing storm drainage systems and installing new storm drainage systems were received favorably; elevating structures, modifying land development ordinances, and improving construction standards were received neutrally to positively; and implementing a stormwater utility fee for maintenance and infrastructure funding received the most mixed reactions.
- Common concerns raised in open-ended responses included ditch maintenance, new development, septic systems, and street flooding and ponding.

Stakeholder meetings were held with representatives from environmental non-profits, the Outer Banks Home Builders Association, and the Outer Banks Association of Realtors. A key concern raised in all stakeholder meetings was the importance of education and ongoing maintenance of existing systems. The Association of Realtors emphasized the importance of stormwater solutions on a community not individual basis, particularly with the limited new development left. The environmental non-profits would like to see additional requirements, including for water quality, but understand that would require a dedicated funding source, additional staff, and ordinances to implement. The Home Builders Association discussed the lack of a standard and the differences between jurisdictions throughout the Outer Banks. All stakeholders referenced Nags Head's program as a positive example if Dare County were to adopt stormwater regulations.



5.1.4 Spatially Varying 2D “Rain on Grid” Model

The United States Army Corps of Engineers (USACE) Hydrologic Engineering Center River Analysis System (HEC-RAS) v. 6.3.1 was utilized for the hydrologic and hydraulic model. HEC-RAS was selected for its two-dimensional (2D) spatially varying precipitation, infiltration, runoff, and flow modeling capabilities. The 2D HEC-RAS model utilized seven (7) basic components: A terrain, precipitation data, a Manning's "n" layer, an infiltration layer, boundary conditions, a 2D mesh, and SA/2D connections.

Terrain

The HEC-RAS Terrain utilized in the simulation was a 3ft x 3ft (1-meter) DEM generated from 2019-2020 National Oceanic and Atmospheric Administration (NOAA) National Geodetic Survey (NGS) Topobathy LiDAR (1-meter resolution). Catch basins and junctions were “stamped” into the DEM to allow for water to enter the piped network system while accounting for structural storage volume within the network. Channels and ditches were “stamped” into the HEC-RAS Terrain in areas where brush and canopy cover obstructed the LiDAR along the channel bottom.

Precipitation

Rainfall data was input as SCS Type III unit rainfall hyetographs for the 2-, 10-, and 100-year, 24-hour storm events. Rainfall depths were obtained from NOAA Atlas 14 (See Appendix H.)

Manning's n Values

The Mannings's Equation is used within the HEC-RAS model to determine the velocity of surface flows over different land cover types. An important variable within the Manning's Equation is the Manning's n-value, a coefficient which represents the roughness or friction applied to the flow of water over a surface. In order to assign appropriate Manning's n-values, the National Land Cover Database (NLCD) was utilized to define varying land cover types.

A spatially varying land cover raster was generated from NLCD for each study area unique land use categories and were used to assign Manning's “n” roughness coefficients and impervious percentages can be seen in Table 5-1.

Table 5-1 Land Cover Characteristics

Classification	Manning's n	Impervious Percentage
Open Water	0.035	100%
Developed, Open Space	0.035	10%
Developed, Low Intensity	0.08	35%
Developed, Medium Intensity	0.12	65%
Developed, High Intensity	0.15	90%
Barren Land Rock-Sand-Clay	0.03	0%
Deciduous Forest	0.1	0%
Evergreen Forest	0.15	0%
Mixed Forest	0.12	0%
Shrub-Scrub	0.07	0%
Grassland-Herbaceous	0.04	0%
Pasture-Hay	0.045	0%
Cultivated Crops	0.05	0%
Woody Wetlands	0.07	50%
Emergent Herbaceous Wetlands	0.05	75%

Infiltration

The HEC-RAS model accounts infiltration of rainfall into in-situ soils by removing the anticipated infiltration volume from the rainfall volume applied to each cell of the HEC-RAS Terrain. The infiltration volume at any given location within the model is a component of land cover and underlying soil types. The infiltration layer was computed within HEC-RAS by intersecting the land cover layer with the SSURGO soils layer. Infiltration was calculated using the Green & Ampt method with Redistribution (GAR). Values for wetting suction front, saturated hydraulic conductivity, initial soil water content, saturated soil water content, residual soil water content, and pore size distribution index were approximated based on the soil textures obtained from the SSURGO soils layer. Parameter approximations were based on values published by Gowdich and Munoz-Carpena in 2009, Rawls and Brakensiek in 1982, and Rawls et al. in 1982. Table 5-2 below summarizes the values utilized within the HEC-RAS model. The land cover layer was utilized to assign impervious percentage to effect direct runoff across the site. Areas of impervious coverage as well as open water were modeled with a saturated hydraulic conductivity of 0.

Table 5-2 HEC-RAS Green & Ampt Infiltration Parameters

Dominant Texture	Wetting Suction Front (in)	Saturated Hydraulic Conductivity (in/hr)	Initial Soil Water Content	Saturated Soil Water Content	Residual Soil Water Content	Pore Size Distribution Index
No Data	0	0	0	0	0	0
Sand	2	4.64	0.033	0.417	0.02	0.694
Loam	3.5	0.26	0.117	0.436	0.027	0.252
Loamy Sand	2.4	1.18	0.055	0.402	0.035	0.553
Other	0	0	0	0	0	0

2D Computational Mesh

The 2D computational mesh, also known as the 2D flow area, is a network of interconnected cells used to represent the two-dimensional flow characteristics of the model area. Each cell and associated cell face of the computational mesh is pre-processed to compute detailed hydraulic property tables based on the underlying terrain. For each cell, the pre-processor computes an elevation vs. volume relationship. For each cell face, which can be thought of as detailed 1D cross sections, the pre-processor computes elevation vs. wetted perimeter, roughness, area, etc. The flow of water between each cell is controlled by these detailed hydraulic property tables which are used in calculating water surface elevation, depth, velocity, etc. This modeling technique is commonly referred to as a “subgrid model” and allows HEC-RAS to determine preferential flow paths in the underlying terrain and wet only a portion of the cell below the computed water surface elevation at that time step.

The “subgrid model” associated with the 2D computational mesh allows for detailed analysis of the model area where accurate overland flow pathways are paramount for model accuracy. In addition, breaklines, which allow for portions of higher cell resolution and specific directional orientation, were utilized to increase model resolution and accuracy. Breaklines were added to ditch centerlines, stream centerlines, stream banks, road crests, and significant topographic features. With this detailed information, the HEC-RAS model was a reasonable representation of the complex flow dynamics of coastal areas.

SA/2D Connections

SA/2D connections allow for storage areas and 2D flow areas to be hydraulically linked in various combinations. These links are represented by several types of hydraulic structures including weirs, gates, culverts, and rating curves. SA/2D connections can also be placed within a 2D flow area to control flow between one cell to another. For example, an SA/2D connection can be used to represent a roadway as an irregular weir, with station and elevation data pulled along the centerline using the specified terrain surface, and a culvert to control flow of water from one side of the road to the other.

SA/2D connections were used to model portions of stormwater infrastructure identified during the field investigation. Road crossing culverts and stormwater network were modeled. Driveway culverts were not modeled in order to reduce processing time due to the large number of SA/2D connections that would be dedicated to driveway culverts which are of lesser concern compared



to storm networks and roadway culverts and their potential impacts when inundated. Where no invert information was known, the upstream and downstream invert were set based on the terrain surface.

Where catch basins and junctions were “stamped” into the surface, SA/2D connections were placed at their midpoint and set with a culvert to represent a stormwater network. Additionally, inlet and outlet loss coefficients were set to 0.5 and 0.1 but tweaked to reduce model instability where necessary.

The HEC-RAS model performed 2D unsteady flow routing utilizing the Shallow Water Equations Eulerian-Lagrangian Method (SWE-ELM). The SWE-ELM was the selected equation set to account for the exceptionally flat terrain across the town, as well as the presence of buildings within the flow paths. The computational time step was varied between 10-second and 30-second in order to maintain numerical accuracy and model stability while avoiding excessive computation time.

Boundary Conditions

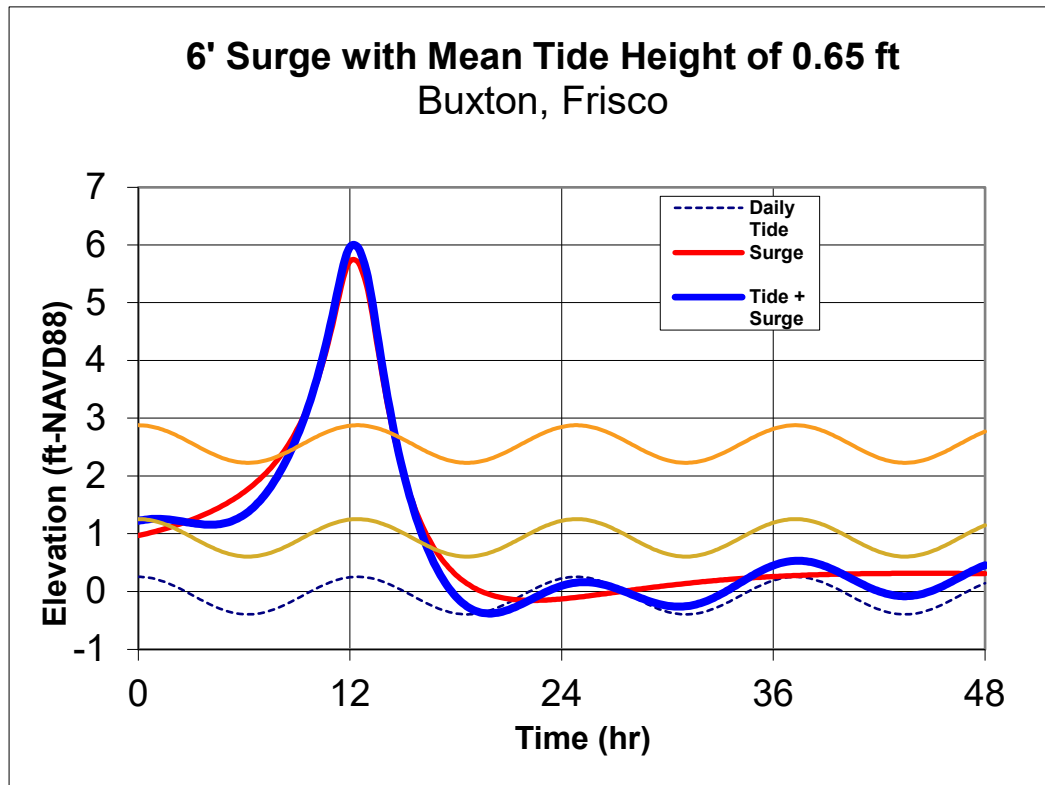
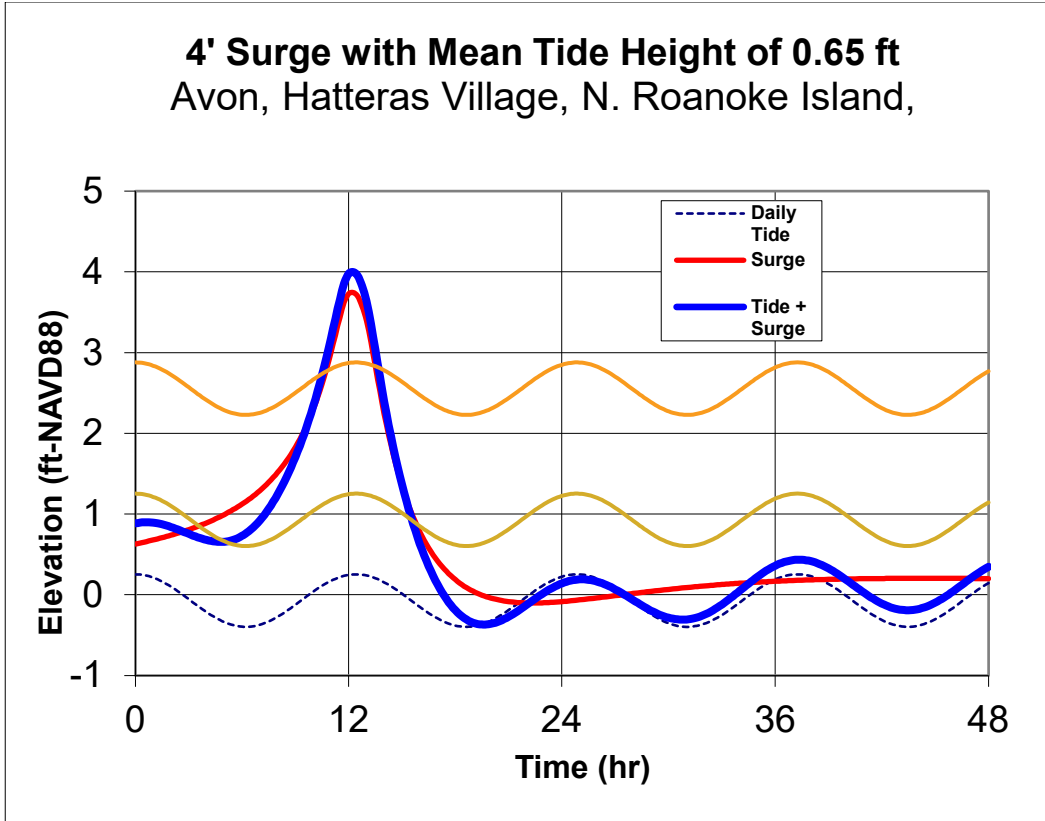
Boundary conditions represent locations in the model where water can flow in or out. HEC-RAS allows a boundary condition to be applied externally (along 2D flow area perimeter), internally (within the 2D flow area), or globally (applied to the entire 2D flow area). There are several boundary condition options that can be applied depending on the type used including flow hydrograph, stage hydrograph, normal depth, rating curve, and precipitation.

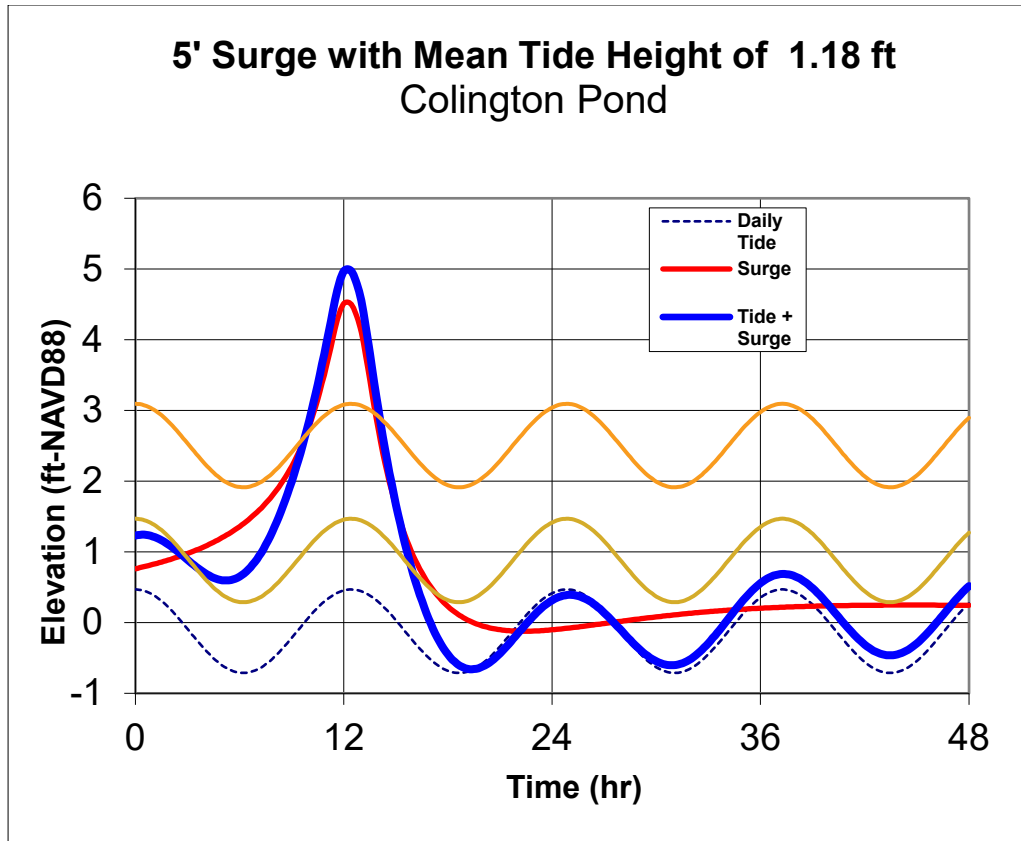
The following boundary conditions were used in the 2D HEC-RAS models:

- Upstream Boundary Conditions:
 - Rainfall over model area → Precipitation
- Downstream Boundary Conditions
 - Sound → Stage Hydrograph

Precipitation was applied over the full model areas and the model areas were selected to cover the full drainage area so no additional inflow hydrographs were required for the upstream boundary conditions.

Stage hydrographs were utilized for the downstream boundary conditions along the Sound. Four different stage hydrographs were used to model different scenarios. The first was current tidal conditions. Tidal information from NOAA Tides & Currents Stations at Oregon Inlet and USCG Station Hatteras was used. The tide was approximated with a cosine wave function and shifted to cause the peak of rainfall and peak of tide to coincide. Scenarios to represent 1 foot and 80 cm sea level rise were also modeled, these were approximated by adding 1 ft and 80 cm respectively to the current tide stage hydrograph. The final downstream boundary hydrograph modeled was a storm surge with tide condition. This was approximated with a cosine wave function with a longer wave length to generate only one peak during the model event. The peak surge was set to the flood elevation on the FEMA FIRM panels and shifted to peak at the same time as the precipitation. See the figures below for the stage hydrographs used and Appendix H for tide station information and FIRM panels.





Inundation Results

Rasters of maximum flood depth were produced for each model and each scenario to evaluate the inundation impacts. Existing condition flooding depth maps for the modeled areas of North Roanoke Island, Wanchese, Colington Pond, Rodanthe, Avon, Buxton, Frisco, and Hatteras Village can be found in Appendix I. Proposed condition flooding depth maps for the modeled areas of North Roanoke Island, Colington Pond, and Avon can be found in Appendix J.

5.2 Evaluations and Recommendations

Flooding is the primary stormwater problem within Dare County. The following sections provide an explanation of the potential flooding areas of concern in the communities of unincorporated Dare County, and recommendations for improvements. This plan primarily focused on current and near-term stormwater issues at a neighborhood level. Long term impacts and solutions to NC 12 overwash events on Hatteras Island were considered by the NC 12 Task Force. Documents related to their work can be found at <https://www.darenc.gov/government/advisory-boards-and-committees/n-c-12-task-force>.

5.2.1 Potential Areas of Concern

Mainland

Dare County includes the mainland communities of Manns Harbor, Mashoes, East Lake and Stumpy Point. Stormwater runoff in these areas is conveyed mostly by drainage swales and



channels with driveway and roadway culverts as necessary. Field inspections of stormwater infrastructure completed as part of this Stormwater Master Plan update indicated that the drainage swales were observed to be in varying levels of condition. Several swales were observed to be silted in or contained debris that may impede flow and reduce efficiency. Many of the swales were inundated, an indication of the high-water table present in this area. Attention to continued routine maintenance is recommended.

In the public survey, flooding along 64 in Manns Harbor and one location in Stumpy Point were identified but no other hot spots of flooding concern were identified. Following review of the public survey results, discussions with County staff, and field inspections, the identified flooding concern areas appear to be related to maintenance items (clearing culverts, dredging swales, etc.), significant storm and wind events causing elevated Sound levels, and high water table. No additional assessment was conducted for these areas. Future studies could include a hydraulic assessment of swales in identified problem areas to confirm sizing and conveyance capacity.

North Roanoke Island

The north end of Roanoke Island, outside of Manteo, is part of unincorporated Dare County. In both the public survey and meeting session, several areas immediately north and northwest of the Dare County Regional Airport were identified as flooding hot spots. In the public survey, several roads were identified as having flood related issues including Airport Road, Bradford Lane, Brakewood Road, Candela Drive, Daphne Lane, Dogwood Trail, Holly Ridge Road, Langley Lane, Old County Road, and Roanoke Trail. However, Brakewood Road and Airport Road received the most input by residents. In the public meeting session, residents in attendance identified the same roadways and adjacent neighborhoods as the public survey with Steve Basnight Road as an additional area of flood related issues. In addition, three (3) residents in the Bradford Lane and Brakewood Road neighborhood expressed their concern over rainfall-based flooding, including one resident with excessive flooding impacting her home during large rainfall events.

The field assessment identified limited piped systems, mainly near incorporated Manteo and Airport Road, with most of conveyance in the north end of Roanoke Island provided by drainage ditches and culverts. Sedimentation within drainage ditches and culverts were identified across all areas and was especially evident in the Brakewood-Airport Road area. In addition, the topography of the Brakewood-Airport Road and Steve Basnight Road areas are characterized by a natural depression (low topographic area) with no natural relief besides infiltration. The overall area northwest of the airport drains to the sound via a large drainage canal located on airport property. Infiltration is heavily relied on for drainage but can be limited during periods of heavy rainfall and saturated soil conditions. Based on the topography, it is evident that the natural sinks and low-lying areas without any drainage relief were responsible for many of the flooding concerns in the area.

Wanchese

Wanchese is located on the southern end of Roanoke Island. In the public meeting session, wind tides were identified as a flooding source in Wanchese. In the public survey, several areas across Wanchese were identified as having flooding concerns including Old Wharf Road, Old Schoolhouse Road, and ER Daniels Road. The field assessment identified some traditional stormwater infrastructure (i.e. inlets and pipes) with most conveyance provided by roadside



ditches and culverts that discharge to larger drainage canals towards the sound. While drainage ditches are prevalent along many roadways across Wanchese, a lack of drainage ditches was noted for multiple roadways along certain sections or the entire length of road.

Sedimentation within drainage ditches and culverts were identified across Wanchese. Infiltration is heavily relied on for drainage but can be limited during periods of heavy rainfall and saturated soil conditions. In addition, several residents along Pine Acres Road provided input on historical flooding issues along the road and adjacent properties during field assessment of this area.

Baum Bay Harbor

Baum Bay Harbor is a residential area located on the northern beach area of Dare County, just west of the Wright Brothers National Memorial. Drainage for the majority of this area consists of sheet flow to the southwest towards Baum Bay. In the public survey there were two resident complaints in the area, Colington Creek Dr and Ocean Bay Blvd. Field inspections of stormwater infrastructure indicated that minimal stormwater infrastructure is present in this area. A few drainage swales were observed, most of which were inundated, and based on topographic information they appear to be tidally influenced. Following review of the public survey results, field inspections, and discussions with County staff, no additional assessment was conducted for this area. Future studies could include a hydraulic assessment of swales in identified problem areas to confirm sizing and conveyance capacity.

Colington Road

Colington Road connects Colington to Kill Devil Hills behind the Wright Brothers National Memorial. Colington Road is the single access to Colington and the Colington Harbour neighborhood. In both the public input meetings and survey, Colington Road was a common area of concern for both tidal and rainfall flooding. However, at the time of the field investigation activities and public input collection, improvements to Colington Road were underway by NCDOT. These improvements included raising portions of the roadway, new pavement, expanded shoulders, and improved roadside swales. It is expected that these improvements should improve issues of swale capacity and tidal inundation identified in the public survey. With the active project, further modelling and investigation of the area was not undergone. During the field investigation it was observed that not all roads immediately tributary to Colington Rd. had drainage swales. Establishing swales along these roadways that tie to the newly improved swales along Colington Rd may mitigate localized flooding by providing additional positive drainage.

Colington Pond

Colington Pond, also known as Colony Lake, is a small body of water surrounded by homes and bounded by Kitty Hawk Bay Dr, Colony Ln, and Harbour Rd in the Colington Harbour neighborhood. The pond was identified as a flooding concern during the public input meetings as well as by county staff. In field investigation an outlet could not be located and in discussion with county staff it has been concluded that the outlet has been fully silted in and is nonfunctional as emergency pumping has been required to drain the pond immediately following past major flooding events. In its current condition, the only means for stormwater to drain from the pond is for water elevations within the pond to exceed that of Kitty Hawk Bay Dr., at which time flows cross over the road and discharge into Kitty Hawk Bay via the public access lot across the street.



Due to the several resident complaints concerning flooding in this area and following discussions with County staff, Colington Pond was flagged for additional analysis to assess potential flood mitigation improvements.

Martins Point

Martins Point is a private community located at the east end of Wright Memorial Bridge on a peninsula between the sound and Jean Guite Creek. Lots located around the perimeter of the peninsula appear to drain via sheet flow into either the surrounding sound or creek. Interior lots drain towards the roads or one of three interior ponds.

In the online survey the area around Martins Point Rd and Creek Rd received 11 resident complaints. From field observation it appears that many of the conveyance swales located along the interior roadways have been filled in over time. Homeowner education and increased maintenance is recommended for this area. The outfalls for the interior ponds appear to be directly influenced by tidal activity.

Rodanthe

Rodanthe is the first village located south of Oregon Inlet on Hatteras Island. During field assessment, roadway swales and culverts were observed along NC 12 which serve to collect runoff from the western edge of Rodanthe and direct it to the southwest into the sound. The majority of Rodanthe drains via a channel known as North Drain that runs north to south through the residential areas to the east of NC 12 before crossing under the highway through dual CMP culverts and discharging to the sound just north of S Shore Dr. The channel appears to have been filled between Beulah O'Neal Dr and N Holiday Blvd with no piped alternative flow route apparent during the field investigation.

At the public meeting, the north drain was identified as a flooding hot spot in Rodanthe due to potentially blocked culverts at Sea Sound Rd and Sudie Payne Rd. Fifteen areas of flooding concern were identified throughout Rodanthe in the online survey. However, there was not one clear hot spot but rather each area received 1-3 complaints indicating issues of shallow flooding or standing water throughout the village. Due to the feedback received about flooding concerns in Rodanthe, this area was chosen for additional modeling and assessment.

Waves & Salvo

Waves and Salvo complete the tri-villages immediately south of the Oregon Inlet on Hatteras Island with Waves being located south of Rodanthe and Salvo south of Waves. In the public meetings several areas throughout Waves and Salvos were identified as having swales with insufficient capacity that flooded during rainfall events. The online survey identified 18 potential areas of flooding concern with one clear hot spot located at the Wind Over Waves subdivision. The Wind Over Waves subdivision received 18 resident complaints and 4 non-resident complaints. These complaints were limited to nuisance lot flooding along Otter Way and N Sand Dollar Ct within the Wind Over Waves subdivision. The subdivision is not currently fully built-out as several lots are still vacant. Several roadside swales were observed along the developed lots but an ultimate outfall was not observed. In addition, a retention pond appears to have been installed at the southern end of the development but no outlet was observed during the field inspection. WithersRavenel recommends the County monitor future buildout of this subdivision and its implications on nuisance flooding in the vicinity.



After discussion with County staff, Waves and Salvo Village were not selected for further modeling or investigation.

Avon

Avon is located south of Salvo on Hatteras Island.

Review of topographic information and field inspections indicated that the drainage system in Avon is primarily comprised of roadside swales and driveway cross pipes. There is a stormwater network consisting of curb and gutter, catch basins and pipes within the Hatteras Island Plazas shopping center off of NC 12 just south of Kinnakeet Blvd. Avon is comprised of essentially three (3) drainage areas. The northern portion of Avon (north of Harbor Rd) drains to either NC 12 or one of two parallel south to north channels, all of which ultimately discharge into Mill Creek. The mid portion of Avon (between Harbor Rd and Big Kinnakeet Dr.) drains to NC 12 and/or a north to southwest channel that discharges into the sound just south of Williams Rd. The southern portion of Avon (south of Big Kinnakeet Dr.) drains to the west/southwest. Areas to the west of NC 12 drain via several retention ponds through the low-lying natural areas to the sound while the residential areas to the east of NC 12 drain to roadsides swales along NC 12. These roadside swales flow north to south and ultimately discharge into drainage channel via a culvert under Pheasant Cir. that drains to the sound via Askins Creek.

The public survey identified several areas of concern within Avon including two hot spot locations: Ocean View Drive with 13 resident and 21 non-resident complaints and the Kinnakeet Shores entrance with 11 resident and 15 non-resident complaints.

Review of the complaints and discussion with County staff indicated that the complaints associated with the Kinnakeet Shores entrance were likely related to a low-lying grate inlet on the west side of NC 12 immediately north of Kinnakeet Blvd. Field inspections indicated that this grate is silted in with little to no conveyance capacity at the time of the site visit. In addition, the grate inlet is depressed when compared to the surrounding roadway and intersection causing it to pond a significant depth of water (>1') immediately over the grate following a rain event. Furthermore, the ponding water obscures the significance of the depression around the grate. Since this identified area of flooding appears to be related to maintenance issues associated with a roadway and inlet maintained by NCDOT, no additional assessment was conducted. It is recommended that the County contact NCDOT and request that they investigate a solution to mitigate the above-described issues.

Review of the complaints and discussion with County staff indicated that the complaints associated with Ocean View Dr were related to standing water within Ocean View Dr roadway and adjacent residential lots following rain events. No drainage infrastructure (i.e., roadside swales) are present along Ocean View Dr. Topographic information indicates that the centerline of Ocean View Dr is at a slightly higher elevation compared to the adjacent lots on either side of the roadway. While the residential lots on the west side of Ocean View Dr. appear to be sloped to the west, allowing them drain towards the roadside swales along NC 12, the residential lots along the east side of the Ocean View Dr have no means of positive surface drainage, resulting in ponding of runoff within the north bound lane of Ocean View Dr. and the front of the residential lots.

Since Ocean View Dr was identified as an area of flooding that impacts a road and potentially restricts access to residential lots following a storm event, this area was selected as an Area of Concern. Additional assessment and modeling was conducted to assess the feasibility of potential mitigation options.



Buxton

The village of Buxton is located south of Avon. . The field assessment identified some isolated inlets and outfall pipes as well as swales along NC 12. Evidence of frequent ocean over wash in the form of sand build up was present from Old Lighthouse Road towards the dunes.

In the public meeting session, concern of storm surge from the ocean and rainfall flooding near NC Highway 12 and Rocky Rollinson Road were raised. The online survey identified 8 potential areas of concern primarily clustered around the area fronting the ocean. The Buxton motels received the most complaints with 3 resident and 6 non-resident complaints and the area directly south of the motels received 1 - 3 resident complaints about each street. It was found that in this area, any roadside swales that may have once existed were filled in and the only drainage was a swale system on the west side of old lighthouse road with one cross drainage pipe. The majority of runoff in this area must run across the road to drain to the swales and with the flat topography of the area much of it ends up ponding in shallow depressions and being unable to drain. Additional investigation and modeling of the Old Lighthouse Road area was conducted.

Frisco

Frisco is located towards the southern end of Hatteras Island and is situated between Hatteras Village and Buxton. Frisco is more spread out and less concentrated than some of the other villages, the areas with greatest density are Brigands Bay on the sound and the western most part of the village with access to the beach.

In the public input collection process two areas experiencing flooding due to tides or a combination of tides and rainfall were identified during the public meetings. Through the online survey, 15 potential areas of concern were identified in Frisco. There was not one clear hot spot location as all areas received just 1 - 2 complaints.

Through the field assessment, culverts under NC 12, Hatteras Drive, and Runboat Circle were identified and the roadside swales along NC 12 were found to be in generally good condition. As a result of the concentration of residences and flooding areas of concern the western part of Frisco was selected for additional assessment and modeling.

Hatteras Village

Hatteras Village is the southernmost village on Hatteras Island. In the public input meetings several locations of flooding, including locations that have flooded in past hurricane events and areas that have flooding from the dunes, were identified. In the online survey, twelve flooding areas of concern were identified with two hot spot locations at NC12 at the Sea Gull Motel and Eagle Pass Road. In the field investigation, a piped conveyance system was observed in several areas along NC 12, although outfalls for the conveyance system were not always able to be located. According to residents, storm drainage network along NC-12 is tidally influenced. Through the center of Hatteras Village, connecting to the sound on both the east and west sides of town, a waterway known as the Slash, cuts under NC-12 and between NC-12 and Eagle Pass Rd. The Slash and overall low-lying topography makes Hatteras Village especially susceptible to



tidal flooding and future sea level rise. As a result of the concentration of residences and flooding areas of concern, Hatteras Village was selected for additional assessment and modeling.

5.2.2 Selected Areas of Concern

Based on discussions above the following areas were selected for additional analysis, modeling, and/or review of potential mitigation improvements. Table 5-3 summarizes each location, the stormwater problem occurring there and the recommended action to address the problem. Detailed discussion of each area follows.

Table 5-3 Summary of Recommendations

Location	Problem Description	Recommended Action
North Roanoke Island	Ponding	Installation of Storm Drainage Network, Swales, and Culverts
Wanchese	Ponding	Swale Maintenance/Enhancement
Colington Pond	Abandoned/blocked outlet	Installation of Pond Outfall
Rodanthe	Ponding/Altered Drainage Channel	Re-Establish North Drain Connectivity
Avon - Ocean View Drive	Ponding	Installation of Infiltration Trenches and Swales
Buxton - Old Lighthouse Rd	Ponding	Installation of Infiltration Trenches, Culverts and Storm Drainage Network
Frisco	Ponding	Culverts and Swale maintenance/enhancement
Hatteras Village	Ponding	Installation of Detention Swales

North Roanoke Island

The residential areas immediately north and west of the Dare County Regional Airport was modeled from US Route 64 to the outfall southwest of the airport, including Brakewood Road, Airport Road, and Steve Basnight Road. From a review of the existing topography, it was evident that large low areas without clear paths of drainage were responsible for many of the flooding concerns in the area. In the 2-year storm event, the existing conditions model shows flood depths of approximately 0.5-feet to 1.5-feet in several low-lying areas including at the end of Bradford Lane with approximately 0.25-feet to 0.9-feet of flood depth to at least ten (10) residential structures. Bradford Lane does not experience flood impacts but several areas along Brakewood Road experience approximately 0.1-feet to 0.7-feet across all travel lanes. In the area of Steve Basnight Road, flood depths of approximately 0.1-feet to 2.0-feet are experienced at the low point near the end of the cul-de-sac with approximately 0.1-feet to 0.3-feet of flood depth to at least four (4) residential structures. This area also experiences minor ponding of 0.1-feet to 0.2-feet across all travel lanes of Steve Basnight Road near the end of the cul-de-sac. Several other roads and adjacent areas experience minor flooding including Airport Road, Daphene Lane, Dogwood Trail, and Fearing Place. Flooding in the overall area of concern is widespread with Brakewood Road, Bradford Lane, and Steve Basnight Road experiencing the greatest impacts. Many of the drainage ditches appear to have sedimentation and lack positive

drainage in some areas which much of the flooding issues can be attributed to. Flooding issues are exacerbated in the 10 year and 100-year storm events with increased impacts to roadways and property owners.

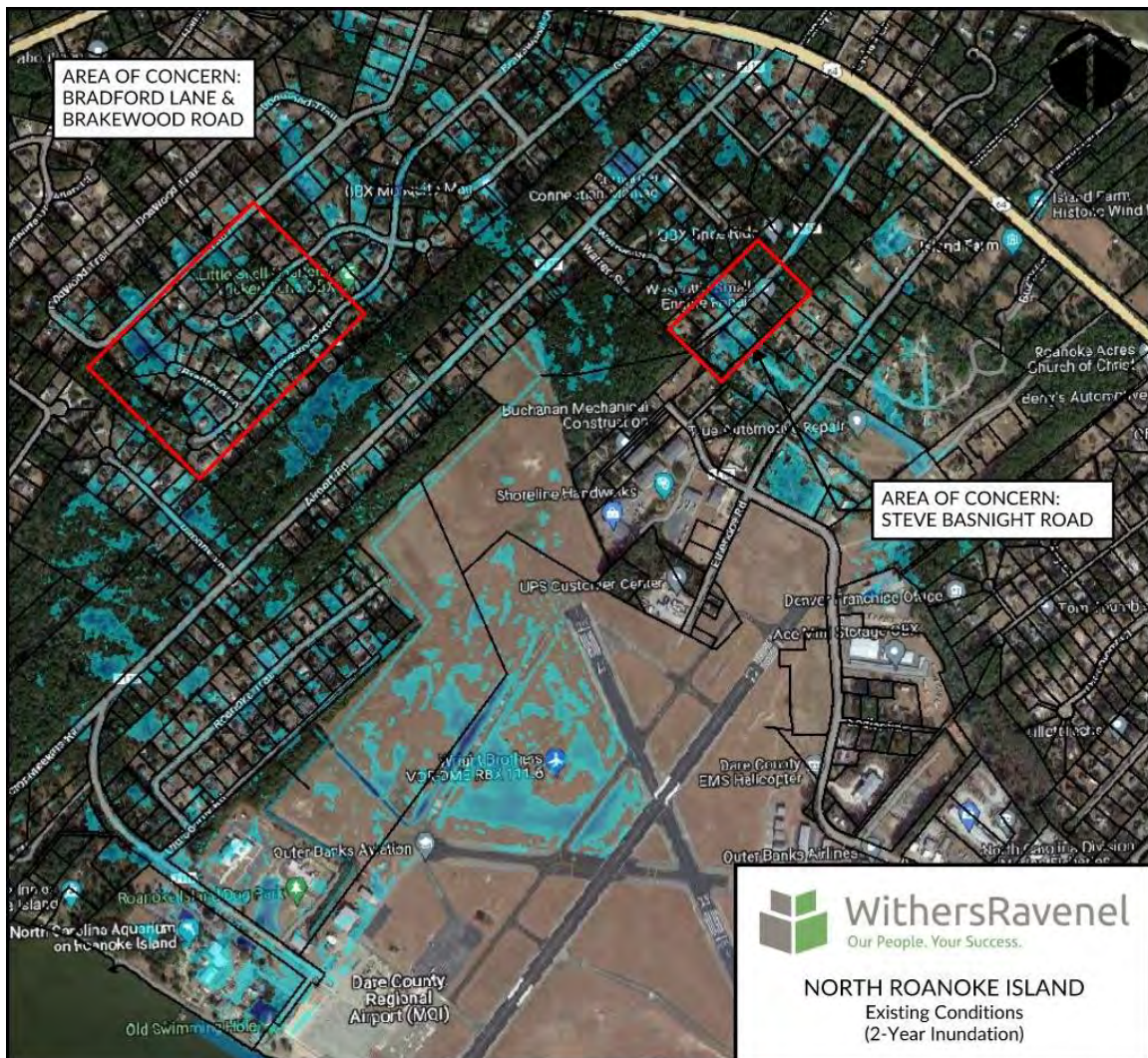


Figure 2 - North Roanoke Island Existing Condition 2 Year Inundation

Based on the existing conditions model, Brakewood Road, Bradford Lane, and Steve Basnight Road were identified as areas with the greatest flooding concern due to their locations in natural depressions without effective means of drainage relief. After review of the model results, public feedback received, and discussions with County staff, these areas were selected for further evaluation of conceptual stormwater improvements to reduce flood impacts.

A Roanoke Island Flooding Analysis completed by others for this overall area in September 2019 proposed a multi-phased approach for reducing flood impacts (see Appendix K for excerpts of the Roanoke Study). The phases consist of upsizing a series of stormwater pipes and culverts at the downstream end of the study area where it discharges into the sound (Phase 1), upsizing and dredging the existing drainage canal located on airport property and extending it upstream to Airport Road to tie into the existing Airport Road drainage network (Phase 2), and a series of



adjacent stormwater improvements in surrounding neighborhoods to convey runoff to the expanded drainage ditch and downstream network (Phase 3). However, the proposed improvements do not consider a proposed development located in the “Evans Tract” which consists of a large undeveloped parcel located between Brakewood Road and Airport Road that would be subdivided into a single-family residential parcels (see Appendix K for Evans Tract Construction Drawings). Phase 3 of their proposed improvement assumes this undeveloped area can be utilized for routing stormwater runoff for temporary detention before discharging downstream to the drainage canal. In addition, the existing drainage network located along Airport Road and adjacent roadways appears to have excessive sedimentation and reduced conveyance capacity which limits the ability to tie-in proposed stormwater improvements without clearing deposited sediment. Therefore, for the purposes of modeling proposed stormwater improvements for Brakewood Road, Bradford Lane, and Steve Basnight Road, only Phases 1 and 2 of the Roanoke Study proposed improvement were incorporated into the model.

The Steve Basnight Road proposed improvement consists of a drainage ditch on private property, culvert, roadside ditch, and associated driveway culverts to collect runoff at the low point adjacent to 155 Steve Basnight Road and convey it downstream. In addition, a proposed 30” HDPE would provide conveyance from the end of the cul-de-sac into airport property and drain via a proposed drainage canal that will tie into the proposed drainage canal associated with Phase 2 of the Roanoke Study improvements. A drainage easement would be required for the drainage ditch located on 155 Steve Basnight Road along the edge of the property.

The Bradford Lane and Brakewood Road, proposed improvements consist of a piped stormwater network with some roadside ditches to collect runoff at the end of Bradford Lane where the low point is located and convey it downstream along Brakewood Road. The proposed network would tie into the proposed Evans Tract stormwater network then continue through Airport Road and tie into the proposed drainage canal associated with Phase 2 of the Roanoke Study improvements. Inlet structures are placed through the proposed trunkline and associated laterals to collect runoff at multiple low points on Bradford Lane, Brakewood Road, and Airport Road. This improvement evaluated 2 proposed alignments (Option A and Option B) to tie-into the stormwater network associated with Evans Tract. Both options would require a drainage easement through a currently undeveloped lot located along Brakewood Road and along the backs of lots of adjacent Evans Tract parcels to tie into the Evans Tract stormwater network. However, Option A ties into the airport drainage canal via existing right-of-way while Option B would require an additional drainage easement through 218 Airport Road along the edge of the property. Proposed concept plans for the described improvements can be found in Appendix L.

In the 2-year storm event, Steve Basnight Road shows a significant improvement from existing conditions with approximately 0.1-feet to 1.0-feet of flooding at the low point. The number of residential structures impacted by flooding at the peak of the storm is reduced from four (4) to one (1) with approximately 0.1-feet of flood depth. Flooding is reduced on Steve Basnight Road with only the travel line edges experiencing minor ponding of approximately 0.1-feet. In addition, residual flooding 6-hours post storm event is almost entirely reduced with some shallow ponding in grassy areas and no impacts to structures or the roadway. In comparison, existing conditions still experience considerable residual flooding due to the lack of conveyance with continued impacts to residential structures and the roadway 6-hours post storm event.



Bradford Lane and Brakewood Road also shows improvement from existing conditions with approximately 0.1-feet to 1.2-feet of flooding in low lying areas. The number of residential structures impacted by flooding at the peak of the storm is at least ten (10) which matches existing conditions; flood depths are approximately 0.1-feet to 0.7-feet which is a slight reduction from existing conditions. Flooding is also reduced on Brakewood Road with only one small area near the end of the cul-de-sac experiencing approximately 0.1-feet to 0.5-feet of flooding with some shallow flooding across portions of both travel lanes. While proposed improvement benefits seem marginal during the peak of the storm, there is considerable improvement 6-hours post storm event as residual flooding is drastically reduced with no flooding of Brakewood Road and only two (2) properties experiencing residential structure flooding. In comparison, existing conditions still experience considerable residual flooding due to the lack of conveyance with continued impacts to residential structures and Brakewood Road 6-hours post storm event.

Proposed concept plans for the described improvements can be found in Appendix L. Based on the above proposed improvements, a budgetary cost opinion was prepared. Total construction costs, including final engineering, permitting, and construction phases services are estimated to be \$7.81 million for Option A and \$7.78 million for Option B. Budgetary cost opinion breakdowns can be found in Appendix L.

Wanchese

The developed area of Wanchese near the intersection of Baumtown Rd and NC Highway 345 to the southern limits of the island was modeled. Based on public feedback by multiple residents identifying Pine Acres Rd and Old Schoolhouse Rd as areas of concern, model assessment focused on north central Wanchese, specifically in the area bounded by Old Wharf Road, Old Schoolhouse Road, and Mill Landing Road. This area of interest encompasses its own drainage area within Wanchese with the Fire Station along Old Schoolhouse Road located at the headwaters and Mill Landing Road at the downstream end. Based on the existing topography, there are a series of shallow drainage ditches located on several private properties between Old Schoolhouse Road and Mill Landing Road that convey runoff towards Mill Landing Road. Due to their location on private property and thick brush, physical observation was unable to be conducted. Based on the field assessment and publicly available data, there are two (2) culverts located along Mill Landing Road that provide conveyance for this drainage area to the sound.

In the 2-year storm event, the existing conditions model indicates nuisance flooding on private property including some shallow flooding adjacent to structures along Pine Acres Rd (approximately 0.1-feet to 0.75-feet) and Old Schoolhouse Road (approximately 0.1-feet to 0.2 - feet) with shallow ponding of approximately 0.1-feet to 0.3' along the edge of travel lanes of both roads. In addition, a portion of Old Schoolhouse Road adjacent to the Wanchese Community Building experiences ponding across all travel lanes of approximately 0.1-feet to 0.4-feet in the 2-year storm event. Flooding issues are exacerbated in the 10-year and 100-year storm events with increased impacts to roadways and property owners. Based on the DEM used in the 2D model, many of the ditches in the area of interest appear to have sedimentation and lack positive drainage in some areas which much of the flooding issues for the higher frequency storm events (2 year and 10 year) can be attributed to.

After review of the model results, WithersRavenel recommends that all drainage ditches be cleared of excess sediment and maintained to reduce excess ponding along roadways and adjacent properties and ensure positive drainage. The construction and maintenance of new drainage ditches is also recommended along roadways without a ditch or other stormwater infrastructure to provide a means of conveyance away from roadways and adjacent properties. In addition, WithersRavenel recommends an assessment of feasibility for obtaining drainage easements for the series of shallow drainage ditches located on private property between Old Schoolhouse Road and Mill Landing Road due to their importance in providing downstream conveyance for the Old Schoolhouse Road area, including the Volunteer Fire Department and Wanchese Community Building.



Figure 3 -Wanchese Existing Conditions 2-Year Inundation

Colington Pond

Flooding associated with Colington Pond was modeled from the high points of the pond drainage area to the ultimate discharge location into Kitty Hawk Bay. Flooding of the homes directly adjacent to the pond is demonstrated in the model even during higher frequency storm events (2-year) with flooding further exacerbated in the 10-year and 100-year storm events.



Figure 4 - Colington Pond Existing Conditions 2-Year Inundation

After review of the model results, WithersRavenel recommends that a primary spillway be installed that allows the pond to discharge into the sound without overtopping Kitty Hawk Bay Dr. Under current conditions, the only means of draining the pond is infiltration. During a storm event, water surface levels in the pond increase until Kitty Hawk Bay Dr. overtops. This

overtopping elevation controls flows out of the pond and results in water elevations that impact properties on the upstream side of the pond as show in the figure above.

The proposed primary spillway would consist of a riser structure (i.e., 4'x4' interior dimensioned concrete box) and an 18" outlet barrel. The outlet barrel would cross Kitty Hawk Bay Dr. perpendicularly, run along the right-of-way and then down the west side of the public access property to discharge into Kitty Hawk Bar as shown below:



Figure 5 – Colington Pond Conceptual Layout

Analysis of the proposed improvements indicate that the addition of a primary spillway will reduce flooding on approximately 18 residential lots and reduce the frequency at which Kitty Hawk Bay Dr overtops due to elevated water surface elevations within the pond.

Rodanthe

Flooding in Rodanthe was modeled from the dunes along the eastern edge to the sound and from the NC 12's Jug Handle Bridge south to Camp Hatteras RV Resort and Campground.



Figure 6 – Rodanthe North Drain Existing Conditions 2-Year Inundation

Review of the model results and public feedback received together with the discussions with County staff indicate that the North Drain is the primary drainage feature of concern within Rodanthe. Model results indicate that ponding is typical in the low-lying areas adjacent to the North Drain channel, especially in the areas upstream of Beulah O’Neal Dr.

As discussed above, it appears that the North Drain channel has been historically filled in the process of creating residential lots along both sides of Dean Ave and the north side of N Holiday Blvd. A retention pond has been installed along the south side of Beulah O’Neal Dr. at the northern end of the filled in portion of the North Drain as a means to provide additional storage. However, this pond, and the associated upstream drainage area have no means to positively drain other than infiltration.

WithersRavenel recommends that the County investigate the feasibility of purchasing property or establishing permanent drainage easements that allow for the northern portion of the North Drain channel to be reconnected hydraulically to the sound and maintained in perpetuity. This would require the installation of a culvert under Dean Ave. In addition, two residential structures are currently present on lots within the historical flow path of the North Drain. The channel can be routed around these developed properties or the North Drain can be piped through these lots as shown below. Regardless, the installation of a culvert under N Holiday Blvd will also be warranted.



Figure 7 – Rodanthe North Drain Conceptual Layout

Avon

As discussed above, Ocean View Dr. in Avon was selected as an Area of Concern due to identified flooding within the roadway and adjacent residential lots. A detailed flood model was developed for Avon using the methodology discussed in Section 5.2. The model extents ranged from the dunes along east side of the island to the sound along the west and from the intersection of NC12 and Big Kinnakeet Dr in the north to the intersection of NC12 and Park Dr to the south. This area was delineated to ensure the full drainage area associated with Ocean View Dr. was analyzed.



Figure 8 - Avon Existing Conditions 2-Year Inundation

Review of existing conditions model results for all analyzed design storm indicates that shallow flooding (<6") is present within the north bound lane of Ocean View Dr both during and after the storm events. This flooding extends into nuisance flooding within the adjacent lots to the east with flood depths for all storm events exceeding 1' in some areas. Inundation map exhibits illustrating peak inundation areas for each design storm event can be found in Appendix I.



WithersRavenel utilized the existing conditions model to assess potential improvements within the Ocean View Dr. right-of-way that would help mitigate the identified flooding. After considering the working area, costs, and the existing downstream infrastructure, WithersRavenel recommends that infiltration swales be installed along the eastern side of Ocean View Dr. Infiltration swales consist of a perforated pipe surrounded by a course media (washed gravel) that is wrapped in geotextile fabric. A minimum of 6" sandy topsoil is placed on top and seeded. Stormwater that pools above the infiltration swale will infiltrate through the course media and into the pipe where it is discharged to a downstream location.

Infiltration swales were chosen over traditional roadside swales for two reasons. First, infiltration swales can be installed deeper than traditional roadside swales without introducing a maintenance hardship or safety hazard adjacent to the roadway. With an infiltration trench there is no drop off adjacent to the roadway that would require maintenance (routine weed whacking and cleanout). Instead, the roadside is essentially in existing conditions allow for a standard grassy shoulder. Second, with Ocean View Dr. being in close proximity to the dunes where ocean wash over is common, there is a concern that traditional swales would easily fill with sediment, requiring routine maintenance to maintain efficiency and flood mitigation benefits. The geotextile fabric around the infiltration trenches should prevent sediment from clogging the underdrain pipes and the expected sandy material from over wash should continue to allow stormwater to infiltrate into the system.

WithersRavenel recommends that infiltration trenches be installed within the right-of-way Ocean View Dr. from the southern cul-de-sac to the north to Yucca St. These infiltration trenches would discharge via pipes under Ocean View Dr. to open roadside swales along Yucca St, Myrtle Dr., and Seaside Dr. that connect to the existing roadside swales along NC 12.

WithersRavenel incorporation of the above proposed improvements into the existing conditions model to assess potential flood mitigation benefits. The results indicate that the proposed infiltration trenches would mitigate ponding within the travel lane of Ocean View Drive for 2-year and 10-year design storm events. While ponding was observed within the travel lane for a 100-year event, it should be noted that the flooding receded quicker following the storm event, as the infiltration trenches provided positive drainage once downstream flooding receded.

After reviewing the proposed improvements with County staff and considering that the entirety of the improvements were located within the right-of-way of a DOT maintained road, the County decided to pursue the implementation of these improvements. WithersRavenel prepared 30% Conceptual Plans illustrating the feasibility of the project. The proposed improvements consist of the following elements:

- ±2,330 LF of Infiltration Trenching consisting of:
 - ±90 LF 12" Perforated HDPE Pipe
 - ±640 LF 15" Perforated HDPE Pipe
 - ±1,600 LF 18" Perforated HDPE Pipe
- 20 Concrete Manholes
- ±730 LF of Roadside Swales
- 39 Driveway/Roadway Repairs



Proposed concept plans for the described improvements can be found in Appendix M. Based on the above proposed improvements, a budgetary cost opinion was prepared. Total construction costs, including final engineering, permitting, and construction phases services are estimated to be \$1.7 million. Budgetary cost opinion breakdowns can be found in Appendix M.

Buxton

Flooding in Buxton was modeled from the dunes to Old Lighthouse Rd in the west and the sound to Schooner Es Newman Drive in the south. In the 2-year storm event, the existing conditions model indicates flood depths of approximately 0.1-feet to 0.7-feet along NC Highway 12 between Lighthouse Road and Old Lighthouse Road along the westbound travel lanes with the entirety of the roadway impacted between Angelo's Pizza and Diamond Shoals Restaurant. In addition, shallow flood depths of up to 0.3-feet are experienced across sections of Diamond Shoals Drive and Old Lighthouse Road. Nuisance flooding to private property is identified throughout the model area with significant flood depth of 0.5-feet to 1.0 feet to Ocean Drive, Cottage Avenue, North Tower Circle, and South Tower Circle including adjacent properties and structures. The existing topography corroborates the model results in this area as it's situated in a natural low point bordered by the dunes to the east and Old Schoolhouse Road to the west which are high points in comparison.

WithersRavenel recommends two independent solutions for the two areas of flooding concern. In the area of flooding along NC-12, installation of a small piped stormwater network could serve to quickly collect and remove runoff from the roadway. In order to implement this solution easement acquisition to discharge behind Angelo's Pizza and Diamond Shoals Restaurant would be needed. For the area of flooding along Old Lighthouse Road, and its side streets, an infiltration swale installed along the east side of Old Lighthouse Road is recommended. Due to the frequent ocean overwash and historical issues of traditional swales filling with sediment as well as the limited available space in the right of way, the infiltration swale design is recommended over a traditional swale. The infiltration swale will discharge to the existing ditches on the western side of Old Lighthouse Road. As part of Phase III of the Resilient Coastal Communities Program (RCCP) design plans for Old Lighthouse Road were prepared by WithersRavenel under a separate project.



Figure 9 - Buxton Existing Conditions 2-Year Inundation

Frisco

Flooding in Frisco was modeled for the area between Sandpiper Drive (west) and Park Road (east) from the dunes (south) to the sound (north). The existing conditions model indicated varying impacts to almost all side streets of NC Highway 12 in the modeled area. Shallow flooding of approximately 0.1-feet to 0.4-feet are experienced by Runboat Circle, Tides Edge Court, Cape Hatteras Pier Drive, Sand Piper Drive, Surf on Sound Drive, and Osprey Way inundating all travel lanes. Significant flood depths, which would limit access to and from these side streets, include Ships Timbers Road, Cape Hatteras Drive, Hatterask Road, Shoresurf Lane, Tent Drive, and Marlin Court which experience approximately 0.1-feet to 1.1-feet of flooding. In comparison, based on model results and existing topography, NC Highway 12 sits slightly higher than its adjacent areas and experiences shallow flooding of approximately 0.1-feet to 0.2-feet impacting portions of travel lanes with a few area of inundation across all travel lanes. Private properties and associated residential structures along all previously described roadways also experience overland flooding of various depths between 0.1-feet to 1.0-feet.

Frisco is characterized by low topography relative to mean sea level with an elevated groundwater table subject to tidal fluctuations which limits the feasibility of different mitigation measures. Based on the model results, WithersRavenel recommends upsizing culverts and enlarging swales along NC Highway 12 to limit flooding of the primary roadway while installation and maintenance of swales along the other roads could improve the incidental flooding throughout the adjacent neighborhoods.



Figure 10 – Frisco Existing Conditions 2-Year Inundation

Hatteras Village

Flooding in the vicinity of Hatteras Village was modeled from the Hatteras Landing on the west side to the intersection of C Deering Ridge Rd and NC 12 on the east side and from the dunes to the south to the sound along the north side. Review of the model results indicated that roadway flooding is present along several roadways within the village with significant flooding (>6 inches or both travel lanes inundated) observed along NC 12, Kohler Rd., and Eagle Pass Rd which results in limited access to both residential and commercial properties following a storm event.



Figure 11 - Hatteras Village Existing Conditions 2-Year Inundation

Unfortunately, the low topographic nature of Hatteras Village in combination with an elevated groundwater table subject to tidal fluctuations makes implementing mitigation improvements difficult. In the vicinity of Kohler Rd., WithersRavenel recommends the installation of shallow grassy swales along Kohler Rd. These swales should connect to new swales along Altona Ln and



Stowe Landing Rd on to M V Australia Ln where they can discharge into the harbor. Similarly, grassy swales can be installed along Peerless Ln to also ultimately discharge into the harbor. Grassed swales should help reduce the ponding problem by eliminating standing water in the roadway and providing additional surface area for infiltration along with positive drainage to the sound. It should be noted that the shallow grass swales are only expected to reduce ponding depths during more common, higher frequency storm events (2-year or less); however, the swales are expected to help reduce the dissipation time of observed residual ponding for larger storm events.

The vegetation (grasses) in the swales also removes pollutants, through filtration and nutrient uptake, from the stormwater runoff. The size of drainage swales and driveway culverts, along with the amount of grading necessary will have to be determined through simple hydraulic and hydrologic (H & H) studies of the area. A detailed survey is also necessary prior to completion of the H&H model and design efforts.

Topographic information indicates that Eagle Pass Rd is already superelevated with the majority of the roadway sloped to the north to drain into the Slash. Care should be taken when undertaking any roadway maintenance to ensure positive drainage across the roadway from the sidewalk and adjacent properties along the southern side of the roadway. A grassy swale can be installed along the northern side of Eagle Pass Rd with intermittent cross channels that allow for discharge into the Slash to facilitate drainage along the roadway.

As discussed above, significant ponding is also present along NC 12 in Hatteras. Ponding is several inches deep and extends into the travel lanes on many occasions. These ponding conditions cause a safety hazard for pedestrians and motorists, along with the potential for property damage to cars. As informed by NCDOT, planned work on the bridge over Slash Creek will include improvements to the stormwater drainage in the area. WithersRavenel recommends the County monitor the impacts of the proposed NCDOT project and that the County work with NCDOT to ensure existing stormwater infrastructure remains maintained and functional by routinely cleaning out debris and sediment.

5.3 Water Quality

Although water quality was not the main focus of this study, the preservation and improvement of surface water quality in Dare County is of high importance. Water quality is critical to the shellfishing industry as well as public health and recreation and the resulting tourism industry. Improvement in the quality of the stormwater runoff may make it possible to see openings in previously closed shellfishing waters. Green infrastructure practices that encourage the infiltration of stormwater runoff as opposed to piping and discharging as quickly as possible allow for natural filtering and treatment of pollutants in stormwater. Infiltration swales and rain gardens are some of the simplest applications of this concept and could be implemented throughout much of Dare County. Maintenance and proper design of septic systems is also of utmost importance in preserving water quality in unincorporated Dare.



Chapter 6 - Stormwater Management Program Recommendations

The recommendations presented throughout this report are summarized in this Chapter. Some of the recommendations could be implemented as Capital Improvement Program (CIP) projects. Recommendations for minor repair and maintenance could be made part of the County’s operating budget. Recommended policy changes may or may not have budget implications.

6.1 Policy

Dare County does not currently have a stormwater management ordinance. An ordinance could be implemented, however; with current conditions and level of existing developed lands, the effect would likely be limited without high level of engagement by residents to install retrofits on their properties. A public education campaign on Low Impact Development and public engagement into implementing best management practices would yield both water quality and quantity benefits to the community.

6.2 Capital Improvements Projects

Inadequate system capacity is the biggest water quality and quantity problem requiring capital improvements. Table 6-1 describes the capital improvement actions that have been recommended with an order of magnitude cost estimate for planning purposes. The costs are preliminary as they are based on several factors such as unknown site conditions, available survey data which could result in adjustment to size, material and length of changes that are yet to be determined. As the County is not responsible for maintaining roads and therefore does not have ownership of the Right of Way, the County will need to coordinate the placement of many of these improvements with NCDOT.

A methodical approach to the recommended improvements is needed, funding should be planned for in advance and as funding is available projects should be addressed in order of priority. Avon and North Roanoke Island have concept plans and cost breakdowns but each project will require survey and design to be shovel ready.

Table 6-1 Capital Improvement Projects

Location	Project Description	Order of Magnitude Cost
North Roanoke Island	Installation of Storm Drainage Network, Swales, and Culverts	\$6M to \$8M
Wanchese	Swale Maintenance/Enhancement	\$500K to \$1M
Colington Pond	Installation of Pond Outfall	\$250K to \$500K
Rodanthe	Re-Establish North Drain Connectivity	\$500K to 1M
Avon – Ocean View Drive	Installation of Infiltration Trenches and Swales	\$1.5M to \$2M
Buxton – Old Lighthouse Rd	Installation of Infiltration Trenches, Culverts and Storm Drainage Network	\$500K to \$1M
Frisco	Culverts and Swale maintenance/enhancement	\$500K to \$1M
Hatteras Village	Installation of Detention Swales	\$250K to \$500K



6.3 Operations and Maintenance Program

During the field inspection of the system several inlets were covered with dirt and debris and many of the roadside swales and driveway culverts were blocked and/or filled in. Most of the inlets and pipe systems are in need of maintenance and pumping to remove sand buildup. Many swales and canals could benefit from dredging or mowing and maintenance to restore their conveyance capacity. Since some swales are on private property or private roads, homeowner education of the importance of maintaining these drainage features is important. Roadside swales, storm drain inlets, pipes, and structures should be periodically inspected, cleaned of debris and mowed. Additionally, all should be regularly cleaned, as needed.

To have a successful stormwater management program, an operation and maintenance program is vital. Although much of the drainage infrastructure throughout the county is either the responsibility of NCDOT or private, partnership to ensure maintenance of stormwater structures will help everyone in the long term. The County could opt for obtaining drainage easements for maintaining main stormwater infrastructure over the long term. An asset inventory of the stormwater system is important to develop a maintenance program. It is also recommended that the County investigate purchasing or leasing a vacuum system for cleaning out storm drainpipes and the infiltration systems.

6.4 Funding

The amount necessary to fund these projects can come from several sources. The costs estimated for the action items are preliminary, order-of-magnitude amounts.

Taxes

The County could raise property taxes to fund part or all of the program. The public usually does not respond well to this option. A dedicated millage would require a referendum, which may be difficult to sell to the public. A dedicated millage would mean that the County could depend on a certain amount year to year being committed to a planned program of O & M and replacement and improvements.

Stormwater Utility

An independent tax authority, or the creation of a stormwater utility could be established to collect stormwater fees. A service rate study would need to be performed to critically evaluate the charges and fees, and to distribute the costs of the stormwater management program proportionately among the users. The costs of the stormwater management program include: administration including overhead, customer billing, customer complaint response, ditch and pipe cleaning, illicit discharge investigation, site plan review, public education, and capital improvement program.

Many localities divide the total costs by the amount of impervious area in their service area to calculate a unit cost. An equivalent residential unit (ERU), which is the average amount of impervious area for a single family residence, is used as the billing unit. Non-residential property owners are billed according to the number of ERUs equivalent to the total impervious area on their property.



Utility Credits

A utility credit is a reduction in the stormwater utility fee for a property. It is given because of a drainage system improvement located on the property which causes a reduction in pollutants and/or a reduction in the peak flows and volumes leaving the property. It can be used as an incentive for voluntary construction of small stormwater control measures. The reasons and benefits of a utility credit program need to be established before it is implemented. Is the credit program perceived as necessary for public acceptance of the utility charges? Will it be perceived as enough of an incentive for voluntary implementation of SCMs and riparian buffers.

The implementation of a SCM or buffer used to receive credit will reduce some of the cost to the County for construction of a similar facility for a water quantity/quality benefit. However, some portion of the utility charge should be retained for those properties with credits in order to receive revenue for on-going program needs such as administration, system operation and maintenance, and inspection of on-site facilities. The loss of long-term revenue due to the credit program should not unfairly cause a burden to other customers without credits by making them pay more than their share of costs.

Grants and Loans

There are several sources that the County can apply to for grants and low interest loans. Due to the location of the County, and its sensitive environment, the County should have a good chance at receiving a variety of grants. Some of these programs include:

- NC DEQ Division of Water Infrastructure (DWI) Clean Water State Revolving Fund (SRF) Loan
- NC DEQ Division of Water Infrastructure (DWI) Local Assistance for Stormwater Infrastructure Investments Program (LASII) Construction Grants
- FEMA Building Resilient Infrastructure and Communities (BRIC) Program
- FEMA Hazard Mitigation Grant Program
- Golden Leaf Foundation Grants

These possible sources of additional funding will need to be evaluated by the County to establish policy on additional funding methods.

6.5 Public Involvement

It is recommended that the County implement a comprehensive public education/public involvement program. The education programs and/or outreach activities should inform individuals and households about the impacts stormwater discharges have on water bodies and identify the steps that must be taken to reduce stormwater pollution. It is anticipated that public understanding will foster endorsement of the stormwater management program.

Activities that could be implemented include quarterly stormwater newsletters which update citizens on activities being undertaken through the County stormwater management program and gives tips for residents to reduce stormwater runoff on their property, and drawing/coloring contests for school children with information about the do's and don'ts of stormwater management. The County may want to hold periodic stormwater seminars possibly in conjunction



with other, well-attended County activities. The County is encouraged to contact the NCDEQ for information regarding state educational programs in which the County may be able to become involved.



Chapter 7 - References

- Arnold, J.A., ed., D.E. Line, S.W. Coffey, and J. Spooner. 1993. Stormwater Management Guidance Manual. North Carolina Cooperative Extension Service and North Carolina Division of Environmental Management. Raleigh, NC.
- Center for Watershed Protection and Land Ethics, Inc. *Blueprint to Protect Coastal Water Quality. A Guide to Successful Growth Management in the Coastal Region of North Carolina*, Prepared for the Neuse River Council of Governments and the North Carolina Division of Environmental Management.
- Dare County. 2009. *Dare County Land Use Plan Update*.
- Environmental Protection Agency.
- 1995. *Watershed Protection: A Project Focus*. Washington, DC: Office of Wetlands, Oceans, and Watersheds.
 - 1997a. *Designing an Information Management System for Watersheds*. Washington, DC: Office of Wetlands, Oceans, and Watersheds, Office of Wastewater Management and Office of Water.
 - 1997b. *Top 10 Watershed Lessons Learned*. EPA 840-F-97-001. Washington, DC: Office of Water and Office of Wetlands, Oceans, and Watersheds.
- Nags Head. 2021. *Low Impact Development Manual and Stormwater Reference Manual*.
- North Carolina Department of Environmental Quality.
- 1997. *Basinwide Assessment Report - Pasquotank River Basin*. Environmental Sciences Branch.
 - 1997. *Pasquotank River Basinwide Water Quality Plan*. Division of Water Quality.
 - 1999. *Tar-Pamlico River Basinwide Water Quality Plan*. Division of Water Quality.
 - 2013. *Erosion and Sediment Control Planning and Design Manual*. Division of Energy, Mineral, and Land Resources.
 - 2020. *Stormwater Design Manual*. Division of Energy, Mineral, and Land Resources.
- A Guide to Protecting Coastal Resources Through the CAMA Permit Program. Raleigh, NC: Division of Coastal Management.
- North Carolina Department of Transportation. 2022. *Guidelines for Drainage Studies and Hydraulic Design*. Hydraulics Unit.
- US Census Bureau. 2020. *2020 Census Redistricting Data (Public Law 94-171) Summary File; 2020 county and Core Based Statistical Area (CBSA) gazetteer files*. Office of Management and Budget.
- US Department of Agriculture. 1986. *Soil Survey of Dare County, North Carolina*. Soil Conservation Service.
- US Department of Commerce. 2012. *North Carolina: 2010 Population and Housing Unit Counts - 2010 Census of Population and Housing*. US Census Bureau.



Consent Agenda

Description

1. Approval of Minutes
2. Tax Collector's Report
3. McGuire Woods Consulting
4. Title VI Policy Update - Transportation
5. Budget Amendment - Emergency Management
6. Budget Amendment - Parks and Recreation
7. Health & Human Services - Public Health Division - Lead and Asbestos Inspection Funding
8. Health & Human Services - Public Health Division - NENCPPH Public Health Workforce Grant
9. Health & Human Services - Public Health Division - Vehicle Lease Agreement with Port Health

Board Action Requested

Approval

Item Presenter

Robert Outten, County Manager



Approval of Minutes

Description

The Board of Commissioners will review and approve their previous minutes which follow this page.

Board Action Requested

Approve Previous Minutes

Item Presenter

Robert Outten, County Manager



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., December 4th, 2023

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman
Rob Ross, Steve House, Bea Basnight, Danny Couch, Ervin
Bateman

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Deputy County Manager/Finance Director, David Clawson
Master Public Information Officer, Dorothy Hester
Clerk, Skyler Foley

A full and complete account of the entire Board of Commissioners meeting is archived on a video that is available for viewing on the Dare County website www.darenc.gov.

At 9:18 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Dr. Wayne Berry to share a prayer, and then he led the Pledge of Allegiance to the flag.

The First Flight High School Choir provided holiday entertainment.

ITEM 1 – SWEARING IN CEREMONY (Att. #1)

MOTION

Commissioner Ross motioned to appoint Elizabeth (Bea) Basnight to the vacant Commissioner seat.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

The Clerk to the Board administered the oath of office to Elizabeth (Bea) Basnight (District 1). The oath was in the form prescribed in Article IV, Section 7 of the NC Constitution.

ITEM 2 – ELECTION OF CHAIRMAN (Att. #2)

The Clerk outlined the procedures for the election. In accordance with Robert's Rules, no second would be necessary for a nomination and four votes would be required to win the election. The Clerk opened the floor for nominations.

NOMINATION

Commissioner Rob Ross nominated Robert "Bob" Woodard, Sr. There were no other nominations.

VOTE: AYES - 7 votes by show of hands.

Commissioner Woodard was elected as Chairman by unanimous vote.

ITEM 3 – ELECTION OF VICE_CHAIRMAN (Att.# 3)

Newly reelected Chairman Woodard conducted the election of the Vice-Chairman.

NOMINATION

Commissioner Bateman nominated Wally Overman.

There were no other nominations.

VOTE AYES - 7 votes by show of hands.

Commissioner Overman was elected as Vice-Chairman by unanimous vote.

ITEM 4 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard:

- Recognized Drew Pearson with the Emergency Management Department for receiving the 2023 Preparedness Award from the International Association of Emergency Managers for the “Love the Beach, Respect the Ocean” campaign.
- Announced that it is the 120th Anniversary of Flight, and there will be a celebration on December the 17th at the Wrights Brothers Memorial.
- He presented the FFHS Men’s Soccer Team with a Certificate of Achievement for winning the Division III State Championship.

ITEM 5 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Kimberly Whitehurst, received a 20-year pin.
- 2) Elizabeth Twine, received a 25-year pin.
- 3) Stephen Smith, received a 10-year pin.
- 4) Edward Scarborough, received a 25-year pin.

ITEM 6 – EMPLOYEE OF THE MONTH – DECEMBER 2023

Angela Grant received the Employee of the Month award from Debbie Dutton who described the many ways that she is an asset to the Health and Human Services Department.

ITEM 7 – PUBLIC COMMENTS

At 9:57 a.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

No one responded to the invitation to address the Board.

The County Manager closed Public Comments at 9:58 a.m.

ITEM 8 – PUBLIC HEARING – PROPOSED ORDINANCE AMENDMENT TO SECTION 91.056 REDEMPTION; ADOPTION (Att. #4)

At 9:59 a.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

The following comments were made in Manteo: There were no comments made in Manteo.

The following comments were made in Buxton:

1. Grace Hallenbeck

- Stated that she noticed in Section 91.052 that it allows for immediate destruction of surrendered animals and she finds that very disturbing and suggested adding “after a two-week period of impoundment.”
- In Section 91.054 it reads if someone surrenders an animal it can be disposed of immediately, she recommends adding “after a two-week period of impoundment” to that as well.
- In Section 91.056 Subsection (A)(1) she recommended that the three days be approved and in Subsection 2 she recommended putting “the owner shall be entitled, after the five days of expiration, for someone to redeem their animal.” She feels that five days is a safe compromise.
- In Section 91.056 Subsection B, she recommends putting “After 5 days’ notice the animal could be adopted.”

The County Manager closed the Public Hearing at 10:03 a.m.

The County Manager discussed the use of the word “disposed” and recommended changing the language to “suitably placed or other disposition is made pursuant to the ordinances.”

Mr. Coleman addressed the Board and discussed the reasoning for the 72-hours was to have the ability to get animals adopted into families earlier instead of them sitting in the shelter for eight days. He explained the procedure for when an animal gets dropped off at the shelter or when a stray is picked up throughout the county. He also cited 2022 statistics from the shelter and expressed that the shelter has a 90% live outcome rate. There was a lengthy discussion regarding euthanizing animals - it was stated that the shelter does not euthanize healthy animals and there is no time limit on how long an animal can remain in the shelter.

Dorothy Hester, Public Information Officer, left the room at 10:19 a.m., and returned at 10:23 a.m.

MOTION

Commissioner Ross motioned approve the modifications that the County Manager suggested. Removing the wording “disposed of” and replacing it with “suitably placed or other disposition is made pursuant to the ordinances” and to modifying the language to read “notice thereof shall be posted for a minimum of five days” instead of 72 hours.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

After the motion was passed, Debbie Doughtie asked if she could address the Board. Chairman Woodard allowed her to come to the podium and state her concerns. She stated that she is from “Spay and Neuter Today” and her husband is a veterinarian. She stated that her concern is that the animals cannot be treated for the first three days if they are sick and asked when that happened. Mr. Coleman responded that has never happened. Mr. Outten clarified that the five days is simply the amount of time the shelter will hold the animal prior to disposition or prior to having them adopted, it does not mean they will not treat the animal. Ms. Doughtie then stated that cats in Kill Devil Hills that have been fixed and the ears have been clipped are getting euthanized now that the Kill Devil Hills animal control has their euthanizing license. The Board advised her to go discuss her concerns on this issue with the Town of Kill Devil Hills.

ITEM 9 – PUBLIC HEARING – BUXTION ZONING MAP AMENDMENT (Att. #5)

Chairman Woodard exited the room at 10:20 a.m., he returned at 10:30 a.m.

Mr. Gillam addressed the Board and expressed that a zoning map amendment application has been submitted by the Cape Hatteras Electric Membership Corporation and Point Break Pools and Spas LLC for their six properties along Light Plant Road in Buxton, NC. The parcels are currently zoned R2-A Medium Density Residential. The applicants are requesting to have their parcels rezoned C-3 Commercial to allow an increase in lot coverage for future expansion as power needs increase on Hatteras Island.

The meeting recessed at 10:23 a.m. and reconvened at 10:30 a.m.

At 10:31 a.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

The following comments were made in Manteo -

1. Susan Fly – Executive Vice President and General Manager of Cape Hatteras Electric Membership Corporation
 - Stated that Cape Hatteras Electric Cooperative is a Non-Profit Electric Distribution Utility that serves approximately 8,000 members and countless visitors. It has operated on Light Plan Road since the 1940's.
 - Expressed that the current residential zoning has created a challenge in the construction of the new operation center/truck storage facility.
 - The building permit was issued in December 2021 and the building is nearly complete.
 - Explained that the reason for the construction of this building is to alleviate some of the flooding issues and to provide additional truck storage, accommodate employee training, and to feed outside crews that come to provide storm assistance.
 - She stated that the change of the zoning will not change any of their current operations, they need 20 feet of concrete pads outside of each truck bay and the 30% lot coverage restriction would make it impossible.

Vice-Chairman Overman asked Ms. Fly if they are planning to add any additional buildings or trucks in the future? Ms. Fly responded no, not at this time, but may in the future decide to add some type of a residential property to house employees on the other side of the street, which will still be zoned residential.

The following comments were made in Buxton - There were no comments made in Buxton

The County Manager closed the Public Hearing at 10:35 a.m.

MOTION

Vice Chairman Overman motioned to approve the map amendment for CHEC and Point Break Pools & Spa LLC Properties located along Light Plant Road in Buxton be reclassified from R2-A to C-3 Commercial.

Commissioner Couch & Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 10 – PUBLIC HEARING – ZONING TEXT AMENDMENT TO SECTION 22-22.1 R-2A ALTERNATIVE MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR ACCESSORY USE TO CHURCHES (Att. #6)

Mr. Gillam addressed the Board, he stated that The St. John United Methodist Church in Avon has submitted a text amendment application to amend the R2-A Zoning Ordinance. The church is seeking the addition of accessory uses to churches to include youth retreat centers and/or recreation centers with overnight accommodations. It is the church goal to have a facility to host and house groups from other churches for mission work and camp retreats. The R2-A district applies to portions of Hatteras Island, and is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between the low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location. Any text amendment to the R2-A district would apply to all lands zoned R2-A.

At 10:39 a.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

No one responded to the invitation to address the Board of Commissioners on this issue.

The County Manager closed the Public Hearing at 10:39 a.m.

MOTION

Commissioner Bateman motioned to move that the draft amendment to the R2-A Zoning District, Section 22-22.1 of the Dare County Zoning Ordinance be adopted as drafted.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – KENRICK ALBAUGH STORAGE WAREHOUSE GROUP DEVELOPMENT – SUP #6-2023

This agenda item was handled as a quasi-judicial proceeding. Planning Director Noah Gillam, and the applicant, Kenrick Albaugh, were both duly sworn by the Clerk before offering any testimony. Mr. Outten explained the Board could only use the evidence presented at this hearing to make their decision.

Mr. Gillam explained the applicant, Mr. Kenrick Albaugh, had submitted a special use permit for a group development for his property located at 40041 Brinkley Lane in Avon. Currently on the parcel there are two buildings that function as mini storage facilities and they have been in existence since 1985, prior to the zoning being implemented in Avon. He is proposing to install a 60' ft x 20' ft building on the parcel that will function as six individual mini storage units.

Mr. Outten asked Noah if he had offered the file into evidence. Mr. Gillam affirmed he had done so.

Commissioner Couch acknowledged Steve Kovacs recommendation of an installation of a fire hydrant closer. Mr. Gillam stated that the fire hydrant would need to be installed somewhere along the intersection of Westerly Lane and Brinkley Lane, which is the road to access Brinkley.

Mr. Outten then asked Mr. Albaugh, if he had testimony to provide. His testimony follows:

Mr. Albaugh:

- The Planning Board has been trying to accommodate my wishes to add six more unconditioned storage spaces.
- I receive phone calls daily from locals and homeowners that live elsewhere, my storage facility stays full.
- It is not a big money maker, I can only charge so much per month for these spaces.
- There is not a lot of space on the property, which has resulted in only asking to add six more.
- I started this project in August with the Planning Board and submitted a proposed survey and a detailed design plan showing proposed firewalls.
- I have asked for requirements from the county or the Fire Marshall to help get a handle on the cost.
- It does not make since that this small of a project requires me to hire architects or build a metal building in an extremely salty environment.
- I have tried to get specific answers to his fire code and zoning questions for months now.
- I have been told that I might have to repair or replace the road, it was built in the 70's and destroyed by garbage trucks.
- There have been dozens of roads around the county that have been repaved that do not meet the states requirements.
- There is Westerly Lane coming in past Brinkley and the road is totally destroyed and I have paid for repairs. I have patched the road with gravel because there have been no repairs since the road was originally built.
- Brinkley Lane and the end of Westerly Lane breaks off at a 25-foot right of way so I understand that does not even come close to meeting the states requirements.
- I am curious whether this so-called group development will affect my ability to operate the existing two storage buildings and the yard as it is has for the last 38 years and per existing Dare County zoning code.
- What I am being required to sign off on rules and regulations that are above and beyond the existing zoning code in this County.
- It is requiring me to agree to different rules than what was voted in by the Commissioners of Dare County.
- It does not allow me to put a rental office on the property but I have to abide by all the fire codes as if I am building and occupying an office.
- The fire hydrant, I do not have a problem with because it is just going to help the neighborhood.

- I am only a couple feet off from an adjacent fire hydrant, but because of the new 2018 fire code I am required to be under 500 feet.
- If you look in Avon, you can see office buildings where there is further fire hydrants than my storage building is.
- I have to abide by these rules about staging, I was trying to define whether that meant deliveries which I am assuming that it means deliveries.
- I am a builder and I have to work with all the neighbors, I own this property, I operate it, I work with all the neighbors. I do not want the neighbors mad at me and I have done nothing but help the neighborhood.
- When I bought the building it was rundown, and the road was totally busted up and I repaired both. I got it up to shape and I am improving the neighborhood.
- I do not even know whether I am required to patch in/pave the roads because it has been open-ended on my conditions.
- There are two building permits for two new constructions being built right in the neighborhood.
- I have concerns on Number 9 (staging), Number 11 (restrictions that are not even on the zoning code), and the fact that I have to submit a rental agreement. I should not have to provide the county my own business lease agreements. It seems a little bit of overreach by the county.
- Restriction of access by myself and renters from 10p.m. to 6a.m. that is not in the zoning code that is in the noise ordinance.
- Long as you stay under a noise ordinance I do not see why I have to restrict my tenants from getting in there especially if that's the only time they can get in.
- It is the additional wording and conditions that are beyond conditions in the Dare County Zoning Code that causes my concerns, I am not trying to create any controversy I am just concerned about the overreach of these conditions that I have to sign that is basically taking the free use away from my property and it is causing too much cost.

Questions and discussion between Mr. Albaugh, County Manager, Mr. Gillam, and the Board.

Mr. Outten: The right-of-way that is involved in number nine, is that a right of way used by someone other than you? Are there others that have access on that right of way?

Mr. Albaugh: Yes.

Mr. Outten: So, you are objecting that you can't stage your equipment in the right of way?

Mr. Albaugh: No, I am not. What I am saying is that I am a builder. If you have deliveries a lot of times the delivery truck comes in and you have to get a forklift or they sometimes have a Moffett on the back of the truck and they might tie up the road, we always try to leave a lane open.

Mr. Outten: What would you like that condition to say?

Mr. Albaugh: Why would that even be a condition?

Mr. Outten: To ensure the right of way is not blocked with staged equipment for public safety reasons.

Mr. Albaugh: Isn't that probably in Dare County Code?

Mr. Outten: If it is, then it is no harm being in this, correct?

Mr. Albaugh: Well, it's the change of the wording from existing Dare County Codes to my conditions.

Mr. Outten: What would you like number nine to say?

Mr. Albaugh: I was just trying to get clarification whether it meant deliveries because I have to have deliveries and sometimes the trucks can't get in there.

Mr. Outten: What that means is that you can not block the right-of-way, you cannot put your equipment and leave it on the right of way. If the guy puts his delivery truck there for an hour to get the forklift to move it to your staging area, that is not an issue. It is the idea that you would stage your equipment. Staging meaning you leave it there during construction.

Mr. Outten: My question then is, you agree that there should be no staging as I have just defined it of equipment on the right of way?

Mr. Albaugh: That is what I am trying to figure out.

Mr. Outten: When I am talking about staging, it is when you store your supplies for your building during the construction process.

Mr. Albaugh: Why did you not word it as such?

Mr. Outten: Because that is what staging means. Staging does not mean delivery.

Mr. Albaugh: I did not get that.

Mr. Outten: After I have defined staging, you do not have an issue with that, correct?

Mr. Albaugh: If that is the true meaning of it.

Mr. Outten: Well if based of that being the true meaning of staging, then you don't have an issue with that condition?

Mr. Albaugh: I don't have a problem with deliveries either because I try to accommodate all my neighbors.

Mr. Outten: Let's look at number 11, units shall not be occupied for commercial or residential purposes. You understand and agree that you can't use the storage facilities for residential and commercial purposes, correct?

Mr. Albaugh: Well it is a commercial property, why can't I put my own office there for the business. I mean you are restricting me and it says it cannot be used or occupied. I am not applying for a residential permit I understand that.

Mr. Gillam: Number 11 is addressing the use of the actual unit. A business can not come in to the unit, open up a unit, and have commercial activities. Nowhere does it say you can not have an office on the property. You can not take one of the storage units and make it an office space.

Mr. Outten: The storage units shall not be used or occupied for residential or commercial purposes.

Mr. Albaugh: I understand that but a lot of those spaces in there are by small businesses and they store their equipment and overflow materials and they go in there every so often to get their stuff, so it is being used by a business.

Mr. Gillam: But the commercial activity of their business isn't functioning on that site.

Mr. Albaugh: Well I know, but its vague warning on how that's worded.

Mr. Outten: You agree that they can't run their office out of the storage unit, correct?

Mr. Albaugh: Yes, I don't want them to.

Mr. Outten: We will fix that. The hour restriction with Number 12, Noah please tell us why there is an hour restriction.

Mr. Gillam: There is typical blanket language that's been added to any of the storage units that we've approved over the last several years addressing the time the tenants of the units can come there. Across the street there is residential property and the Planning Board thought it was necessary to have a time restriction so somebody was not outside at 11:00

p.m. or midnight in the storage unit. It was a protection of the residences around the property and it is reflective of the noise ordinances.

Mr. Albaugh: But that is not what it says in here. It says I just can't use it, so as you're reflecting on the noise ordinance why do I have to sign these additional agreements.

Mr. Outten: You do not have to sign anything, they are going to issue you a permit you do not necessarily have to sign it if you don't want to. Whatever permit they issue you will be the permit that you have to work with so I am trying to fether through the issues.

Mr. Albaugh: It's one thing keeping the noise down during those time periods because of the noise ordinance. I build houses, I've got people sometimes that want to work on Saturdays and Sundays because they want to make more money. I tell them, I tell everybody, that they have to worry about the noise ordinance.

Mr. Outten: Do you have any idea what hours people use your current units?

Mr. Albaugh: No, its all hours. I mean as far as I can tell there are people that work at night or they can't get to it in the morning.

Mr. Outten: You do not know whether people are in there at midnight or one in the morning or anything like that?

Mr. Albaugh: No.

Mr. Outten: You mentioned the fire code, and the Board can not waive the fire code. I get that you and Steve do not agree on what it means, and you and I have had a conversation about that.

Mr. Albaugh: I understand that, but it was also in there that I could not have an office.

Mr. Gillam: There is nowhere in this Special Use Permit that says you cannot have an office.

Mr. Albaugh: We can go back to the discussion we had about the other section.

Mr. Outten: We are going to fix number 11. You mentioned paving the road, there is no condition in this special use permit that required you to pave the road, correct?

Mr. Albaugh: No, its in the cover letter. It basically comes down to I am supposed to abide by whatever Steve comes up with and his interpretation of the fire code. He has to make sure there is access for a 75,000-pound fire truck.

Mr. Outten: If you disagree then the insurance commission is the entity that will solve the dispute, not the Board. The Board can not waive the fire code. If Steve says the fire code requires you to have a fire hydrant or to do this or to do that, then that is what the fire code requires. If you and Steve have a disagreement about what that means then you can always go to the insurance commission and we will live by what they tell us. If their interpretation is different than Steve's then we'll go by theirs, if it is the same as Steve's then we will go by Steve's. There is an alternative to have that.

Mr. Albaugh: On the other hand, I have been told that those streets are all up to the owners to repair or for me to get this permit. That was part of the presentation letter.

Mr. Outten: That is not what is in the permit that is proposed before the Board now.

Mr. Albaugh: I will have to reread it to show you exactly where it is.

Mr. Outten: Is it in the permit? (Addressed to Mr. Gillam)

Mr. Gillam: No, the only thing referenced in the permit is all structures and improvements constructed after November 6th, 2023 shall be constructed in compliance with the requirements of the Dare County Fire Marshall and North Carolina Fire Code.

Mr. Albaugh: That tells me I have to abide by whatever he says or fight. My complaint about that is I don't think these roads have been addressed back there since (inaudible)

Mr. Outten: I will speak to the roads, there are three kinds of roads in North Carolina. There is a state road that is maintained by the state of North Carolina, there is a city road maintained by the cities and towns, and there are private roads. There is no such thing as a county road. Counties do not have the right to keep and maintain roads, so if that road is in disrepair then it is incumbent upon the private property owners who hold the right of way rights. That is the same thing that happens in all the private roads in Dare County including everything from something as large as Colington Harbor to Dean Avenue.

Mr. Albaugh: I understand that, but don't you send recommendations to the state?

Mr. Outten: It is not a state road; the state is not going to maintain it either. It is a private road so for whatever reason when you bought that land and when the people that bought on the other side, you bought knowing that it was a private road and therefore the maintenance requirements are incumbent upon you all. They are not the taxpayer's responsibility.

Mr. Albaugh: I understand what you are saying that the county does not maintain the roads. There has been a lot of instances where they have maintained.

Mr. Outten: No there has not been.

Commissioner Ross: Point to one, point to two.

Mr. Outten: I had a conversation last week with somebody about it a different road.

Mr. Albaugh: I know of a case where there was a County Commissioner a long time ago that had a road paved.

Mr. Outten and other Board Members: That hasn't happened in 16 years.

Mr. Outten: Those are the issues that we have addressed in the permit, we are going to fix the language in number 11 to make it clear that we are not stating a commercial enterprise can't store anything there, but that they can not operate their commercial business from the units and you acknowledged that wasn't appropriate either.

Mr. Albaugh: I can still operate an office there if I choose to?

Mr. Outten: Yes, if your site plan shows and designates an office and the office meets the code requirements then yes, you can. A commercial space allows offices, but it does not allow you to operate an office in a storage facility. If you want to turn one of the storage facilities into an office then it has to be up to code an office to be built as and you have to bring a site plan in to get a permit to do that.

The County Manager asked the applicant if he agrees to the findings of fact listed in the SUP, the supporting documents on file, and the testimony presented by the Planning Director. Mr. Albaugh indicated his agreement. The County Manager then asked the applicant if the language is changed to make it clear that the permit is not talking about commercial storage, but commercial operation; does he then consent to the order.

Mr. Albaugh indicated his agreement, but stated he is still weighing the options whether this is even cost justifiable.

The County Manager asked again, if the change is made then he will consent to the special use permit as presented today. Mr. Albaugh indicated his agreement.

Commissioner Ross: Just to confirm, the Board is to approve a special use permit with 15 attached conditions, one of which number 11 shall be modified to clarify the commercial use as an office.

Mr. Albaugh: I do not understand why you are spelling out all of this when basically all you have to say is that I have to follow the rules of the county that are existing.

Mr. Outten: There is two overlying things, one there are a code of ordinances and there's an enforcement mechanism. For those however, the code has set this up as a special use permit and therefore requires a special use permit. The difference is that if you violate the special use permit your permit to use it for that purpose is revoked and you do not have to go through the whole process of a code violation because you have violated the permit that allows you to use the permits. Whether you agree or disagree there are multiple types of development in the county that require special use permits. The purpose of those are that they allow the Board if they choose to, to add conditions that are not spelled out in the ordinance to protect the public safety and welfare. The Board has said if we are going to allow this use in this location then we want the ability to add conditions that are not necessarily in the ordinance somewhere else, that is why you have a special use permit. Now this Board did not do that, this ordinance was adopted whenever by a different Board but because it is in the special use permit category then they must follow this process in order to issue you a permit to try to help you get your project done.

Mr. Albaugh: I could keep on arguing about some of these provisions.

Mr. Gillam: I explained during the Planning Board review of the special use permit that a number of these conditions are written in the code, and he may be familiar with the code. A Special Use Permit goes with the land, not just the applicant, so if he were to sell the property this special use permit would transfer and it would spell out things that the average person would not be aware of if they purchased the property. It is also a protection for somebody else purchasing the property or if he were to rent the property somebody else to function as such, it lists all the rules and regulations.

Mr. Outten: Other than your disagreement with the Fire Marshall, there is nothing in here that you disagree with, we are going to fix the problem you had with number 11.

Commissioner Bateman: The time limit on the operation of being 6 a.m. to 10:00 p.m. that's in any storage unit in all of Dare County?

Mr. Gillam: Any of the ones that I have been a part of review since my ten years with the county there has typically been a time frame of the occupant or of the renter being able to go to the storage unit that reflective of the noise ordinance.

Commissioner House: I have a storage unit myself and it has that time restriction on it.

Commissioner Bateman: The ones in Kitty Hawk do too.

MOTION

Commissioner Couch motioned to approve SUP #6-2023 and associated site plan for the storage warehouse group development with the change in the definition of commercial in number 11 as discussed.

Commissioner Basnight seconded the motion.

VOTE: AYES unanimous

ITEM 12 – DARE COUNTY DRAFT 2022 LAND USE PLAN FINAL REVIEW (Att. #7)

Mr. Outten asked if there was a deadline for when this has to be completed? Mr. Gillam stated that a clock starts today if the Board agrees to schedule the public hearing for January 2nd because there are certain requirements that has to be abided by with the CRC notifications and items have to be sent to the District Planner.

Mr. Gillam stated that the current plan the County is operating under is the 2009 Dare County Land Use Plan and it was certified by the state in 2010. Every five to ten years counties are

required to update their Land Use Plan to reflect growth in their community and to ensure compliance with the Coastal Resources Commission. The Planning Board and Planning Staff began working on this plan in 2018.

MOTION

Vice Chairman motioned to move that a public hearing on the adoption of the 2022 Dare County Land Use Plan be scheduled for January 2nd, 2024.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 13 – CAPITAL PROJECT ORDINANCE – EMS PHASE II

Mr. Peele addressed the Board and stated that Item 13 and 14 are one in the same as they are related to the need for additional Engineering Services for a traffic control light at EMS Station 9. He explained that the Finance Department has put together the Capital Project Ordinance that reflects that the debt proceeds and architectural service from the Series 2024A LOBs for Phase II will be increased by \$49,000.

MOTION

This Item was combined and motioned for approval with Item 14.

ITEM 14 – CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT – EMS PHASE II

Mr. Peele explained that Item 14 is the actual proposal from the Architect Firm showing a line item list of the costs that equate to \$49,000.

MOTION

Commissioner House motioned to combine Items 13 and 14 and motioned to approve the Capital Project Ordinance and the Contract Amendment to the Professional Services Agreement.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 15 – FIRST FLIGHT MIDDLE SCHOOL FIELD REPAIR OPTIONS

A full account of the Board's discussion and action on this item is archived on a video that is available for viewing on the Dare County website. Following is a brief synopsis –

Mr. Outten referenced the discussion during November Board meeting about repairing the field at First Flight Middle School. He then presented six different repair options to the Board for their consideration.

Commissioner Ross exited the room at 11:19 a.m., he returned at 11:21 a.m.

Chairman Woodard expressed that he has spoken to many key folks, coaches, Commissioner Ivy Ingram, etc. and they all want this project to be completed and they are willing to compromise.

Commissioner Bateman inquired if the county has a contract with a company to do maintenance on the fields? Mr. Outten responded by stating yes, Albemarle Landscaping Services, and if we add these fields to that maintenance contract it will be about a \$39,000 a year expense.

Commissioner Basnight asked what the life expectancy of the field would be? Mr. Outten responded that if we maintain it and close it to let the grass grow, it should last forever. She also confirmed with Mr. Outten that there are sprinklers on the field.

MOTION

Commissioner House motioned to proceed with Option Three – the Sod and Sprig Approach. Commissioner Basnight and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Mr. Clawson noted that there is money available to complete this project.

ITEM 16 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room.

MOTION

Commissioner House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (11.06.23) **(Att. # 8)**
- 2) Tax Collector’s Report
- 3) Budget Amendment for the Closeout of the Colington Road Waterline Betterment
- 4) NC Governors Highway Safety Program (GHSP) Local Government Resolution **(Att. #9)**
- 5) Amendment to the Brightspeed Contract
- 6) Dare County Information Technology Sole Source Resolution **(Att. #10)**
- 7) Title VI Program Plan Update – Transportation

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 17 – BOARD APPOINTMENTS

- 1) Stumpy Point Community Center Board

Commissioner Couch motioned to appoint Dabni Shelton.

Commissioner House and Overman seconded the motion.

VOTE: AYES unanimous

- 2) Juvenile Crime Prevention Council

Commissioner House motioned to appoint Spencer Gregory and Martin Dalton.

VC Overman seconded the motion.

VOTE: AYES unanimous

- 3) Transportation Advisory Board

Commissioner Couch motioned to reappoint George Carver.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

- 4) Special Motor Vehicle Valuation Review Board

VC Overman motioned to reappoint Danny Couch, Dock Sawyer, and David Light.

Commissioner House seconded the motion.

VOTE: AYES unanimous

- 5) Board of Evaluation and Review

Commissioner House motioned to reappoint Nelson V. “Skip” Jones, Johnathan Waddill, Jeffrey Scott, Terry Gore, Charles Evans.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

6) Parks and Recreation Advisory Council

Vice-Chairman motioned to reappoint Missy McPherson.

Commissioner Basnight seconded the motion.

VOTE: AYES unanimous

7) Older Adult Services Board

VC Overman motioned to appoint Sandra Burgee.

Commissioner House seconded the motion.

VOTE: AYES unanimous

8) Tourism Board

Dare County Restaurant Association

Commissioner Bateman motioned to reappoint Mark Ballog.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Outer Banks Association of Realtors

Commissioner Ross motioned to appoint John Head.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Town of Kitty Hawk

Commissioner Bateman motioned to reappoint David Hines.

VC Overman seconded the motion.

VOTE: AYES unanimous

Town of Kill Devil Hills

The representative for the Town of Kill Devil Hills has been tabled until January.

Town of Nags Head

Commissioner House motioned to reappoint Michael Siers.

Vice-Chairman seconded the motion.

VOTE: AYES unanimous

Dare County Board of Commissioners

Commissioner Bateman motioned to appoint Vice-Chairman Wally Overman.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Member At-Large

Commissioner Bateman motioned to appoint Tess Judge.

Commissioner Basnight & Commissioner House seconded the motion.

VOTE: AYES unanimous

9) Upcoming Board Appointments

The upcoming Board appointments for January, February and March, 2024 were announced.

ITEM 18 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Following is a brief summary outline of the items mentioned by Commissioners and the County Manager during this segment:

MANAGER’S/ATTORNEY’S BUSINESS

- Stated that there has been a lot of discussion about pickleball. He discussed the possible solution at the YMCA and stated that they would let the county build the courts but would only give the county a five-year commitment and there would be no reimbursement. He asked the Board if he could let the YMCA know that this is not an agreement that the county can proceed with, the Board agreed. There was then further discussion regarding possible pickleball solutions.

- Mr. Outten informed the Board that it was time to eliminate the COVID Leave Policy.

MOTION

Commissioner Couch motioned to eliminate the COVID Leave Policy.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

- Mr. Outten announced that Woda Cooper had contacted him and informed him that they were moving on from their projects in Dare County. Commissioner Ross stated that he will meet with David Cooper over the holiday and will report back to the Board in January.
- Mr. Outten explained that on the back of the Health Center property in Hatteras Village there is an old helicopter pad that is no longer in use and is beginning to erode. He asked the Board for their authority to remove the helicopter pad and regrade/repair the property. Commissioner Bateman expressed that a bulkhead needed to be installed. Commissioner House asked if the FFA has been notified. Mr. Outten stated he will ensure that the FFA receives notification if they have not already.

MOTION

Vice-Chairman Overman motioned to give authority to remove the helicopter pad behind the Health Center in Hatteras Village.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Dorothy Hester

- Announced that the State of the County event will be taking place on January 23rd at Captain George’s with a max of 200 people.
- She stated that the theme will be teamwork and that she will be meeting with each Board Member individually to prepare.

Dave Clawson

- Stated that himself and Dustin Peele went to a Construction Meeting with Barnhill. He announced that the Southern Shores Station substantial completion is February 13th and Barnhill will probably beat that date. The Medflight station is ahead of schedule and the Kill Devil Hills Station is on schedule.

- Announced that the audit report has been completed and was sent to the Local Government Commission and he will present it to the Board at the January meeting.

Chairman Woodard exited the room at 11:44 p.m., he returned at 11:47 p.m.

COMMISSIONERS' BUSINESS

Chairman Woodard explained that due to the passing of Commissioner Tobin, the Board needed to appoint a new Chair to the Oregon Inlet Task Force.

MOTION

Chairman Woodard motioned to appoint Commissioner Steve House as the Chairman of the Oregon Inlet Task Force.

Seconded by Vice-Chairman Overman.

VOTE: AYES unanimous

Commissioner Ross

- Attended the Brian Culture Series concert at the St. Andrews by the Beach Church where the ECSU Choir and guests' vocalists of Handel's Messiah preformed. He expressed that it was a spectacular performance.
- He was pleased to announce that a report that was previously suspended due to COVID, "Roadmap of Need," has been reinstated. He explained that it considered a "Whole Child Assessment" of students K-12. He was also pleased to announce that Dare County finished ninth out of one-hundred North Carolina Counties, although prior to COVID Dare County was finishing in the 1st-4th spot.
- On November 14th at the animal shelter, the new veterinarian Dr. Newman, Shelter Director Bill Coleman, and the Chamber held a ribbon cutting for the new Surgical Room. Minor surgeries will now be preformed at the shelter opposed to using the local veterinarian services.
- Announced that the Audit Committee will meet on December 5th and he will share the results at the January Board meeting.
- On December 18th and 20th, the Virginia Tillett Community Center will be hosting their annual Toys for Kids Community Giveaway.

Commissioner House

- Thanked the fellow Commissioners for his appointment of Chairman of the Oregon Inlet Task Force.
- Stated that the NC Marine Fisheries finally released last year's statistics and he has found some inconsistencies. He will be holding a Working Waterman Commission meeting in January to dive deeper into the statistics and attempt to fight back.
- Discussed the Workboat seminar that was held in New Orleans in November and how Miss Katie was on one of the banners when you walked in to the grand hallway.
- Pet of the Week: Rupert, a four-and-a-half-year-old mixed breed, is available for adoption.
- Our Day in History: According to many scholars on December 4th, 1619 thirty colonist from Berkley, Paris disembarked in Virginia and gave thanks to God, which was considered by many as the first Thanksgiving in the America's.
- Wished everyone a Merry Christmas.

Vice-Chairman Overman

- Thanked service pin recipients and the Employee of the Month: Angela Grant
- A Wall that Heals Presentation thanking all of the sponsors and participants was shown. This presentation was created with the help of Katelin Kight.
- Wished everyone Merry Christmas and Happy New Year.

Commissioner Bateman

- Thanked Vice-Chairman Overman for his efforts to the Wall that Heals.
- Stated that he purposely did not visit the Wall when visiting Washington due to family, but when the Wall that Heals came to Nags Head it made him go. He feels that it was a great event for the people of Dare County.
- Welcomed Bea Basnight to the Board and stated that he looks forward to working with her.
- Wished everyone Merry Christmas & Happy New Year.

Commissioner Couch

- Welcomed Bea Basnight to the Board.
- Recognized the FFHS Men's Soccer Team for their State Championship Title.
- Recognized Good Guys Vs. Cancer and how the event has taken off.
- Expressed that Dare County does a great job supporting the children and athletics within the community.
- Wished Chairman Owens, Town of Manteo, the best with his health.
- Recognized the outstanding job Tim White did for the Parks and Recreation Department and for everyone to stand by him and his family during this difficult time.
- Thank Vice-Chairman Overman for his efforts with The Wall that Heals and took a moment to acknowledge the heroes and how the community all came together and made it happen.
- Told the story of the SSG Marshall Marshal Kipina, who's plane went missing during the Vietnam War when he encountered heavy thunderstorms.
- Acknowledged the life of Fountain Odom and Eugene Austin.
- Announced that he will not be running for a Commissioners seat in the upcoming 2024 General Election.
- Wished everyone a Merry Christmas and Happy Holidays.

Commissioner Basnight-

- Expressed that she is honored to serve the citizens of Dare County.
- Thanked the FFHS Chorus for their entertainment and congratulated FFHS Men's Soccer Team on their State Championship title.
- Thanked Vice-Chairman Overman for his efforts to the Wall that Heals.
- Congratulated service pin recipients and the employee of the month, Angela Grant.
- Expressed that Fountain Odom was a great asset to our state and to Dare County. She then said that he met her walking in Festival Park one morning and told her that he was trying to make the Scuppernong Grape the State Fruit. She then had her fifth-grade class do the research and send a Resolution to the General Assembly, which resulted in success.

- Inquired about the \$54.9 million appropriation for pathways, and stated that when the VTCC was built there was a potential pathway that went from the center over to the Tourism Bureau to CSI and asked if that was part of what the Board was looking into. Mr. Outten explained that they were looking to do some upgrades to the path.
- Wished everyone a Merry Christmas and Happy New Year.

At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

MOTION

Commissioner Couch motioned to adjourn the meeting.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 12:43 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 2nd, 2024.

Respectfully submitted,

[SEAL]

By: _____
Skyler Foley, Clerk to the Board

APPROVED: By: _____
Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Note: Copies of attachments (Att.), ordinances, resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk. Attempts have been made to accurately spell each podium speaker.



Tax Collector's Report

Description

November 2023 Discoveries over \$100
November 2023 Releases over \$100
November 2023 Refunds over \$100
November 2023 NCVTS Refunds over \$100

Board Action Requested

Approved

Item Presenter

Becky Huff, Tax Collector

Discovery Report for Real Estate and Personal Property

(Discoveries over \$ 100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel	Bill#	Bill Yr	Value Discovered	Tax Discovered	Date
ISLAND SMOOTHIE CAFE	985099000	2023307	2023	132,151.00	901.99	11/2/2023
SANDALWOOD CONST INC	971007000	2023308	2023	38,835.00	284.28	11/2/2023
R L MUSICK CONCRETE	973885000	2023309	2023	47,615.00	312.32	11/2/2023
ODEN BROTHERS, INC	973010002	2023310	2023	429,006.00	3036.73	11/2/2023
LASSEN, PATRICIA	935087000	2023312	2023	6,115.00	288.06	11/21/2023
Bills Discovered:		6		653,722.00	4823.38	

Release Report for REAL ESTATE and PERSONAL PROPERTY
(Releases over \$ -100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel #	Bill Year	Reason	Released Value	Released Tax
MORRIS RV SVC INC	981854000	2023	AMENDED LISTING	(66,799.00)	(443.95)
ATLANTIC COAST CAFE	983461000	2023	BUSINESS SOLD	(25,264.00)	(170.30)
LL FLOORING INC	978091000	2023	DUPLICATE BILL	(91,561.00)	(760.91)
SILLA, JACK	936396000	2023	CT ADJUSTED VALUE	(16,250.00)	(108.02)
ANACONE, DAVID J	020995024	2023	NO LONGER RENTAL	(16,784.00)	(116.80)
PHELPS, MICHAEL S	025536014	2023	BOAT SOLD 22	(17,166.00)	(140.87)
TAXPAYER	002775005	2023	BD APPROVED LATE OAE	0.00	(903.92)
TAXPAYER	002919000	2023	BD APPROVED LATE DVET	0.00	(339.98)
TAXPAYER	005691000	2023	BD APPROVED LATE EXEMPT	0.00	(2,549.58)
TAXPAYER	008095013	2023	BD APPROVED LATE EXEMPT	0.00	(15,915.00)
TAXPAYER	018774003	2023	BD APPROVED LATE EXEMPT	0.00	(648.75)
Totals:				(\$233,824.00)	(\$22,386.14)

Refund Report for Real Estate and Personal Property

(Refunds over \$ -100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel	Bill#	Bill Yr	Refund Amt	Reason	Date
WEAVER, H BRUCE	003782000	4778	2022	\$ (2,784.73)	OVERPAYMENT	11/2/2023
FOX, CRAIG W	029550000	41136	2022	\$ (1,365.34)	OVERPAYMENT	11/2/2023
OLD, DALE N	001170000	1753	2023	\$ (436.49)	OVERPAYMENT	11/21/2023
CAFFEE, F. WAYNE TTEE	001226000	1810	2023	\$ (461.61)	OVERPAYMENT	11/21/2023
PERKINS, PAUL H JR	002575000	3313	2023	\$ (408.03)	OVERPAYMENT	11/21/2023
WATSON, ROBERT E JR	003735000	4723	2023	\$ (647.28)	OVERPAYMENT	11/2/2023
ADAMS, VAN JR	006749033	8441	2023	\$ (476.60)	OVERPAYMENT	11/21/2023
HILOVSKY, MARTIN A TTEE	013191016	17043	2023	\$ (1,026.29)	OVERPAYMENT	11/29/2023
LEE, HEATH WAYNE	018782014	25733	2023	\$ (823.28)	OVERPAYMENT	11/29/2023
SAWYER, WARREN MILES	019024000	26090	2023	\$ (406.56)	OVERPAYMENT	11/21/2023
HURLEY, DAVID C	021609000	28746	2023	\$ (699.95)	OVERPAYMENT	11/29/2023
SELLERS, CAMPBELL C	025194015	34343	2023	\$ (1,136.60)	OVERPAYMENT	11/29/2023
KDH AT FIVE AND THREE QUARTERS, LLC	000444000	680	2023	\$ (8,069.50)	OVERPAYMENT	11/2/2023
MONTIEL, MICHAEL	000574000	951	2023	\$ (2,088.55)	OVERPAYMENT	11/29/2023
HOWELL-CLARK, LORI	000633000	1024	2023	\$ (1,641.71)	OVERPAYMENT	11/21/2023
JARVIS, LINDA BUCKNER	000656000	1064	2023	\$ (339.85)	OVERPAYMENT	11/21/2023
DENBY, ERIN	001215000	1799	2023	\$ (416.66)	OVERPAYMENT	11/29/2023
FRIED, HARRY C	001389000	1975	2023	\$ (551.22)	OVERPAYMENT	11/29/2023
HARRINGTON, BRICE JOHN-WILLIAM	001550000	2143	2023	\$ (1,728.10)	OVERPAYMENT	11/29/2023
PALM-MURRAY, JULIA	001578000	2169	2023	\$ (1,082.25)	OVERPAYMENT	11/2/2023
PALM-MURRAY, JULIA	001578000	2169	2023	\$ (360.76)	OVERPAYMENT	11/21/2023
NOLIN, PAIGE S	001790000	2387	2023	\$ (2,211.62)	OVERPAYMENT	11/29/2023
MUNDEN, CLARENCE B	001965000	2570	2023	\$ (1,460.39)	OVERPAYMENT	11/29/2023
HADGRAFT, WILLIAM S	002024001	2635	2023	\$ (2,717.54)	OVERPAYMENT	11/29/2023
MOORE, RONALD S	002089000	2704	2023	\$ (1,238.64)	OVERPAYMENT	11/29/2023
SANDERS, ELLIS WRIGHT	002278001	2917	2023	\$ (1,215.99)	OVERPAYMENT	11/29/2023
SHEPARD, KENNETH J	003304014	4240	2023	\$ (1,609.22)	OVERPAYMENT	11/29/2023
JOHNSON, SCOTT H	004736022	6074	2023	\$ (2,639.72)	OVERPAYMENT	11/21/2023
LENGEL, HUNTER E	004767000	6103	2023	\$ (1,984.70)	REMOVE RENTAL	11/21/2023
HEROLD, SCOTT PAUL TTEE	005047000	6529	2023	\$ (2,821.04)	OVERPAYMENT	11/29/2023
AMBROSE, DAVID J	005285000	6771	2023	\$ (566.20)	OVERPAYMENT	11/21/2023
NEAL, CAROLYN B TTEE	005553000	7051	2023	\$ (1,097.42)	OVERPAYMENT	11/2/2023
BISCAHA, KATHERINE E LINDSAY	005855005	7440	2023	\$ (1,085.36)	OVERPAYMENT	11/21/2023

Refund Report for Real Estate and Personal Property

(Refunds over \$ -100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel	Bill#	Bill Yr	Refund Amt	Reason	Date
JANISCH, SAMANTHA RYNE	006039000	7672	2023	\$ (1,429.38)	OVERPAYMENT	11/29/2023
SAPPAH, ROBERT J	006349000	8037	2023	\$ (1,732.85)	OVERPAYMENT	11/21/2023
BOWDEN, MARY C	006528000	8218	2023	\$ (540.48)	OVERPAYMENT	11/21/2023
SIMS, FAYE PIERCE TTEE REVOC LIVING TRUS	006560000	8253	2023	\$ (376.27)	OVERPAYMENT	11/21/2023
MOOMY, ANDREW	006838009	8557	2023	\$ (1,956.86)	OVERPAYMENT	11/21/2023
TALBERT, KELSEY B	006983000	8737	2023	\$ (1,226.77)	OVERPAYMENT	11/29/2023
BROWN, WILLIAM F	007289000	9077	2023	\$ (2,096.98)	OVERPAYMENT	11/21/2023
SARRATT, RICHARD S TTEE	007410000	9224	2023	\$ (1,786.45)	OVERPAYMENT	11/29/2023
GEVERD, BRIAN	008065000	10012	2023	\$ (1,378.92)	OVERPAYMENT	11/29/2023
BRALEY, PETER A	008075618	10157	2023	\$ (378.51)	OVERPAYMENT	11/29/2023
BECKER, EDWARD POWELL	008155000	10347	2023	\$ (2,817.89)	OVERPAYMENT	11/21/2023
OTZELBERGER, NICHOLAS G	008164158	10434	2023	\$ (1,788.27)	OVERPAYMENT	11/21/2023
OUTER BANKS HOME BUILDERS	009166000	11528	2023	\$ (816.68)	OVERPAYMENT	11/2/2023
MICHEL, JOSEPH G	009704000	12184	2023	\$ (4,796.41)	OVERPAYMENT	11/29/2023
PITTS, PATRICIA B TTEE	009720000	12200	2023	\$ (687.42)	OVERPAYMENT	11/21/2023
IACHAN, RONALDO	009779011	12306	2023	\$ (5,163.27)	OVERPAYMENT	11/29/2023
SIDARI, KIMBERLY SUZANNE	009782214	12405	2023	\$ (531.11)	OVERPAYMENT	11/29/2023
STONE, GEORGE F III	010067050	12833	2023	\$ (4,062.12)	OVERPAYMENT	11/2/2023
WATTS, CHRISTOPHER JAMES	010069035	12951	2023	\$ (1,506.12)	OVERPAYMENT	11/29/2023
IANNUZZELLI, VINCENT F TTEE	010244903	13367	2023	\$ (539.84)	OVERPAYMENT	11/2/2023
IANNUZZELLI, VINCENT F TTEE	010244903	13367	2023	\$ (539.84)	OVERPAYMENT	11/21/2023
WINTER, KALLIE JO	010574000	13845	2023	\$ (2,472.13)	OVERPAYMENT	11/29/2023
TEUTSCH, THORSTEN H	011125000	14404	2023	\$ (2,045.01)	OVERPAYMENT	11/2/2023
SAVIN, JAMES ELLIOTT III	011133000	14412	2023	\$ (3,771.17)	OVERPAYMENT	11/29/2023
TRABUE, CARLETON S	011160007	14478	2023	\$ (1,000.00)	OVERPAYMENT	11/2/2023
WOLF, SHANE	011215000	14550	2023	\$ (2,671.01)	OVERPAYMENT	11/2/2023
DOYLE, JAMES M	011346000	14705	2023	\$ (1,089.36)	OVERPAYMENT	11/21/2023
BARRITT, SCOTT MCMILLAN TTEE	011537000	14901	2023	\$ (1,825.53)	OVERPAYMENT	11/2/2023
BURNS, THOMAS MERRILL	011950000	15347	2023	\$ (364.00)	OVERPAYMENT	11/29/2023
STOFFEL, PAMELA S	012045000	15442	2023	\$ (968.51)	OVERPAYMENT	11/29/2023
VANLESSER, GLENN A	012217002	15654	2023	\$ (1,148.35)	OVERPAYMENT	11/29/2023
OBX REAL ESTATE HOLDINGS LLC	012628000	16202	2023	\$ (1,031.11)	OVERPAYMENT	11/2/2023
HARRINGTON, MICHAEL BRIAN	012630000	16204	2023	\$ (554.74)	OVERPAYMENT	11/29/2023

Refund Report for Real Estate and Personal Property

(Refunds over \$ -100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel	Bill#	Bill Yr	Refund Amt	Reason	Date
STREET, STEVEN L	012684007	16281	2023	\$ (607.91)	OVERPAYMENT	11/2/2023
HOPPS, MEGAN A TTEE	013302011	17211	2023	\$ (4,186.66)	OVERPAYMENT	11/29/2023
CRISP, JAMIE STRICKLAND	013976000	17924	2023	\$ (181.30)	OVERPAYMENT	11/2/2023
WITHROW, STEPHEN PARKER TRUSTEES	014060000	18016	2023	\$ (2,257.84)	OVERPAYMENT	11/21/2023
PEREZ, JOHN DAVID	014225001	18202	2023	\$ (437.00)	OVERPAYMENT	11/29/2023
GUTHRIDGE, ROBERT A	014234017	18252	2023	\$ (1,097.32)	OVERPAYMENT	11/29/2023
PARROCO MANAGEMENT GROUP LLC	014359007	18645	2023	\$ (888.79)	OVERPAYMENT	11/29/2023
SINK, SAMUEL R	014768000	19212	2023	\$ (100.35)	OVERPAYMENT	11/29/2023
MOXIN, EDWARD D JR	014822160	19458	2023	\$ (3,067.47)	OVERPAYMENT	11/29/2023
SMITH, RICHARD VERNON TTEE	014822236	19531	2023	\$ (6,180.46)	OVERPAYMENT	11/29/2023
MILLER, LOIS GRAY	014822620	19658	2023	\$ (1,669.01)	OVERPAYMENT	11/29/2023
VIROSTEK, ANDREW C TTEE	014896001	19971	2023	\$ (4,299.23)	OVERPAYMENT	11/29/2023
DANIELS, ROBERT J	014976001	20073	2023	\$ (1,572.57)	OVERPAYMENT	11/21/2023
DAVIS, STEPHEN J	015303000	20550	2023	\$ (1,588.73)	OVERPAYMENT	11/29/2023
RUCKLE, SUSAN MARIE	015834000	21197	2023	\$ (1,033.14)	OVERPAYMENT	11/21/2023
SHISLER, JOSEPH K JR	015918000	21294	2023	\$ (2,080.44)	OVERPAYMENT	11/29/2023
O'NEAL, BRYAN STEPHEN	016463000	21956	2023	\$ (900.00)	OVERPAYMENT	11/21/2023
O'CONNOR, MICHAEL ANTHONY	018229022	24664	2023	\$ (3,608.98)	OVERPAYMENT	11/29/2023
BESTERCI, MARK	018588108	25263	2023	\$ (771.25)	OVERPAYMENT	11/2/2023
BESTERCI, MARK	018588108	25263	2023	\$ (771.25)	OVERPAYMENT	11/21/2023
FRASCA, WILLIAM S	019119000	26186	2023	\$ (1,951.25)	OVERPAYMENT	11/21/2023
PALM, PAMELA C	019717000	26760	2023	\$ (2,051.87)	OVERPAYMENT	11/29/2023
WESTON, SYLVIA J	019998000	27031	2023	\$ (420.47)	OVERPAYMENT	11/29/2023
LISAGOR, N MATTHEW	020114000	27148	2023	\$ (1,110.65)	OVERPAYMENT	11/29/2023
CANEPA, SANDRA A TTEE	020376000	27412	2023	\$ (853.45)	OVERPAYMENT	11/21/2023
KORVER, RODNEY S	020491000	27518	2023	\$ (3,096.99)	OVERPAYMENT	11/29/2023
SEITZ, EUGENE J	020667000	27677	2023	\$ (1,426.25)	OVERPAYMENT	11/29/2023
PADGETT, ANNA LEE FLEMING	020721000	27731	2023	\$ (251.77)	OVERPAYMENT	11/21/2023
KLOTZ, CHRISTOPHER L	020904035	27945	2023	\$ (4,341.25)	OVERPAYMENT	11/21/2023
DOUGHERTY, SUANNE F TRUSTEE	021492000	28621	2023	\$ (2,081.98)	OVERPAYMENT	11/29/2023
MANZHUKH, ALEKSANDR	021556000	28691	2023	\$ (2,108.70)	OVERPAYMENT	11/29/2023
VAUGHAN, MARY P OR HER SUCCESSOR	021794000	28945	2023	\$ (2,274.78)	OVERPAYMENT	11/29/2023
NARAYAN, SIDDARTH	022113039	29288	2023	\$ (2,117.60)	OVERPAYMENT	11/29/2023

Refund Report for Real Estate and Personal Property

(Refunds over \$ -100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel	Bill#	Bill Yr	Refund Amt	Reason	Date
KHOURI, MATTHEW H	022356016	29579	2023	\$ (3,147.77)	OVERPAYMENT	11/21/2023
KINGSLEY, MARK S	022357015	29599	2023	\$ (987.54)	OVERPAYMENT	11/21/2023
WHELAN, CHRISTOPHER W SR	022519110	30208	2023	\$ (4,370.74)	OVERPAYMENT	11/29/2023
PROBST, DENNIS M	022654000	30423	2023	\$ (1,099.00)	OVERPAYMENT	11/29/2023
GATELY, ROBERT W TTEE	022790000	30561	2023	\$ (4,182.40)	OVERPAYMENT	11/21/2023
RICKETTS, THOMAS S	023001000	30823	2023	\$ (2,779.75)	OVERPAYMENT	11/21/2023
SIMPSON, WILLENE P	023695000	31642	2023	\$ (2,013.78)	OVERPAYMENT	11/21/2023
MCSPARREN, BENJAMIN GEORGE	024655001	33153	2023	\$ (1,034.02)	OVERPAYMENT	11/29/2023
HERRIN, FELIX L	024780019	33301	2023	\$ (1,747.13)	OVERPAYMENT	11/29/2023
JAMESON, MICHAEL R	024961319	33673	2023	\$ (1,763.40)	OVERPAYMENT	11/21/2023
KS OBX LLC	025085022	34164	2023	\$ (217.20)	OVERPAYMENT	11/2/2023
WOOTEN, JAMES B II	025194031	34359	2023	\$ (2,242.02)	OVERPAYMENT	11/29/2023
WILSON, RODNEY W	025211002	34384	2023	\$ (581.02)	OVERPAYMENT	11/2/2023
VAZQUEZ, ALIFONSO H	025600002	34982	2023	\$ (550.00)	OVERPAYMENT	11/29/2023
WITHERS, ALLEN J	025694268	35289	2023	\$ (116.93)	OVERPAYMENT	11/2/2023
FORBES, MARK S	025694326	35347	2023	\$ (279.75)	OVERPAYMENT	11/21/2023
TAYLOR MYERS LLC	025694340	35361	2023	\$ (4,986.28)	OVERPAYMENT	11/2/2023
CONNOR, THOMAS E	025694405	35421	2023	\$ (1,408.82)	OVERPAYMENT	11/29/2023
WISIACKAS, JOHN	025818014	35781	2023	\$ (5,081.01)	OVERPAYMENT	11/21/2023
STONE, SHEILA RAYE TTEE	025860000	35880	2023	\$ (2,848.75)	OVERPAYMENT	11/29/2023
CRAIGHEAD, CHARLES L	026070000	36174	2023	\$ (162.08)	OVERPAYMENT	11/21/2023
GILBERT, DEREK V	026079000	36184	2023	\$ (1,226.06)	OVERPAYMENT	11/29/2023
GIRARD, JOHN P	026145000	36255	2023	\$ (743.60)	OVERPAYMENT	11/29/2023
TURNER, LESLIE RAY	026160005	36283	2023	\$ (3,517.91)	OVERPAYMENT	11/21/2023
UMPHLETT, WAYNE	026240002	36360	2023	\$ (409.42)	OVERPAYMENT	11/29/2023
CAREY, SAMUEL W	026660000	37071	2023	\$ (2,434.22)	OVERPAYMENT	11/29/2023
FOX, GEORGE C	026749000	37163	2023	\$ (397.97)	OVERPAYMENT	11/29/2023
MAURER, DAVID	027004012	37479	2023	\$ (700.00)	OVERPAYMENT	11/2/2023
FAGLEY, STEPHANIE P	027129000	37642	2023	\$ (317.55)	OVERPAYMENT	11/29/2023
FLANIGAN, JAMES L	027653000	38541	2023	\$ (3,394.78)	OVERPAYMENT	11/29/2023
TOWNSEND, ROBERT W JR	027670000	38560	2023	\$ (1,934.38)	OVERPAYMENT	11/21/2023
DIETRICH, RYAN	027757065	38696	2023	\$ (4,898.88)	OVERPAYMENT	11/29/2023
BROWN, DAVID J	027817046	38853	2023	\$ (2,448.46)	OVERPAYMENT	11/29/2023

Refund Report for Real Estate and Personal Property

(Refunds over \$ -100)

MONTH: NOVEMBER

DATE RANGE: 11/1/2023 - 11/30/2023

Submitted By: Becky Huff

Taxpayer Name	Parcel	Bill#	Bill Yr	Refund Amt	Reason	Date
KIEHN, CARL ALTON	029188000	40708	2023	\$ (768.34)	OVERPAYMENT	11/21/2023
KUNTZ, BENJAMIN MATTHEW	029291310	40859	2023	\$ (1,383.09)	OVERPAYMENT	11/29/2023
WALSH, SEAN E	029593314	41330	2023	\$ (2,353.60)	OVERPAYMENT	11/29/2023
BRADLEY, DANIEL E	029628001	41424	2023	\$ (1,664.55)	OVERPAYMENT	11/21/2023
CARTER, CHARLETON	029771000	41780	2023	\$ (1,252.51)	OVERPAYMENT	11/29/2023
SPEIGHT, ROBERT WINTON	937936000	53207	2023	\$ (289.33)	OVERPAYMENT	11/2/2023
SIBLING REVELRY, LLC			2021	\$ (541.06)	ADJUSTED BILLS	11/3/2023
BARNYARD FOODS LLC			2022	\$ (1,031.14)	ADJUSTED BILLS	11/17/2023
CAPE HATTERAS KOA			2022	\$ (458.73)	ADJUSTED BILLS	11/17/2023
UNDERWOOD, RONALD L & AMY			2022	\$ (153.81)	ADJUSTED BILLS	11/17/2023
R V CAHOON INC			2023	\$ (322.21)	ADJUSTED BILLS	11/3/2023
VAUGHAN PROPERTIES, INC			2023	\$ (838.33)	ADJUSTED BILLS	11/17/2023
			Total Refunds:	\$ (239,158.59)		



North Carolina Vehicle Tax System

NCVTS Pending Refund report

November 2023

Payee Name	Secondary Owner	Address 1	Address 3	Bill #	Tax Jurisdiction	Change	Interest Change	Total Change
BUTLER, CHARLES FRANCIS III	YOGI, JEAN FUYUKO	404 BEACON DR	KITTY HAWK, NC 27949	0073394903	C99	(\$78.69)	\$0.00	(\$78.69)
					T08	(\$52.07)	\$0.00	(\$52.07)
					T08BN	(\$6.87)	\$0.00	(\$6.87)
					Refund			\$137.63
LEONARD, GAGE CHRISTIAN		3916 GRANADA DR	WINTERVILLE, NC 28590	0075085112	C99	(\$81.30)	(\$12.61)	(\$93.91)
					F51	(\$7.43)	(\$1.15)	(\$8.58)
					S99	(\$18.27)	(\$2.83)	(\$21.10)
					Refund			\$123.59
PRINCE, DAVID WAYNE		3052 FALMOUTH DR	CHESAPEAKE, VA 23321	0074657669	C99	(\$59.03)	\$0.00	(\$59.03)
					T07	(\$52.32)	\$0.00	(\$52.32)
					Refund			\$111.35
SALMON, JACK OWEN		189 HOLLY TRL	SOUTHERN SHORES, NC 27949	0075052429	C99	(\$400.02)	\$0.00	(\$400.02)
					T20	(\$195.57)	\$0.00	(\$195.57)
					T20BN	(\$39.95)	\$0.00	(\$39.95)
					Refund			\$635.54
WADE, RUSSELL LEE		26202 QUAY COURT	SALVO, NC 27972	0074887273	C99	(\$176.88)	\$0.00	(\$176.88)
					F18	(\$33.35)	\$0.00	(\$33.35)
					S99	(\$48.58)	\$0.00	(\$48.58)
					Y52	(\$11.83)	\$0.00	(\$11.83)
					Refund			\$270.64
Refund			\$1278.75					



McGuireWoods Consulting

Description

Attached is an agreement that constitutes the proposal of McGuire Woods Consulting LLC (MWC) to represent Dare County.

Board Action Requested

Approve Agreement

Item Presenter

Robert Outten, County Manager



December 12, 2023

Hon. Robert L. Woodard, Chairman
County of Dare Board of Commissioners
Post Office Box 1000
Manteo, NC 27954

Dear Mr. Chairman:

Thank you for the opportunity to represent Dare County. This letter constitutes the proposal of McGuireWoods Consulting LLC ("MWC") to represent Dare County, and, with your approval on behalf of the County, will constitute our agreement.

1. **Nature and Scope of Representation:** MWC will provide lobbying and government relations services to Dare County and agrees to represent the interests of the County, as directed by the County, before the North Carolina General Assembly
2. **Fees:** MWC will provide the above-described services for a fixed fee of five thousand dollars (\$5,000) per month.
3. **Expenses:** Dare County will be responsible for expenses MWC incurs in providing services under this Agreement, including lobbyist and principal registration fees, travel costs, express mail and other delivery services. Any secretarial or other administrative overtime expenses will be included in the fixed fee and will not be charged to Dare County.
4. **Period of Agreement:** The period of this Agreement begins on the first day of the 2024 regular session of the North Carolina General Assembly and will continue on a month-to-month basis until the 2024 Session of the North Carolina General Assembly adjourns.
5. **Terms of Payment:** The monthly fee described above will be due and payable on the first day of each month in which services are to be rendered. MWC will provide an invoice on or before the beginning of each month for the monthly fee. For any bill not paid within sixty (60) days after it is rendered, MWC reserves the right to impose a late charge of one and one-half percent (1.5%) per month from the date it is rendered. All bills will be in summary form showing in general terms the services provided
6. **Termination:** This Agreement is subject to termination by either party upon thirty (30) days' written notice, unless otherwise agreed to by the parties in writing.
7. **Independent Contractor Status:** MWC will serve as an independent contractor with the authority to control and direct the performance of the details of the services to be provided following appropriate consultation with you or your representatives.
8. **Confidentiality:** All discussions between Dare County representatives and MWC staff and the nature of our relationship will be kept confidential unless permission is expressly

given by you or your representatives to disclose such information. Such confidentiality shall survive the termination or expiration of this Agreement.

- 9. Lobbyist Registration:** The provision of government relations services in the State of North Carolina or with regard to federal entities and officials may require the registration of MWC personnel as lobbyists on behalf of Dare County. MWC will work with Dare County to determine if and when a lobbyist registration statement should be filed with the appropriate state or federal authority. Once filed with the appropriate state or federal authority, such registration statements are publicly available. Additionally, registration as a lobbyist on behalf of Dare County requires us to file disclosure statements describing the work undertaken on your behalf and the fees and expenses attributable to the lobbying activity. Dare County agrees to cooperate with providing any required information in order to timely file a registration statement, if applicable, and any resulting disclosure statement. The duty to cooperate with completing the required lobbying disclosure statements will survive the termination or expiration of this Agreement.
- 10. Representative Clients:** From time to time, MWC may furnish a list of representative clients to prospective clients. The listing is by name alone and does not contain any confidential information gained in MWC's representation of you. Additionally, any representation of Dare County by MWC that requires us to register as lobbyists with the State of North Carolina becomes public information upon the filing of such registration statements. Please inform me if you do not wish MWC to include you in a list of representative clients that is not otherwise publicly available.
- 11. No Attorney-Client Relationship Established:** Please note that MWC is a wholly owned subsidiary of McGuireWoods LLP, a full-service law firm serving clients throughout the United States and around the world ("McGuireWoods law firm"). From time to time various lawyers at the McGuireWoods law firm provide non-legal services to MWC clients, but MWC does not provide legal services or advice, nor does this agreement include the provision of legal services by the McGuireWoods law firm or give rise to an attorney-client relationship with Dare County. No communications with anyone at the McGuireWoods law firm will be protected by the attorney-client privilege unless you hire the law firm to provide legal services. If legal services are desired, a separate engagement with the McGuireWoods law firm may be established; it is not necessary for a client to engage the McGuireWoods law firm in order to obtain MWC's services, or vice versa.
- 12. Conflicts of Interest:** By executing this Agreement, you acknowledge that you are not represented by the McGuireWoods law firm and you consent to the McGuireWoods law firm's representation of other persons and entities on legal matters, including litigation, that may adversely affect your interests, directly or indirectly, but are unrelated to the specific representation you have asked MWC to undertake on your behalf. Additionally, you consent to MWC's representation of other persons and entities on matters unrelated to the specific representation you have asked MWC to undertake on your behalf and that may adversely affect your interests, directly or indirectly.
- 13. Limitation of Liability:** MWC's maximum liability relating to services rendered under this agreement (whether in tort, contract, strict liability, or otherwise) shall be limited to the fees paid to MWC for the portions of its services giving rise to liability. In no event shall MWC be liable for any consequential, special, indirect, incidental, or punitive damages or expenses (including, without limitation, lost profits, opportunity costs, etc.) even if it has been advised of the possible existence of such damages. This provision shall survive the completion of this Agreement.
- 14. Amendment:** Any amendment to this Agreement must be mutually agreed to in writing by both parties.

If the foregoing terms are agreeable to you, please sign below to indicate your approval of this Agreement on behalf of Dare County and return the signed version to me at hkaplan@mcguirewoods.com. If you do not return a signed Agreement but continue to instruct us on this engagement that will constitute your acceptance of these terms. We look forward to continuing to work with you.

Sincerely,

MCGUIREWOODS CONSULTING LLC

By: _____
Harrison J. Kaplan
Senior Advisor

Approved:

COUNTY OF DARE, BOARD OF COMMISSIONERS

By: _____
Robert L. Woodard, Chairman

Date: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Sally DeRose 12/13/23



Dare County Transportation - Title VI Policy Update

Description

NCDOT has requested that Dare County Transportation update our Title VI anti-discrimination plan to be in compliance with Federal Transit Administration (FTA) requirements of updating the Policy once every three years. The last Policy update was signed on 12/7/2020.

Policy was updated at 12/04/23 Meeting, NCDOT has requested that additional contact information be added to Section 5.

Board Action Requested

Policy to be adopted by the Dare County Board of Commissioners.

Item Presenter

Radcliff Hester, Transportation Program Supervisor

Dare County Transportation System



Date Adopted

01/02/2024

Title VI Program Plan



TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the Dare County Transportation System (DCTS), I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Dare County Board of Commissioners, have **reviewed and hereby adopt** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Dare County Transportation System services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Authorizing Official

01/02/2024
DATE

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**TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
DARE COUNTY TRANSPORTATION SYSTEM**

In accordance with DOT Order 1050.2A, Dare County Transportation System (DCTS) assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by Dare County Transportation System.

Further, Dare County Transportation System hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the Transportation Planner of the organization.
2. Issue a policy statement, signed by the Transportation Planner of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of Transportation Planner.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature

01/02/2024

Date

Robert Woodard, Dare County Board of Commissioners
Chairman

1.0 INTRODUCTION

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, subrecipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

Dare County Transportation System is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). DCTS establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, "Nondiscrimination Assurance." This document details the nondiscrimination program, policies, and practices administered by Dare County Transportation System, and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

Dare County Transportation System staff consists of a Transportation Supervisor, Transportation Scheduler/Dispatcher, Lead Driver, two Full-Time Drivers, and approximately 18 part time drivers.

Dare County Transportation System provides a fleet of 10 passenger and wheelchair equipped vans. Vans are operated by funding provided through NCDOT Grants 5310 and 5311, Local Funds, Fare Revenues, and Donations. may not operate in competition with private transportation services such as same day service providers like Taxi and Shuttle Van services. All Transportation appointments are required to be scheduled a minimum of 48 hours in advance. All appointments are scheduled on a first come first-serve basis. DCTS has limited space on its schedules so transportation appointments should be made as far in advance as possible by calling reservations at 252/473-5640, between the hours of 7:30 a.m. and 5 p.m. Monday through Friday, closed all County Holidays.

Type of Service	Days of week	Times	Fare (if applicable)
In-County trips	M-F	7:30 -5:00	\$3 one way/\$6 round trip
Out-of-County - Elizabeth City, NC - Chesapeake, VA - Norfolk, VA - Virginia Beach, VA -	Tu and Th	7:30 – 5:00 *Appointment times for all out of county trips between 8 a.m. and 12 noon	\$7 one way/\$14 round trip
Out of County - Greenville, NC	2 nd and 4 th Wednesdays of month	7:30 - 5:00	\$7 one way/\$14 round trip
Out of County - Durham, NC - Chapel Hill, NC	3 rd Wednesday of month	7:30 - 5:00	\$7 one way/\$14 round trip

2.2 FUNDING SOURCES / TABLES

For the purpose of federally assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;
3. the detail of Federal personnel;
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Each FTA Formula Grant received by our system during the past year, and whether the funds were received through NCDOT or directly from FTA, is checked below.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual Grant Application
5311 (b)(3) (Rural Transit Assistance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual Grant Application

2.3 DECISION-MAKING PROCESS

The Dare County Board of Commissioners (BOC) is the governing board for Dare County Transportation and makes the final decisions on adopting program documents. The seven member board votes at one of the monthly meetings on the first Monday of the month. Permission is granted to be on the agenda. Various Plans/Policies/documents are required to be adopted by the BOC, Local Coordinated Plan (LCP) must be approved every four years, the Substance Abuse Policy (amended as needed). Title VI Plan amended as needed or every 3 years. The BOC approves by vote. A Resolution granting permission for Dare County to apply and receive the annual CTP funds must be passed by the BOC.

Any documents that do not need the Commissioners approval will be brought before the Dare County Transportation Advisory Board (TAB) at a quarterly meeting. Members of the TAB are appointed by the Board of Commissioners and serve a three-year term. The BOC and TAB must approve any rate changes with a minimum of thirty days written notice.

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10
Dare County Board of Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7

2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for Dare County Transportation System, and is empowered with enough authority and responsibility to implement the Title VI Nondiscrimination Program:

Radcliff Hester
 Dare County Transportation Supervisor / Title VI Coordinator
 954 Marshall C. Collins Drive
 Manteo, NC 27954

252/475-5641
252/473-3471 (Fax)
radcliff.hester@darenc.gov

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

2.5 CHANGE OF TITLE VI COORDINATOR AND/OR EXECUTIVE DIRECTOR

If Title VI Coordinator or Executive Director changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement will be signed by the new Executive Director.

2.6 ORGANIZATIONAL CHART

Dare County Transportation System currently employs staff which consist of the following job categories:

- Executive Director (1)
- Operations Coordinator
- Finance Coordinator
- Administrative Assistants (1)
- Lead Dispatcher (1)
- Dispatchers (2)
- Scheduler (1)
- Lead Driver (1)
- Drivers (16)


An organizational chart showing the Title VI Coordinator's place within the organization is in **Appendix B**.

2.7 SUBRECIPIENTS

Dare County Transportation System does not have pass through funds to any other organizations and, therefore, does not have any subrecipients.

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of Dare County Transportation System (DCTS), as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

Signature 

Radcliff Hester, Dare County Transportation System, Title VI Coordinator

11/20/2023

Date

Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of “programs and activities” to include all programs and activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act”; 49 U.S.C. 5332, “Nondiscrimination (Public Transportation)”; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient’s Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

Implementation

- This statement will be signed by the Transportation Planner of the Dare County Transportation System and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, at transit stops, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

4.0 NOTICE OF NONDISCRIMINATION

- Dare County Transportation System operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with Dare County Transportation System.
- For more information on Dare County Transportation System civil rights program, and the procedures to file a complaint, contact 252/475-5641; email radcliff.hester@darenc.gov; or visit our administrative office at P.O. Box 1000, 954 Marshall C. Collins Drive, Manteo, NC 27954. For more information, visit www.darenc.gov/transportation.
- If information is needed in another language, contact 252/475-5516.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- This statement will be signed by the Transportation Supervisor of the Dare County Transportation System, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, inside vehicles, and disseminated within brochures and other written material.
- The notice will be posted in our offices and inside our vehicles.
- The statement will be posted or provided in languages other than English, when appropriate.
- See **Appendix C** for Spanish and French versions of this notice.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to nondiscriminatory administration of our programs and services, organization wide. Dare County Transportation System will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of Dare County Transportation System are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Radcliff Hester at 252-475-5641. radcliff.hester@darenc.gov

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of Dare County Transportation Service Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of Dare County Transportation Service programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

Signature

Date

Implementation

- Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties, accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.
- Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.

6.0 CONTRACT ADMINISTRATION

Dare County Transportation System (DCTS) ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of the organization to which they are contracted. Dare County Transportation System and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

6.1 CONTRACT LANGUAGE

I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-

discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding payments to the contractor under the contract until the contractor complies; and/or
- (b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);

- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

*The Contractor has read and is familiar with the terms above:

Contractor's Initials

Date

Implementation

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

Dare County Transportation System, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.

- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by Dare County Transportation System to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to Dare County Transportation System programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **Dare County Transportation System, ATTN:** Executive Director, PO Box 1000, Manteo, NC 27954
 - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
 - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail **will** be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
 5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
 6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has enough merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The **Log Year(s)** since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

Dare County Transportation System
DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with Dare County Transportation System within 180 days after the discrimination occurred.

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		

Identify the Category of Discrimination:

<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> SEX
<input type="checkbox"/> CREED (RELIGION)	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> LIMITED ENGLISH PROFICIENCY	<input type="checkbox"/> AGE

**NOTE: Title VI bases are race, color, national origin. All other bases are found in the "NonDiscrimination Assurance" of the FTA Certifications & Assurances.*

Identify the Race of the Complainant

<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

Name	Address	Telephone
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation _____
- Federal Transit Administration _____
- US Department of Transportation _____
- US Department of Justice _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any Dare County Transportation System representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:

Dare County Transportation System
 PO Box 1000
 Manteo, NC 27954
 radcliff.hester@darenc.gov
 252-475-5641

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FTA Date Referred: _____

INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

Dare County Transportation System Investigative Report

- I. COMPLAINANT(S) NAME**
- II. RESPONDENT(S)**
- III. APPLICABLE LAW/REGULATION**
- IV. COMPLAINT BASIS/(ES)**
- V. ISSUES/ALLEGATIONS**
- VI. BACKGROUND**
- VII. INVESTIGATIVE PROCEDURE**
- VIII. ISSUES / FINDINGS OF FACT**
- IX. CONCLUSION**
- X. RECOMMENDED ACTIONS**

APPENDIX

8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	36915	100
White	31920	86.5%
Black or African American	678	1.8%
American Indian or Alaska Native	99	0.3%
Asian	260	0.7%
Native Hawaiian and Other Pacific Islander	10	0.03%
Some other Race	140	0.38%
Two or More Races	1253	3.4%
HISPANIC OR LATINO (of any race)	2720	7.4%
Mexican	1255	3.4%
Puerto Rican	233	0.6%
Cuban	76	0.2
Other Hispanic or Latino	1156	3.13

8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	36,718	18,460	18,258	100%	50%	50%
Under 5 years	1492	850	642	8.1%	4.6%	3.5%
Under 18 years	6863	3718	3145	37.3%	20.1%	17.2%
18 to 64 years						
65 years and over	8049	3881	4168	11930	21.0%	22.8%
Median Age	48.3	47.8	48.8			

8.3 DISABILITY

The following table was completed using data from Census Table S1810, Disability Characteristics:

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	36507	103	3941	453	10.8%	1.2
Population under 5 years	1492	148	0	28	0.0	2.6
Population 5 to 17 years	5367	156	26	44	0.5	0.8
Population 18 to 64 years	21,657	153	258	94	1.2	0.4
Population 65 years and over	7991	133	803	120	10.0	1.5
SEX						
Male	18293	214	2049	292	11.2	1.6
Female	18214	208	1892	283	10.4	1.5
RACE AND HISPANIC OR LATINO ORIGIN						
White	32454	400	3456	400	10.6	1.3
Black or African American	1322	233	74	83	5.6	6.1
American Indian and Alaska Native	58	67	1	3	1.7	5.2
Asian	179	89	33	42	18.4	22.2
Native American and Other Pacific Islander	10	15	0	28	0.0	100.0
Some other Race	1056	322	157	90	14.9	7.3
Two or more races	1428	404	22	85	15.4	6.6
Hispanic or Latino	2771	15	224	108	8.1	3.9

8.4 POVERTY

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	36454	152	2483	567	6.8	1.6
AGE						
Under 18	6744	137	723	321	10.7	4.7
18 to 64	21857	133	1939	420	8.9	1.9
65 years and over	7991	133	313	132	3.9	1.7
SEX						
Male	18352	207	1428	400	7.8	2.2
Female	18102	198	1055	259	5.8	1.4
RACE AND HISPANIC OR LATINO ORIGIN						
White	32412	412	1831	386	5.6	1.2
Black or African American	1314	234	442	364	33.6	23.8
American Indian and Alaska Native	58	67	0	28	0.0	43.2
Asian	178	89	0	28	0.0	20.0
Native American and Other Pacific Islander	10	15	0	28	0.0	100.0
Some other Race	1056	322	199	118	11.3	12.3
Two or more races	1426	404	91	70	6.4	4.7
Hispanic or Latino	2693	120	396	255	14.7	9.3
RACE AND HISPANIC OR LATINO ORIGIN						
All individuals below:						
50 percent of poverty level	1229	407				
125 percent of poverty level	4096	795				
150 percent of poverty level	5270	861				
185 percent of poverty level	7331	936				
200 percent of poverty level	8264	964				

8.5 HOUSEHOLD INCOME

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2013 Inflation-Adjusted Dollars):

Subject	Households	
	Estimate	Margin of Error +/-
Total	5616	463
Less than \$10,000	5.5%	2.6
\$10,000 to \$14,999	5.7%	12.6
\$15,000 to \$24,999	11.1%	3.5
\$25,000 to \$34,999	14.2%	4.3
\$35,000 to \$49,999	21.2%	3.9
\$50,000 to \$74,999	18.8%	3.8
\$75,000 to \$99,999	11.3%	3.2
\$100,000 to \$149,999	8.0%	2.7
\$150,000 to \$199,999	1.3%	0.8
\$200,000 or more	2.7%	1.4
Median income (dollars)	43385	3360
Mean income (dollars)	58513	5148

8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

Label	Estimate	Margin of Error
Total:	35,226	148
Speak only English	31967	591
Spanish or Spanish Creole	2496	422
Speak English "very well"	1702	382
Speak English less than "very well"	794	289

8.7 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

Title VI Equity Analyses. In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Environmental Justice Analyses. As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and

adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

10.0 PUBLIC INVOLVEMENT

10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how Dare County Transportation System will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in Sections 3.0 and 4.0, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific "attention-grabbing" reasons to attend will be used, such as "Help us figure out how to relieve congestion on [corridor name]" or "How much should it cost to ride the bus? Let us know on [date]."
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

"Public meeting" refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner's request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group's choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT’s LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps we will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four-factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people’s lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.*

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	35,226	+/- 148	100%	(X)
Speak only English	31,967	+/- 591	90.7%	+/- 1.8%
Spanish or Spanish Creole:	2,496	+/- 422	7.1%	+/- %
Speak English "very well"	1,702	+/- 372	68.2%	+/- 12.2%
Speak English less than "very well"	794	+/- 289	39.3%	+/- 12.2%

The US Census Bureau-American Fact Finder reports that 9.3% of the population speaks a language other than English in Dare County. After English, the second largest language group is Spanish.

The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less) Dare County Transportation System must provide translation of vital documents in written format for non-English speaking persons. Dare County has 794 Spanish-speakers who speak English less than "very well", which meets the safe harbor threshold. No other language groups meet the 5% or the 1,000 persons threshold.

Dare County Transportation System currently provides written translation of vital documents in Spanish. Furthermore, Dare County Transportation System utilizes one staff member to help translate call from Spanish speaking individuals who speak limited English. Dare County Transportation Service also utilizes a translator service that is provided by a Dare County Translator(s).

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

Dare County Transportation System encounters LEP individuals several times a day utilizing transportation routes and calling into our office. Contact is made via ridership surveys and public meetings on a quarterly basis.

Factor #3: The nature and importance of the program, activity, or service provided by the recipient to people's lives.

The Dare County Transportation System understands an LEP person with language barrier challenges also faces difficulties obtaining health care, education, or access to employment. A transportation system is a key link to connecting LEP person to these essential services.

The Dare County Transportation System's assessment of what programs, activities and services are most critical include contact with community organization(s) that serve LEP persons, as well as contact with LEP person themselves to obtain information on the importance of the modes or the types of services that are provided to the LEP populations.

Dare County Transportation System will annually distribute a questionnaire printed in English or Spanish languages in an attempt to assist in determining assessment. The following questions will be asked:

- Is Dare County Transportation System important to you?
- If so for which destination? Ex. (employment, shopping, medical appointments, social activities.)

Factor #4: The resources available to the recipient and costs.

Even though the Dare County Transportation System does not have a separate budget for LEP outreach, it will work to implement low cost methods of reaching LEP populations meeting the Safe Harbor threshold. Dare County has a full-time Spanish interpreter who is available to assist with LEP outreach. There is no associated cost for this service to Dare County Transportation System interpretation services. Dare County Transportation System will utilize the services of the Dare County Interpreter line: 252-475-5500.

LANGUAGE ASSISTANCE PLAN

Dare County Transportation System reviews its plans on an annual basis or more frequently as needed. In particular, Dare County Transportation System will evaluate the information collected during encounters with LEP persons, as well as public outreach efforts, to determine if adjustments should be made to the delivering of programs and services to ensure meaningful access to minority and LEP persons.

Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into **any languages that meet the safe harbor threshold in Factor 1.**
- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area, and available in our facilities, doctor's offices and shopping centers.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.

- Spanish line translation services at our call center.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
 - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.
- Spanish: Dare County Transportation System provides materials in Spanish and conference calls in with Dare County Interpreter Services for translation services.

Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document^{5/} will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

Staff Support for Language Assistance

- Agency staff (including call center staff) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with an iSpeak flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements (Section 5.0) and basic Title VI trainings (Section 11.0).

Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

Monitoring and Updating the LAP

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

Dare County Transportation System is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

<p>Race/Ethnicity:</p> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	<p>National Origin: (if born outside the U.S.)</p> <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____
<p>Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female</p>	<p>Age:</p> <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
<p>Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>I choose not to provide any of the information requested above: <input type="checkbox"/></p>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact the Dare County Transportation System at 252-475-5641 or by email at radcliff.hester@darenc.gov

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

Implementation

- Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.

- If a member, for whatever reason, selects “I choose not to provide any of the information requested above,” this will be accepted as a **completed** form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

10.7 KEY COMMUNITY CONTACTS

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Mariana Estrada	Dare County	Hispanic Liaison	No
Erick Portilla	Dare County	Hispanic Liaison	No
Nely Mendoza	Dare County	Hispanic Liaison	No

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

10.8 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
5/15/2023	0830 -1200	Healthy Living Fair	Spanish Speaking Residents	How to utilize Dare County Transportation Services
11/18/2022	1200-1400	Pathways to improve economic disparities	Spanish Speaking Residents	How to utilize Dare County Transportation Services

11.0 STAFF TRAINING

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

12.0 NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population	49.8%	50.2%	86.9%	2.8%	1.0%	0.7%	0.9%	7.7%
Transit Advisory Board	65%	35%	75%	25%	0	0	0	0

Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

13.0 RECORD-KEEPING AND REPORTS

As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when required.

In addition to items documented throughout this Plan, records and reports due at the time of compliance reviews or investigations may include:

Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

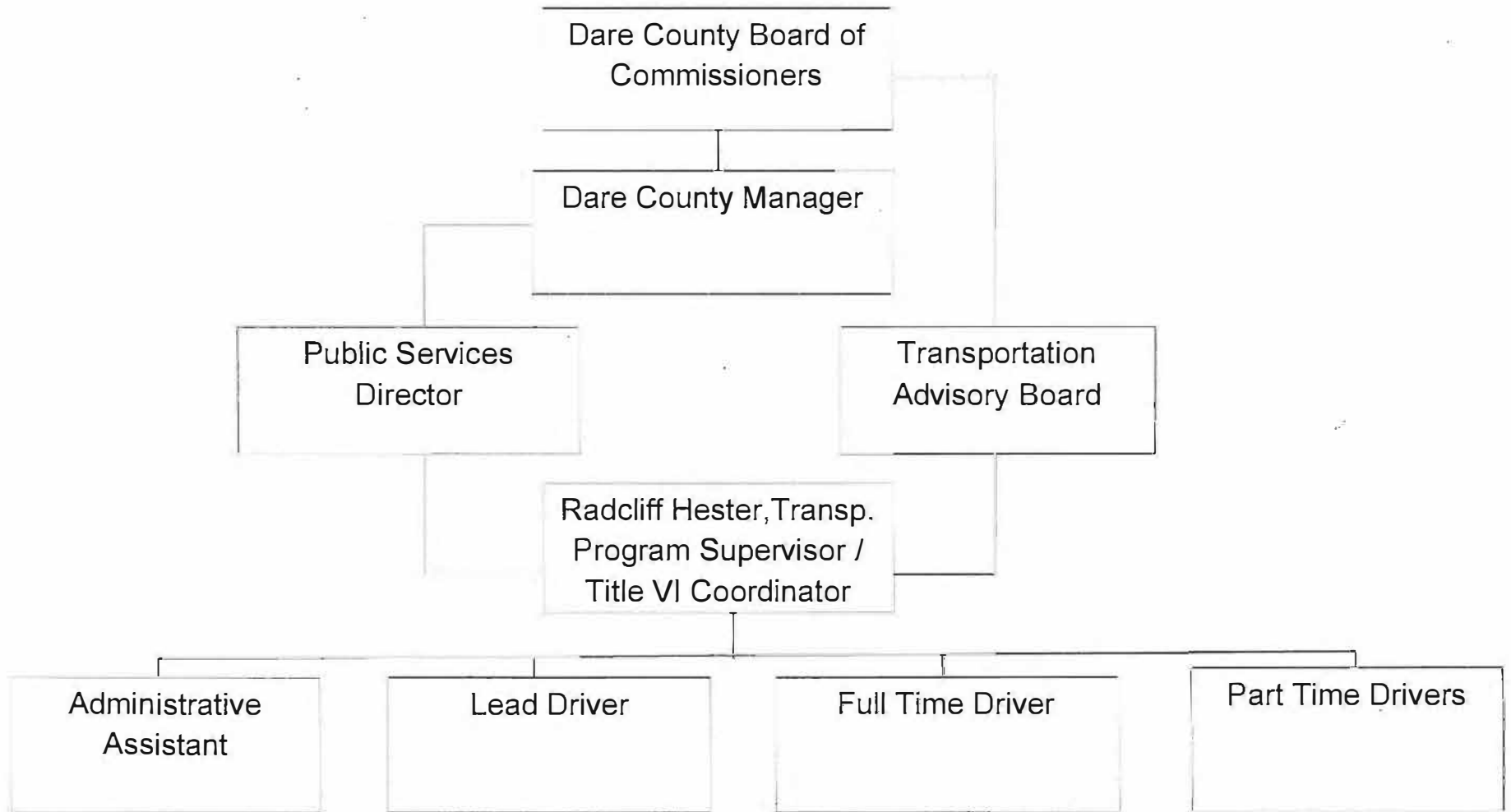
Appendix A

Applicable Nondiscrimination Authorities

During the implementation of this Title VI Program, the organization, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

**Appendix B
Organizational Chart**



Appendix C
NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements)

Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.

Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement (<i>signed</i>)	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions <i>reviewed and approved</i> the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. > No Subrecipients <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc. > No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities > No Construction Projects <input type="checkbox"/>	<input type="checkbox"/>

16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. **Year/Agency:**

II. Transit Providers

Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.

Note: All NCDOT subrecipients that provide fixed route public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section.

➤ **Not Applicable** (Check this box if you do not provide fixed route services, and skip questions 17 and 18. This section does not apply to you if you only provide demand response services.)

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
<p>17. Service standards (quantitative measures) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:</p> <ul style="list-style-type: none"> ● Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.) <input type="checkbox"/> ● Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).) <input type="checkbox"/> ● On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.) <input type="checkbox"/> ● Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.) <input type="checkbox"/> 	
<p>18. Service policies (system-wide policies) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:</p> <ul style="list-style-type: none"> ● Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. NOTE: Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.) <input type="checkbox"/> ● Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.) <input type="checkbox"/> 	



Budget Amendment for Emergency Management

Description

Submitted to account for a Homeland Security Grant awarded by North Carolina Emergency Management. This grant has no match requirement and will be used to acquire a mobile command center trailer.

Board Action Requested

Approval

Item Presenter

Drew Pearson

DARE COUNTY

BUDGET AMENDMENT

F/Y 2023- 2024

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<u>Department: Emergency Management</u>					
<u>Revenues:</u>					
	103542	422220	00414	76,711	0

<u>Expenditures:</u>	104542	537400	00414	76,711	0
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Explanation:

To be used to purchase of a mobile incident command trailer using a 100% federally funded Homeland Security Grant Program award from North Carolina Emergency Management under MOA 2340002.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



Budget Amendment - Parks & Recreation

Description

To reappropriate unspent endowment funds from the OBCF Charles Finch Gaddy Endowment granted to Parks & Recreation in prior fiscal years.

Board Action Requested

Adopt budget amendment.

Item Presenter

None

DARE COUNTY

BUDGET AMENDMENT

F/Y 2023-2024

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
Parks & Recreation					
<u>Revenues:</u>					
Appropriated Fund Balance	103090	499900		\$11,899	
<u>Expenditures:</u>					
Charles Finch Gaddy Endowment	104640	551600	00133	\$11,899	

Explanation:

To reappropriate unspent endowment funds from the OBCF Charles Finch Gaddy Endowment granted to Parks & Recreation in prior fiscal years.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____

Charles Finch Gaddy Endowment History

REVENUES:

EFF DATE	AMOUNT	CHECK NO	VDR NAME/ITEM DESC	COMMENTS
09/11/2015	-2,000.00			FIN DEP 09/11/15
12/07/2015	-10,000.00			FIN DEP 12/07/15
04/12/2016	-10,000.00			FIN DEP 04/12/16
07/28/2016	-10,000.00			FIN DEP 07/28/16
01/02/2019	-10,000.00			FIN DEP 01/02/19
01/13/2020	-10,000.00			FIN DEP 01/13/20
	<u>-52,000.00</u>			

EXPENDITURES:

EFF DATE	AMOUNT	CHECK NO	VDR NAME/ITEM DESC	COMMENTS
03/14/2016	990.00	242450	DEMARCUS JOHNSON	3-FLEXI ROLL CHEER MATS
06/21/2016	3,723.86	245130	ZEAGER BROTHERS	Woodcarpet-Westcott,Walker Par
	<u>4,713.86</u>			
08/02/2016	5,010.00	246233	RALLY MASTER BACKBOARDS	tennis hitting wall
08/24/2016	570.00	246805	CONSTRUCTION ENGINEERING SERVICES INC.	SITE MEAS-MHS TENNIS WALL
11/22/2016	350.00			MYC Christmas Dinner@Lone Cdr
12/05/2016	5,968.64	249372	VARSITY BRANDS HOLDING CO, INC.	Scoreboard for COA
12/21/2016	107.78			LUMBER-TENNIS WALL
01/25/2017	563.00			BATTING CAGE NET WALKER PARK
03/01/2017	672.00	251583	KITTY HAWK IRON & STEEL WORKS, INC	STEEL BEAMS-SCOREBD @COA
03/22/2017	824.92			GYMNASTICS TRAK,RAMP,DVD
04/12/2017	3,100.00	252899	AD LIGHT SIGNS & LIGHTING SERVICES INC.	INSTALL SCOREBOARD@COA
04/12/2017	3,751.77	252910	VARSITY BRANDS HOLDING CO, INC.	foul ball netting @COA
05/22/2017	4,232.20	253932	ALBEMARLE FENCE & RAIL COMPANY	Backstop for COA baseball fiel
	<u>25,150.31</u>			
03/29/2021	5,400.00	287681	VARSITY BRANDS HOLDING CO, INC.	1910533-PITCHNG MACHNE
	<u>5,400.00</u>			
01/24/2023	674.94	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	69.99	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	209.97	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	139.98	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	419.94	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	1,079.94	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	41.94	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	104.85	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	1,813.68	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
01/24/2023	281.82	302496	DARE COUNTY BASEBALL	Equipment paid for by the Gaddy
	<u>4,837.05</u>			
	<u>40,101.22</u>			

UNSPENT: -11,898.78



*Health & Human Services - Public Health Division
Lead and Asbestos Inspection Funding*

Description

The Public Health Division has received funding from the NC Division of Public Health, Environmental Health Section, Lead and Asbestos Branch for the Addressing of Lead in Water and Lead-based Paint in Public Schools and Child Care Facilities.

The purpose of this funding is for the Local Health Department to assist the Children's Environmental Health Unit regional field staff with testing and remediation for lead in water and inspection and remediation for lead-based paint and asbestos at all North Carolina public schools and licensed child care facilities.

Funding will be used for staff to attend trainings to ensure compliance with State and Federal regulations.

Board Action Requested

Approve Budget Amendment

Item Presenter

N/A

DARE COUNTY

BUDGET AMENDMENT**F/Y 2023-2024**

	G/L Account Number			INCREASE	DECREASE
	Org	Object	Project		
Department: Human Services - Public Health					
<u>Revenues:</u>					
State/Federal - Env Hlth Food & Lodging	103027	424211	47520	\$	3,008
<u>Expenses:</u>					
Operating - Food & Lodging	104600	513400	47520	\$	1,508
Travel - Food & Lodging	104600	525100	47520	\$	1,500

Explanation:

Received State Funding for Childhood Lead funds to be used for staff to attend lead & absestos inspection trainings.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____

Division of Public Health

Agreement Addendum

FY 23-24

Dare County Department of Health &
Human Services — Public Health Division

Environmental Health Section /
Lead and Asbestos Branch

Local Health Department Legal Name

DPH Section / Branch Name

914 ARPA Addressing Lead in Water
and Lead-Based Paint in Public Schools
and Child Care Facilities

Ed Norman /919) 218-6511
ed.norman@dhhs.nc.gov

Activity Number and Description

DPH Program Contact
(name, phone number, and email)

06/01/2023 – 05/31/2024

Service Period

DPH Program Signature **Date**

(only required for a negotiable Agreement Addendum)

07/01/2023 – 06/30/2024

Payment Period

- Original Agreement Addendum
- Agreement Addendum Revision # _____

I. Background:

Lead and asbestos are well known to be hazardous to human health and particularly the health of children, whose bodies are still developing and who are therefore uniquely vulnerable to the risks posed by lead and asbestos. Although the use of certain materials containing lead and asbestos has been banned in the United States, exposure to both lead and asbestos hazards can still occur in the built environment through things like deteriorating lead-based paint, lead-containing pipes, plumbing, fixtures, and solder that are used to carry drinking water, asbestos ceiling and floor tiles, asbestos insulation, and other products and materials containing lead or asbestos. Exposure to lead and asbestos hazards can be prevented by inspecting facilities and then restricting access to, remediating, or abating any hazards that are identified through the inspection process.

In Session Law 2021-180 Senate Bill 105, the North Carolina General Assembly appropriated \$150 million in funds from the American Rescue Plan Act of 2021 (ARPA) via the State Fiscal Recovery Fund (SFRF), directing the Division of Public Health (DPH) to establish programs for the detection and remediation of lead and asbestos in public school units and licensed child care facilities. Of that amount, \$32,812,500 was to be used to fund a program for lead testing and remediation in drinking water and \$117,187,500 was to be used to fund a program for inspecting and addressing (e.g., remediation, abatement) lead-based paint and asbestos hazards. Collectively, the two programs make up the “Lead and Asbestos Inspection, Testing, Abatement, and Remediation in North Carolina Public Schools and Licensed Child Care Facilities” project. As allowed by the Session Law, DPH staff in the Environmental Health Section proposed permanent administrative rules 10A NCAC 41A .1001-.1007 to


Health Director Signature (use blue ink or verifiable digital signature)

3/20/23
Date

LHD to complete: [For DPH to contact in case follow-up information is needed.]	LHD program contact name: <u>Josh Coltrain</u> Phone and email address: <u>252.475.5014 joshc@darenc.gov</u>
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Signature on this page signifies you have read and accepted all pages of this document.

the Commission for Public Health to support those objectives of testing, inspection, abatement and remediation. If approved by the Rules Review Commission, the permanent rules will go into effect April 1, 2023.

The “Lead and Asbestos Inspection, Testing, Abatement, and Remediation in North Carolina Public Schools and Licensed Child Care Facilities” project is large, multi-faceted, and time-sensitive. The goal of the project is to conduct the testing/remediation for lead in water and inspection/remediation for lead-based paint and asbestos at all NC public schools and licensed child care facilities. There are over 4,200 licensed child care centers, 1,250 licensed family child care homes, and 2,700 public schools across the state that may be eligible for this funding, and project work must be completed by December 31, 2026, as stated in the Session Law.

In order to be successful, DPH must rely on the combined effort of many internal and external partners, including local health departments’ registered environmental health specialists. We anticipate a subset of schools and child care facilities that are tested for lead in water or inspected for lead-based paint will have identified hazards requiring follow-up activities by Children’s Environmental Health Unit regional field staff. The Children’s Environmental Health Unit regional field staff could not complete this work without the assistance of the LHD.

II. Purpose:

The goal of the “Lead and Asbestos Inspection, Testing, Abatement, and Remediation in North Carolina Public Schools and Licensed Child Care Facilities” project is to conduct testing and remediation for lead in water, and inspection and remediation for lead-based paint and asbestos at all North Carolina public schools and licensed child care facilities. For the entire project, those activities which require LHD assistance are expected to run from March 2023 through December 2026.

The Local Health Department supports those project goals by performing several tasks at public schools and child care facilities that are within the local health department’s jurisdiction. These activities include: (1) conducting first draw, post-remediation water lead samples at schools and child care facilities according to proposed permanent administrative rules 10A NCAC 41C .1005; (2) conducting follow-up and environmental lead investigations for those schools and facilities where lead-based paint hazards are identified and remain unaddressed; (3) documenting all site visits in the lead surveillance system, NCLEAD; and (4) documenting compliance by the schools and facilities with the inspection requirements in 10A NCAC 41C .1004 during the LHD’s routine site visits.

III. Scope of Work and Deliverables:

The Local Health Department (LHD) shall:

1. Conduct at least one site visit for every drinking water and food preparation outlet at public schools and licensed child care facilities in the county that had a lead concentration at or above the lead poisoning hazard level (≥ 10 parts per billion) in initial water test results and were subsequently remediated. This is estimated to occur for approximately 3% of all water samples collected. Site visits should occur within 30 days of notification that remediation has occurred. At the site visit, “first draw” water samples must be collected according to EPA 3T’s method as mentioned in 10A NCAC 41C .1005 and submitted to the State Laboratory of Public Health for analysis.
2. Conduct at least one site visit to public schools and child care facilities that identified lead-based paint hazards, as mentioned in 10A NCAC 41C .1004 and which did not pursue abatement reimbursement. The purpose of each site visit is to ensure continued inaccessibility of lead hazards. Each site visit should occur within 30 days of the notification that hazards were identified for which no abatement reimbursement plans were made.

3. Be available for consultations related to water or lead-based paint hazards identified.
4. In the NCLEAD surveillance system, document all ARPA-related activities within 30 days of occurrence. This includes:
 - a. all site visits for lead in water or lead-based paint
 - b. all conversations with school and facility personnel, and
 - c. all environmental and water sample test results that have been received from post-remediation water lead sampling.
5. In the EHIDS system, document whether a school has conducted its lead in water testing as required by 10A NCAC 41C .1005 on the school sanitation grade sheet (Form EHS 1163) comment section within 30 days of each annual inspection.
6. In the EHIDS system, document whether a child care center has conducted its lead in water testing as required by 18A NCAC 15A .2816 on the child care sanitation grade sheet (Form EHS 1617) within 30 days of each semi-annual inspection.

IV. Performance Measures / Reporting Requirements:

1. Performance shall be measured with the following metrics:
 - a. Number and percentage of site visits (visit details, water test results, remediation effort) that were documented in the NCLEAD surveillance system within 30 days of the site visit.
 - b. Number and percentage of site visits (visit details, documentation of inaccessibility of lead hazards) that were documented in the NCLEAD surveillance system within 30 days of the site visit.
 - c. Completion of any incomplete documentation in NCLEAD within 30 days of notification that there is incomplete documentation or new lead test results. (Children’s Environmental Health Unit staff will notify the LHD of any documentation that is incomplete. The State Laboratory of Public Health will notify the LHD of any lead test results that were submitted to them for analysis, so those results can be entered.)
2. Reporting Requirements
 - a. Document each public school site visit and child care facility site visit in the NCLEAD surveillance system within 30 days of each visit.
 - b. Enter data or upload each school sanitation grade sheet (Form EHS 1163) documenting whether the school has conducted lead in water testing as required by 10A NCAC 41C .1005 to the Environmental Health Inspection Data System (EHIDS) within 30 days of inspection.
 - c. Enter data or upload each child care sanitation grade sheet (Form EHS 1617) documenting whether the child care center has conducted lead in water testing as required by 18A NCAC 15A .2816 to the Environmental Health Inspection Data System within 30 days of inspection.

V. Performance Monitoring and Quality Assurance:

The Children’s Environmental Health Unit regional field staff will monitor performance during routine onsite program reviews that will occur at least annually.

The Children’s Environmental Health Unit Raleigh-based staff will monitor performance through monthly reviews of reports obtained by the three data systems which will capture all data related to site

visits and test results: the NCLEAD lead surveillance system, the Project vendor’s public mapper, and the Environmental Health Inspection Data System, EHIDS.

NCLEAD and the public mapper will document all test results for a school or facility, along with remediation efforts. Monitoring of the NCLEAD and public mapper data systems will occur at least monthly to identify whether site visits, test results and remediation efforts have been entered as required.

The EHIDS will detail when lead in water hazards are mentioned. This will appear as data entered directly into EHIDS or will appear on uploaded forms [either in the comment section on the school sanitation grade sheet (EHS Form 1163) or when the child care sanitation grade sheet (Form EHS 1617, item number 20) is marked to indicate that identified lead poisoning hazards were detected in accordance with NCGS 130A-131.7(7)].

If the LHD is deemed out of compliance, the Children’s Environmental Health regional field staff will provide technical assistance and a corrective action plan may be requested. Funds may be withheld until the LHD is back in compliance.

VI. Funding Guidelines or Restrictions:

1. Requirements for pass-through entities: In compliance with 2 CFR §200.331 – *Requirements for pass-through entities*, the Division of Public Health provides Federal Award Reporting Supplements to the Local Health Department receiving federally funded Agreement Addenda.
 - a. Definition: A Supplement discloses the required elements of a single federal award. Supplements address elements of federal funding sources only; state funding elements will not be included in the Supplement. Agreement Addenda (AAs) funded by more than one federal award will receive a disclosure Supplement for each federal award.
 - b. Frequency: Supplements will be generated as the Division of Public Health receives information for federal grants. Supplements will be issued to the Local Health Department throughout the state fiscal year. For federally funded AAs, Supplements will accompany the original AA. If AAs are revised and if the revision affects federal funds, the AA Revisions will include Supplements. Supplements can also be sent to the Local Health Department even if no change is needed to the AA. In those instances, the Supplements will be sent to provide newly received federal grant information for funds already allocated in the existing AA.
2. The ARPA Lead and Asbestos Project funds are distributed based on the attached Aid-to-Counties Calculations Spreadsheet. The Local Health Department shall use this funding to support activities of the lead program including the “Lead & Asbestos Remediation in School & Child Care Facilities” ARPA-funded project.
3. Acceptable fund expenditures include, but are not limited to, sampling, shipping, analysis, travel for sample collection, if needed, data management, staff salary and fringe support, and expenditures associated with providing support to the ARPA-funded project.

**Aid-to-Counties Calculation of Funds for Lead & Asbestos Remediation in
Public School & Child Care Facilities Project - FY2024, June 1, 2023-May 31, 2024**

Counties	Population <18 years	Weight *	Allocation (\$3k min)
Alamance	37,711	1.64%	\$16,432
Alexander	7,252	0.32%	\$3,160
Alleghany	1,851	0.08%	\$3,000
Anson	4,367	0.19%	\$3,000
Ashe	4,624	0.20%	\$3,000
Avery	2,617	0.11%	\$3,000
Beaufort	8,841	0.39%	\$3,852
Bertie	3,121	0.14%	\$3,000
Bladen	6,010	0.26%	\$3,000
Brunswick	20,094	0.88%	\$8,756
Buncombe	49,040	2.14%	\$19,873
Burke	16,113	0.70%	\$7,021
Cabarrus	57,354	2.50%	\$23,242
Caldwell	16,050	0.70%	\$6,993
Camden	2,340	0.10%	\$3,000
Carteret	11,642	0.51%	\$5,073
Caswell	4,252	0.19%	\$3,000
Catawba	35,174	1.53%	\$15,326
Chatham	15,181	0.66%	\$6,615
Cherokee	4,748	0.21%	\$3,000
Chowan	2,728	0.12%	\$3,000
Clay	1,852	0.08%	\$3,000
Cleveland	21,795	0.95%	\$9,497
Columbus	10,479	0.46%	\$4,566
Craven	21,453	0.93%	\$9,348
Cumberland	82,678	3.60%	\$33,504
Currituck	6,154	0.27%	\$3,000
Dare	6,903	0.30%	\$3,008
Davidson	36,658	1.60%	\$15,973
Davie	8,927	0.39%	\$3,890
Duplin	11,594	0.51%	\$5,052
Durham	66,266	2.89%	\$26,853
Edgecombe	11,003	0.48%	\$4,794
Forsyth	86,848	3.78%	\$35,194
Franklin	14,949	0.65%	\$6,514
Gaston	51,059	2.22%	\$20,691
Gates	2,117	0.09%	\$3,000
Graham	4,444	0.19%	\$3,000
Granville	12,503	0.54%	\$5,448
Greene	4,070	0.18%	\$3,000
Guilford	119,627	5.21%	\$48,477
Halifax	10,308	0.45%	\$4,491
Harnett	34,327	1.50%	\$14,957
Haywood	11,300	0.49%	\$4,924
Henderson	21,745	0.95%	\$9,475
Hertford	3,987	0.17%	\$3,000
Hoke	14,114	0.62%	\$6,150
Hyde	780	0.03%	\$3,000
Iredell	42,379	1.85%	\$18,466
Jackson	7,070	0.31%	\$3,081

Counties	Population <18 years	Weight *	Allocation (\$3k min)
Johnston	54,432	2.37%	\$22,058
Jones	1,669	0.07%	\$3,000
Lee	14,999	0.65%	\$6,535
Lenoir	12,347	0.54%	\$5,380
Lincoln	18,317	0.80%	\$7,981
Macon	6,811	0.30%	\$3,000
Madison	3,709	0.16%	\$3,000
Martin	4,450	0.19%	\$3,000
McDowell	8,916	0.39%	\$3,885
Mecklenburg	259,907	11.33%	\$105,323
Mitchell	2,727	0.12%	\$3,000
Montgomery	5,588	0.24%	\$3,000
Moore	21,342	0.93%	\$9,299
Nash	20,703	0.90%	\$9,021
New Hanover	41,078	1.79%	\$17,899
Northampton	3,005	0.13%	\$3,000
Onslow	50,326	2.19%	\$20,394
Orange	28,550	1.24%	\$12,440
Pamlico	1,854	0.08%	\$3,000
Pasquotank	8,925	0.39%	\$3,889
Pender	13,365	0.58%	\$5,824
Perquimans	2,419	0.11%	\$3,000
Person	8,054	0.35%	\$3,509
Pitt	36,092	1.57%	\$15,726
Polk	3,034	0.13%	\$3,000
Randolph	32,006	1.39%	\$13,946
Richmond	9,878	0.43%	\$4,304
Robeson	28,783	1.25%	\$12,542
Rockingham	18,310	0.80%	\$7,978
Rowan	32,459	1.41%	\$14,144
Rutherford	13,082	0.57%	\$5,700
Sampson	14,346	0.63%	\$6,251
Scotland	7,894	0.34%	\$3,440
Stanly	13,438	0.59%	\$5,856
Stokes	8,236	0.36%	\$3,589
Surry	14,914	0.65%	\$6,499
Swain	3,106	0.14%	\$3,000
Transylvania	5,080	0.22%	\$3,000
Tyrrell	587	0.03%	\$3,000
Union	62,902	2.74%	\$25,490
Vance	9,963	0.43%	\$4,341
Wake	266,541	11.61%	\$108,011
Warren	3,337	0.15%	\$3,000
Washington	2,190	0.10%	\$3,000
Watauga	6,869	0.30%	\$3,000
Wayne	27,691	1.21%	\$12,066
Wilkes	13,260	0.58%	\$5,778
Wilson	17,884	0.78%	\$7,793
Yadkin	7,741	0.34%	\$3,373
Yancey	3,362	0.15%	\$3,000
Total NC	2,294,973		\$1,012,960

Districts

Albemarle	31,790	1.39%	24,889	Bertie, Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, Perquimans
Appalachian	13,344	0.58%	9,000	Alleghany, Ashe, Watauga
Granville-Vance	22,467	0.98%	9,789	Granville, Vance
Martin-Tyrrell-Washington	7,227	0.31%	9,000	Martin, Tyrrell, Washington
Toe River	5,345	0.23%	6,000	Avery, Mitchell
Foothills	21,998	0.96%	9,585	McDowell, Rutherford

*Weight based on NC Population Under 18 years.

Source: US Census Quick Facts - <https://www.census.gov/quickfacts/fact/table/NC/AGE295219>

FY24 - FAS Activity Nbr + Name: **914** **ARPA Addressing Lead in Water and Lead-Based Paint in Public Schools and Child Care Facilities**
 federal award supplement FAS Number + Reason: **1** This FAS is accompanying an AA+BE or an AA Revision+BE Revision.
 Assistance Listing Nbr + Name: **21.027** Coronavirus State and Local Fiscal Recovery Funds
 Is award R&D?: **no** FAIN: **SLFRP0129** IDC rate: **n/a** Fed awd total amt: **\$150,000,000**
 Fed awd proj In Session Law 2021-180 Senate Bill 105, the North Carolina General Assembly appropriated \$150 million in funds from the American Rescue Plan Act of 2021 (ARPA) directing DPH to description: establish programs for the detection and remediation of lead and asbestos in public school units and licensed child care facilities.
 Fed awd date + awarding agency: **05-18-21** U.S. Department of the Treasury

Subrecipient	Subrecipient's UEI	Federal funds from grant listed above	Total federal funds for entire Activity	Subrecipient	Subrecipient's UEI	Federal funds from grant listed above	Total federal funds for entire Activity
Alamance	F5VHYUU13NC5	16,432	16,432	Jackson	X7YWWY6ZP574	3,081	3,081
Albemarle	WAAVS51PNMK3	24,889	24,889	Johnston	SYGAGEFDHYR7	22,058	22,058
Alexander	XVEEJSNY7UX9	3,160	3,160	Jones	HE3NNNUE27M7	3,000	3,000
Anson	PK8UYTSNJCC3	3,000	3,000	Lee	F6A8UC99JWJ5	6,535	6,535
Appalachian	CD7BFHB8W539	9,000	9,000	Lenoir	QKUF37VPGH6	5,380	5,380
Beaufort	RN1SXF4LXN6	3,852	3,852	Lincoln	UGGQGSXKBGJ5	7,981	7,981
Bladen	TLCTJWDJH1H9	3,000	3,000	Macon	LLPJBC6N2LL3	3,000	3,000
Brunswick	MJBMXLN9NJT5	8,756	8,756	Madison	YQ96F8BJYTJ9	3,000	3,000
Buncombe	W5TCDKMLHE69	19,873	19,873	MTW	ZKK5GNRNB5Y6	9,000	9,000
Burke	G855APCNL591	7,021	7,021	Mecklenburg	EZ15XL6BMM68	105,323	105,323
Cabarrus	RDXNEJKJFU7	23,242	23,242	Montgomery	E78ZAJM3BFL3	3,000	3,000
Caldwell	HL4FGNJNGE97	6,993	6,993	Moore	HFNSK95FS7Z8	9,299	9,299
Carteret	UC6WJ2MQMJS8	5,073	5,073	Nash	NF58K566HQM7	9,021	9,021
Caswell	JDJ7Y7CGYC86	3,000	3,000	New Hanover	F7TLT2GMEJE1	17,899	17,899
Catawba	GYUNA9W1NFM1	15,326	15,326	Northampton	CRA2KCAL8BA4	3,000	3,000
Chatham	KE57QE2GV5F1	6,615	6,615	Onslow	EGE7NBXW5JS6	20,394	20,394
Cherokee	DCEGK6HA11M5	3,000	3,000	Orange	GFFMCW9XDA53	12,440	12,440
Clay	HYKLQVNWLXK7	3,000	3,000	Pamlico	FT59QFEAU344	3,000	3,000
Cleveland	UWMUYMPVL483	9,497	9,497	Pender	T11BE678U9P5	5,824	5,824
Columbus	V1UAJ4L87WQ7	4,566	4,566	Person	FQ8LFJGMABJ4	3,509	3,509
Craven	LTZ2U8LZQ214	9,348	9,348	Pitt	VZNPMLFT5R6	15,726	15,726
Cumberland	HALND8WJ3GW4	33,504	33,504	Polk	QZ6BZPGLX4Y9	3,000	3,000
Dare	ELV6JGB11QK6	3,008	3,008	Randolph	T3BUM1CVS9N5	13,946	13,946
Davidson	C9P5MDJJC7KY7	15,973	15,973	Richmond	Q63FZNTJ3M4	4,304	4,304
Davie	L8WBGLHZV239	3,890	3,890	Robeson	LKBEJQFLAAK5	12,542	12,542
Duplin	KZN4GK5262K3	5,052	5,052	Rockingham	KGCCCHJZZ43	7,978	7,978
Durham	LJ5BA6U2HLM7	26,853	26,853	Rowan	GCB7UCV96NW6	14,144	14,144
Edgecombe	MAN4LX44AD17	4,794	4,794	Sampson	WRT9CSK1KJY5	6,251	6,251
Foothills	NGTEF2MQ8LL4	9,585	9,585	Scotland	FNVTCUQGCHM5	3,440	3,440
Forsyth	V6BGVQ67YPP5	35,194	35,194	Stanly	U86MZUYPL7C5	5,856	5,856
Franklin	FFKTRQCNN143	6,514	6,514	Stokes	W41TRA3NUNS1	3,589	3,589
Gaston	QKY9R8A8D5J6	20,691	20,691	Surry	FMWCTM24C9J8	6,499	6,499
Graham	L8MAVKQJTYN7	3,000	3,000	Swain	TAE3M92L4QR4	3,000	3,000
Granv-Vance	MGQJKK22EJB3	9,789	9,789	Toe River	JUA6GAUQ9UM1	6,000	6,000
Greene	VCU5LD71N9U3	3,000	3,000	Transylvania	W51VGHGM8945	3,000	3,000
Guilford	YBEQWGFJPMJ3	48,477	48,477	Union	LHMKBD4AGRJ5	25,490	25,490
Halifax	MRL8MYNJJ3Y5	4,491	4,491	Wake	FTJ2WJPLWMJ3	108,011	108,011
Harnett	JBDCD9V41BX7	14,957	14,957	Warren	TLNAU5CNHSU5	3,000	3,000
Haywood	DQHZEVAV95G5	4,924	4,924	Wayne	DACFHCLQKMS1	12,066	12,066
Henderson	TG5AR81JLQF5	9,475	9,475	Wilkes	M14KKHY2NNR3	5,778	5,778
Hoke	C1GWSADARX51	6,150	6,150	Wilson	ME2DJHMYWG55	7,793	7,793
Hyde	T2RSYN36NN64	3,000	3,000	Yadkin	PLCDT7JFA8B1	3,373	3,373
Iredell	XTNRLKJLA4S9	18,466	18,466	Yancey	L98MCUHKC2J8	3,000	3,000

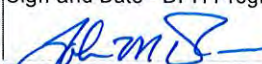
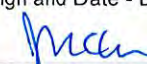
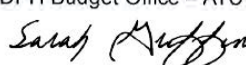
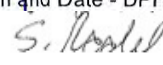
DPH-Aid-To-Counties


For Fiscal Year: 23/24

Budgetary Estimate Number : 0

Activity 914	AA	2SF2 SFLA TT	Total Allocated	2SF2 SFLT TT	Total Allocated	Proposed Total	New Total
Service Period		06/01-05/31		06/01-05/31			
Payment Period		07/01-06/30		07/01-06/30			
01 Alamance	* 0	12,837	\$0.00	3,595	\$0.00	16,432	16,432
D1 Albemarle	* 0	19,443	\$0.00	5,446	\$0.00	24,889	24,889
02 Alexander	* 0	2,469	\$0.00	691	\$0.00	3,160	3,160
04 Anson	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
D2 Appalachian	* 0	7,032	\$0.00	1,968	\$0.00	9,000	9,000
07 Beaufort	* 0	3,009	\$0.00	843	\$0.00	3,852	3,852
09 Bladen	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
10 Brunswick	* 0	6,841	\$0.00	1,915	\$0.00	8,756	8,756
11 Buncombe	* 0	15,526	\$0.00	4,347	\$0.00	19,873	19,873
12 Burke	* 0	5,485	\$0.00	1,536	\$0.00	7,021	7,021
13 Cabarrus	* 0	18,158	\$0.00	5,084	\$0.00	23,242	23,242
14 Caldwell	* 0	5,463	\$0.00	1,530	\$0.00	6,993	6,993
16 Carteret	* 0	3,963	\$0.00	1,110	\$0.00	5,073	5,073
17 Caswell	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
18 Catawba	* 0	11,973	\$0.00	3,353	\$0.00	15,326	15,326
19 Chatham	* 0	5,168	\$0.00	1,447	\$0.00	6,615	6,615
20 Cherokee	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
22 Clay	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
23 Cleveland	* 0	7,419	\$0.00	2,078	\$0.00	9,497	9,497
24 Columbus	* 0	3,567	\$0.00	999	\$0.00	4,566	4,566
25 Craven	* 0	7,303	\$0.00	2,045	\$0.00	9,348	9,348
26 Cumberland	* 0	26,175	\$0.00	7,329	\$0.00	33,504	33,504
28 Dare	* 0	2,350	\$0.00	658	\$0.00	3,008	3,008
29 Davidson	* 0	12,479	\$0.00	3,494	\$0.00	15,973	15,973
30 Davie	* 0	3,039	\$0.00	851	\$0.00	3,890	3,890
31 Duplin	* 0	3,947	\$0.00	1,105	\$0.00	5,052	5,052
32 Durham	* 0	20,979	\$0.00	5,874	\$0.00	26,853	26,853
33 Edgecombe	* 0	3,745	\$0.00	1,049	\$0.00	4,794	4,794
D7 Foothills	* 0	7,488	\$0.00	2,097	\$0.00	9,585	9,585
34 Forsyth	* 0	27,495	\$0.00	7,699	\$0.00	35,194	35,194
35 Franklin	* 0	5,089	\$0.00	1,425	\$0.00	6,514	6,514
36 Gaston	* 0	16,165	\$0.00	4,526	\$0.00	20,691	20,691
38 Graham	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
D3 Gran-Vance	* 0	7,647	\$0.00	2,142	\$0.00	9,789	9,789
40 Greene	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
41 Guilford	* 0	37,873	\$0.00	10,604	\$0.00	48,477	48,477
42 Halifax	* 0	3,508	\$0.00	983	\$0.00	4,491	4,491
43 Harnett	* 0	11,685	\$0.00	3,272	\$0.00	14,957	14,957
44 Haywood	* 0	3,847	\$0.00	1,077	\$0.00	4,924	4,924
45 Henderson	* 0	7,402	\$0.00	2,073	\$0.00	9,475	9,475
47 Hoke	* 0	4,805	\$0.00	1,345	\$0.00	6,150	6,150
48 Hyde	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
49 Iredell	* 0	14,427	\$0.00	4,039	\$0.00	18,466	18,466
50 Jackson	* 0	2,407	\$0.00	674	\$0.00	3,081	3,081
51 Johnston	* 0	17,233	\$0.00	4,825	\$0.00	22,058	22,058

52 Jones	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
53 Lee	* 0	5,105	\$0.00	1,430	\$0.00	6,535	6,535
54 Lenoir	* 0	4,203	\$0.00	1,177	\$0.00	5,380	5,380
55 Lincoln	* 0	6,235	\$0.00	1,746	\$0.00	7,981	7,981
56 Macon	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
57 Madison	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
D4 M-T-W	* 0	7,032	\$0.00	1,968	\$0.00	9,000	9,000
60 Mecklenburg	* 0	82,284	\$0.00	23,039	\$0.00	105,323	105,323
62 Montgomery	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
63 Moore	* 0	7,265	\$0.00	2,034	\$0.00	9,299	9,299
64 Nash	* 0	7,048	\$0.00	1,973	\$0.00	9,021	9,021
65 New Hanover	* 0	13,984	\$0.00	3,915	\$0.00	17,899	17,899
66 Northampton	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
67 Onslow	* 0	15,933	\$0.00	4,461	\$0.00	20,394	20,394
68 Orange	* 0	9,719	\$0.00	2,721	\$0.00	12,440	12,440
69 Pamlico	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
71 Pender	* 0	4,550	\$0.00	1,274	\$0.00	5,824	5,824
73 Person	* 0	2,741	\$0.00	768	\$0.00	3,509	3,509
74 Pitt	* 0	12,286	\$0.00	3,440	\$0.00	15,726	15,726
75 Polk	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
76 Randolph	* 0	10,895	\$0.00	3,051	\$0.00	13,946	13,946
77 Richmond	* 0	3,362	\$0.00	942	\$0.00	4,304	4,304
78 Robeson	* 0	9,798	\$0.00	2,744	\$0.00	12,542	12,542
79 Rockingham	* 0	6,233	\$0.00	1,745	\$0.00	7,978	7,978
80 Rowan	* 0	11,050	\$0.00	3,094	\$0.00	14,144	14,144
82 Sampson	* 0	4,884	\$0.00	1,367	\$0.00	6,251	6,251
83 Scotland	* 0	2,687	\$0.00	753	\$0.00	3,440	3,440
84 Stanly	* 0	4,575	\$0.00	1,281	\$0.00	5,856	5,856
85 Stokes	* 0	2,804	\$0.00	785	\$0.00	3,589	3,589
86 Surry	* 0	5,077	\$0.00	1,422	\$0.00	6,499	6,499
87 Swain	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
D6 Toe River	* 0	4,688	\$0.00	1,312	\$0.00	6,000	6,000
88 Transylvania	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
90 Union	* 0	19,914	\$0.00	5,576	\$0.00	25,490	25,490
92 Wake	* 0	84,384	\$0.00	23,627	\$0.00	108,011	108,011
93 Warren	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
96 Wayne	* 0	9,425	\$0.00	2,641	\$0.00	12,066	12,066
97 Wilkes	* 0	4,514	\$0.00	1,264	\$0.00	5,778	5,778
98 Wilson	* 0	6,088	\$0.00	1,705	\$0.00	7,793	7,793
99 Yadkin	* 0	2,635	\$0.00	738	\$0.00	3,373	3,373
00 Yancey	* 0	2,344	\$0.00	656	\$0.00	3,000	3,000
Totals		791,375	0	221,585	0	1,012,960	1,012,960

Sign and Date - DPH Program Administrator  3-6-23	Sign and Date - DPH Section Chief  03-06-23
Sign and Date - DPH Budget Office – ATC Coordinator  3/6/23	Sign and Date - DPH Budget Officer  3/7/2023

 3/6/2023



*Health & Human Services - Public Health Division
NENCPPH Public Health Workforce Grant*

Description

The Public Health Division has been awarded a mini-grant from Northeastern NC Partners for Public Health (NENCPPH) to provide support to improve the public health infrastructure and to strengthen foundational capabilities.

This mini-grant will support two initiatives: 1. To purchase needed and updated equipment and supplies for the Environmental Health Specialists to improve efficiency and modernize their service delivery and 2. Provide funds for training the DHHS Director to become a certified facilitator of three courses: Personal Awareness & Success, Conflict Navigation and Team Building. The plan is for the certified trainer to then offer these courses to not only staff in Dare County but to health departments in the eastern region or across the state.

Board Action Requested

Approve Budget Amendment

Item Presenter

N/A

Northeastern North Carolina Partnership for Public Health



Beaufort • Bertie • Camden • Chowan • Currituck • Dare • Edgecombe • Gates • Halifax
Hertford • Hyde • Martin • Pasquotank • Perquimans • Tyrrell • Washington

Date: November 30, 2023

Subject: Award Letter for Grant Request

To **Dare County Department of Health and Human Services,**

We are pleased to inform you that the Northeastern North Carolina Partnership for Public Health (NENCPPH) reviewed your recent grant request and have awarded the **Dare County Department of Health and Human Services** a grant in the amount of \$14,203.

Enclosed you will find a Memorandum of Agreement. The agreement explains the responsibilities and expectations for the grant award. As a reminder, direct food purchase is not an allowable expense.

Please sign the below Memorandum of Agreement within 5 business days and return to the Region 9 ARPA Public Health Workforce Initiative Director, Julie Tunney at jtunney@arhs-nc.org.

As the agreement indicates, the Northeastern North Carolina Partnership for Public Health (NENCPPH) requests a quarterly report until the completion of your initiatives. All activities and expenditures need to be completed prior to May 31, 2024. A Google Form link will be emailed to you shortly. Please use the form to prepare and submit your report. We request that, to the extent possible, you follow the format and answer the questions asked when completing your grant report. Please note reports are due within 10 days after the end of the reporting period. If you have questions, please email the Region 9 ARPA Public Health Workforce Initiative Director, Julie Tunney at jtunney@arhs-nc.org.

Thank you,

Julie Tunney

Julie Tunney
Region 9 ARPA Public Health Workforce Initiative Director
Coordinator, Northeastern NC Partnership for Public Health
Jtunney@arhs-nc.org
252.339.6727

MEMORANDUM OF AGREEMENT (MOA)

This Memorandum of Agreement is made by and between the Northeastern North Carolina Partnership for Public Health (NENCPPH) and the **Dare County Department of Health and Human Services**. This Agreement represents the complete understanding of both parties regarding the Region 9 Local Health Department (LHD) American Rescue Plan Act (ARPA) Mini-Grants.

Background: The ARPA COVID-19 Public Health (PH) Workforce Grant supports regional efforts to recruit, hire, and train personnel to address projected COVID-19 response needs, including strengthening the PH Foundational Capabilities. With the understanding that each of the fifteen (15) counties' local health departments within the Region 9 ARPA district has individualized needs, Region 9 LHD ARPA leadership budgeted a portion of its ARPA COVID-19 PH Workforce Grant funds for the purpose of providing support for improving public health infrastructure by addressing foundational capabilities on an individualized basis. The maximum amount available to apply for by eligible local health departments was \$14,292 for a single county health department. Each eligible LHD submitted a Mini-Grant application to the Region 9 ARPA Public Health Workforce Initiative Director delineating how the funds will be spent, the time frame in which to complete each item, and an itemized budget.

The Dare County Department of Health and Human Services requested \$14,203 from Region 9 ARPA COVID-19 PH Workforce Grant Funds to modernize the Environmental Health program (See attached Dare County Department of Health and Human Services mini-grant submission for additional details).

I. Per this agreement, the AWARDEE will:

(a) Use requested funding to undertake, carry out, and complete, the work and services set forth in their mini-grant application. If the awardee is unable to spend the mini-grant funds as requested, the awardee should spend the balance of funds in the spirit of the grant award.

(b) Submit data **QUARTERLY** to the Region 9 ARPA Public Health Workforce Initiative Director for reporting purposes. Reporting requirements are as follows:

(i) **Hiring:** Hiring or contracting of any individuals with these funds will require details on the number of positions posted, the number of applicants, position titles, position categories, position classifications (full time or part time), diversity, equity, and inclusion (DEI) approaches used in the recruitment and hiring process, in addition to applicant demographic information including race, ethnicity, and gender.

(ii) **Training:** Any use of these funds for training purposes will require details on the Public Health Foundational capabilities addressed by the training, the type of training performed, the number of training events, the number of attendees, the number of education hours offered, future training activities and events, and demographics of attendees, including race, ethnicity, and gender information.

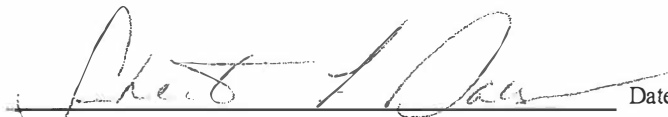
(iii) **Expenditures:** The AWARDEE will provide a **QUARTERLY** report on expenditures.


(iv) **Other:** AWARDEE will provide information about how the funds were used, successes, challenges, and difficulties of hiring personnel or implementing training opportunities.

II. Please note funds **cannot** be used for:

- (a) Research
- (b) Clinical care (except as otherwise noted in Domain 5 and as may be provided in further guidance from CDC)
- (c) Publicity and propaganda (lobbying):
- (d) Other than for normal and recognized executive-legislative relationships, no funds may be used for:
 - publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body
 - the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before any legislative body
- (e) See Additional Requirement (AR) 12 for detailed guidance on this prohibition and Additional guidance on lobbying for CDC recipients:
https://www.cdc.gov/grants/documents/Anti-Lobbying_Restrictions_for_CDC_Grantees_July_2012.pdf
- (f) All unallowable costs cited in CDC-RFA-TP18-1802 remain in effect, unless specifically amended in this guidance, in accordance with 45 CFR Part 75 – Uniform Administrative Requirements, Cost Principles, And Audit Requirements for HHS Awards.

III. ARPA grant funds will be issued to the Dare County Department of Health and Human Services. As the fiscal lead for the NENCPH, Albemarle Regional Health Services (ARHS) will issue the AWARDEE the funds to use as described in their mini-grant application with the understanding that the end of the ARPA funds service period is May 31, 2023.


 _____ Date: 12/4/2023
 Sheila Davies, Health Director
 Dare County Department of Health and Human


 _____ Date: 12/4/23
 Ashley Stoop, Health Director, ARHS
 Region 9 Lead Agency Health Director

Appendix X

Applicant Details – Region 9 ARPA Mini-Grant 2 Request
Please complete and return to Julie Tunney at jtunney@arhs-nc.org by November 22, 2023.

Local Health Department Name: Dare County Department of Health and Human Services

Physical Address: 109 Exeter Street Manteo, NC 27954

Mailing Address: PO Box 669 Manteo, NC 27954

Program Contact Name: Sheila Davies

Program Contact email and phone number: Sheila.davies@darenc.gov 252-475-5093

Fed ID #: 56-6000293

Amount of Request: \$ 14,203 (*Please attach detailed budget*)

Service Area (Counties): Dare County

Title of What Funding Will Support: Facilitator Training and Environmental Health Efficiency
and Modernization Improvements

Project Description (*Please describe how the funds will be used and the timeframe for implementing the project(s), attaching additional pages as necessary*)

The mini grant will support 2 main initiatives:


- 1) The grant will provide funds to purchase needed equipment and supplies for our Environmental Health specialists to improve efficiency and modernize their service delivery. An itemized budget is attached. We expect to purchase the items in the budget in January 2024, pending grant approval.
- 2) The grant will provide funds for Certified Facilitator Training in three courses with True Colors International, The Courses and dates are listed below. The plan is for the Certified Trainer to then offer these courses to not only our staff in Dare County but also to facilitate trainings as needed for health departments in the eastern region or across the state.
 - a. Personal Awareness & Success Certification – True Colors Workshop Facilitators Training – January 17-19, 2024
 - b. Conflict Navigation Advanced Certification Training – February 5 and 12, 2024
 - c. Team Building Advanced Certification Training – June 3 and 10, 2024

Project Outcomes *(Please describe the outcomes to be achieved as a result of the funds being requested, attaching additional pages as necessary)*

Outcome 1: Environmental Health staff will have the tools and resources needed to deliver efficient and quality service to our community. Staff morals will improve based on the investment in materials and their work environment. Staff retention will also improve as staff will recognize the investment we are making in them and their team.

Outcome 2: In our most recent annual staff culture survey, the need for training was cited repeatedly by staff. Specifically, staff want training on conflict management and resolution. Supervisors cited the need for training on improving the workplace culture and team building.

One the trainer is certified in the True Colors training; all staff will participate in a True Colors 3 hr. workshop by 6/31/2024. All Supervisors will participate in both a teambuilding training and the conflict navigation training by 6/30/2024.


Health Director Signature

11/29/23
Date

Grant Budget

Initiative 1 – Environmental Health Efficiency and Modernization Improvements

<u>Item</u>	<u>Total</u>
• Laser level 2@\$1000	\$2000
• Augers 5@\$350	\$1750
• Curved Monitors 3@\$350	\$1050
• Munsell Soil Books 2@\$250	\$500
• Digital Lance 4@\$40	\$160
• Measuring Wheel 4@\$35	\$140
• Temperature Gun 4@\$30	\$120
• Thermapen ONE 4@\$100	\$400
• Meat Thermometer 4 @\$22	\$88
• Pocket Meat Thermometer 6@\$9	\$56
• Milk Thermometer 6@\$15	\$90
• Black Light Flashlight 3@\$20	\$60
• Mobile- All in One Smart Board (for EPI?)	<u>\$3299</u>
	\$9,713

Initiative 2: Facilitator Training

<u>Item</u>	<u>Total</u>
• Personal Awareness & Success Certification – True Colors Workshop Facilitators Training	\$2700
• Conflict Navigation Advanced Certification Training	\$895
• Team Building Advanced Certification Training	<u>\$895</u>
	\$4490

TOTAL = \$14,203

DARE COUNTY

BUDGET AMENDMENT**F/Y 2023-2024**

	G/L Account Number			INCREASE	DECREASE
	Org	Object	Project		
Department: Human Services - Public Health					
<u>Revenues:</u>					
NENCPPH	103052	464706	41100	\$	14,203
<u>Expenses:</u>					
Miscellaneous Equipment	104600	513325	41100	\$	9,713
Training	104600	525000	41100	\$	4,490

Explanation:

Mini-grant from NENCPPH. Funding will be used for updated equipment for Environmental Health to improve efficiency and for certified facilitator trainings for the DHHS Director in Personal Awareness & Success, Conflict Navigation and Team Building. Funds to be spent by May 31, 2024

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



*Health and Human Services - Public Health Division
Vehicle Lease Agreement with PORT Health*

Description

DHHS - Public Health Division will lease a 2023 Ford Turtle Top vehicle from PORT Health for three years.

Board Action Requested

Approve vehicle lease

Item Presenter

N/A



VEHICLE LEASE AGREEMENT

- Effective Date of Lease: _____
- Description of Vehicle: 2023 Ford Turtle Top
VIN: 1FDXE4FN6NDC14223
- Lessee: [insert name of lessee]
- Lessor: PORT Health Services
- Lease Payments: \$1.00 per year/Total of \$3.00 due in advance, within 30 days of Effective Date
- Term of Lease: Three years from the Effective Date.
- Effective _____, PORT Health Services, a North Carolina nonprofit corporation (“PH”), hereby agrees to lease the above-described vehicle (the “Vehicle”) [insert name of lessee] (“Lessee”), in exchange for lease payments of \$1.00 per year, and other good and valuable consideration as set forth herein.
- Title to the Vehicle shall at all times remain in the possession of PH or its nominees, successors, or assigns. Lessee agrees that it will not cause or permit any liens to be placed on the Vehicle.
- The Lessee accepts the Vehicle “as is, with all faults.” There is no warranty, express or implied, extended.
- The Lessee is solely responsible for all expenses associated with maintaining and operating the Vehicle, e.g. registration, new plates, maintenance, repairs, fuel, insurance, furnishings, etc. Lessee agrees to maintain the Vehicle in good working condition (reasonable wear and tear excepted) and not to misuse it (including without limitation, using the Vehicle in a manner prohibited by the underlying insurance policies for the insurance coverages described herein).
- If, during the Term and until the return of the Vehicle, the Vehicle is damaged, destroyed, stolen, abandoned, or taken by any judicial or governmental authority, the Lessee will remain financially responsible. The Lessee shall notify PH within 10 days of any of such events.
- Lessee is required to provide auto liability and property damage coverage for losses arising out of their use of the Vehicle with liability limits not less than \$1,000,000 and list PORT Health Services as an additional insured on a primary and non-contributory basis. Physical Damage Coverage is required for no less than \$234,000 and list Port Health Services as loss payee. A Waiver of Subrogation is required in favor of Port Health Services. The Lessee will provide a certificate of insurance evidencing such coverage on the Effective Date of this agreement, annually, and upon request. Also, the Lessee will inform PH at least 10 days in advance, in writing, if any term of insurance changes or if any policy has been cancelled. If the Lessee fails to maintain the required insurance, or fails to provide PH with proof of insurance, Lessee will be in default.

- PH may immediately terminate this Lease upon notice thereof to Lessee in the event that: (i) Lessee fails to pay any amount as and when due and such failure continues for a period of 10 days, or (ii) Lessee otherwise materially breaches or defaults under this Lease and such material breach or default is not cured within 10 days of written notice thereof. Upon the expiration or earlier termination of this Lease, PH shall have the right to take possession of the Vehicle wherever located, without breach of the peace, and shall thereafter have complete and unfettered control and dominion of the Vehicle, and to all proceeds thereof, without liability to Lessee.
- At the end of the depreciation period PH intends for the Vehicle to become the property of the Lessee.

Agreed to and accepted by:

Lessee:

By: _____

Name:

Title:

Lessor:

PORT Health Services

By: _____

Name:

Title:



Board Appointments

Description

The following Boards have appointments or actions this month:

1. Tourism Board
2. Older Adult Services Advisory Council

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager



Older Adult Services Advisory Council

Description

See Attached Summary

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager

January, 2024

Board Appointment
Older Adult Services Advisory Council
(Four Year Term)

Due to the passing of Commissioner Jim Tobin, the Dare County Commissioners will need to appoint another Commissioner to fill the unexpired term.

Other Members:
See attached list

OLDER ADULT SERVICES ADVISORY COUNCIL

(Four Year Term)

**This Council advises Dare County in its efforts to promote, organize, plan,
and coordinate services and programs for residents and visitors to
Dare County who are 55 years of age and older.**

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Margaret Reber-Dennis, Vice Chair 176 Swan View Drive Kill Devil Hills, NC 27948 maggie211@yahoo.com 252-489-8394 (C)	04-26	Apptd. 4/22
Mary Pendill, Chair 129 Dogwood Circle Manteo, NC 27954 obxmamap@hotmail.com 252-423-0757 (C), 252-473-3589 (H)	11-26	Apptd. 11/14 Reaptd. 11/18, 11/22
Cynthia Harris 92 S. Dogwood Trail Southern Shores, NC 27949 703-402-6288 cindyharris@charter.net	11-25	Apptd. 11/15 Reaptd. 11/17, 10/21
Emily Gould 213 Woodland Drive Kitty Hawk, NC 27949 252-475-5550 (O) ekarr@darenc.gov Social Services Rep.	11-26	Apptd. 11/22
Sandra Burgee 3138 Bay Drive Kill Devil Hills, NC 27948 burgeesf@charter.net 252-207-4132	01-27	Apptd. 12/23 Filling unexpired term.
Don Berg P.O. Box 2822 Kitty Hawk, NC 27949 757-871-6193 dberg790@aol.com	03-24	Apptd. 1/23 to fill term

Isaac Simonsen 4606 S Cobia Way Nags Head, NC 27959 mr.isaacsimonsen@gmail.com 252-333-6986 (H)	04/26	Apptd. 4/22
Barbara Franchi 6053 Martin's Point Road Kitty Hawk, NC 27949 252-261-0164 bafranchi@charter.net	07-24	Appt. 7/20
Claudia Hennessey P.O. Box 740 Avon, NC 27915 252-995-6662	11-25	Apptd. 11/15 Reapptd. 11/17, 10/21
Mary Ellen Holland 23 Spindrift Trail Southern Shores, NC 27949 252-255-5780 maryholland@embarqmail.com	04/26	Apptd. 4/22
Jim Tobin 6951 Pecan Lane PO Box 243 Manns Harbor, NC 27953 jim.tobin@darenc.gov 252-216-7732 DC Commissioner	1-25	Apptd. 6/17 Reapptd. 1/21

NOTE: MEETING INFO: Meetings are held primarily at the Baum Center since meetings are offered virtually.

CONTACT INFO: Jenna Wienert, Dir., Baum Senior Center (252.475.5636)

MEMBERS COMPENSATED: No

Commissioner Byrd replaced Commissioner Perry 9/97; Walter Parker replaced Herb Barr, Josephine Fessler replaced Lovie Midgett and Alpean Midgett apptd. to fill term of Louise Rossiter 11/97. Henry Haywood to fill term Marge Keys and Edna Fehrmann apptd. to fill term of Marge Keys 3/99. Kathy Crowder replaced Jimmy Williams and Marjorie Midgett replaced Roy Midgett 11/99. Grace Fruit replaced Edna Fehrmann 10/00; Cheryl Byrd's appt. tabled til 12/18/00. Geneva H. Perry filled unexpired term of Comm. Cheryl Byrd 1/01. Lovie Midgett apptd. to fill unexpired term of Alpean Midgett 4/01. Shirley Venente replaced Walter Parker and Barbara Brenner replaced Josephine Fessler 1/02. Mary Conway replaced Dell Collins 1/03 and Jonna Midgett replaced Sue Judge 1/03. Virginia Tillett filled unexpired term of outgoing Comm. Geneva Perry 2/03. Joe Rongo replaced "Fritz" Winfree 11/03; Annie Rose Wells filled unexpired term of Gee Fruit 3/04.

Paulette Prodanchek filled term of Barbara Brenner 4/05.
Lynda Hester filled term of Mary Conway 4/07.
Lynn Thomas filled term of Joe Rongo & Georgia Ellis filled term of Annie Rose Wells 8/07.
Judith Link filled unexpired term of Shirley Venente 5/08.
Steve Jennette filled term of Lovie Midgett 12/08; Gisele Mead filled term of Lynda Hester 1/09.
Linda Lengyel filled term of Steve Jennette 3/14.
Lynn Bloomfield filled term of Julia Haywood and David Faudie filled term of Betse Kelly 11/14.
Margarette Umphlett filled unexpired term of Virginia Tillett 12/14.
11/2/15: Cynthia Harris apptd. to South Beach seat, Sandra Clark to Mainland seat & Claudia Hennessey apptd. to Wanchese seat for two-year terms. With no applications from these designated areas, appointments were made from applications that were on hand.
John Clark replaced Georgia Ellis 11/16; Melissa Turnage filled term of Jonna Midgett 12/16.
Jim Tobin appointed to fill term of Margarette Umphlett 6/17
Sandra Clark did not want to be reappointed 11/17. Kenneth Bukantas replaced David Faudie who resigned 1/19. Craig Albert replaced Paulette Prodanchek who resigned 2/19
Amber Jennings apptd., Lynne Bloomfield reapptd. 11/19
Kenneth Bukantas resigned 3/19; Amber Jennings resigned 3/20; Apollonia (Bella) Reber apptd. 3/20
Jim Tobin reappointed 1/21, Cynthia Harris and Claudia Hennessey reappointed 10/21.
Craig Albert moved out of the area, leaving a vacancy.
Lynne Bloomfield and Linda Lengyel resigned 2/22, Lynne Bloomfield withdrew resignation 3/22.
Mary Ellen Holland, Isaac Simonsen and Margaret Reber-Dennis appointed to fill vacancies 4/22.
Mary Pendill was appointed to Chair and Bella Reber was appointed to Vice-Chair 4/22.
Lynne Bloomfield resigned 5/22
Mary Pendill reapptd., Emily Gould to replace Melissa Turnage 11/22
Apollonia (Bella) Reber resigned, Don Berg to complete term, Beulah Ashby to fill vacancy on Board 1/23
Changed Contact Info to Jenna Wienert, new Director of Thomas Baum Senior Center 5/23
Beulah Ashby resigned, Sandra Burgee appointed to fill her unexpired term. 12/23

REVISED 12/23



Dare County Tourism Board

Description

See attached summary.

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager

DARE COUNTY TOURISM BOARD

(Two Year Term)

Effective January 1, 1992

The Tourism Board promotes travel to and tourism in Dare County and its municipalities. Their objective is to promote and encourage tourism in Dare County with the aim of increasing visitation and revenue.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Richard Hess 241 Broadbay Drive Kill Devil Hills, NC 27948 252-256--2112(C) richardhess@sunrealtync.com Outer Banks Chamber of Commerce	12/24	Apptd. 12-22
Mark Ballog 2625 S. Bridge Lane Nags Head, NC 27948 252-573-9756(C) 252-255-5825(O) markballog@aol.com DC Restaurant Assoc.	12-25	Apptd. 12-21 Reapptd. 12/23
Tonia Cohen 213 Soundview Drive Kill Devil Hills, NC 27948 252-423-0019 (C) tonia.cohen@ramadaplazaobx.com OB Hotel/Motel Assoc.	12-24	Apptd. 11/22
John Head 2044 Creek Rd. Kitty Hawk, NC 27949 john@colonyrealtycorp.com 252-216-7807 (H) 252-441-3051 (W) OB Assoc. of Realtors	12-25	Apptd. 12/23
Monica Thibodeau 126 Sea Hawk Dr., W. Duck, NC 27949 252-207-7739(H) 252-255-6200(O) Monica.thibodeau@carolinadesigns.com Town of Duck	12-24	Apptd. 12/20 Reapptd. 11/22
Leo L. Holland 23 Spindrift Trail Southern Shores, NC 27949 252-255-5780(H) 252-256-2488(C) Lholland23@embarqmail.com Town of Southern Shores	12-24	Apptd. 1/20 to fill term Reapptd. 12/20, 11/22
David Hines 306 First Flight Run Kitty Hawk, NC 27949 Daviddcoastalncobx.com 252-573-9547 (O) Town of Kitty Hawk	12-25	Apptd. 10/21 Reapptd. 12/23

Tabled until January, 2024

Town of Kill Devil Hills

Michael Siers 4638 S Blue Marlin Way Nags Head, NC 27959 252.489.3861 mike.siers@nagsheadnc.gov	12-25	Apptd. 12/21 Reapptd. 12/23
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Town of Nags Head

Tod Clissold 221 Compton Street Manteo, NC 27954 252-305-4963 (H) tod.clissold@gmail.com	12-24	Apptd. 11/22
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Town of Manteo

Vice-Chairman Overman 549 Skyco Rd. Manteo, NC 27954 252-216-6042 wallyo@darenc.gov	12/25	Apptd. 12/23
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DC Commissioner

Dennis Robinson 58578 NC Hwy 12/Box 62 Hatteras, NC 27943 252-986-6335 (O) dennisr@midgettrealty.com	12-24	Apptd. 10/21 (to fill term*) Reapptd. 11/22
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Hatteras Island/ Member at Large

**filled term of D. Peele until 2022.*

Appointed to individual term in 2022.

Tess Judge 4016 Ivy Ln. Kitty Hawk, NC 27949 252-216-6105 tessjudgeobx@gmail.com	12/25	Apptd. 12/23
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Member at Large

NOTES:

MEETING INFO: 3rd Thursday of each month, 9:00 a.m., 1 Visitors Center Circle, Manteo, NC

CONTACT INFO: Lee Nettles, Director, Outer Banks Visitors Center

MEMBERS COMPENSATED: \$125 per meeting-Steering Committee Members, \$100 per meeting- other members

TERM LIMITS: **Members may only serve 2 consecutive 2-year terms**

Some members were appointed for one year in order to stagger the terms (1992)

Luther Daniels was apptd. 1/92 and resigned 5/92. Gus Granitzki was appointed to fill term. Stuart Bell replaced RV Owens III 11/92; Terrence Gray replaced Cecil Williams 11/92. Geneva Perry apptd. to fill term of Ozzie Gray 7/93; Don Bryan replaced Geneva Perry 11/93. Carl Parrott replaced Paul Pruitt, Lacy McNeil replaced Terence Gray and Renee Cahoon replaced Don Bryan for Nags Head rep. 12/93. Geneva H. Perry apptd. to fill term of Robert Williams 11/94. Myra Ladd replaced Stuart Bell as Ch. of Commerce rep. and Kern Pitts apptd. 12/94. Seat was left vacant by death of Wayne Gersen and Terry Gray apptd. to fill term of the late Lacy McNeil. Appt. for Town of Manteo was tabled 12/94. Edward Greene replaced Gus Granitzki 1/95; Dick Woods appointed to fill term of Kern Pitts 3/95. John Woolard replaced Mike Kelly; John Stubbings replaced Robert Middlebrooks & Stuart Bell replaced Don Bryan 12/95. Jimmy Hanks appointed to fill term of Terry Gray 1/96; Cliff Blakely replaced Warren Judge, Lee Tugwell replaced Edward Green, Tim Shearin

replaced Mollie Fearing 1/97 & John Robert Hooper replaced Tim Midgett 1/97. Warren Judge replaced John Woolard 1/98; David L. Perrot replaced John Stubbings 1/98. Ken Hollowell replaced Carl Parrott 1/98; Sherry Rollason replaced Jimmy Hanks 1/98. George Farah III replaced Renee Cahoon and Stan White replaced Geneva Perry 1/98. Sterling Webster replaced Myra Ladd, Paul Sutherland replaced Dick Wood and Dawn Enochs replaced Tim Shearin 12/98. Tim Cafferty replaced David Parrott 12/99; Christine Nunemaker replaced Stuart Bell 12/99. Raju Uppalapati replaced Sterling Webster, Jeff Tack replaced Cliff Blakeley 12/00. Tim Midgette replaced John Robert Hooper, Tim Shearin replaced Dawn Enochs and Curtis Creech replaced Lee Tugwell 12/00; Bob Woodard replaced Sherry Rollason; Anna Sadler replaced George Farah III, John Robert Hooper replaced Stan White, Dawn Enoch replaced Christine Nunemaker and Doug Seay replaced Ken Hollowell 12/01; Sammy Moore replaced Warren Judge 2/02; Dellerva Collins appointed to fill term of Curtis Creech 6/02 Eugene Kennedy replaced Paul Sutherland 12/02; Neil Morrison replaced Tim Shearin 12/02. Barbara Connery replaced Tim Cafferty 12/03; Sherry Rollason replaced Bob Woodard & Bob Woodard replaced Dawn Enochs 12/03; Hal Denny filled term of Gene Kennedy 1/04. Lisa Cafferty replaced Raju Uppalapati 12/04; Michelle Pharr replaced Jeff Tack 12/04. Mike Johnson filled term of John Robert Hooper 1/05; Scott Leggat replaced Tim Midgett 1/05. Ervin Bateman replaced Doug Seay 12/05. Ben Sproul replaced Sammy Moore, Chuck Ball replaced Sherry Rollason, Renee Cahoon replaced Anna Sadler 1/06; David Farrow filled term of Dell Collins and Dan Shields apptd. to fill term of Hal Denny 1/06; Tim Shearin replaced Bob Woodard 2/06. Paul Buske apptd. to fill term of Chuck Ball 2/07; Jackie Myers replaced Barbara Connery 1/08. Ralph Buxton replaced Lisa Cafferty, Brian McDonald replaced Dan Shields & Allen Burrus replaced Scott Leggat 12/08; Sterling Webster replaced Michelle Pharr and Dave Wessel replaced Nancy Caviness 1/09; Paul Charron replaced Ben Sproul, Gary Perry replaced Ervin Bateman and Wayne Gray replaced Renee Cahoon 12/09, Mr. Gray declined appointment, Anna Sadler apptd. 1/10; Jack Shea replaced Mike Johnson 12/09; Scott Leggat replaced Tim Shearin 12/09; Monica Thibodeau apptd. to fill term of Dave Wessel & Jamie Daniels apptd. to fill term of David Farrow 1/10; Jodi Hess replaced Brian McDonald 1/11; Robert L. Woodard filled term of Paul Buske 4/11; Donnie King replaced Paul Charron 12/11; Tim Cafferty replaced Jackie Myers 12/11. Ernie Foster replaced Scott Leggat 12/11; Dorie Fuller replaced Ralph Buxton 12/12; Brent Sorensen replaced Sterling Webster 12/12; Natalie Kavanagh replaced Allen Burrus 12/12; Sheila Davies filled term of Robert Woodard 1/13. Ervin Bateman replaced Gary Perry 12/13; Susie Walters replaced Anna Sadler 12/13. Virginia Tillett replaced Jack Shea 12/13; Tonia Cohen filled term of Brent Sorensen 5/14. Nancy Caviness replaced Monica Thibodeau, 12/14; Leo Holland replaced Jodi Hess, Martha Wickre replaced Jamie Daniels and Wally Overman apptd. to fill term of Virginia Tillett 12/14. Bambos Charalambous replaced Donnie King, Stuart Pack replaced Tim Cafferty, Mike Hogan replaced Sheila Davies 12/15 & George Banks III replaced Ernie Foster 12/15; Myra Ladd-Bone replaced Dorie Fuller & Pat Weston replaced Natalie Kavanagh 12/16; Craig Garriss replaced Ervin Bateman 1/18; Christopher Nason filled term of Leo Holland 1/18; William "David" Pergerson replaced Stuart Pack, Webb Fuller replaced Susie Walters, Bobby Owens filled term of Martha Wickre & Jeff Pruitt replaced Craig Garriss who declined appointment 1/18; Chuck Burdick replaced Nancy Caviness and Jamie Chisholm replaced Tonia Cohen 1/19; Karen Loopman-Davis replaced Bambos Charalambous, Douglas R. Brindley replaced William Pergerson & Ervin Bateman replaced Wally Overman 1/20, Timmy M. Cafferty replaced George Banks, III; Leo Holland filled term of Christopher Nason & Ivy Ingram replaced Mike Hogan, 1/20; Bambos Charalambous replaced Myra Ladd-Bone, Monica Thibodeau replaced Chuck Burdick & Donna Peele replaced Pat Weston, 12/20. David Hines apptd. for Kitty Hawk, Dennis Robinson apptd. to serve remaining term of Donna Peele (Hatteras) until 12/22, Ervin Bateman reapptd. for another term and Timothy M. Cafferty reapptd. for another term as member at large. 12/6/21 appts: Mark Ballog for Restaurant Assoc., Gray Berryman for OB Assoc. of Realtors, Ivy Ingram for Kill Devil Hills and Michael Siers for Nags Head.

11/22 appts: Tonia Cohen replaced Jamie Chisholm, Monica Thibodeau and Leo L. Holland reappointed., Tod Clissold replaced Bobby Owens, and Dennis Robinson reappointed. 12/22: Richard Hess replaced Bambos Charalambous.

Mark Ballog, David Hines, and Michael Siers were all reappointed. 12/23
 John Head, Wally Overman, and Tess Judge were appointed. 12/23
 Town of Kill Devil Hills representative was tabled until January 12/23

REVISED 12/23

BOARD APPOINTMENT

TOURISM BOARD

(Two Year Term)

Town of Southern Shores

The Town of Southern Shores has designated the following nominees in order of preference for the Town's representative to replace outgoing Councilman Leo Holland.

Councilman Mark Batenic

Mayor pro tem Matt Neal

Mayor Elizabeth Morey

Applications follow.



Skyler Foley <skyler.foley@darenc.gov>

Tourism Board

Sheila Kane <skane@southernshores-nc.gov>
To: Skyler Foley <skyler.foley@darenc.gov>

Thu, Dec 7, 2023 at 11:13 AM

Skyler,

At the December 5th Southern Shores council meeting, the board nominated as **(primary) Councilman Mark Batenic** to represent Southern Shores on the Tourism Board. He would be replacing outgoing Councilman Leo Holland.

The other two as back up choices are Mayor pro tem Matt Neal and Mayor Elizabeth Morey.

I am sending all three the link you provided to fill out the application.

Thank you,

Sheila Kane, CMC, NCCMC

Town Clerk

Town of Southern Shores

[5375 N Virginia Dare Trail](#)

[Southern Shores, NC 27949](#)

(252) 261-2394 phone

(252) 255-0876 fax

skane@southernshores-nc.gov





APPLICATION FOR APPOINTMENT

TO DARE COUNTY ADVISORY BOARDS AND COMMITTEES

1st Choice Tourism Board

2nd Choice

3rd Choice

Name Mark Batenic

Address 97 Poteskeet Trail

City/State/Zip Southern Shores, NC 27949

Email mbatenic@southernshores-nc.gov

Personal Phone 8172710328

Business Phone 8172710328

Business Address 97 Poteskeet Trail Southern Shores, NC. 27949 (home address)

Occupation Self Employed/Board Member/Councilman-Southern Shores

Dare County Resident YES
 NO

The text boxes for Education, experience and other should only be 6 lines in order to format nicely on final application form. Text box is limited to 450 characters, but you may have to delete the line breaks.

Educational Background I am a graduate of the University of Kansas with a BA in Liberal Arts. I have attended further education in Marketing and Management at Cornell and the University of Michigan.

Business and civic experience and skills I have spent 55 years in the Grocery Business. WE have lived in 8 states. My last job was CEO of IGA Inc, Chicago, Ill and I retired as CEO on Dec. 31, 2019. I am still the Chairman of IGA. I spent 30 years in Wholesale and operated a retail company for 5 years. I was on the City Council in McLouth Kansas in the mid 70's and have served on numerous industry boards and civic boards in communities where we have lived.

Other boards, Committees, Commissions on which you presently serve I am currently Chairman of IGA Inc., an advisory Board member for Four Seasons produce in Ephrata Pa. and am Chairman of GS 1 Global. As mentioned before, I have been on numerous industry boards and civic boards.

REFERENCE #1

Name David Kole

Business Chief of Police-Southern Shores

Address 5375 N. Virginia Dare Trail Southern Shores NC 27949

Phone 2522167517

REFERENCE #2

Name Cliff Osbourne

Business Town Manager-Southern Shores

Address 5575 N. Virginia Dare Trail Southern Shores NC 27949

Phone 2522168146

REFERENCE #3

Name Leo Holland

Business Retired Executive-John Deere Inc.

Address Spindrift Trail Southern Shores

Phone 2522555781

Signature I understand this application will be kept on the active file for three years and I hereby authorize Dare County to verify all information included in this application.

Mark Batonic

Date 12/7/2023



APPLICATION FOR APPOINTMENT

TO DARE COUNTY ADVISORY BOARDS AND COMMITTEES

1st Choice Tourism Board

2nd Choice Health and Human Services Board

3rd Choice

Name Elizabeth Morey

Address 59 Ginguite Trl

City/State/Zip 27949

Email aemoreyobx@gmail.com

Personal Phone 2522561953

Business Phone

Business Address

Occupation Mayor, Town of Southern Shores

Dare County YES

Resident NO

The text boxes for Education, experience and other should only be 6 lines in order to format nicely on final application form. Text box is limited to 450 characters, but you may have to delete the line breaks.

Educational Background I earned my BS degree in Forest Management from Clemson University and my MS degree in Soil Science from NC State University.

Business and civic experience and skills I served on the Southern Shores Planning Board for 8 years. I have been elected to the Town Council of the Town of Southern Shores twice, and currently serve as Mayor. I volunteered with the USF&W service in the sea turtle program for 10 years and the Aquarium for 4 years

Other boards, Committees, Commissions on which you presently serve I have just been appointed to the Long-Range Tourism Committee.

REFERENCE #1

Name Cliff Ogburn

Business Town of Southern Shores

Address Town of Southern Shores

Phone 2522168146

REFERENCE #2

Name Bobby Outten

Business

Address Dare County

Phone 2522029540

REFERENCE #3

Name Matt Neal

Business

Address Town of Southern Shores

Phone 2525996232

Signature I understand this application will be kept on the active file for three years and I hereby authorize Dare County to verify all information included in this application.

Elizabeth Moroy

Date 12/18/2023

BOARD APPOINTMENT

TOURISM BOARD

(Two Year Term)

Town of Kill Devil Hills

Ivy Ingram's term expires in December and she is not eligible for reappointment.

The Town of Kill Devil Hills Commissioner's has designated the following nominees in order of preference for the Town's representative.

Commissioner Terry Gray

Commissioner Bernard B.J. McAvoy

Mayor John Windley

Applications follow.



Skyler Foley <skyler.foley@darenc.gov>

12/11/2023 KDH Board Action - Dare County Tourism Board recommendation

O'Dell, Michael <odell@kdhnc.com>
To: Skyler Foley <skyler.foley@darenc.gov>
Cc: BOC <boc@kdhnc.com>

Tue, Dec 12, 2023 at 12:11 PM

Skyler,

Good afternoon. At its December 11, 2023, meeting, the Kill Devil Hills Board of Commissioners submitted Commissioner Terry Gray's name for consideration as the Town's representative to the Dare County Tourism Board. Understanding that the Dare County Board of Commissioners requested three submissions for consideration, the following have been submitted in order of the Board's preference for consideration:

1. Commissioner Terry Gray
2. Commissioner Bernard "B.J." McAvoy
3. Mayor John Windley

The order of preference was submitted with regard to existing committee assignments and Town commitments for the Board members. However, Commissioner Terry Gray is the Board's unanimous recommendation for consideration. Each of the members will be completing the electronic application in the coming days.

Thank you,

Michael



Michael O'Dell

Town Clerk

Town of Kill Devil Hills

p: 252-449-5306

a: [102 Town Hall Drive](#), P.O. Box 1719, Kill Devil Hills, NC 27948

w: www.kdhnc.com



APPLICATION FOR APPOINTMENT

TO DARE COUNTY ADVISORY BOARDS AND COMMITTEES

1st Choice Tourism Board

2nd Choice

3rd Choice

Name Terence Lee Gray

Address 322 Pine Grove Trl

City/State/Zip Kill Devil Hills/NC27948

Email tlgray56@gmail.com

Personal Phone 12522561064

Business Phone

Business Address

Occupation retired

Dare County Resident YES
 NO

The text boxes for Education, experience and other should only be 6 lines in order to format nicely on final application form. Text box is limited to 450 characters, but you may have to delete the line breaks.

Educational Background High School Graduate

Business and civic experience and skills N/A

Other boards, Committees, Commissions on which you presently serve N/A

REFERENCE #1

Name John Windley

Business N/A

Address N/A

Phone 2524495300

REFERENCE #2

Name Ivy Ingram

Business

Address

Phone 2524495300

REFERENCE #3

Name B J McAvoy

Business

Address

Phone 2524495300

Signature I understand this application will be kept on the active file for three years and I hereby authorize Dare County to verify all information included in this application.

Terence L. Gray

Date 12/12/2023



APPLICATION FOR APPOINTMENT

TO DARE COUNTY ADVISORY BOARDS AND COMMITTEES

1st Choice A.B.C. Board
2nd Choice Tourism Board
3rd Choice College of the Albemarle Board of Trustees

Name John
Address Windley
City/State/Zip 27948
Email john4kdh@gmail.com
Personal Phone 2529024345
Business Phone 2529024345

Business Address

Occupation Operations Director

Dare County Resident YES
 NO

The text boxes for Education, experience and other should only be 6 lines in order to format nicely on final application form. Text box is limited to 450 characters, but you may have to delete the line breaks.

Educational Background BS of Criminal Justice, ECU

Business and civic experience and skills Mayor of Kill Devil Hills

Other boards, Committees, Commissions on which you presently serve Mayor of Kill Devil Hills

REFERENCE #1

Name N/a
Business N/a
Address N/a
Phone 2529024345

REFERENCE #2

Name N/a

Business N/a

Address

Phone N/a

REFERENCE #3

Name N/a

Business

Address

Phone N/a

Signature I understand this application will be kept on the active file for three years and I hereby authorize Dare County to verify all information included in this application.

A handwritten signature in black ink on a light blue background. The signature is stylized and appears to be a single character or a very short word.

Date 12/19/2023



Upcoming Board Appointments

Description

The Dare County Board of Commissioners welcomes citizen participation on its many Boards and Committees.

Following is a list of the Boards and Committees that have terms expiring during the next 3 months. The list indicates when the item will be presented to the County Commissioners and any requirements that may pertain to the appointment.

Instructions on how to obtain and submit an application are attached along with additional information about each of the Boards and Committees with upcoming term appointments.

Board Action Requested

None

Item Presenter

Robert Outten, County Manager

Upcoming Board & Committee Appointments

The Dare County Board of Commissioners welcomes citizen participation on advisory boards and committees. This type of grassroots public involvement is the foundation of democracy and a vital part of maintaining Dare County as a quality place to live.

Following is a list of Boards and Committees with terms expiring during the next three months.

Information on how to obtain and submit applications follows the list.

There are also several boards with vacancies. Please check the website.

February 2024 Planning Board – 2 terms expiring

March 2024 Older Adult Services Advisory Council – 1 term expiring

April 2024 Juvenile Crime Prevention Council – 1 term expiring
 Manns Harbor Marina Commission – 2 terms expiring

~~~~~Instructions for Obtaining and Submitting Applications~~~~~

An application must be submitted to the Clerk in order for your name to be considered for a board or committee appointment. Applications are kept on file for three years.

The application form is available on the Dare County website

(Please see Board of Commissioners under Advisory Boards and Committees for link)

Skyler Foley, Clerk to the Board at 252-475-5700



Commissioners' Business & Manager's/Attorney's Business

Description

Remarks and items to be presented by Commissioners and the County Manager.

Board Action Requested

Consider items presented

Item Presenter

Robert Outten, County Manager



Closed Session

Description

Closed Session pursuant to:
NCGS 143-318.11(a)(3) to consult with the attorney in order to preserve the attorney-client privilege relative to O'Hara v. Dare County, the PFAS Litigation, and to approve the minutes of the last Closed Session.

Board Action Requested

Approve Closed Session

Item Presenter

Robert Outten, County Manager