



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

Monday, July 17, 2017

“HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?”

AGENDA

- 5:00 PM** **CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1** Opening Remarks - Chairman's Update
- ITEM 2** Presentation of County Service Pins - July 2017
- ITEM 3** Employee of the Month
- ITEM 4** Public Comments
- ITEM 5** Introduction of the New Superintendent of Dare County Schools
- ITEM 6** Report on the NC Senior Tar Heel Legislature
- ITEM 7** John Dodaro Zoning Text Amendment for Solar Energy Systems - Hearing Request
- ITEM 8** Subdivision Ordinance Amendments - Request for a Hearing
- ITEM 9** Maritime Woods Group Development
- ITEM 10** Jonathan Midgett Group Development - CUP Application and Site Plan
- ITEM 11** Belle Acres Group Development - Conditional Use Permit Application and Site Plan
- ITEM 12** Ordinance To Allow The Sale Of Alcoholic Beverages Before Noon On Sundays
- ITEM 13** Outer Banks Gun Club Lease
- ITEM 14** Consent Agenda
- 1. Approval of Minutes (06.19.17)
 - 2. Reimbursement Resolution - FY 2017-2018 Vehicle & Equipment Financing
 - 3. Dare County Transportation Department - Drug and Alcohol Testing Policy
 - 4. 2017 Community Waste Reduction and Recycling Grant
 - 5. Tax Collector's Report

Agenda continued on other side

- ITEM 15** Board Appointments
1. East Lake Community Center Board
 2. Game and Wildlife Commission
 3. Wanchese Community Center
 4. Upcoming Board Appointments

ITEM 16 Commissioners' Business & Manager's/Attorney's Business

ADJOURN UNTIL 9:00 A.M. ON AUGUST 7, 2017



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



Presentation of County Service Pins - July 2017

Description

The following employees are scheduled to receive service pins this month:

1. Felisha Norman, Senior Income Maint. Caseworker, 10 Year Pin
2. Sally Helms, Senior Social Worker Supervisor, 10 Year Pin
3. Wanda McMahon, Community Health Technician, 15 Year Pin
4. Terence Sheehy, EMS Deputy Director, 20 Year Pin
5. Sandy Scarborough, Community Center Manager, 20 Year Pin
6. Veronica Brickhouse, Library Branch Manager II, 25 Year Pin
7. Heidi Wescott, Administrative Specialist, 25 Year Pin

Board Action Requested

None

Item Presenter

Robert Outten, County Manager

July 17, 2017

Presentation of County Service Pins

1. **Felisha Norman**, Senior Income Maint. Caseworker, 10 Year Pin
- Presented by Paula Rodriguez

2. **Sally Helms**, Senior Social Worker Supervisor, 10 Year Pin
- Presented by Chuck Lycette

3. **Wanda McMahon**, Community Health Technician, 15 Year Pin
- Presented by Sue Hewitt

4. **Terence Sheehy**, EMS Deputy Director, 20 Year Pin
-Presented by Jennie Collins

5. **Sandy Scarborough**, Community Center Manager, 20 Year Pin
-Presented by Tim White

6. **Veronica Brickhouse**, Library Branch Manager II, 25 Year Pin
-Presented by Jonathan Wark

7. **Heidi Wescott**, Administrative Specialist, 25 Year Pin
-Presented by Sheriff Doughtie



Employee of the Month

Description

The Employee of the Month will be presented.

Board Action Requested

None

Item Presenter

To Be Determined



Public Comments

Description

The Dare County Board of Commissioners will provide time on the agenda for Public Comments.

Board Action Requested

Hear Public Comments

Item Presenter

Robert Outten, County Manager



Introduction of the New Superintendent of Dare County Schools

Description

John D. Farrelly, the new Superintendent of Dare County Schools, will be introduced by Board of Education Chair, Bea Basnight.

Board Action Requested

None

Item Presenter

Bea Basnight, Chair, Dare County Board of Education



Report on the NC Senior Tar Heel Legislature

Description

An update report will be given on the NC Senior Tar Heel Legislature.

Board Action Requested

Informational Presentation

Item Presenter

Kaye White, Delegate
Mary Ellen Hawthorne, Alternate

FACT SHEET

North Carolina Senior Tar Heel Legislature

2017 Legislative Priorities

Reestablish the Study Commission on Aging

The General Assembly of the State of North Carolina created The North Carolina Study Commission on Aging in 1987 to study and evaluate the delivery of services to older adults and recommend improvements that would meet their current and future needs. In 2011, this commission was repealed, creating an information gap between the older adults in need of assistance and organizations concerned with meeting those needs. The North Carolina Senior Tar Heel Legislature requests the North Carolina General Assembly reestablish the North Carolina Study Commission on Aging.

Increase HCCBG Funding

The North Carolina Home and Community Care Block Grant (HCCBG) is vital to assuring the availability of cost effective home and community-based services to the elderly, the malnourished, homebound, dependent and those who are socially and economically needy. Approximately 10,000 seniors are on the HCCBG waiting list for services and 1.2 million more are expected to turn 60 years of age by the year 2034. This rapidly increasing older adult population of North Carolina places an increased pressure on the service delivery system which is insufficient to meet the current needs of those seeking services. The North Carolina Senior Tar Heel Legislature requests the General Assembly increase the Home and Community Care Block Grant funding by \$7 million dollars in recurring funds.

Increase Funding for Senior Centers

Increase funding for Senior Centers by an additional \$300,000 in recurring funds. There are 163 Senior Centers in 96 counties that provide programs and services to enhance the health and wellness of older adults. These services are of significant benefit to help elders remain independent, thus delaying their potential for costlier services or housing options. Senior Center General Purpose money is vital to support critical center operations. To maintain operation, senior centers must leverage resources from a variety of sources that include federal, state and local governments, special events, participant contributions, and grants and volunteer hours. Funding for senior centers has not met the needs of the increasing aging baby boomer's generation who now constitute more than two-thirds of the 50 plus population. It is recommended that the General Assembly increase funding for Senior Centers to continue to meet the vital needs of North Carolina's growing population of older adults.

Sustain and Expand Project C.A.R.E.

Project C.A.R.E. (Caregiver Alternative to Running on Empty) was designed and tested in North Carolina. It has become a national best practice model for providing respite services to family members who are caring at home for a relative with Alzheimer's disease or related dementia. The number of North Carolinians affected with these dementias now approximates 160,000, and is expected to exceed 210,000 by 2025. North Carolina must develop methods to both encourage and support families to assist their aging family members and relatives to remain at home. Resulting savings in public funds are substantial. We recommend that the General Assembly increase recurring funding for Project C.A.R.E. in 2017-2018 by ten percent annually and thereafter to meet the expected growth, statewide.

Strengthen and Fund North Carolina's Adult Protective Services Program (APS)

North Carolina's APS Program must be strengthened and funded in order to respond to the accelerated growth in the State's aging population, some of whom may be at risk of becoming victims of abuse, neglect or exploitation. The State of North Carolina has not provided any funding for the APS Program since the 2010-2012 State budget. The only funding for the APS Program is provided by county governments and a decreasing federal Social Services Block Grant. We recommend that the North Carolina General Assembly recognize and value its vulnerable and older citizens by making available \$5 million in recurring funds in the State budget to meet the growing need for APS in North Carolina.

FACT SHEET

North Carolina Senior Tar Heel Legislature 2017

The North Carolina Senior Tar Heel Legislature was created by the North Carolina General Assembly with the passage of Senate Bill 479 in July of 1993.

The Senior Tar Heel Legislature was created to:

- Provide information to senior citizens on the legislative process and matters being considered by the North Carolina General Assembly.
- Promote citizen involvement and advocacy concerning aging issues before the North Carolina General Assembly.
- Assess the legislative needs of older citizens by convening a forum modeled after the North Carolina General Assembly.

Each of the 100 North Carolina counties is entitled to one delegate to the Senior Tar Heel Legislature. Most counties also have an alternate delegate. Delegates and alternates must be age 60 or older. The North Carolina Division of Aging and Adult Services provides staff support for the Senior Tar Heel Legislature in cooperation with the 16 Area Agencies on Aging, which are responsible for conducting the selection of delegates and alternates.

Mary Edwards of the Division of Aging and Adult Services is the principal staff aide and can be contacted at Mary.Edwards@dhhs.nc.gov.

We can be found on the web at: <http://www.nesthl.org/> and on Facebook (North Carolina Senior Tar Heel Legislature).

For more information about the North Carolina Senior Tar Heel Legislature, please contact your county's Delegate or Alternate or the following members:

Speaker

Dr. Althea Taylor-Jones
Forsyth County
1469 Country Meadow Lane
Kernersville, NC 27284

Brian
Brunswick

Speaker Pro Tempore

Flanagan
County
3280 Wild Azalea Way
St. James, NC 28461

Deputy Speaker Pro Tempore

Norma Duncan
Mitchell County
59 Chestnut Street
Spruce Pine, NC 28777

Rev.
Pasquotank
901

Secretary

David Boone
County
Cedar Point Circle
Elizabeth City, NC 27909

Delegate

Kaye White Mary
423 W. Villa Dunes Drive
Nags Head, NC 27959
252 441-7062 252

Alternate

Ellen Hawthorne
114 St. Clair Road
Kill Devil Hills, NC 27948
480-1062



John Dodaro Zoning Text Amendment for Solar Energy Systems - Hearing Request

Description

John Dodaro and Maria Clemente have applied for a text amendment to allow for the placement of a large solar energy system at their residence located at 24222 Caribbean Way in Rodanthe. They were advised by the Planning Department that an amendment to exempt the solar energy system was needed due to lot coverage limitations. In discussing their application at the June 12, 2017 meeting, the Planning Board felt additional standards to address the location and other items were needed and instructed staff to draft a new regulations for inclusion in the Zoning Ordinance. The Board voted unanimously to recommend approval of the Dodaro request and the new section for solar energy systems. A public hearing on the proposed amendment is needed should it be the consensus of the Board to move forward with the request. August 7, 2017 is the first available date for such a hearing to meet the amendment notification procedures.

Board Action Requested

Motion to schedule a public hearing on proposed text amendment for solar energy systems

Item Presenter

Donna Creef

5/17/2017

John P. Dodaro, MD, MD
Maria F. Clemente, MD
24222 Caribbean Way
Rodanthe, NC 27968

To Whom It May Concern

I am writing this letter to request permission to install a solar electric system at 24222 Caribbean Way, Rodanthe, NC 27968. The benefits of solar photovoltaic panels, include supporting the electric grid with excess power on hot sunny days when there is a concern for brownouts. Benefits to the environment by using a source of clean energy, and reduction of CO2 emissions. Increase in property value, without increasing property taxes, and it saves money.

North Carolina statute 22B-20 encourages the development and use of solar resources, including solar PV and solar thermal by prohibiting deed restrictions, covenants and other similar agreements, and by preventing undue financial harm to the residential property owner.

Dare County code of ordinances does not even mention solar PV or solar panels as a form of impervious land coverage. Planning and zoning for Solar in North Carolina, states that solar panels are not included in the calculation of impervious surface for storm water purposes. The space between each individual panel on all four sides, in a solar array allows water to drain through, similar to gravel or cement pavers. It does not change storm water runoff and allows water to naturally infiltrate and drain into the ground.

There is only one adjoining property on the eastern side, there is a drainage easement on the south and west side and a road, Caribbean Way on the north side.

I'm including several supporting documents of the information mentioned in the above letter. Thank you for your time and consideration on this matter.

Sincerely,



John P. Dodaro, MD

Section 22-29.5 Solar Energy Systems (new section to be added to ZO)

The intent of these regulations is to provide for the location of solar energy systems in all areas of unincorporated Dare County subject to the following:

Definition

Solar Energy Systems – An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy for use in the heating or cooling of a structure, for heating domestic water or water used in swimming pools or hot tubs, or for the generation of electricity for one principal use structure located on the same parcel or lot as the solar energy system. This does not include solar energy facilities used for the wholesale generation of solar energy by utility companies and/or other business entities.

Type of Systems: Only photovoltaic systems or solar water heating panels shall be permitted. Systems that employ mirrors or other reflective surfaces shall not be used.

Setbacks Requirements: Ground-mounted solar energy systems shall be located a minimum of five feet from any side or rear property line unless the applicable zoning district requires accessory structures to comply with principal structure use setbacks. In no instances shall a solar energy system be located in the front yard or front yard setback area.

Height Limitations: Roof mounted solar energy systems shall not exceed the building height limit of the applicable zoning district. Ground-mounted solar energy systems shall not exceed ten feet at its highest operational angle measured from the finished grade of the lot or parcel.

Lot coverage: Ground-mounted solar panels and their associated mounts shall be excluded from the applicable lot coverage limitation up to a maximum 10% of the total lot area when used in conjunction with a residential principal use structure and up to 5% of the total lot area when used in conjunction with a commercial or industrial principal use structure. Other ground based components, such as equipment boxes, shall be included in the lot coverage calculations.

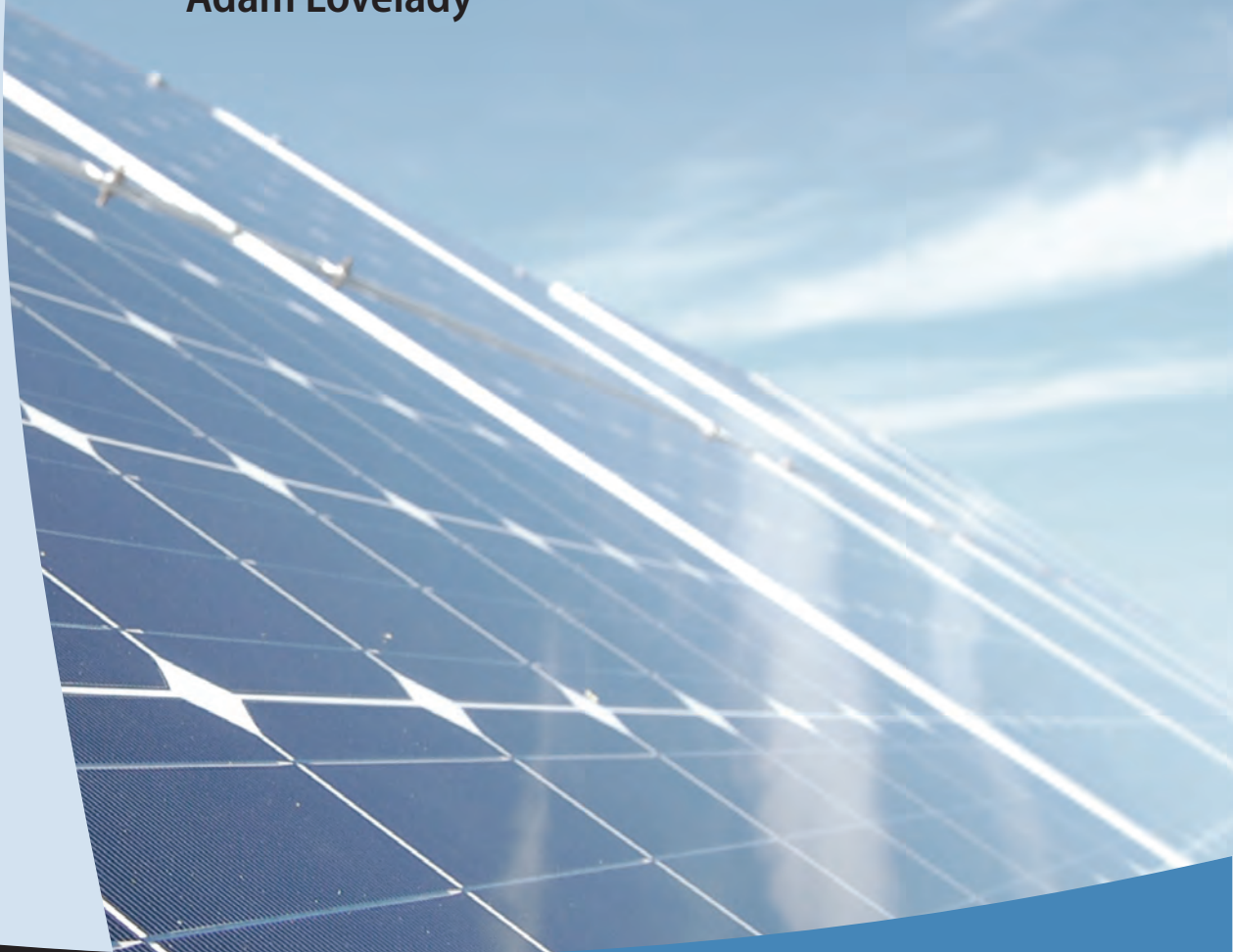
Other Standards: The proposed location of any solar energy system shall be depicted on a survey of the property. The survey shall also note the distance the solar energy system is located from any side and or rear property line. Any required building permit for the energy solar system shall be secured from Dar County before the system is located on the property.



Planning and Zoning for Solar in North Carolina

2014

Adam Lovelady



UNC
SCHOOL OF
GOVERNMENT

The School of Government at the University of North Carolina at Chapel Hill works to improve the lives of North Carolinians by engaging in practical scholarship that helps public officials and citizens understand and improve state and local government. Established in 1931 as the Institute of Government, the School provides educational, advisory, and research services for state and local governments. The School of Government is also home to a nationally ranked graduate program in public administration and specialized centers focused on information technology and environmental finance.

As the largest university-based local government training, advisory, and research organization in the United States, the School of Government offers up to 200 courses, webinars, and specialized conferences for more than 12,000 public officials each year. In addition, faculty members annually publish approximately 50 books, manuals, reports, articles, bulletins, and other print and online content related to state and local government. Each day that the General Assembly is in session, the School produces the *Daily Bulletin Online*, which reports on the day's activities for members of the legislature and others who need to follow the course of legislation.

The Master of Public Administration Program is offered in two formats. The full-time, two-year residential program serves up to 60 students annually. In 2013 the School launched MPA@UNC, an online format designed for working professionals and others seeking flexibility while advancing their careers in public service. The School's MPA program consistently ranks among the best public administration graduate programs in the country, particularly in city management. With courses ranging from public policy analysis to ethics and management, the program educates leaders for local, state, and federal governments and nonprofit organizations.

Operating support for the School of Government's programs and activities comes from many sources, including state appropriations, local government membership dues, private contributions, publication sales, course fees, and service contracts. Visit www.sog.unc.edu or call 919.966.5381 for more information on the School's courses, publications, programs, and services.

Michael R. Smith, Dean
 Thomas H. Thornburg, Senior Associate Dean
 Frayda S. Bluestein, Associate Dean for Faculty Development
 L. Ellen Bradley, Associate Dean for Programs and Marketing
 Johnny Bursleson, Associate Dean for Development
 Todd A. Nicolet, Associate Dean for Operations
 Bradley G. Volk, Associate Dean for Administration

FACULTY

Whitney Afonso	James M. Markham
Trey Allen	Christopher B. McLaughlin
Gregory S. Allison	Kara A. Millonzi
David N. Ammons	Jill D. Moore
Ann M. Anderson	Jonathan Q. Morgan
Maureen Berner	Ricardo S. Morse
Mark F. Botts	C. Tyler Mulligan
Michael Crowell	Kimberly L. Nelson
Leisha DeHart-Davis	David W. Owens
Shea Riggsbee Denning	LaToya B. Powell
Sara DePasquale	William C. Rivenbark
James C. Drennan	Dale J. Roenigk
Richard D. Ducker	John Rubin
Joseph S. Ferrell	Jessica Smith
Alyson A. Grine	Meredith Smith
Norma Houston	Carl W. Stenberg III
Cheryl Daniels Howell	John B. Stephens
Jeffrey A. Hughes	Charles Szypszak
Willow S. Jacobson	Shannon H. Tufts
Robert P. Joyce	Vaughn Mamlin Upshaw
Diane M. Juffras	Aimee N. Wall
Dona G. Lewandowski	Jeffrey B. Welty
Adam Lovelady	Richard B. Whisnant

Z. Smith Reynolds
 FOUNDATION

This publication was made possible by the generous support of the Z. Smith Reynolds Foundation.

The Z. Smith Reynolds Foundation (ZSR) is committed to improving the quality of life of all North Carolinians. ZSR invests in statewide, regional and community-based organizations that are dedicated to building an inclusive, sustainable, and vibrant state. The groups that ZSR supports both work to build healthy, robust communities at the local and regional level and engage in education, civic dialogue and advocacy around issues of importance to communities and to North Carolina. ZSR currently focuses on the areas of community economic development, environment, public education, social justice and equity, and strengthening democracy. The foundation is a 76-year-old private foundation based in Winston-Salem, North Carolina. For more information, visit www.zsr.org.

© 2014
 School of Government
 The University of North Carolina at Chapel Hill

Use of this publication for commercial purposes or without acknowledgment of its source is prohibited. Reproducing, distributing, or otherwise making available to a non-purchaser the entire publication, or a substantial portion of it, without express permission, is prohibited.

18 17 16 15 14 1 2 3 4 5

Contents

Acknowledgments	iv
Introduction	1
Part I: Understanding Solar	3
North Carolina	3
Solar Basics	4
PV and Thermal	4
Cell, Panel, Array, Farm	4
Mounting and Tracking	6
Scale of Solar	7
Regulatory Context	9
Part II: Planning for Solar	10
The Local Plan	10
Public Opportunities	11
Streamlined Regulation	12
Incentives for Solar	12
Part III: Zoning for Solar	13
Zoning Considerations	13
Potential Land Use Impacts	14
Aesthetics	14
Noise	14
Stormwater	15
Glare	16
Safety	16
Operations	17
Property Value	18
Defining and Distinguishing Solar	18
Important Distinctions	19
Less Important Distinctions	19
Districts and Approval Procedure	20
Standards for Solar as a Principal Use	21
Height and Setbacks	22
Screening and Fencing	23
Design and Operations	24
Size	25
Decommissioning	25
Standards for Solar as an Accessory Use	26
Visibility	26
Roof-Mounted Accessory Solar	27
Ground-Mounted Accessory Solar	28
Is it Accessory?	30
Competing Interests	30
Screening Requirements	31
Tree Preservation	31
Historic Preservation	31
Part IV: Solar Access and Solar Siting	32
Solar Access	32
Solar Siting	33
Conclusion	35
Additional Resources	36
Zoning and Planning for Solar	36
Historic Preservation and Solar	36
Other Related Solar Resources	36
Local Ordinances and Plans Cited	37

Acknowledgments

This publication was enriched by informative site visits, generous comments, and insightful critiques. Among others, I thank the following individuals: Sam Beck, Clay County, North Carolina; Kyle Brown, Camp Lejeune; Tommy Cleveland, North Carolina Solar Center; Brandi Deese, City of Laurinburg, North Carolina; Miriam Makhyouun and Michael Fucci, North Carolina Sustainable Energy Association; Michael McDonough; Greg Ness, FLS Energy; Gary Ouellete, City of Jacksonville, North Carolina; Autumn Radcliff, Henderson County, North Carolina; Lance Williams, Strata Solar. Additionally I thank my colleagues at the School of Government, especially David Owens and Richard Ducker, for their guidance and comments.

Introduction

Across North Carolina—from Currituck County on the coast to Clay County in the mountains—solar energy systems are filling pastures and cladding rooftops. The rapid rise of the solar industry in North Carolina has many communities debating how to handle this new land use. How do we plan for solar energy investments? How do we facilitate responsible solar development? What are the potential land use impacts, and how can we address them? These broad questions call for analyzing solar technologies and development, considering the legal framework for zoning and subdivision regulation, and balancing multiple policy considerations. *Planning and Zoning for Solar in North Carolina* provides a foundation for communities to begin to evaluate solar development and craft appropriate ordinances.

This publication focuses on North Carolina law and North Carolina communities. Some issues—such as limits on zoning for residential accessory solar development—are specific to the state. But many other issues are common to solar development across the United States. For that reason model ordinances crafted in other states are presented here, and the discussions and lessons highlighted here will apply in other states. In this document, references and citations are to North Carolina communities unless otherwise noted.

The impetus for *Planning and Zoning for Solar* was the many questions posed by North Carolina local planning and zoning officials as they seek to update ordinances to better manage solar development in their communities. Research for this publication included a survey of existing materials and resources, a review of North Carolina solar ordinances (including the North Carolina Template Solar Ordinance) and model ordinances from other states, discussions with local zoning officials and solar industry professionals, and site visits to solar developments around the state. Thus the information presented herein should support informed policy-setting and decision-making by community leaders as they navigate this new topic of local government land use law and regulation.

In summary, this report highlights the issues local communities face as they consider important policy questions about planning and zoning for solar. Questions pertaining to planning concerns might include the following:

- How does solar fit into community planning efforts?
- How might a local government pursue solar development?
- How can solar development be streamlined and incentivized?

Questions related to zoning might include these:

- What are the land use impacts of solar?
- How is solar development defined and distinguished?
- Where is solar appropriate?
- What should the standards for principal solar uses be?
- What should the standards for accessory solar uses be?
- How can solar development be balanced with competing interests in the ordinance?

Issues related to solar energy systems extend beyond shorter term zoning and planning concerns. For example, what ways can communities enhance and preserve solar access for current and future solar development?

The sections that follow examine these different aspects of planning and zoning for solar. Part I, “Understanding Solar,” provides an introduction to solar technology and trends in the solar industry in North Carolina. Part II, “Planning for Solar,” evaluates options available for communities to plan for and facilitate public and private investment in solar development. Part III, “Zoning for Solar,” outlines issues that arise in zoning for solar: potential land use impacts, definitions of solar uses, standards for solar farms, standards for accessory solar uses, and the potential conflicts between solar and other zoning issues. Part IV, “Solar Access and Solar Siting,” extends the discussion from the prior section with an analysis of how local development regulation may protect and enhance solar exposure for current or future solar development. The last section provides additional resources.

Part I: Understanding Solar

North Carolina

Solar photovoltaic (PV) and solar thermal systems are springing up all around the state. As of June 2013, North Carolina had 245 megawatts of utility scale solar installations in operation and an additional 1,102 megawatts planned, according to the financial and industry analyst SNL.¹ The pace of installation has greatly increased. North Carolina ranked second in the country, behind only California, for solar PV capacity added in 2013.²

Several factors drive solar development in North Carolina, including falling prices of solar panels and installation, market demands from private development and military bases for renewable energy, state and federal incentives, standard offer contracts by the utilities, and the state renewable energy portfolio standard enacted in 2007. The portfolio standard mandates that electric utilities derive 6 percent of their retail sales from renewable or energy efficient sources or both by 2015. The standard rises to 10 percent in 2018 and 12.5 percent in 2021.³



Photovoltaic panels (or modules), here on a solar farm, convert sunlight into electricity.

-
1. Charlotte Cox, "Solar PV Posts Best Q1 Capacity Growth of All Time," SNL, June 11, 2013, www.snl.com.
 2. "Record 2013 Solar PV Installations Promotes U.S. to Strongest Market Outside Asia-Pacific, According to NPD Solarbuzz," NPD Solarbuzz, Press Release, Jan. 8, 2014, www.solarbuzz.com.
 3. "Renewable Energy and Energy Efficiency Portfolio Standard (REPS)," North Carolina Utilities Commission, www.ncuc.commerce.state.nc.us.

Solar Basics

PV and Thermal

The current solar industry in the Southeast has two broad categories of solar energy systems: solar photovoltaic systems and solar thermal systems. Solar photovoltaic, or PV, panels convert solar energy into electricity that may be used on-site or fed into the electric grid. Solar thermal panels absorb solar energy as heat and transfer that heat for common household or commercial purposes (that is, hot water or space heating). PV and thermal panels are very similar in land use impacts and are commonly treated the same under zoning regulations. Typical PV panels and typical thermal panels are comparable in size, profile, and appearance. Both technologies are more effective when the panel is angled toward the sun, but the angle is more critical for solar thermal performance. Thus, roof-mounted solar thermal panels may benefit from a steeper pitch.

Another category of solar energy involves concentrating solar rays for energy production. Such systems do so by using a series of large mirrors to concentrate sunlight for PV electric production or to heat liquid for steam energy generation. Concentrating solar power systems demand the consistent, intense sunlight typically found in desert regions, so such systems are less common in the southeastern U.S.

Cell, Panel, Array, Farm

A solar energy system is composed of a series of linked components. For PV systems, the most basic component is the solar cell. Solar cells convert solar energy into electricity. Cells are typically square or circular and 4–6 inches across. Commonly cells are arranged together into flat, rigid modules—sometimes called solar panels—that hold about forty cells. (Newer technologies



Solar thermal panels atop the Proximity Hotel in Greensboro. The hotel earned LEED® Platinum certification from the U.S. Green Building Council.



Solar cells are combined into solar panels, solar panels are combined into solar arrays, and solar arrays are combined into a solar farm, such as in this solar farm in Chatham County.

link thin, flexible solar cells into films that may be applied directly to building components.)⁴ Traditional panels may be installed independently, or several panels may be linked and mounted together as a solar array. Multiple arrays may be linked together into a solar farm. In order to be connected to the electric grid, PV solar systems require equipment called inverters to change the DC electric current produced by the cells into AC electric current usable in the grid. An inverter can be as small as a paperback book or as large as a compact car, depending on the system size and design. Smaller inverters can be mounted on poles and scattered throughout a solar farm, or several large, pad-mounted inverters may be used, consolidating the equipment into a few locations. Wiring, of course, must link the panels to inverters and inverters to power lines.

So what does all of this mean with regard to scale? How many panels does a house need? Obviously the performance of a solar PV system will depend upon design, technology, and solar exposure, but there are some general rules of thumb. An average North Carolina home would need 45–50 typical solar panels to offset the energy consumed. Most residential solar energy systems have fewer panels and provide some but not all of the energy consumed on-site.

What about solar farms? How big is a 1-megawatt project? The panels of a 1-megawatt PV system can produce 1 megawatt (1 million watts) of electricity under standard testing conditions (peak sun and cool modules). This is the system's nameplate capacity. Even though a solar farm in a field is not in standard testing conditions—the sun angle shifts through the day and the seasons, clouds shade the field, and temperatures vary—its nameplate capacity remains the gauge of the size and productivity of the system. A typical solar farm with a nameplate capacity of 1 megawatt

4. "Solar Energy Technology Basics," U.S. Department of Energy, <http://energy.gov>.

would occupy 6–10 acres of land and be composed of 3,000–4,000 solar panels. A 1-megawatt solar farm could power approximately one hundred average homes. The scale can be much larger, of course. In North Carolina, solar developers have constructed farms as large as 15 megawatts and have planned farms as large as 75–100 megawatts, covering hundreds of acres.⁵ Such large-scale farms are already in operation in California.

For solar thermal systems, panels are constructed with tubes of liquid inside. Like PV solar, solar thermal panels may be installed independently or mounted together as an array. Several arrays may be arranged together as a large-scale solar thermal installation. Whereas PV solar requires a network of wires, solar thermal requires a network of pipes to convey the heat into the building for use.

Mounting and Tracking

A property owner may install solar arrays in three distinct ways: ground-mounted, roof-mounted, or building-integrated. Each of these methods is just what the name suggests, but the land use impacts and relevant regulations may differ depending on the type of installation.

Roof-mounted solar energy systems are mounted atop some structure. The common image is of a residential rooftop with solar panels installed on the south-facing roof slope. These are fairly modest installations to offset a portion of the residential energy demands. They can create some aesthetic impacts. Flat commercial rooftops offer another significant opportunity for solar installations. Panels may be installed flat (flush with the roof) or may be tilted to increase solar production. Solar installations on flat rooftops are often designed so they are not visible from neighboring property or the adjacent right-of-way.

Ground-mounted solar energy systems are installed onto racks, poles, or other equipment specifically constructed to support the solar energy array. A ground-mounted array potentially



Flush-mounted solar panels on a pitched roof.



Ground-mounted PV panels.

5. Andrew Engblom, “Strata Solar Plans Major New Solar Project in North Carolina,” SNL, Feb. 11, 2013, www.snl.com.



Building-integrated solar panels—in this case, a PV awning.

could be as short as 4 feet and as tall as 20–30 feet (for an array over a parking lot, for example). Because a ground-mounted system is often plainly visible, it can raise aesthetic concerns and spur neighbor opposition. And because they are typically shorter than roof-mounted systems, shading from nearby buildings or vegetation can be a greater concern for ground-mounted systems.

Finally, solar energy systems may be installed as a common building component. This is called building-integrated solar. The solar awning is a prevalent building-integrated solar installation. As solar technology advances, solar shingles, window films, wall coverings, and other creative solar applications may be more common. From a regulatory perspective, building-integrated solar may be treated the same as the underlying building component (shingle, awning, window, siding).

Solar arrays may be installed as fixed systems or tracking systems. Fixed systems are mounted on stationary racks. Developers set the angle and orientation of the stationary system to maximize sun exposure (through the day and the seasons) while balancing other factors such as density of rows, wind force, and visibility. Tracking systems are equipped with mechanical components so the panels track the sun through the sky on either one or two axes. Tracking systems are more efficient than fixed systems, but fixed systems may be more cost-effective and reliable.

Scale of Solar

Solar development is occurring at multiple scales for different energy users. The scale may range from a small solar panel on a streetlight or traffic sign to a solar farm hundreds of acres in size. Principal energy users may be residential, commercial, or utility customers. Moreover, the financial and ownership arrangements for solar projects may involve a landowner, project owner, energy purchaser, and end user.

A residential-scale solar energy system typically is installed on the roof, although it may be ground-mounted. The military has installed 2,000 solar hot water panels on military homes at



Residential-scale solar provides some or all of the energy needs of a residence. These residential solar installations in Durham incorporate PV and thermal.

Camp Lejeune, providing up to 75 percent of household hot water.⁶ Some private developers are now offering solar with new home construction.⁷ An average residential-scale project may have ten to thirty solar panels.

A commercial-scale solar project is an accessory use supporting the primary commercial use on the site. Examples include significant rooftop installations and a variety of ground-mounted solar developments. Raleigh-based First Citizens Bank installed 7,000 solar panels (a 1.7-megawatt system) atop its corporate data center in Raleigh.⁸ Ikea installed a 1.1-megawatt system covering 122,000 square feet of the roof of its Charlotte store.⁹ Prestage Farms installed a 7-acre solar thermal system (2,100 thermal panels) at its food processing facility in Saint Pauls. At the time of installation, it was touted as the nation's largest solar thermal farm.¹⁰

Utility-scale solar projects are solar farms. They are the principal use on the property and may range in size from just a few acres to hundreds of acres. There is no bright line, however, between a commercial-scale project and a utility-scale project. Utility-scale solar projects typically are developed for the energy to be sold to a regulated utility and fed into the electric grid. But these large-scale projects may be tied directly to an end user. Near Maiden, North Carolina, Apple Inc.

6. Sami Grover, "Camp Lejeune's Groundbreaking Solar Surge," North Carolina Sustainability Center, <http://ncsustainabilitycenter.org>.

7. "Meritage Homes, EchoFirst and Southern Energy Management Partnering to Bring Complete Solar Solutions to North Carolina Homes," Southern Energy Management, Press Release, May 8, 2012, www.southern-energy.com.

8. Chris Baysden, "First Citizens Bank Installing Solar Panel System," *Triangle Business Journal*, Dec. 19, 2011, www.bizjournals.com/triangle.

9. Alison Angel, "Ikea Charlotte Plugs in Solar System," *Triangle Business Journal*, June 6, 2013, www.bizjournals.com/charlotte.

10. "Nation's Largest Solar Thermal Farm at Prestage Foods Dedicated," Prestage Farms, Press Release, Apr. 3, 2012, www.prestagefarms.com.



Commercial-scale solar commonly makes use of the large, flat roofs of today's commercial buildings. PV or thermal panels may be installed flat or pitched to increase energy production.



Solar farms are large-scale solar installations such as Apple's farm near Maiden, North Carolina.

has installed a 100-acre, 20-megawatt solar facility beside its data center and is installing another 100-acre, 20-megawatt solar facility there. At the time of installation, Apple claimed this as the nation's largest end user–owned, on-site solar array.¹¹

Regulatory Context

Solar development triggers a mix of business and regulatory hurdles far beyond local planning and zoning. Solar developers must manage real estate deals, financing, owner and operator relationships, power purchase agreements, construction details, electric grid interconnection, and ongoing operations and maintenance. Various utility regulations and approvals apply as well.

Additionally, a variety of development regulations—related to, but distinct from, zoning—may affect development of solar. The North Carolina Building Code and Electric Code (and Plumbing Code for solar thermal) apply to these installations. Standard erosion and sediment control regulations, as well as stormwater provisions, also apply. Zoning is just one piece of the regulatory puzzle.

11. "Powering Our Facilities with Clean, Renewable Energy," Apple Inc., www.apple.com.

Part II: Planning for Solar

The Local Plan

Through the comprehensive planning process, towns, cities, and counties capture a picture of the present conditions and establish a vision for their communities: What are the current opportunities and threats? What are the goals for the future? And how will the community achieve those goals? Energy in general—and solar in particular—is an essential component of any contemporary comprehensive plan. Addressing solar energy production can support common planning goals, including increased use of local and renewable energy sources, sustainable building practices, efficient investment of public dollars, and local economic development.

Increasingly, local planning efforts are including energy aspects. In northern Virginia, several jurisdictions have adopted energy-specific plans.¹ Arlington County, for example, adopted a Community Energy Plan, a straightforward policy document concerning energy in buildings, transportation, and county government as well as renewable energy and district energy.² In addition to a county-wide community energy strategy, Loudoun County produced and adopted an Integrated Energy Management Plan for Moorefield Station, a terminus station for a new metropolitan transit line extension.³ The plan is intended as a framework for energy and sustainability infrastructure for the significant growth expected to surround the new transit station.

Aspects of solar energy production also may be incorporated into broader comprehensive plans. In North Carolina, Raleigh's Comprehensive Plan includes policy statements to support



Raleigh has converted land near a wastewater treatment plant into a solar farm.

1. "Community Energy Planning Northern Virginia," Northern Virginia Regional Commission, www.novaregion.org.

2. *Community Energy Plan*, Arlington County, Virginia, June 2013, <http://freshaireva.us>.

3. *Integrated Energy Management Plan*, Loudoun County, Virginia, Feb. 29, 2012, www.loudoun.gov; see also "Moorefield Station Integrated Energy Management Plan," Loudoun County, Virginia, www.loudoun.gov.

the development and application of renewable energy technologies such as solar energy (Policy EP 1.10) and to remove regulatory barriers to solar and other technologies (Policy PU 6.7). Action statements call for Raleigh to study and consider incentives for homebuilders and homeowners to install solar and other co-generation technologies (Action EP 1.8), explore the use of public facility rooftops for solar energy systems (Action EP 1.11), explore potential solar access regulations (Action EP 1.11), and implement solar arrays at the Neuse River Waste Water Treatment Plant once the farm fields are no longer suitable for bio-solid application (Action PU 4.5).⁴

Beyond the planning documents, local governments may lay the groundwork for solar development through public investment, by reducing regulatory hurdles, and by creating incentives for solar projects.

Public Opportunities

Solar development presents a significant opportunity for local governments. Solar energy is a local renewable resource that is largely untapped. Local governments may institute public solar development and facilitate private solar development. In the public context, local government property (such as wastewater plants, closed landfills, and brownfields) could be used to foster solar development. Moreover, existing or planned public buildings can support rooftop and accessory solar development, either as stand-alone projects or as part of a more comprehensive energy efficiency upgrade. Given the long-term nature of public building investment, renewable energy and energy efficiency are commonly net benefits for local government buildings. In Cary, North Carolina, the newly constructed Fire Station 8 includes solar thermal and photovoltaic (PV) panels.⁵ As recommended in the city's comprehensive plan, the City of Raleigh installed a 1.3-megawatt solar energy system on 10 acres at its Neuse River Wastewater Treatment Plant.⁶ Raleigh also installed a 250-kilowatt array on the roof of the city's E.M. Johnson Water Treatment Plant.⁷

Brownfield sites—contaminated former industrial or waste sites—offer a particularly significant opportunity for solar development: they are flat, they have limited development potential otherwise, and they have good interconnection with the electric grid. Redevelopment of brownfields with solar energy projects can bring new investment to underperforming sites, increase value for property owners, and generate tax revenues for the local government.⁸

4. 2030 Comprehensive Plan, City of Raleigh, adopted Oct. 7, 2009, amended Apr. 5, 2011, www.raleighnc.gov.

5. Andrew Kenney, "Cary Tests 'Green' Tech in New Fire Station," *Raleigh News & Observer*, June 23, 2013, www.newsobserver.com.

6. "City of Raleigh Opens New 10 Acre Solar Power Facility," *The Raleigh Telegram*, Mar. 16, 2012, <http://raleightelegram.com>.

7. "E.M. Johnson Water Treatment Plant Produces Energy through a Rooftop Solar Array," City of Raleigh, www.raleighnc.gov.

8. "RE-Powering America's Land," U.S. Environmental Protection Agency, www.epa.gov.

Streamlined Regulation

In the private context, local governments can streamline the process for solar development in a variety of ways. Local regulation can either inhibit solar development or facilitate it. Zoning approvals and building permits (potentially including building, electrical, and plumbing) are necessary to ensure that solar development is safe and adheres to policies and requirements. But permitting costs may be reduced and processes streamlined. Some local governments offer checklists or permit maps for the approvals required for solar development. A report from the Solar America Board for Codes and Standards outlines an expedited permit process for PV systems.⁹ Solar-friendly local governments may streamline the permitting process, provide a comprehensive checklist for approvals, and institute administrative approvals where appropriate.¹⁰ Additionally, local government documents and resources may be helpful to solar developers evaluating project sites. Common online GIS resources will assist solar developers in identifying prime lands for solar development. Some communities have even mapped solar incidence, identifying areas of good solar exposure.¹¹

Incentives for Solar

Local incentives also may facilitate solar development. North Carolina municipalities are authorized to establish programs to finance and purchase renewable energy systems and energy efficiency improvements, including revolving local funds and loan loss reserve funds.¹² Cities and counties may “adopt ordinances to grant a density bonus, make adjustments to otherwise applicable development requirements, or provide other incentives” to encourage development with reduced energy consumption.¹³ Local governments also may support environmentally friendly building practices more broadly with reduced or rebated building permit fees for buildings that meet certain green building certification standards.¹⁴ Solar energy production is one aspect of such green building certifications. A 2012 survey found modest use of these incentives by local governments around the state.¹⁵

Solar may in fact serve to mitigate unrelated impacts. In Raleigh, the additional impervious surface of excessive parking (150 percent over the required parking) must be mitigated. Among the options for mitigation is to “[p]rovide elevated solar powered arrays in lieu of required landscaping plantings for the parking area above the maximum. The solar arrays shall be installed above a minimum of 50% of the parking area above the maximum.”¹⁶

Solar may be incentivized in a variety of ways—even used as a mitigating factor for other aspects of development.

9. “Expedited Permit Process Report, Revision 2,” Solar America Board for Codes and Standards, July 2012, www.solarabcs.org.

10. “Project Permit: Simplifying Solar Permitting,” <http://projectpermit.org>.

11. “Solar Briefing Papers 2: Solar Mapping,” American Planning Association, 2012, www.planning.org.

12. N.C. GEN. STAT. (hereinafter G.S.) § 160A-459.1, www.ncleg.net.

13. G.S. 160A-383.4, www.ncleg.net.

14. G.S. 160A-381(f), www.ncleg.net.

15. David W. Owens and Dayne Batten, “2012 Zoning Survey Report: Zoning Adoption, Administration, and Provisions for Design Standards and Alternative Energy Facilities,” *Planning and Zoning Law Bulletin* No. 20, July 2012, <http://shopping.netsuite.com>.

16. RALEIGH, N.C., UNIFIED DEVELOPMENT ORDINANCE § 7.1.2.D., www.raleighnc.gov.

Part III: Zoning for Solar

Zoning Considerations

A review of the basics of zoning in general may be helpful before considering issues specific to zoning for solar. Zoning is a common tool that local governments use to regulate land development. A zoning ordinance (sometimes called a land use ordinance or unified development ordinance (UDO)) defines a variety of zoning districts and delineates where those districts apply. Common zoning districts include agricultural, residential, commercial, office, and industrial. Districts may be further differentiated based on density and intensity of the particular uses.

For each zoning district, the zoning ordinance provides use restrictions and dimensional development standards. Use restrictions specify what types of uses are permitted in the district. Within the use districts, particular uses may be permitted, permitted by conditional or special use permit, or prohibited. Dimensional standards are those such as height limits, lot coverage, and setbacks from property lines. As an example, in a residential zoning district the uses may be limited to low-density single-family homes and comparable uses, and buildings may be limited to 30 feet tall and a setback of 20 feet from the property lines. Each local government establishes its own districts and standards. Many local governments now are permitting a mix of uses in zoning districts and accommodating large-scale projects that do not fit neatly into the common use categories. The emphasis is on the forms and types of buildings, with use being a secondary consideration.

In many ways solar is just another type of development. It may be permitted in certain districts, prohibited in others, and permitted conditionally in still others. Dimensional standards generally apply and other standards such as vegetative buffering may be appropriate. Just as with the development of a new office building, shopping center, or residential neighborhood, communities must make determinations about where solar development is appropriate, what standards are necessary, and what review process is desired.

Some questions a community should consider in amending its zoning ordinance for solar energy systems include the following:

- How should solar development be defined and distinguished?
- Where is solar appropriate?
- What should the standards for principal solar uses be?
- What should the standards for accessory solar uses be?
- How can solar be balanced with competing interests in the ordinance?

The answers to these questions depend on the land use impacts of solar development and the policy decisions of individual jurisdictions. The sections below first outline the possible land use impacts of different scales of solar development. Subsequent sections analyze how some local governments have answered the preceding questions.



Solar farms, such as this one in Beaufort County, can have significant visual impacts, particularly without any setback or buffering requirements.

Potential Land Use Impacts

Aesthetics

As with all land uses, the land use impact of a solar project depends on its size, location, and context. The primary land use impact of solar energy systems is aesthetic. A panel installed as an awning may have only minimal visual impact. Meanwhile, a large array in an open field next to an existing residential neighborhood may create a substantial visual impact. Several factors affect the aesthetic impact of a solar energy system. Size, height, and configuration are obvious factors. A related aspect is exposure to public view (is it visible from the public right-of-way?). These factors may be critical when identifying appropriate districts, crafting appropriate standards, and considering mitigating conditions.

Comparing the aesthetic impacts of solar projects to other similar visual impacts can be helpful in assessing the potential aesthetic effects of new solar development. For flat roofs, solar panels may have a visual impact similar to that of the HVAC and other equipment that commonly clutter commercial roofs. For pitched roofs, flush-mounted rooftop solar panels may have a visual impact comparable to skylights.

Noise

Compared to many land uses, solar farms are very quiet. They are not silent, however. The inverters—equipment that converts the DC current from the solar panels into AC current for the electric grid—produce an audible hum or whirr. Separately, the associated transformers may produce a hum, and the mechanical components used for tracking solar panel systems may also create low-level, intermittent noise.

The sound levels of the inverters are modest—not unlike an air conditioner or similar appliance—and the inverters may be installed at interior locations within the array. A Massachusetts study examined the sound levels near three different solar farms. It found that “[s]ound levels along the



The pitch and size of accessory solar panels can create visual impacts, even on a flat roof.



Inverters—the equipment needed to convert the current from DC to AC—create a minor amount of noise.

fenced boundary of the PV [photovoltaic] arrays were generally at background levels, though a faint inverter hum could be heard at some locations. Any sound from the PV array and equipment was inaudible at set back distances of 50 to 150 feet from the boundary.”¹

Stormwater

The stormwater impacts of a solar installation will depend upon the project, but generally panels are not included in the calculation of impervious surface for stormwater purposes. A fixed-mount solar farm may be installed with minimal impact to the topography, maintained with natural soil and groundcover underneath, and arranged with reasonable distance between the arrays to allow any runoff to naturally infiltrate and drain. However, a solar installation could be arranged in a manner that collects and channels stormwater runoff, depending on panel spacing and configuration. In that case, the panels may be treated as impervious surface. Additionally, a solar development site stripped of vegetation and soils may result in erosive stormwater flows. Qualified professionals can advise on appropriate stormwater management for construction and post-construction phases.

Elements of a solar farm that alter the natural infiltration, such as steel poles driven into the ground and any other racking components on the ground, will always be treated as impervious. Other impervious elements would include concrete pads or foundations for racks or inverter cabinets. Solar installed on a rooftop, parking lot, or other established impervious surface will not alter the existing area and it would remain impervious.

1. Peter H. Guldberg, “Study of Acoustic and EMF Levels from Solar Photovoltaic Projects,” pt. 3, Massachusetts Clean Energy Center, Dec. 17, 2012, www.masscec.com.



Although glare is generally not an issue, in certain cases it may be a concern for nearby highway traffic, air traffic, or neighbors.

Glare

Glare is one commonly cited concern regarding solar energy systems. Fortunately the design and siting of a project can reduce or eliminate any glare issues. Textured glass and anti-reflective coatings produce less intense glare than smooth glass or mirrors. Solar energy systems are designed to absorb solar energy and typically are angled up, so most glare will be directed upward. That said, typical PV technology still relies on relatively smooth glass, which can create a strong reflection, especially in the morning and evening when the angle of the sun is low.²

Significant glare can pose a hazard for air travel and, in some cases, motorists and neighbors. A PV array atop a parking garage at the Manchester–Boston Regional Airport had to be covered to eliminate glare to the air traffic control tower. The Federal Aviation Administration now requires a glare analysis for solar installations near airports.³ Comparable concerns may arise in proximity to military installations. The U.S. Department of Energy’s Sandia National Laboratories has released a web-based Solar Glare Hazard Analysis Tool available to the public to analyze glare impacts of a potential solar energy system.⁴

Safety

Opponents of solar projects occasionally claim that PV panels, especially the materials within the panels, are unsafe. The actual concern is limited. The typical PV panel is constructed mostly of glass and aluminum. Panel semi-conductors—the components that convert sunlight to electricity—are usually made of crystalline silicon and only account for a small percentage of the panel weight. Silicon is a common element found in sand and used in glass, bricks, and household

2. Stephen Barrett, “Glare Factor: Solar Installations and Airports,” *Solar Industry*, June 2013, <http://solarindustrymag.com>.

3. Clifford K. Ho, “Relieving a Glaring Problem,” *Solar Today*, April 2013, https://share.sandia.gov/phlux/static/references/glint-glare/Ho-SolarToday-April13_v2.pdf.

4. Solar Glare Hazard Analysis Tool (SGHAT), Sandia National Laboratories, <https://share.sandia.gov/phlux>.

electronics. A small amount of lead may be used in the electrical solder in the modules. PV panels using cadmium are more popular in desert climates, and moreover, the cadmium in one module is comparable to that in a C-size rechargeable battery. Regardless of the materials, they are contained in a solid matrix, so they are insoluble and non-volatile under normal conditions. Releases to the ground or air are unlikely.⁵ At the end of a PV panel's useful life, most of the panel may be recycled.⁶

Research indicates that electric field levels are not concerns for solar energy systems. A study of Massachusetts solar farms concluded that “[a]t the utility scale sites, electric field levels along the fenced PV array boundary, and at the locations set back 50 to 150 feet from the boundary, were not elevated above background levels (< 5 V/m).”⁷ Neither are magnetic field levels generally a concern. That same Massachusetts study found that magnetic fields are very low at the fenced boundary of a solar farm and drop to background levels at 50–150 feet from the fenced boundary. Higher magnetic field levels are present within a few feet of utility-scale inverters, but those levels drop to very low or background levels at 150 feet.

Two distinct issues of fire safety may arise with regard to solar development: (1) risk of fire from solar panels and (2) firefighter safety, including roof access and risks of shock. These issues generally are handled through product standards as well as building and electric code requirements, not land use zoning. Even so, these safety considerations deserve some mention. On April 16, 2011, a pair of faults in the wiring of a rooftop PV system in Mount Holly, North Carolina, resulted in a rooftop fire. Solar experts have proposed technical and design fixes to avoid such faults in the future.⁸ Section 605.11 of the 2012 International Fire Code provides information on PV installation and fire safety, including marking, locations for wiring and conductors, roof access, and ground-mounted PVs.⁹ (North Carolina has not yet adopted the 2012 version of the International Building Codes.) Underwriters Laboratory (UL) and the North Carolina Office of the State Fire Marshal each offer online training concerning PV systems and fire safety.¹⁰

Operations

Traffic is a common land use concern. In the case of solar, however, traffic is a minor issue. Solar farms require limited maintenance, so traffic levels after the initial construction phase are minimal.

5. “Clean Energy Results, Questions and Answers: Ground-Mounted Solar Photovoltaic Systems,” Massachusetts Department of Energy Resources, Massachusetts Department of Environmental Protection, and Massachusetts Clean Energy Center, Dec. 2012, www.mass.gov.

6. Debbie Sniderman, “Life After Death,” *Solar Builder*, May 14, 2012, www.solarbuildermag.com.

7. Peter H. Guldberg, “Study of Acoustic and EMF Levels from Solar Photovoltaic Projects,” Massachusetts Clean Energy Center, Dec. 17, 2012, iv, www.masscec.com.

8. “Ground-Fault Detection Blind Spot,” Solar America Board for Codes and Standards, www.solarabcs.org.

9. 2012 International Fire Code, International Code Council, May 2011, <http://publicecodes.cyberregs.com>.

10. “Firefighter Safety and PV Course,” Underwriters Laboratory, <http://lms.ulknowledgeservices.com>; “Pocket Tools Training: Student Review,” North Carolina Office of State Fire Marshal, www.ncdoi.com/OSFM.

The majority of the required maintenance is for the ground cover. Depending on the site and design, a solar farm may require occasional mowing. Some solar operators use sheep to graze the grass between solar arrays.

Property Value

Research indicates that accessory solar on residential properties may in fact raise property value. Research prepared for the U.S. Department of Energy and the National Renewable Energy Laboratory analyzing California home sales prices between 2000 and 2009 found a premium paid for homes with PV systems over comparable homes without PV systems.¹¹

The more critical question for land use ordinances, though, is how does a solar development affect neighboring property values? As discussed below, quasi-judicial permits usually require that new development not injure neighboring property values. As with quasi-judicial proceedings for any other type of development, opinion testimony concerning impacts to property value must be provided by a qualified expert (such as an appraiser) and supported by relevant facts.¹² Indeed, the standard of property value is a critical point of debate in many quasi-judicial decisions, and the adequacy of evidence concerning that standard commonly is the subject of judicial appeals.

Given the rapid rise of the solar industry in North Carolina and the lingering effects of the recent recession, as of this writing data on the effects of solar farms on neighboring property values in North Carolina is limited. There may be few, if any, comparable sales by which to gauge any impact on property values. In a conditional use permit application hearing for a solar farm in Laurinburg,¹³ the applicant offered evidence from a certified general appraiser, including sworn testimony and a sworn affidavit of the appraiser's findings. The appraiser's research did not identify any comparables, so the appraiser considered whether the solar farm would have any negative impacts that might decrease property value, such as appearance, traffic, odor, noise, or hazardous materials. In the appraiser's opinion, the solar farm would not injure neighboring property values.

Of course, different appraisers may hold different opinions, and opponents to a solar farm may present their own expert testimony concerning property values. Additionally, as the solar industry matures, more reliable data on the effects of solar farms on property values may become available.

Defining and Distinguishing Solar

The first question concerning zoning for solar is simple: What is solar? How is it defined? Some communities have concluded that the existing zoning ordinance categories or definitions can accommodate solar projects. Defined uses for utilities or institutional infrastructure may be broad enough to include utility- or commercial-scale solar energy systems. However, the land use impacts of solar may be substantially different from uses that typically qualify in those categories.

11. Ben Hoen, Ryan Wisser, Peter Cappers, and Mark Thayer, "An Analysis of the Effects of Residential Photovoltaic Energy Systems on Home Sales Prices in California," LBNL-4476E, Environmental Energy Technologies Division, Ernest Orlando Lawrence Berkeley National Laboratory, April 2011, <http://emp.lbl.gov>.

12. N.C. GEN. STAT. (hereinafter G.S.) § 160A-393(k)(3), www.ncleg.net.

13. "Council Meeting Minutes," City of Laurinburg, N.C., Apr. 16, 2013, Min. Bk. 17, 77–104, www.laurinburg.org.

Some jurisdictions have adopted ordinances covering several alternative energy technologies (such as solar, wind, and biogas).¹⁴ Given the notable differences in the technologies and land use impacts, however, such an approach is challenging at best. Large-scale wind turbines are more akin to telecommunication towers than to solar farms. Often a newly defined use (or uses) is needed to properly handle solar energy systems in the zoning ordinance. Given the variety of solar projects, categorizing and distinguishing them are necessary.

Important Distinctions

Accessory v. Principal

The major distinction for solar uses involves scale and context: Is it an accessory solar use or a principal solar use? This is a valid and important distinction but can be challenging to make. The residential rooftop system is obviously accessory and the 200-acre solar farm is obviously principal. The many gradations in between make setting clear definitions for what is accessory critical. Common standards call for the accessory use to be incidental to the principal use.

Roof-Mounted v. Ground-Mounted

Roof-mounted and ground-mounted systems have different characteristics and deserve separate treatment. Height, setbacks, sizing and lot coverage, angles, and aesthetics will differ depending on whether a solar energy system is roof- or ground-mounted. Often the distinction between accessory and principal aligns with the distinction between roof- and ground-mounted. But that is not always the case. Building-integrated solar, those systems installed as part of the building (an awning, window, and so forth) may be treated distinctly or simply regulated the same as the building component.

Less Important Distinctions

Thermal v. Photovoltaic

The technology for a solar thermal system is completely different from a solar PV system, but the land use impact is virtually the same—the solar panels are dark panels that may be installed on the roof or ground to produce energy on-site with little noise or traffic. Many communities find it beneficial to treat thermal and PV the same under their ordinances.

Energy Consumption and Grid Connection

There are many different models for the ownership and operation of a solar project, as well as for the purchase and consumption of the energy produced. Ultimately, however, those financial and contractual matters do not affect the land use impacts of a solar energy system. A solar panel on a residential rooftop has the same impact (visual and otherwise) whether it is producing energy that is consumed on-site, sold to the grid, or charging a battery in the attic. Similarly, a 200-acre solar farm has the same land use impacts regardless of whether the energy flows into a nearby electric utility line or is consumed by an on-site manufacturing facility. Thus, from a land use perspective there may be no meaningful distinction between whether energy is consumed on-site or fed into the electric grid.

14. [A Model Ordinance for Energy Projects, Version 2](http://www.oregon.gov), Oregon Department of Energy, July 2005, www.oregon.gov.

Districts and Approval Procedure

When a local government considers appropriate uses for a zoning district, it is generally concerned with compatibility. In other words, what uses play well together? In a low-density residential district, for example, forestry and some low-impact agricultural operations may be allowed, as well as some home occupations with limited traffic and noise. Typical accessory uses and structures (such as garages) also are permitted. Large-scale commercial uses and noisy industrial uses would not be compatible in such neighborhoods.

The analysis is no different for solar uses. Where is solar compatible? First, consider solar accessory uses. Like other accessory uses, accessory solar typically is permitted in all districts. It is treated similarly to HVAC equipment or small accessory structures. Particular dimensional standards for accessory solar (roof-mounted and ground-mounted) are discussed in more detail in “Standards for Solar as an Accessory Use” ([below](#)). Some jurisdictions merely require a basic zoning permit, but others call for specific site plan review. For accessory solar systems, the Town of Navassa requires site plans and elevation drawings to depict the building, the solar equipment, and the property lines. Such plans are administratively approved if they meet the applicable development standards.¹⁵ The N.C. Template Solar Ordinance allows roof-mounted, small ground-mounted, and parking lot canopy solar (all essentially accessory uses) as by-right uses.¹⁶

For solar farms, where solar is the principal use, compatibility is the key. So what does solar resemble? It generates electricity, but it is not industrial like a power plant. It is generally quiet, but has more visual impact than a pasture. It involves a substantial investment in a property, but it does not have the same noise and traffic impacts of a shopping center. As discussed in “Potential Land Use Impacts” ([above](#)), after the initial construction phase, solar development typically is quiet, it generates very little traffic, and the stormwater impacts are generally modest. The height is less than for most buildings that could be built on the site, although lot coverage may be greater than a typical low-density development. The visual impacts will depend upon the site and project configuration.

To balance these potential land use impacts, many communities permit solar farms in industrial districts and rural agricultural districts.¹⁷ Additionally, jurisdictions commonly permit some amount of principal solar use in commercial and residential districts.

Permitting procedures may, of course, be adjusted to increase or decrease the level of review for solar projects. Consider the following procedural requirements for by-right development (basic approval; limited process) and quasi-judicial review (discretionary approval; additional process).

- **By-right.** When solar development is permitted by-right, the applicant must show only that the project meets the basic administrative standards (setback, height, and so forth) and any additional development standards. Such application may require a basic zoning permit; in some cases a site plan may be required as well.¹⁸ The Minnesota Model Ordinance calls for

15. TOWN OF NAVASSA ZONING ORDINANCE § 8.2(5), www.townofnavassa.org.

16. Template Solar Energy Development Ordinance for North Carolina, Table 1, North Carolina Sustainable Energy Association and North Carolina Solar Center, Dec. 2013, <http://energync.org>.

17. The City of Archdale permits solar farms by special use permit in low-density rural agricultural districts and manufacturing districts. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV), www.archdale-nc.gov. In Asheboro, solar farms are permitted in the industrial district and as a special use in the low-density residential district. ASHEBORO, N.C., ZONING ORDINANCE §§ 328A & 652, www.ci.asheboro.nc.us.

18. Saint Pauls requires a site plan to show panel configuration and ordinance compliance. TOWN OF ST. PAULS, N.C., ZONING ORDINANCES § 2.67, www.stpaulsnc.gov.

administrative plan approval for accessory solar, including horizontal site plan and vertical (elevation) drawings, with distinct requirements for pitched roofs and flat roofs.¹⁹ For all by-right uses, if the project meets the basic standards, the applicant has a right to develop the project. No project-specific conditions may be applied. Because of the clear standards and staff review, processing approval of by-right uses is more predictable and timely.

- **Quasi-judicial review.** In some cases, jurisdictions require a conditional use permit or special use permit before a project may proceed. Conditional use and special use permits typically require that the applicant show that the project meets certain discretionary standards. The decision-making board holds a quasi-judicial hearing to make findings of fact as to whether the project meets the stated standards. The applicant and any opponents must provide substantial, competent, and relevant evidence (including sworn testimony) to support their cases. Common standards require that the project does not injure neighboring property values, does not harm public health and safety, is in harmony with the area, and conforms with adopted plans.²⁰ Reasonable conditions may be applied to quasi-judicial approvals to bring the project into compliance with ordinance standards. Because quasi-judicial approvals involve discretionary standards and must be approved by a decision-making board, they are less predictable and more time-consuming than approvals permitted by right.

The N.C. Template Solar Ordinance provides an example of how these different types of review can be used. It allows mid- to large-scale solar uses in all districts, with different review standards for different use districts (administratively reviewed development standards for some and special use permits for others).²¹

Standards for Solar as a Principal Use

This section reviews and evaluates standards commonly applied to solar farms. These standards concern height and setbacks, screening and fencing, design and operations, size, and decommissioning. Local governments make different decisions about these standards, but similar factors are considered in the policy-making process.

19. For pitched roofs, the elevation must show the highest finished slope of the roof and the solar collector. For flat roofs, the drawing must show any parapets, the height of the building's street frontage side, the distance between the solar energy system and the street frontage edge of the building, and the height of the solar collector. Brian Ross, "Solar Energy Standards, from Policy to Reality: Updated Model Ordinances for Sustainable Development," § IV.E., Minnesota Pollution Control Agency, Apr. 2013, www.crplanning.com.

20. David W. Owens, "Special Use Permits in North Carolina Zoning," UNC School of Government, *Special Series* No. 22, Apr. 2007, www.sog.unc.edu.

21. *Template Solar Energy Development Ordinance for North Carolina, Table 1*, North Carolina Sustainable Energy Association and North Carolina Solar Center, Dec. 2013, <http://energync.org>.

Height and Setbacks

Height for solar farms is commonly limited to 25 feet.²² Some jurisdictions set height limits as low as 8 feet.²³ Perquimans County falls in the middle. Its height limit is 15 feet.²⁴ Fifteen or 20 feet likely is sufficient for typical solar arrays.

Setback requirements are commonly tied to the standard setbacks for the zoning district.²⁵ Some jurisdictions add a setback minimum (for example, 20 or 25 feet) so that the solar development must meet it or the district setback, whichever is greater.²⁶ Some jurisdictions apply substantially greater setback requirements. Archdale requires a 100-foot setback.²⁷ And still other jurisdictions apply an increased setback for solar equipment from residences. Pleasant Garden and the N.C. Template Ordinance each require a setback of 100 feet from any residential structure.²⁸



Requirements for setbacks and restrictions on height may need to take into account accessory equipment such as inverters and electric poles.

22. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV), www.archdale-nc.gov; ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA § 5.08(GG), www.co.davidson.nc.us; TOWN OF NAVASSA ZONING ORDINANCE § 9.2(36), www.townofnavassa.org.

23. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org; FAIRVIEW, NORTH CAROLINA, LAND USE ORDINANCE § 180P, <http://fairviewnc.gov>.

24. ORDINANCE No. 88, ZONING ORDINANCE, PERQUIMANS COUNTY § 907.28(B.), www.co.perquimans.nc.us.

25. ASHEBORO, N.C., ZONING ORDINANCE § 328A, www.ci.asheboro.nc.us.

26. TOWN OF NAVASSA ZONING ORDINANCE § 9.2(36), www.townofnavassa.org; FAIRVIEW, NORTH CAROLINA, LAND USE ORDINANCE § 180P, <http://fairviewnc.gov>.

27. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV), www.archdale-nc.gov.

28. DEVELOPMENT ORDINANCE, TOWN OF PLEASANT GARDEN, NORTH CAROLINA § 6-4.69, <http://library.municode.com/index.aspx?clientId=14932>; see also Template Solar Energy Development Ordinance for North Carolina, Table 2, North Carolina Sustainable Energy Association and North Carolina Solar Center, Dec. 2013, <http://energync.org>.



Screening and buffering requirements may be appropriate to shield nearby residences or the public right-of-way. Complete perimeter buffering, however, may be excessive.

Screening and Fencing

The requirements for screening and fencing vary greatly. Some jurisdictions leave this matter to the owner's discretion, some require some sort of barrier, and others address the issue through the terms of conditional and special use permits.

Fencing may be needed to address some safety concerns, as a solar farm is a valuable, unmanned development. The panels may be a curiosity to bored teenagers and an easy target for unscrupulous salvagers. Regardless of any local requirements, many solar developers install fencing to protect their substantial investment in solar equipment and meet electric code requirements that wiring be not easily accessible. Still, some jurisdictions do impose specific fence requirements. Saint Pauls calls for a 6-foot fence for the site and an 8-foot fence for the inverter and mechanical equipment.²⁹

Screening and buffering can be useful tools for mitigating specific visual impacts (such as for neighboring residences), but planting evergreens around the entire perimeter of a site is often unnecessary and overly burdensome. Some jurisdictions try to find a middle ground for screening. Davidson County requires solar farms to be screened from routine view from public rights-of-way and residentially zoned property.³⁰ Saint Pauls requires an evergreen buffer between solar farms and abutting residential property.³¹

Shade is another consideration for screening. Any vegetative buffering requirement should recognize that tall vegetation will negatively impact the solar farm. Archdale requires that solar farms be fully screened from neighboring properties and roads, but the ordinance notes that

29. TOWN OF ST. PAULS, N.C., ZONING ORDINANCES § 2.67, www.stpaulsnc.gov.

30. ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA, § 5.08(GG), www.co.davidson.nc.us.

31. TOWN OF ST. PAULS, N.C., ZONING ORDINANCES § 2.67, www.stpaulsnc.gov.

shading should be avoided.³² In addition to screening requirements, Archdale specifies that solar farms must not interfere with certain views and from sites of public interest (scenic roads and historic resources).³³

Design and Operations

Local jurisdictions have imposed a variety of design and operational standards for solar farms. Glare, safety codes, and parking are among the issues addressed by some solar ordinances.

As noted in the discussion of potential solar land use impacts, in certain circumstances glare may be an issue for solar development, but it can be alleviated with proper design and mitigated with screening. The level of concern over glare will vary depending on the nearby land and land uses. Glare may be a greater issue in hilly terrain than on flat coastal plains. Additionally, proximity to an airport or other air operations may increase safety impacts of glare. Huntersville requires that glare-resistant panels be used for solar facilities near the local airport.³⁴ Saint Pauls requires an engineer to confirm that glare will not offend residences or traffic.³⁵ Currituck County calls for solar farms to be configured to avoid glare and heat transference to adjacent lands.³⁶ As mentioned above, the web-based Solar Glare Hazard Analysis Tool is available to the public to analyze glare impacts of a potential solar energy system.³⁷ The N.C. Template Solar Ordinance mandates that developers planning a solar facility larger than .5 acre must evaluate the project using the glare analysis tool and provide notice of the project and a copy of the glare analysis to nearby airport operators and military posts.³⁸

Some jurisdictions specify additional safety standards. Navassa, for example, requires that solar equipment have proper UL listing and that the installation comply with the building code (including hurricane-force wind velocity requirements) and the National Electric Code.³⁹ Brunswick County similarly calls for UL-listed components and building code compliance (including an up to 130 mph wind load capacity).⁴⁰ Some such standards may be unnecessary, as they merely restate standards with which the development must already comply.

Wiring and noise levels are other specific issues that may be addressed by a solar ordinance. Jurisdictions may require that solar component wiring be placed in underground trenches.⁴¹ Saint Pauls sets a maximum decibel level for inverter noise (40 dBA at the property line).⁴²

32. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV), www.archdale-nc.gov; ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA § 5.08(GG), www.co.davidson.nc.us.

33. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV), www.archdale-nc.gov; ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA § 5.08(GG), www.co.davidson.nc.us.

34. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

35. TOWN OF ST. PAULS, N.C., ZONING ORDINANCES § 2.67, www.stpaulsnc.gov.

36. CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE § 4.2.3.H.I, www.co.currituck.nc.us.

37. Solar Glare Hazard Analysis Tool (SGHAT), Sandia National Laboratories, <https://share.sandia.gov/phlux>.

38. Template Solar Energy Development Ordinance for North Carolina § 7, North Carolina Sustainable Energy Association and North Carolina Solar Center, Dec. 2013, <http://energync.org>.

39. TOWN OF NAVASSA ZONING ORDINANCE § 9.2(36), www.townofnavassa.org.

40. BRUNSWICK COUNTY, NORTH CAROLINA, UNIFIED DEVELOPMENT ORDINANCE § 5.3.4.P, www.brunswickco.net.

41. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV), www.archdale-nc.gov.

42. TOWN OF ST. PAULS, N.C., ZONING ORDINANCES § 2.67, www.stpaulsnc.gov.

Solar farms generate very little traffic and have limited need for parking. Huntersville specifically states that solar farms are exempt from parking standards if there is no associated commercial or office building.⁴³ Currituck County has no minimum parking standards for solar farms.⁴⁴

Size

Some jurisdictions set a minimum size for solar farms. Huntersville sets a minimum of 10 acres for major solar facilities,⁴⁵ Davidson County requires a minimum of 5 acres,⁴⁶ and Fairview requires a minimum 2-acre lot for a solar farm.⁴⁷ Alternatively, jurisdictions may use size thresholds to differentiate types of projects and approvals. The N.C. Template Solar Ordinance, for example, provides different approval procedures based on certain acreage thresholds.⁴⁸

Decommissioning

What will happen when the solar farm is no longer a solar farm? Communities take very different approaches to decommissioning. Some ordinances make no mention of end-of-operation concerns. Several communities state a basic requirement that solar structures be removed after some period (commonly twelve months) of inactivity.⁴⁹

Other communities require some planning or funding to better ensure that decommissioning will be complete. In Huntersville, the special use permit process requires that the town get a copy of the lease and the plan for decommissioning.⁵⁰ Saint Pauls requires a decommissioning plan to be filed with the city to specify how the site will be returned to an agricultural or natural state.⁵¹ Iredell County requires a decommissioning plan that identifies the responsible party, estimates costs of decommissioning, and states the method of ensuring funds will be available.⁵²

Decommissioning bond requirements commonly accompany permitting for towers (telecommunication, wind turbine, and others). Of course, for towers there are significant public safety concerns for a poorly maintained structure and significant costs for decommissioning. Solar farms do not raise the same safety concerns as towers. Many communities leave it to property owners and solar developers to make private arrangements for financing decommissioning. A few communities, however, require decommissioning bonds to protect against potential problems in the future. Pasquotank County requires a bond or irrevocable letter of credit in favor of the county to cover the estimated cost of decommissioning a solar farm.⁵³

43. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

44. CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE Table 5.1.3.C, www.co.currituck.nc.us.

45. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

46. ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA, § 5.08(GG), www.co.davidson.nc.us.

47. FAIRVIEW, NORTH CAROLINA, LAND USE ORDINANCE § 180P, <http://fairviewnc.gov>.

48. Template Solar Energy Development Ordinance for North Carolina § 2, North Carolina Sustainable Energy Association and North Carolina Solar Center, Dec. 2013, <http://energync.org>.

49. IREDELL COUNTY LAND DEVELOPMENT CODE § 3.1, R65, www.co.iredell.nc.us; ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(IV.8), www.archdale-nc.gov.

50. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

51. TOWN OF ST. PAULS, N.C., ZONING ORDINANCES § 2.67, www.stpaulsnc.gov.

52. IREDELL COUNTY LAND DEVELOPMENT CODE § 3.1, R65, www.co.iredell.nc.us.

53. ZONING ORDINANCE OF THE COUNTY OF PASQUOTANK, NORTH CAROLINA, § 9.04-29.f, www.co.pasquotank.nc.us.

Standards for Solar as an Accessory Use

Solar energy systems that are accessory to a principal use are, in many ways, no different than any other accessory use. They are reasonable and logical uses related to principal uses. That said, there are some special considerations for solar, as compared to a garage or home occupation. Is it roof-mounted or ground-mounted? How do the height and setback regulations apply? What distinctions matter and what issues can be set aside?

Sections [153A-144](#) and [160A-201](#) of the North Carolina General Statutes limit local regulation of solar development that is accessory to residential structures. Under the statutes, local ordinances may not prohibit (directly or indirectly) solar accessory to residential uses, but local ordinances still may require screening and restrict location. Common restrictions for residential solar installations include setbacks, screening, maximum height, and yard placement. Ordinances can prohibit solar on the front façade or in the front yard of residences.

Some jurisdictions treat accessory solar as one big category, applying the same basic standards to all accessory solar. Others have careful distinctions among different types of accessory solar. This section outlines some of the separate considerations for roof-mounted accessory solar and ground-mounted accessory solar.

Visibility

Whether the solar installation is ground- or roof-mounted, visibility is a central issue for accessory solar uses. Navassa calls for accessory solar development to blend into the architecture of the building or be screened from public view.⁵⁴ Brunswick and Davidson counties also require screening from public rights-of-way or residential properties.⁵⁵



Flush-mounted rooftop solar may have a minor visual impact.

54. TOWN OF NAVASSA ZONING ORDINANCE § 8.2(5), www.townofnavassa.org.

55. BRUNSWICK COUNTY, NORTH CAROLINA, UNIFIED DEVELOPMENT ORDINANCE § 6.10.1.A.5, www.brunswick.net; ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA, § 6.02(G), www.co.davidson.nc.us.

Some ordinances differentiate among solar installations in complex ways based on visibility. Huntersville, for example, prohibits solar in the front yard, requires a special use permit for solar on a residence's front façade or front-facing roof slope, and allows solar by right in side and backyards.⁵⁶ In commercial districts Huntersville permits solar by right for flat roofs and side-facing sloped roofs; a special use permit is required for commercial accessory solar that is ground-mounted or roof-mounted on a sloped roof facing the public right-of-way.⁵⁷

The Archdale ordinance calls for the solar energy system to mitigate glare and be directed away from neighboring property or roads if a nuisance or safety hazard may be created.⁵⁸

Roof-Mounted Accessory Solar

In regulating roof-mounted solar energy systems, communities must consider visibility, distinctions between sloped roofs and flat roofs, and the relation to general height requirements. Even communities that restrict solar visible from the public right-of-way recognize that solar on flat roofs or rear-facing sloped roofs has no substantial visual impact. In most cases, solar is permitted by right on such roofs.

Height

How do you measure and restrict height for a roof-mounted solar panel? Should the height be based on district height limits or on some distance from the roof? Maybe both. Some jurisdictions simply tie the solar height limit to the district height limits.⁵⁹ So, if the district height maximum is 30 feet, then the roof-mounted solar could be as tall as 30 feet. But zoning in this manner creates two peculiar situations. First, consider a 15-foot-tall flat-roofed building. Solar panels could be substantially taller than the roof plane, creating notable visual impacts as compared to a flush-mounted solar array.⁶⁰ Next, consider the neighboring property built to the maximum height of 30 feet. This neighbor could not install any roof-mounted accessory solar if it exceeded the 30-foot limit.

Two points of flexibility may address this situation. First, to prevent installation of solar panels towering over buildings, the height limit for solar may be tied to the roof plane. In Archdale, for example, roof-mounted solar must comply with the height limits of a zone, but these solar installations can be no taller than the peak of a sloped roof and no higher than 5 feet above a flat roof.⁶¹ Second, in order to allow solar on existing buildings that meet or exceed height limits, the ordinance may provide some allowance for rooftop solar to extend beyond standard height limits. The Minnesota Model Ordinance calls for roof-mounted accessory solar to meet the maximum height for the district but allows the height exception for roof-mounted mechanical equipment to apply to solar.⁶² In Currituck County if the building already exceeds the height limit, then the

56. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

57. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

58. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(III), www.archdale-nc.gov.

59. ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA, § 6.02(G), www.co.davidson.nc.us.

60. Allowing solar panels 15 feet above a roof plane is a policy decision for local governments, and some jurisdictions do authorize such solar installations. Currituck County allows roof-mounted accessory solar to be up to 15 feet above the roofline, provided the system is still within the district height limits. CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE § 4.3.3.V, www.co.currituck.nc.us.

61. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(III), www.archdale-nc.gov.

62. Brian Ross, "Solar Energy Standards, from Policy to Reality: Updated Model Ordinances for Sustainable Development," § IV, Minnesota Pollution Control Agency, Apr. 2013, www.crplanning.com.

solar array may extend 5 feet beyond the roofline.⁶³ Raleigh’s UDO provides that solar panels “may exceed the established height limits . . . provided they do not exceed the maximum building height by more than 12 feet.”⁶⁴

To minimize visual impacts, local regulations may require that solar panels on sloped roofs be flush-mounted (close and parallel to the roof plane). In those cases, the plane of the solar panel may be 1 foot or less from the plane of the roof.

Additional height allowance is necessary to provide for an appropriate angle for solar panels on flat roofs. Height limits may still be related to the roof plane but should be greater than those for flush-mounted panels.

Setbacks

Setbacks are not a critical concern for roof-mounted systems since they are limited to the roof. That said, as an appropriate precaution a local ordinance should specify that roof-mounted solar is limited to the area within the roof perimeter.⁶⁵ Also, an ordinance may require solar on flat roofs to be set back from the perimeter to minimize or avoid visibility from the public. Ordinances may call for roof-mounted solar to preserve safe roof access.⁶⁶

Ground-Mounted Accessory Solar

Ground-mounted accessory solar raises different issues of siting, setbacks, and height. In many respects ground-mounted accessory solar should simply be treated as any other accessory structure. What are the height limits for garages? What are the setbacks? These restrictions may appropriately apply to solar. As with other accessory structures, the policy considerations will depend upon context.

Height

Some jurisdictions limit ground-mounted accessory solar to 5 or 6 feet in height.⁶⁷ Others permit arrays as tall as 20 or 25 feet.⁶⁸ In a large-lot rural residential development, 20-foot-tall, ground-mounted accessory solar arrays may be perfectly acceptable. The same tall array in an in-town small-lot development could cast shadows and potentially fall onto neighboring property. On the other hand, a 5-foot height limit may be overly restrictive, particularly as compared to potential heights for a backyard shed, garage, or pergola. In the case of solar canopies, additional height likely is necessary.

63. CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE § 4.3.3.V, www.co.currituck.nc.us.

64. RALEIGH, N.C., UNIFIED DEVELOPMENT ORDINANCE § 1.5.7.D.2, www.raleighnc.gov.

65. BRUNSWICK COUNTY, NORTH CAROLINA, UNIFIED DEVELOPMENT ORDINANCE § 5.4.10, www.brunasco.net.

66. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(III), www.archdale-nc.gov; Brian Ross, “Solar Energy Standards, from Policy to Reality: Updated Model Ordinances for Sustainable Development,” § IV, Minnesota Pollution Control Agency, Apr. 2013, www.crplanning.com.

67. HUNTERVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org; BRUNSWICK COUNTY, NORTH CAROLINA, UNIFIED DEVELOPMENT ORDINANCE § 5.4.10, www.brunasco.net.

68. TOWN OF NAVASSA ZONING ORDINANCE § 8.2(5), www.townofnavassa.org; ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA, § 6.02(G), www.co.davidson.nc.us; Brian Ross, “Solar Energy Standards, from Policy to Reality: Updated Model Ordinances for Sustainable Development” § IV, Minnesota Pollution Control Agency, Apr. 2013, www.crplanning.com.



The issues and concerns for ground-mounted accessory solar are distinct from those of roof-mounted solar.

Setbacks and Yards

As with height, general district standards for accessory structure setbacks may be appropriate for ground-mounted accessory solar.⁶⁹ In Huntersville, accessory solar must comply with the standard setbacks and spacing for accessory structures.⁷⁰ In Archdale, solar must comply with the setbacks and be no closer than 10 feet from the rear or side property line.⁷¹ In residential districts, many communities choose to limit or prohibit solar panels in the front yard.⁷²

Setbacks also may warrant flexibility. Raleigh’s UDO provides that “[s]olar panels or wind turbines may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.”⁷³

Area/Coverage

Jurisdictions have used various methods to limit the amount of area that may be used for ground-mounted accessory solar. Some ordinances set a simple cap on the size of a solar energy system (400 square feet, for example).⁷⁴ Such a cap, though, could apply regardless of whether the solar was accessory to a small residence, an apartment complex, or a large warehouse. Alternatively, jurisdictions may set a proportional size limit based on lot or principal structure size. Pleasant Garden limits the area of ground-mounted solar in residential districts to 25 percent of the primary residence’s heated square feet.⁷⁵ Currituck County limits accessory solar to the greater of 600 square feet or one-half of the footprint of the principal structure.⁷⁶ Some jurisdictions do not set a size limit.

69. Brian Ross, “Solar Energy Standards, from Policy to Reality: Updated Model Ordinances for Sustainable Development” § IV, Minnesota Pollution Control Agency, Apr. 2013, www.crplanning.com.

70. HUNTERSVILLE, N.C., INTERACTIVE ZONING ORDINANCE § 9.54, www.huntersville.org.

71. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(III), www.archdale-nc.gov.

72. ARCHDALE, N.C., ZONING ORDINANCE § 6.5, SR 41(III), www.archdale-nc.gov.

73. RALEIGH, N.C., UNIFIED DEVELOPMENT ORDINANCE § 1.5.4.D.2., www.raleighnc.gov

74. ZONING ORDINANCE, DAVIDSON COUNTY, NORTH CAROLINA, § 6.02(G), www.co.davidson.nc.us.

75. DEVELOPMENT ORDINANCE, TOWN OF PLEASANT GARDEN, NORTH CAROLINA, § 6-4.69, <http://library.municode.com/index.aspx?clientId=14932>.

76. CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE § 4.3.3.V, www.co.currituck.nc.us.



The height and location characteristics of solar canopies are distinct from those of other accessory solar uses.

Is it Accessory?

As the solar industry evolves and new technologies gain marketability, interesting questions concerning accessory use arise. First, consider building-integrated solar—solar shingles, solar awnings, and solar film on windows. While some communities do apply restrictions and permitting to such solar installations, others choose to treat them the same as the underlying building component. How would an awning be permitted, for example? A solar awning would be permitted the same way. (Appropriate electrical code permitting would still apply to the solar awning.)

Another interesting question for determining accessory use and related regulations arises in the context of the solar canopy over a driveway or parking lot. This type of solar development has many advantages: it is built upon an already impervious surface, it creates a dual use for developed land (parking and energy creation), and it could double as a charging station for electric cars. That said, solar canopies must be taller than other ground-mounted systems in order to have room to park underneath. In addition, the 20-foot-tall canopy will visually impact neighbors much more than a flat parking lot. Thus, solar canopies may deserve consideration beyond that typically given to common ground-mounted accessory uses.

Competing Interests

The current ordinance may create impediments or conflicts for the installation of solar projects. Screening requirements for accessory equipment could impair the functionality of a rooftop or ground-mounted solar energy system. Tree preservation ordinances may hamper attempts to incorporate solar energy into a development. And, historic preservation and other appearance regulations may conflict with goals for solar development. Examining the ordinance and addressing these potential obstacles can facilitate the review and installation of solar projects.

Screening Requirements

Ordinance requirements for screening may impose unnecessary and inhibitive burdens on solar. Some jurisdictions have identified and relieved those burdens. In Asheboro, solar may be treated as mechanical equipment but is exempt from screening requirements.⁷⁷ Hendersonville, too, exempts certain solar energy systems from screening typically required for storage or utility accessories.⁷⁸ Similarly, in Fairview, roof-mounted solar equipment is not subject to typical equipment screening requirements.⁷⁹

Tree Preservation

Tree canopy preservation is a common policy goal in many jurisdictions. Shade, of course, is at odds with a solar energy facility. Local governments may have to make trade-offs between tree preservation ordinances and solar installation. The American Planning Association Solar Briefing Paper 5 outlines this issue and identifies several communities that have sought balance.⁸⁰

Historic Preservation

Aesthetics are of particular concern in historic districts, and new development in those districts (including solar development) requires a certificate of appropriateness. Jurisdictions may not prohibit solar accessory to a historic residence, but they are authorized to regulate the location and screening of solar panels to ensure the solar “is not incongruous with the special character of the district.”⁸¹ Thus, in historic districts local governments must carefully balance permitting solar and preserving aesthetics.

Design guidance is available from several sources. The North Carolina Solar Center, along with the National Trust for Historic Preservation and the U.S. Department of Energy, has created a document of guidelines entitled “Installing Solar Panels on Historic Buildings.”⁸² The office of the U.S. Secretary of the Interior provides the “Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.”⁸³ And, the American Planning Association’s Solar Briefing Paper 5 includes discussion on preservation.⁸⁴

77. ASHEBORO, N.C., ZONING ORDINANCE § 306A, www.ci.asheboro.nc.us.

78. CITY OF HENDERSONVILLE ZONING ORDINANCE §§ 5-6-4.3(c); 5-19-4.3(c); 5-22-5.3.1, www.cityofhendersonville.org.

79. FAIRVIEW, NORTH CAROLINA, LAND USE ORDINANCE § 180P, <http://fairviewnc.gov>.

80. “Solar Briefing Papers 5: Balancing Solar Energy Use with Potential Competing Interests,” American Planning Association, 2012, www.planning.org.

81. G.S. 160A-201, www.ncleg.net; 160A.400.4(d), www.ncleg.net.

82. “Installing Solar Panels on Historic Buildings: A Survey of the Regulatory Environment,” U.S. Department of Energy, SunShot Initiative; North Carolina Solar Center; and National Trust for Historic Preservation, Aug. 2012, <http://ncsc.ncsu.edu>.

83. Anne E. Grimmer et al., “The Secretary of the Interior Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings,” U.S. Department of the Interior, National Park Service, Technical Preservation Services, 2011, www.nps.gov.

84. “Solar Briefing Papers 5: Balancing Solar Energy Use with Potential Competing Interests,” American Planning Association, 2012, www.planning.org.

Part IV: Solar Access and Solar Siting

The preceding discussion focuses on zoning for solar uses—where is solar appropriate and what are the appropriate standards for its use? The discussion of solar in local development regulation, however, can include other important questions—how can a property’s access to sunlight be preserved and how can solar exposure be maximized for the future? Solar access ordinances protect a property owner’s right to sunlight (limiting shade cast from buildings and vegetation on neighboring property). Solar siting ordinances establish standards for lot and building orientation to maximize sun exposure.

Solar access and siting necessarily require balancing of competing interests. Solar access protects the rights of one property owner but burdens the neighboring property. Additionally, solar access and siting may conflict with other laudable policy goals such as redevelopment and increased density. Chapel Hill’s ordinance recognizes that appropriate levels of solar exposure will vary based on the district: “Adequate solar access is deemed to consist of varying levels of access ranging from rooftop solar access in high-intensity zoning districts to south wall solar access in low-intensity zoning districts.”¹

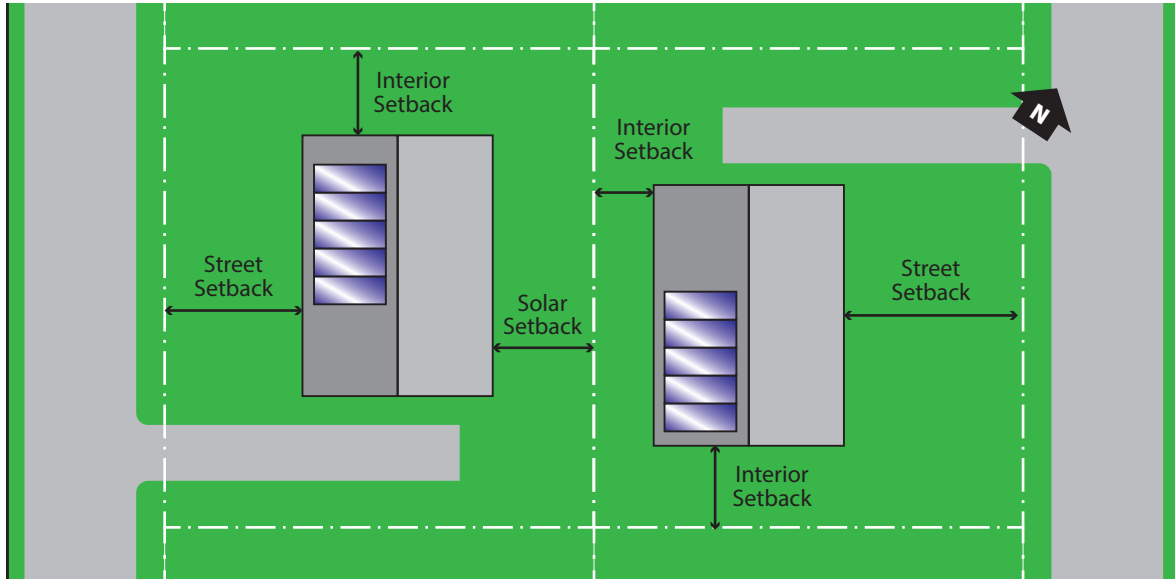
Solar Access

Protecting access to sunlight is fundamental to zoning. The purposes of zoning outlined in the 1926 Standard State Zoning Enabling Act included, among other things, “provid[ing] adequate light and air.”² And the North Carolina General Statutes maintain that language.³ Solar access ordinances seek to fulfill that purpose: to ensure adequate sunlight for a property owner. This is accomplished by limiting the shade that may be cast across property lines.

Some communities use solar access permits. When property owners install a solar energy system, they apply for a solar access permit to establish a right to some level of continued solar exposure. This permit restricts development and vegetation on neighboring property to protect the applicant’s solar access. The solar access permits in the Village of Prairie du Sac, Wisconsin, ensure that the applicant will have solar exposure from 9:00 a.m. to 3:00 p.m., except for shade from structures or vegetation that existed before the permit.⁴

More commonly, communities have certain solar setbacks to minimize shading on neighboring property. Chapel Hill’s ordinance recognizes that standard zoning dimensions (setbacks and so forth) “are intended to ensure adequate solar access,” among other things. Chapel Hill’s solar setback limits development along the northern lot line.⁵ The town’s solar setbacks range from 20 feet

1. CHAPEL HILL, NORTH CAROLINA, CODE OF ORDINANCES § 3.8, http://library.municode.com/HTML/19952/level3/CO_APXALOUSMA_ART3ZODIUSDIST.html.
2. A Standard State Zoning Enabling Act, Revised Edition, U.S. Department of Commerce, 1926, www.planning.org.
3. N.C. GEN. STAT. § 160A-383, www.ncleg.net.
4. VILLAGE OF PRAIRIE DU SAC, WISCONSIN, LAND USE REGULATIONS Ch. 8, <http://prairiedusac.net>.
5. “Setback, solar: The horizontal distance between the north lot line of a zoning lot and any structure on such zoning lot, measured along the north/south axis in a southerly direction from the north lot line. A north lot line shall be construed to include any portion of a lot’s lot line which has an alignment within forty-five (45) degrees of an East/West axis.” CHAPEL HILL, NORTH CAROLINA, CODE OF ORDINANCES App. A, http://library.municode.com/HTML/19952/level2/CO_APXALOUSMA.html.



Solar setbacks protect the sun access of neighboring properties.

in low-density residential districts to 6 feet in more dense residential districts. No solar setback is required in town center, office, and mixed-use districts.⁶

Navassa’s site plan review process includes examination of “the placement of structures that affect preservation of natural lighting and solar access.” The reviewing board may “impose appropriate performance standards, mitigation measures, and conditions to minimize adverse impacts on adjacent properties.”⁷

Solar Siting

Solar siting ordinances offer another approach to enhancing and protecting future solar access. Solar siting provisions regulate the layout and orientation of lots and buildings in order to maximize solar exposure for new and future development. Ordinances may address various topics including street design and layout, lot sizing and orientation, flexible setbacks to maximize solar access, and more.

Solar siting ordinances are less common in North Carolina as requirements, but some local governments have incorporated aspects of solar siting into approval processes. Fayetteville allows a density bonus of up to 20 percent if a project includes certain sustainable development practices. The menu of options includes solar access for 25 percent of the buildings in development and configuration on an east-west axis.⁸ Chapel Hill’s University-1 zoning district, a district correlated

6. CHAPEL HILL, NORTH CAROLINA, CODE OF ORDINANCES Table 3.8-1, http://library.municode.com/HTML/19952/level3/CO_APXALOUSMA_ART3ZODIUSDIST.html.

7. TOWN OF NAVASSA ZONING ORDINANCE § 8.1, www.townofnavassa.org.

8. CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA, § 30-5-N, <http://library.municode.com/index.aspx?clientId=10733>.



Solar siting ordinances ensure that subdivisions are designed for solar orientation so homeowners may use solar energy now or in the future.

with development agreements for university-related projects, includes provision for such development to address the solar access and orientation of buildings within the district.⁹

While solar access and solar siting ordinances are less prevalent than the basic solar zoning provisions, they are useful tools for facilitating solar development now and enhancing it in the future.

9. CHAPEL HILL, NORTH CAROLINA, CODE OF ORDINANCES § 3.5.5(i), http://library.municode.com/HTML/19952/level3/CO_APXALOUSMA_ART3ZODIUSDIST.html.

Conclusion

Cities and counties across North Carolina—indeed, across the country—are witnessing a dramatic rise in solar development, and local governments are seeking to facilitate responsible solar projects. Policy decisions may differ from community to community, but the questions that arise are largely the same. How should local planning address solar? What are the appropriate development regulations? And how might regulation protect solar resources into the future? This document surveys the issues and practices from around North Carolina and beyond and provides examples and ideas to support local governments as they evaluate solar development and craft appropriate ordinances to address it.

Issues related to planning and zoning for solar surely will continue to develop. Lessons are learned, technology evolves, and politics change. What was once a new and different development type will become commonplace. Cooperation between creative developers and dedicated public servants will ensure that communities meet the challenges created by these new technologies and find innovative solutions that will foster sustainable development for years to come.

Additional Resources

Zoning and Planning for Solar

Environmental Planning and Design, LLC. “A Municipal Guidebook for Solar Zoning and Permitting.” PennFuture Sunshine Team, December 2012. www.pennfuture.org.

“Planning and Zoning for Solar Energy,” PAS EIP-30. American Planning Association, July 2011. www.planning.org.

Solar Briefing Papers. American Planning Association, 2012. www.planning.org.

Solar Energy Resource Center. U.S. Department of Energy. www4.eere.energy.gov/solar/sunshot/resource_center.

“Solar Powering Your Community: A Guide for Local Governments.” U.S. Department of Energy, January 2011. www4.eere.energy.gov/solar/sunshot/resource_center.

Solar Roadmap: Resources. Sunshot, U.S. Department of Energy. www.solarroadmap.com.

Template Solar Energy Development Ordinance for North Carolina, Table 1. North Carolina Sustainable Energy Association and North Carolina Solar Center, December 2013. <http://energync.org>.

Historic Preservation and Solar

“Design Guidelines for Solar Installations.” National Trust for Historic Preservation. www.preservationnation.org.

Grimmer, Anne E., Jo Ellen Hensley, Liz Petrella, and Audrey T. Tepper. “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings.” U.S. Department of the Interior, National Park Service, Technical Preservation Services, 2011. www.nps.gov.

Kandt, A., E. Hotchkiss, A. Walker, J. Buddenborg, and J. Lindberg. “Implementing Solar PV Projects on Historic Buildings and in Historic Districts,” Technical Report, NREL/TP-7A40-51297. National Renewable Energy Laboratory, September 2011. www.nrel.gov.

Other Related Solar Resources

Brooks, Bill. “Expedited Permit Process for PV Systems: A Standardized Process for the Review of Small-Scale PV Systems,” Revision 2. Solar America Board for Codes and Standards, July 2012. www.solarabcs.org.

DSIRE: Database of State Incentives for Renewables & Efficiency. www.dsireusa.org.

North Carolina Solar Center. <http://ncsc.ncsu.edu>.

North Carolina Sustainable Energy Association. <http://energync.org>.

Local Ordinances and Plans Cited

Archdale, N.C., Zoning Ordinance. www.archdale-nc.gov.

Community Energy Plan. Arlington County, Virginia, June 2013. <http://freshaireva.us>.

Asheboro, N.C., Zoning Ordinance. www.ci.asheboro.nc.us.

Brunswick County, North Carolina, Unified Development Ordinance. www.brunsko.net.

Chapel Hill, North Carolina, Code of Ordinances. http://library.municode.com/HTML/19952/level3/CO_APXALOUSMA_ART3ZODIUSDIST.html.

Currituck County Unified Development Ordinance. www.co.currituck.nc.us.

Zoning Ordinance, Davidson County, North Carolina. www.co.davidson.nc.us.

Fairview, North Carolina, Land Use Ordinance. <http://fairviewnc.gov>.

Code of Ordinances, City of Fayetteville, North Carolina. <http://library.municode.com/index.aspx?clientId=10733>.

City of Hendersonville Zoning Ordinance. www.cityofhendersonville.org.

Huntersville, N.C., Interactive Zoning Ordinance. www.huntersville.org.

Iredell County Land Development Code. www.co.iredell.nc.us.

Integrated Energy Management Plan. Loudoun County, Virginia, Feb. 29, 2012. www.loudoun.gov.

Town of Navassa Zoning Ordinance. www.townofnavassa.org.

Zoning Ordinance of the County of Pasquotank, North Carolina. www.co.pasquotank.nc.us.

Ordinance No. 88, Zoning Ordinance, Perquimans County. www.co.perquimans.nc.us.

Development Ordinance, Town of Pleasant Garden, North Carolina. <http://library.municode.com/index.aspx?clientId=14932>.

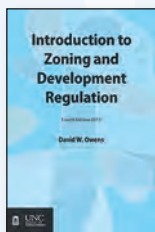
Village of Prairie du Sac, Wisconsin, Land Use Regulations. <http://prairiedusac.net>.

2030 Comprehensive Plan. City of Raleigh, adopted Oct. 7, 2009, amended Apr. 5, 2011. www.raleighnc.gov.

Raleigh, N.C., Unified Development Ordinance, www.raleighnc.gov.

Town of St. Pauls, N.C., Zoning Ordinances. www.stpaulsnc.gov.

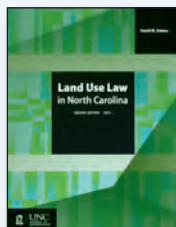
RELATED PUBLICATIONS



Introduction to Zoning and Development Regulation

Fourth Edition, 2013

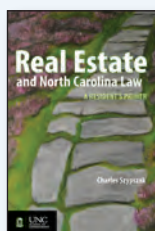
David W. Owens



Land Use Law in North Carolina

Second Edition, 2011

David W. Owens



Real Estate and North Carolina Law: A Resident's Primer

2012

Charles Szypszak



Inclusionary Zoning: A Guide to Ordinances and the Law

2010

C. Tyler Mulligan and James L. Joyce

ABOUT THE AUTHOR



Adam Lovelady is an assistant professor of public law and government at the School of Government. He specializes in zoning, city and county planning, environmental protection, and historic preservation. Before joining the School of Government in 2012, he practiced law with McGuireWoods LLP in Richmond, Virginia, and taught in the Atlanta public school system as a part of Teach for America. He also worked in historic preservation in Asheville and Shelby, North Carolina, and he worked for the Southern Environmental Law Center's Land and Community Program.




Check for updates to publications:

www.sog.unc.edu/pubs/updates

Order online: www.sog.unc.edu/pubs

Contact the Bookstore: sales@sog.unc.edu
or 919.966.4119

 UNC School of Government

 @uncsog



Subdivision Ordinance Amendments -- Request for a Hearing

Description

The State of North Carolina has recently adopted revisions to NCGS 153A-335 which defines “subdivision”. As a result, the County needs to amend our Subdivision Ordinance to reflect these revisions. This law was effective July 1, 2017. The definition of “subdivision” as found in Section 153.05 of the Dare County Subdivision Ordinance includes the six exemptions. The State revisions address divisions that are the result of a probated will and divisions for parcels greater than five acres with certain conditions. I have incorporated these revisions into the language currently found in Section 153.05 of the DCSO so that the numerical sequence of the State statute is maintained. The Planning Board discussed this matter at their July 10, 2017 meeting and voted unanimously to recommend the draft language. A public hearing is needed before adoption. The first available date for a hearing is August 7, 2017.

Board Action Requested

Motion to schedule a public hearing on subdivision ordinance amendments

Item Presenter

Donna Creef, Planning Director

(New language to be added is in underline text, language for deletion is in strikethrough text)

(a) **SUBDIVISION.** Any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets however, the following is not included within this definition and is not subject to any regulations enacted in this chapter. ~~for the purpose, whether immediate or future, of sale or building development, including any division of land involving the dedication of a new street or a change in existing streets; provided, that the following shall not be included within this definition, nor shall they be subject to the regulations prescribed by this chapter:~~

(1) The combination or recombination of portions of previously subdivided and recorded lots, if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as established by this chapter.

(2) The division of land into parcels greater than ten acres, if no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for the widening or opening of streets.

(4) The division of a tract of land in single ownership, the entire area of which is no greater than two acres, into not more than three lots, where no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the county as established by this chapter.

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(6) the combination, recombination or reconfiguration of previously subdivided and recorded lots if the total number of lots is not increased, the non conforming sizes of the resultant lots are equal to the original nonconforming lot sizes, and no other new nonconformities of any kind are created. (Example: Lot A is 10,000 sq feet and Lot B is 12,000 sq feet. These lots may be reconfigured such that Lot A is now 12,000 sq feet and Lot B is 10,000 sq. feet. However, a reconfiguration that results in Lot A being, say, 8000 sq feet and Lot B being 14,000 sq feet would not be allowed as the resultant lot sizes are not equal to the original lot sizes. Similarly, an otherwise permitted reconfiguration that caused an existing structure to violate current set back requirements or other regulations would not be permitted as the reconfiguration created a new nonconformity)

(7) the combination or reconfiguration of previously subdivided and recorded lots if the total number of lots is decreased and the size of the resultant lot(s) are equal to or greater than the originally recorded lots size and no other new nonconformities of any kind are created. Example: two non-conforming lots of 5,000 square feet are combined into one lot of 10,000 square feet.

(b) Dare County may provide for expedited review of subdivisions of as set forth in this Chapter

(c) A plat for recordation under the provisions of Section 153.18 for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subsection 92) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations; if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements; if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

(c) Prior to consideration by the governing board of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

(d) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

(e) As used in this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable."

SECTION 2.4.(d) G.S. 160A-400.32 reads as rewritten:

"§ 160A-400.32. Relationship of agreement to building or housing ~~code~~ code; comprehensive plan amendment.

(a) A development agreement adopted pursuant to this Chapter shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the local government's planning, zoning, or subdivision regulations.

(b) When the governing board approves the rezoning of any property associated with a development agreement adopted pursuant to this Chapter, the provisions of G.S. 160A-383 apply."

SECTION 2.4.(e) Nothing in this section shall repeal, modify, or amend any prior or subsequent local act giving authority to a governing board to delegate zoning decisions to a planning board, planning agency, or planning commission.

SECTION 2.4.(f) This section becomes effective October 1, 2017, and applies to proposed zoning amendment applications filed on or after that date.

PARENT PARCEL/SUBDIVISION CLARIFICATION

SECTION 2.5.(a) G.S. 153A-335 reads as rewritten:

"§ 153A-335. "Subdivision" defined.

(a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(b) A county may provide for expedited review of specified classes of subdivisions.

(c) The county may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

SECTION 2.5.(b) G.S. 160A-376 reads as rewritten:

"§ 160A-376. Definition.

(a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.



Maritime Woods Group Development Revised Site Plan and CUP Application

Description

A revised site plan and conditional use permit application have been submitted for the Maritime Woods group development located off Driftwood Drive on Roanoke Island. A conditional use permit and site plan were approved for the site in 2005 which has since expired. A revised site plan has been submitted in conjunction with a request to re-authorize a CUP for the site to allow the development of the remaining area of the site. A detailed staff report and associated documents are attached. The site plan has been approved by the Dare County Airport Authority and issued a determination letter of no impact by the FAA. The Planning Board unanimously recommended approval on May 8, 2017.

Board Action Requested

Motion to approve of the conditional use permit and revised site plan as recommended by the Planning Board.

Item Presenter

Donna Creef, Planning Director

STAFF REPORT: July 17, 2017 Dare County Board of Commissioners Meeting
ITEM: Maritime Woods Group Development Conditional Use Permit
FROM: Donna Creef, Planning Director

A revised site plan and conditional use permit application have been submitted for the Maritime Woods group development located off Driftwood Drive on Roanoke Island. A conditional use permit and site plan were approved for the site in 2005, which has since expired. A revised site plan has been submitted in conjunction with a request to re-authorize a conditional use permit for the site to allow the development of the remaining area of the site.

The property is located in an I-I industrially zoned area. There are currently four buildings located on the site that were built as part of the original conditional use permit. The developers are now seeking to revise the site plan to allow for the construction of fifth building that will be used as a warehouse/distribution center. The layout of the proposed building, loading area, and other infrastructure to support this building are depicted on the site plan. The area is located within the Dare County regional airport zoning district. The site plan has been approved by the Dare County Airport Authority and the FAA has issued a determination of no hazard to aviation.

The Planning Board reviewed the revised site plan on May 8, 2017 and voted unanimously to recommend approval of the request. A draft CUP has been prepared by staff and is attached. The CUP includes hours of operation based on input from the applicant and a time frame of three years to complete construction of this fifth building. Some of the conditions included in the draft CUP have been carried over from the original CUP addressing the occupancy of the four existing buildings.

Conditional Use Permit Narrative

Lot 5, Maritime Woods Business Park – Roanoke Island, Dare County, NC
April 12, 2017



Overview

Lot 5 in Maritime Woods Business Park is located at 1154 Driftwood Drive on Roanoke Island. The parcel is 7.2 acres with 4 existing buildings and associated drives, parking and onsite wastewater systems. The parcel is located in the I-1 (Industrial) zone and the current use throughout the property is commercial.

The proposed project includes the construction of a 60'x100' building and associated parking, loading docks and drive area located on the Lot 5, future development designated area. The existing infrastructure located on the parcel including buildings, parking, drive and common area are not proposed to be altered or changed. This project proposes additional improvements on a designated future development area to accompany the existing infrastructure. There is an existing, expired Conditional Use Permit (CUP) for the project that was approved on April 4, 2005. The master plan for this CUP permit included two buildings (14,400 sq.ft. each) and associated parking and drives within the future development designated area. This project is proposing a significantly lower coverage amount compared to the previously approved master plan for this development.

The proposed building is projected to become a distribution center which falls into the industrial use as opposed to the existing commercial use throughout the rest of the business park. Note #6 on the Site Plan specifies that the proposed and existing lot coverages are within compliance for the commercial and industrial use areas, respectively. To further clarify, the project area for the proposed industrial use is under the maximum allowed lot coverage of 35% and the project area of the existing commercial use (with the industrial lot area removed) remains under the maximum allowed lot coverage of 60%.

Access and Parking

The proposed building, parking and loading docks are to be accessed by the existing entrance and drive located on the parcel. The existing entrance and a portion of drive that will be used to access the proposed project is located on common area per the plat entitled "Condominium Plat for Maritime Woods Business Park" dated 5/1/14 and prepared by Albemarle & Associates, LTD. The remainder of the drive that will be used to access the proposed project is currently located in the "future development" area of the above-mentioned plat, but is proposed to be transferred to additional common area per an updated plat prepared in parallel with this project.

Parking requirements for the proposed project categorize with the industrial use requirements of two parking spaces for each three employees on the largest shift. The proposed project expects to staff 3-4 employees in the morning and none during the remainder of the day. This equates to 3 required parking spaces (4 employees x 2 spaces/3 employees = 2.7 = 3 spaces). The proposed development has 9 parking spaces including 1 ADA space (van accessible).

Stormwater Management

Maritime Woods Business Park has an existing State Stormwater Permit (Permit No. SW7050209) that has included future development coverage for this proposed project area. The proposed coverage of this project is significantly smaller than the accounted coverage on the permit for this future development area. Quible & Associates, P.C. has provided NC DEQ DEMLR with an updated plan set for their files.

Utilities

Water: An existing water service line is available at the site.

Wastewater: The proposed building will have restrooms to serve the employees. An application has been submitted to Dare County Health Department for an on-site wastewater permit. The new wastewater system will conform to current regulations.

Power: The power for the proposed building shall be provided by Dominion Power. Existing services are already available onsite.



Conditional Use Permit No. 5-2017

Dare County Sections 22-27; 22-31; and 22-68.

Application of: Maritime Woods Development LLC for Maritime Woods Business Park, a group development project on Roanoke Island, NC.

On _____, 2017 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 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 conditional use permit under the Code, including group developments;
3. That the Petitioner owns 7.20 acres of property located on Roanoke Island, NC and identified on the Dare County Tax Records by Parcel Identification Numbers (PIN) 11-987008886049. The property is zoned I-1, industrial.
4. That the Dare County Planning Board recommended for approval the granting of a Conditional Use Permit as requested. The Planning Board made this recommendation on May 08, 2017;
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to Maritime Woods Development LLC for the construction of a group development project, subject to such conditions as are hereinafter set out:

CONDITIONAL USE: a group development project consisting of five buildings; (4) multi-unit buildings designed for office/storage purposes and one building designed as distribution warehouse. A site plan, as approved by the Board of Commissioners depicting the location of the structural improvements and other site amenities is identified as Appendix B, attached to and made a part of this Permit.

CONDITIONS:

1. Five structures shall be located on the site as depicted on Appendix B. Buildings one through four shall be used for office and associated storage. Building five shall be used as a distribution warehouse.
2. An as-built survey of the infrastructure improvements shall be submitted to the Planning Department upon completion of the buildings and improvements.
3. On-site parking shall be provided as regulated by the Dare County Code, Section 22.55 and 22.56.
4. Signage on the site shall be subject to the provisions of Dare County General Code, Title XV, Chapter 158. Temporary signs such as sandwich board or A-frame type signs shall not be used on the property. The display of flags and other wind devices shall be according to the standards of Chapter 158.
5. One loading dock adjacent to building one shall be used for the business park. Deliveries to the site shall be made no earlier than 7:00 am or later than 6:00 pm. An additional loading area for building 5 is to be located at the rear of the building.
6. Lighting improvements shall be as depicted on the site plan. Glare from the lighting improvements shall be directed away from rights-of-way and adjoining properties.
7. No outdoor storage of equipment or materials shall be permitted on site. The storage of hazardous materials shall not be permitted anywhere on the site.
8. The individual units shall not be used for retail sales, food service, residential purposes, automobile repair or other engine repair services; boat repair and boat building; welding facilities; garage sales, yard sales, fleamarkets or other types of personal sales.
9. All supplementary state and federal permits shall be obtained prior to the issuance of building permits for the proposed improvements. Copies of these permits shall be submitted at the time building permits are requested.
10. All work authorized by the CUP should be completed within three years of the date of Board of Commissioners approval.

11. A copy of this conditional use permit and its conditions of operation and signage restrictions shall be provided to all tenants, leasees, occupants, owners or their assigns of the individual units.
12. The Planning Department staff shall monitor the site. The management association for the business and/or the individual unit occupants shall be notified in writing of any violations of this CUP, Dare County Zoning Ordinance or other applicable County code. Appropriate measures to correct any violation identified by the Dare County Planning Department shall be made upon receipt of notice. Additional review by the Dare County Planning Board and Board of Commissioners may be necessary if administrative efforts are unsuccessful to correct any identified violation.
13. It is understood that all other terms and provisions of the Code shall remain in full force and effect except as herein lawfully permitted;
14. A violation of this Permit shall be a violation of the Code punishable as therein provided, and shall automatically void Permit.

This _____ day of _____ 2017

SEAL:

COUNTY OF DARE

By: _____
 Robert L Woodard, Chairman
 Dare County Board of Commissioners

ATTEST:

By: _____
 Gary Gross
 Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

Maritime Woods Development LLC

By: _____

APPROVED AS TO LEGAL FORM

By: _____

Robert L Outten
County Attorney



Donna Creef <donnac@darenc.com>

Maritime Woods

1 message

David Daniels <ddaniels@darenc.com>

Thu, Jun 22, 2017 at 3:11 PM

To: Dylan Tillett <dtillett@quible.com>, Donna Creef <donnac@darenc.com>

Hey Dylan,

The Airport Authority approved the Maritime Woods site plan last night at their meeting. Once it gets approved by the DC Commissioners you should be good to go.

David Daniels

Airport Director

Dare County Regional Airport

P O Box 429, Manteo, NC 27954

252.475.5571

ddaniels@darenc.com

www.darenc.com



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2017-ASO-9675-OE

Issued Date: 06/16/2017

Al Chesson
 Maritime Woods Development, LLC
 P.O. Box 2247
 Washington, NC 27889

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Metal Building
 Location: Manteo, NC
 Latitude: 35-55-30.10N NAD 83
 Longitude: 75-41-39.14W
 Heights: 13 feet site elevation (SE)
 27 feet above ground level (AGL)
 40 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 12/16/2018 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-ASO-9675-OE.

Signature Control No: 331315417-335501746

(DNE)

Andrew Hollie
Specialist

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2017-ASO-9675-OE

The project consists of a proposed 60'x100' metal building with the four corners at the following coordinates:

NW Corner: N035°55'30.63", W75°41'38.82"

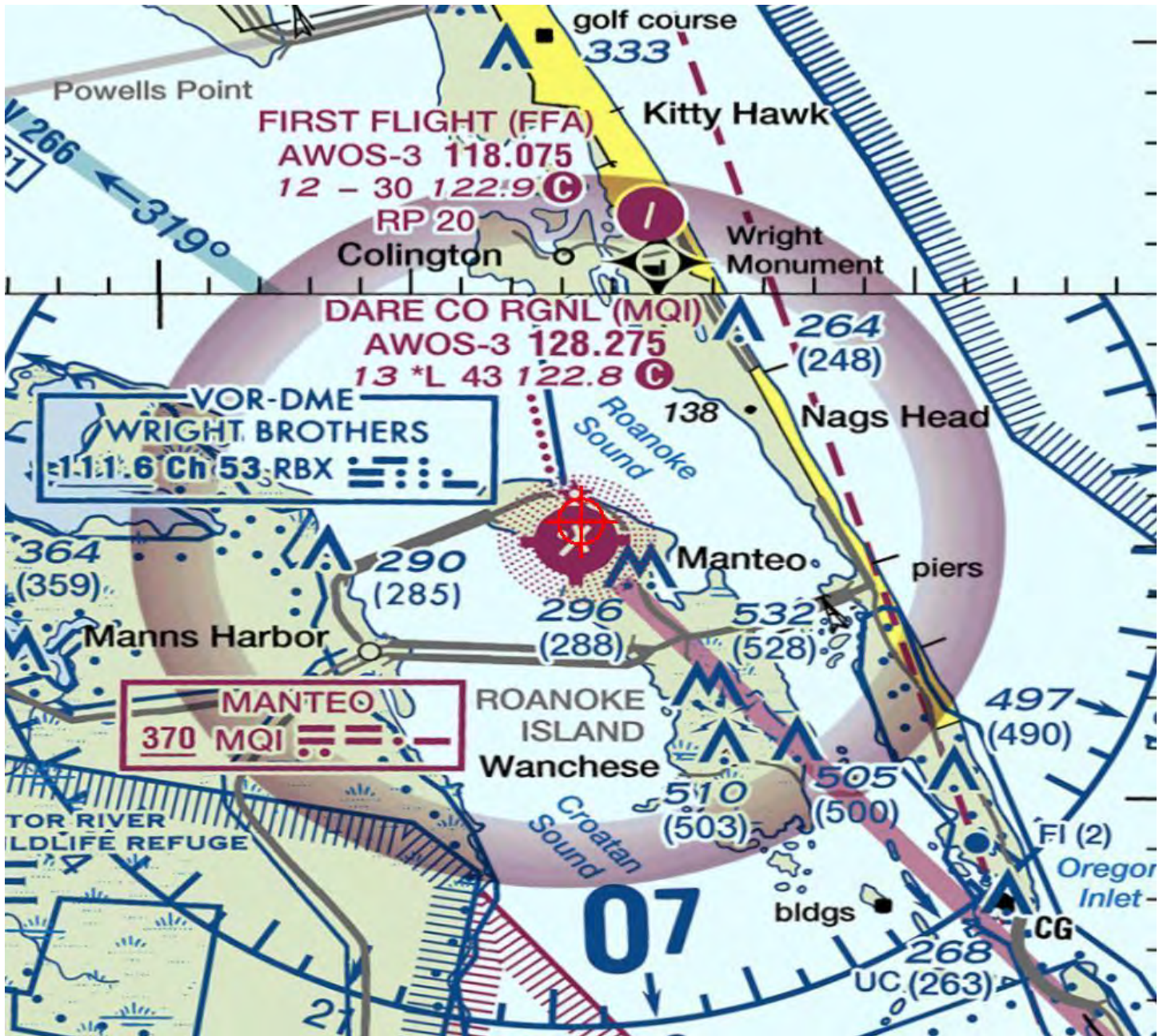
NE Corner: N035°55'30.20", W75°41'37.73"

SE Corner: N035°55'29.66", W75°41'38.05"

SW Corner: N035°55'30.10", W75°41'39.14"

TOPO Map for ASN 2017-ASO-9675-OE





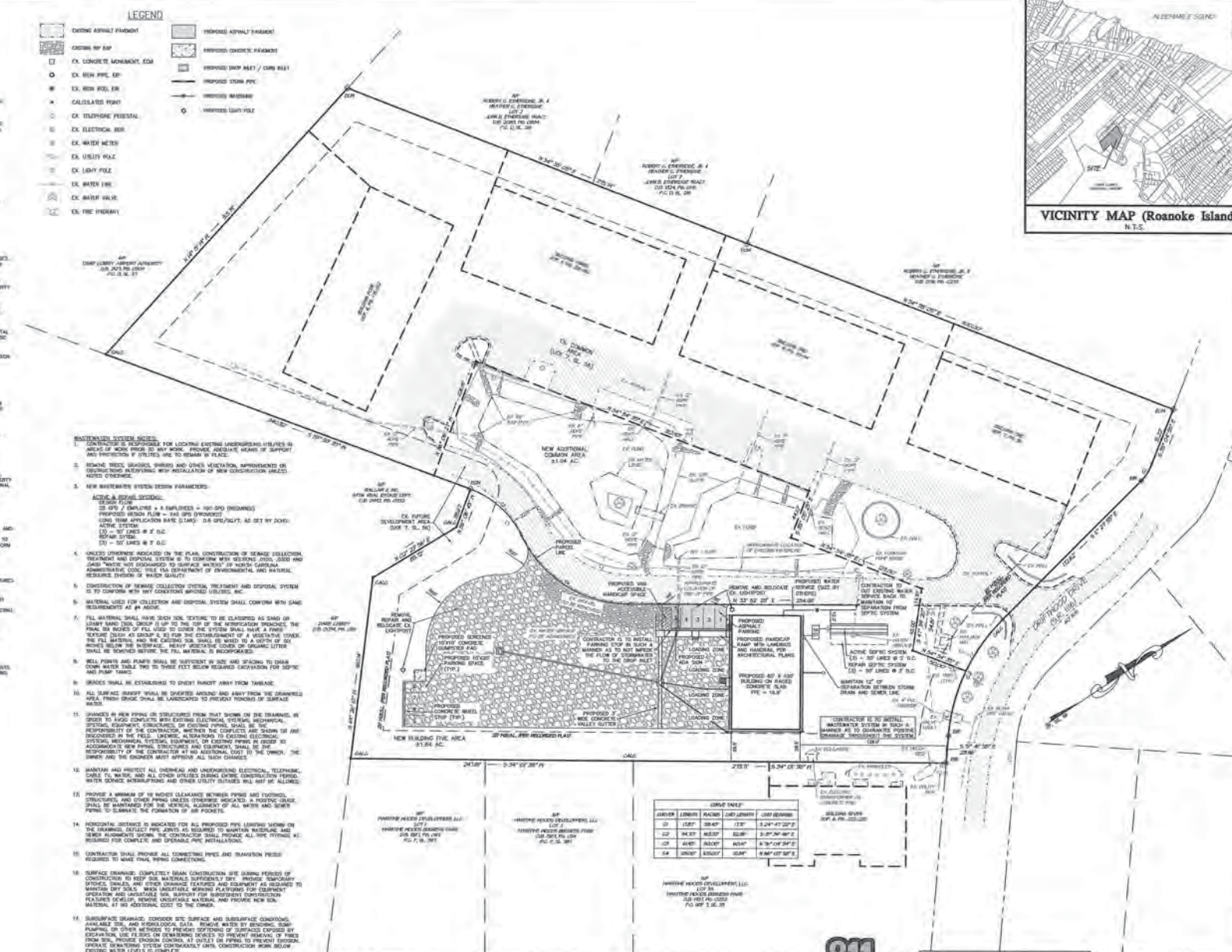
NOTES

- OWNER/APPLICANT: MARITIME WOODS DEVELOPMENT, LLC
1. PER 3670-3000-R048
2. RECORDING REFERENCE: 8910.160, P.C. 2012, PL. 007 P. 32, 54.

78



- 37. REVIEW IS PROVIDED BY DATE COUNTY WATER SYSTEM. ALL WATER IMPROVEMENTS SHALL BE IN ACCORDANCE WITH DATE COUNTY STANDARD WATER SPECIFICATIONS AND DETAILS.



Quible & Associates, P.C. ARCHITECTS • ENGINEERS • PLANNERS • ENVIRONMENTAL SCIENCES • SURVEYING

RECONSTRUCTION SYSTEM NOTES:

- 1. CONSTRUCTION IS TO BE ACCORDANCE WITH THE LOCALITY ENGINEERING STANDARDS...
2. REMOVE EXISTING SIGNAGE AND OTHER IDENTIFICATION...
3. NEW SIGNAGE SYSTEMS SHALL BE PARAMETERIZED AS FOLLOWS:

Table with columns: GRADE, GRADE, SLOPE, and AREA. Rows include various site areas like 'NEW BUILDING FIVE AREA' and 'NEW ADDITIONAL COMMON AREA'.



NOTE: THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED... THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES...

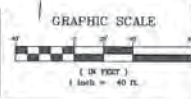


Table with columns: DATE, TIME, DESCRIPTION. Includes entries for '1. 04/27/21' and '2. 05/07/21'.

811 SITE & UTILITIES PLAN LOT 5 MARITIME WOODS BUSINESS PARK

- NOTES**
- OWNER/APPPLICANT MARITIME WOODS DEVELOPMENT, LLC
PO BOX 2247
WILMINGTON, NC 28408
 - PLAN SET: GR-004-0148
 - PROJECT REFERENCE: 88 1407, PG 0332, PL. 007 T, S, 10
 - PROPERTY ZONE: INDUSTRIAL (I-1)
 - TOTAL PARCEL AREA: 313,835 S.F. (7.20 AC) (SEE RECORDED PLAT)
 - PROPERTY IS LOCATED IN NEW FLOOD ZONE 4 (X) AND SUBJECT TO CHANGES MADE IN COMPLIANCE TO THE FEDERAL FLOOD DEFENSE ACT (44 USC 1601) EFFECTIVE DATE 09/25/2004.
 - BOUNDARY INFORMATION SHOWN ON PLAN REFLECTS CONFORMANCE PLAT BY ALLENBAUGH & ASSOCIATES, LTD., DATED 5/21/04 AND RECORDED IN GALE COUNTY REGISTER OF DEEDS AS PG. 007 T, S, 10.
 - APPROVED AND TOPOGRAPHIC INFORMATION AT PROJECT MEAS IS SHOWN BASED UPON FIELD SURVEY BY GURBE & ASSOCIATES, P.C., DATED 5/21/04 & 8/17/04.

SOIL EROSION & SEDIMENTATION CONTROL NOTES

- PRECONSTRUCTION**
- 1) OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS.
 - 2) PLAN AND/OR DESIGN CIVIL WORK (SLOPE).
 - 3) HOLD RECONSTRUCTION CONTINUES OWNER, CONTRACTOR, ENGINEER, AND APPROPRIATE GOVERNMENT AGENCIES AT LEAST ONE WEEK PRIOR TO START OF CONSTRUCTION ACTIVITIES.
- CONSTRUCTION**
- 4) INSTALL CONSTRUCTION ENTRANCE & SILT FENCING AT LOCATION SHOWN ON PLAN.
 - 5) COMPLETE CLEANING AND MAINTENANCE PROGRAMS.
 - 6) GRADE SITE ACCORDING TO PLAN AND BEGIN CONSTRUCTION OF PROPOSED IMPROVEMENTS, INCLUDING WATER & SEWER UTILITIES.
 - 7) INSTALL CONSTRUCTIVE STORM CONTROL MEASURES INCLUDING Silt-Trap, Silt Ponds and ASSOCIATED EROSION CONTROL.
 - 8) ALL EROSION & SEDIMENTATION CONTROL SHALL BE INSPECTED REGULARLY AND AFTER HEAVY RAINFALL EVENT. REPAIRS AND MAINTENANCE SHALL BE MADE IMMEDIATELY. FURTHERMORE, IF ANY SILT OR SEDIMENTATION EROSION CONTROL MEASURES, THE CONSTRUCTION OF THE PROJECT, ADDITIONAL EROSION & SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO ADDRESS THE PROBLEM AREA.
 - 9) DURING THE SITE CONSTRUCTION OF COMPLETE AND MAINTAINED SURFACES ARE FULLY STABILIZED. ALL STABILIZED CONVEYANCES, STRUCTURES, TRENCHES AND BARRIERS SHALL BE CLEARED OF ALL SILT, SEDIMENT AND OTHER MATERIALS ACCUMULATED DURING CONSTRUCTION. ALL SILT, SEDIMENT AND OTHER MATERIALS SHALL BE REMOVED TO NEAR SPECIFICATIONS AS NECESSARY.
 - 10) UPON THE REMOVAL OF ACCUMULATED SEDIMENTS AND THE STABILIZATION OF ALL REMAINING EROSION CONTROL MEASURES FROM THE DEVELOPMENT, ALL DOWNSTREAM EROSION CONTROL SHALL REMAIN IN PLACE UNTIL THE COMPLETION OF ALL OTHER DEVELOPMENT CONSTRUCTION ACTIVITIES.

- SOIL EROSION & SEDIMENTATION CONTROL NOTES**
- 1) AREA TO BE DEVELOPED: 34,000 S.F. (0.78 AC)
 - 2) EXPOSED SOILS, ROCKS, CHANNELS AND SLOPES SHALL BE STABILIZED IN 7 DAYS.
 - 3) HIGH QUALITY WATER (SWER) DITCHES SHALL BE STABILIZED IN 7 DAYS.
 - 4) DOWNSTREAM SLOPES GREATER THAN 3:1 SHALL BE STABILIZED IN 7 DAYS. SLOPES 3:1 OR LESS AND ARE NOT GREATER THAN 2:1, 14 DAYS ARE ALLOWED.
 - 5) FORESHORE SLOPES 3:1 OR FLATTER AND LESS THAN 14 DAYS SHALL BE STABILIZED IN 14 DAYS. SLOPES 3:1 OR FLATTER EXCEEDING 14 DAYS SHALL BE STABILIZED IN 7 DAYS.
 - 6) ALL TREE REMOVAL AREAS MUST BE STABILIZED WITH SILT MATS WITHIN 14 DAYS.

- 7) LAND DISTURBING ACTIVITIES OCCUR OUTSIDE THE PERMANENT VEGETATION BUFFER ZONE (BZ) TO 100% OF THE PERMANENT VEGETATION BUFFER ZONE SPECIFICATIONS SHALL BE FOLLOWED FOR PLANNING DATE. THE BEST APPROPRIATE PERMANENT VEGETATION BUFFER ZONE SHALL BE ESTABLISHED ACCORDING TO PERMANENT VEGETATION BUFFER ZONE SPECIFICATIONS (SEE PLAN & TREE REMOVAL SPECIFICATIONS).
 - 8) IF EXTENSIVE EROSION OR SEDIMENTATION OCCURS DURING DEVELOPMENT, EROSION & SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED IMMEDIATELY AS DIRECTED BY THE ENGINEER TO ADDRESS THE PROBLEM AREA AND PREVENT DAMAGE TO ADJACENT PROPERTIES.
- SOIL EROSION & SEDIMENTATION CONTROL TO BE INSPECTED, MAINTAINED AND REPAIRED AS NECESSARY UNTIL PERMANENT CONTROLS ARE ESTABLISHED.**
- a. A PAVE GRAVE MUST NOT BE KEPT ON SITE.
 - b. DEDICATED SEDIMENTATION AND OTHER WATER MEANS AND EARTHEN MATERIAL STOCKPILES MUST BE LOCATED AT LEAST 10 FEET FROM STREAM OR STREAM UNLESS NO ALTERNATIVE IS FEASIBLE.
 - c. ALL EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSPECTED AT LEAST ONCE A WEEK AND WITHIN 24 HOURS AFTER ANY STORM EVENT EXCEEDS THAT A HALF INCH (DURING A 24 HOUR PERIOD). IMMEDIATE CORRECTIVE ACTION MUST BE TAKEN FOR ANY WEAR FAILING.
 - d. INSPECT ALL OUTLETS WHERE SEDIMENT LEAVES SITE AND EVALUATE EFFECT OF NEARBY CHANNELS. TAKE CORRECTIVE ACTION IF NECESSARY.
 - e. MAINTAIN RECORDS OF INSPECTIONS AND CORRECTIVE ACTIONS.
1. EARTHWORK NOTES: EXPOSED EARTHWORK MATERIAL SHALL COME FROM AN APPROVED LOCAL SOURCE APPROVED BY THE COUNTY. EROSION CONTROL MEASURES SHALL BE TO AN APPROVED LOCAL SOURCE APPROVED BY THE COUNTY.



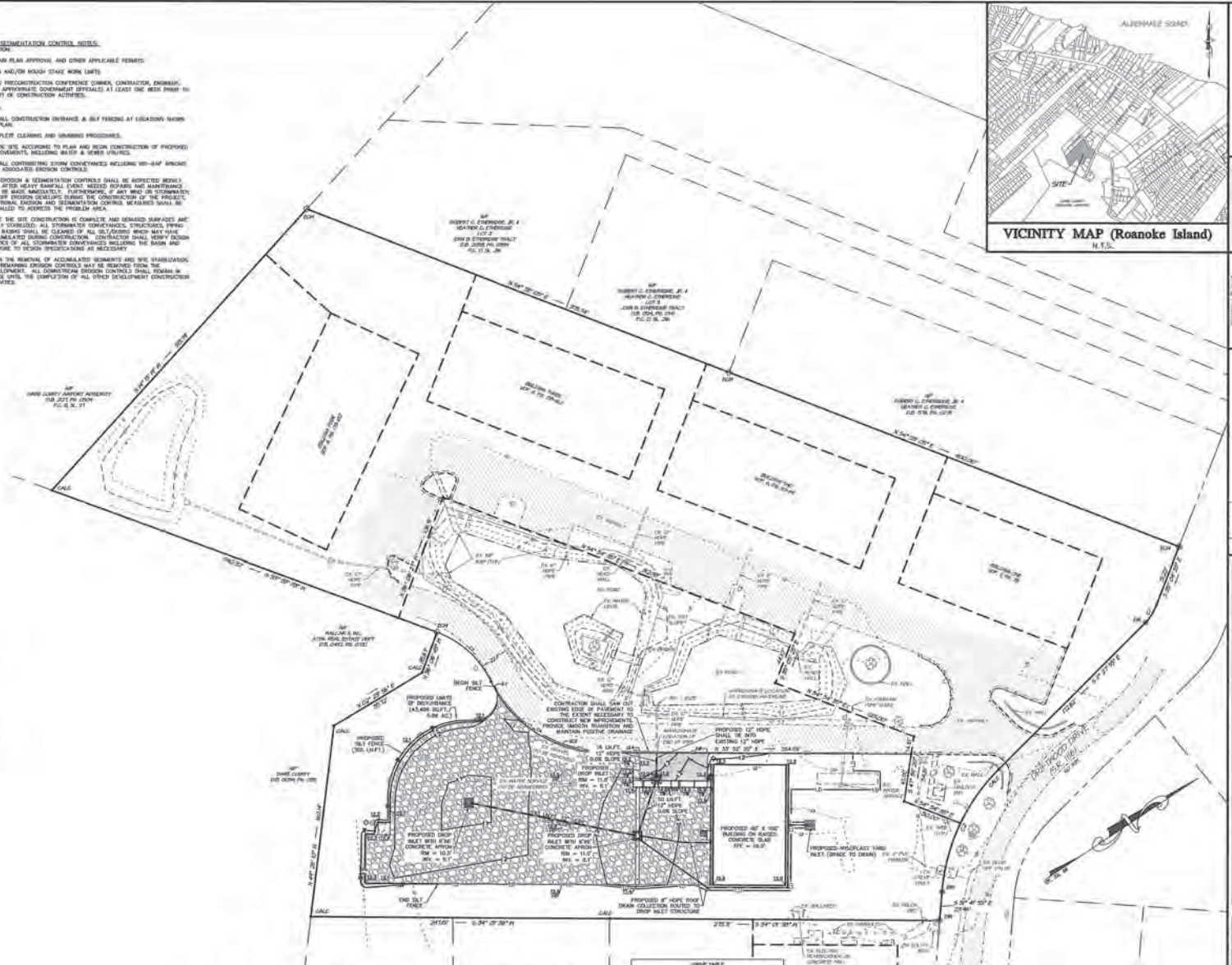
Quible & Associates, P.C.
SURVEYING • ENGINEERING • PLANNING
ENVIRONMENTAL • SCIENCE • SURVEYING

1000 W. MARKET STREET, SUITE 200
WILMINGTON, NC 28401
TEL: 754-344-1111
FAX: 754-344-1112

REGISTERED PROFESSIONAL ENGINEER
REGISTERED PROFESSIONAL SURVEYOR

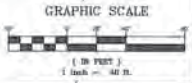
LEGEND

[Symbol]	EXISTING ASPHALT PAVEMENT	[Symbol]	PROPOSED ASPHALT PAVEMENT
[Symbol]	EX. CONCRETE SLABMENT	[Symbol]	PROPOSED CONCRETE PAVEMENT
[Symbol]	EX. 6" DIA. PIPE, 18"	[Symbol]	PROPOSED DRAIN HOLE / CURB SLOPE
[Symbol]	+ CALCULATED POINT	[Symbol]	PROPOSED CURB PAVE
[Symbol]	EX. 18" DIA. PIPE, 18"	[Symbol]	PROPOSED SIDE PAVEMENT
[Symbol]	EX. TELEPHONE POLE/BOX	[Symbol]	PROPOSED CENTER
[Symbol]	EX. ELECTRICAL BOX	[Symbol]	PROPOSED SLOPE INDICATION
[Symbol]	EX. UTILITY POLE	[Symbol]	PROPOSED LIMIT OF ADJACENCY
[Symbol]	EX. LIGHT POLE	[Symbol]	PROPOSED SLOPE
[Symbol]	EX. BARRIER WALL	[Symbol]	PROPOSED SLOPE REINFORCE
[Symbol]	EXISTING CURB	[Symbol]	MAN POINT
[Symbol]	EX. 6" DIA. PIPE	[Symbol]	TOP WALL



CONTRACT	LENGTH	WIDTH	CONCRETE	CONCRETE
CP	12.00'	12.00'	12.00'	12.00'
CP	12.00'	12.00'	12.00'	12.00'
CP	12.00'	12.00'	12.00'	12.00'
CP	12.00'	12.00'	12.00'	12.00'

NOTE:
THE DATA SHOWN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEER'S NOTICE TO PROCEED.



DATE	REVISION	DESCRIPTION

GRADING & SESC PLAN

LOT 5

MARITIME WOODS BUSINESS PARK

DADE COUNTY
NORTH CAROLINA

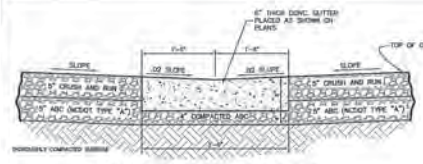
PROJECT NO. P17001

DESIGNED BY DLT

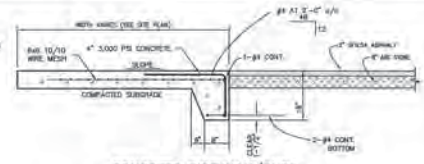
CHECKED BY MWS

DATE 5/8/17

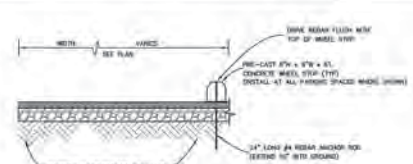
SHEET NO. 2 OF 3 SHEETS



CENTERLINE CONC. GUTTER AND DROP INLET APRON DETAIL
A1.2



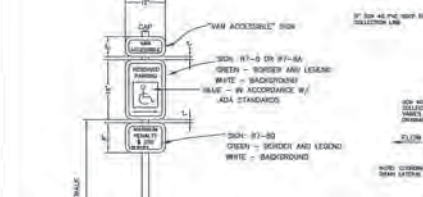
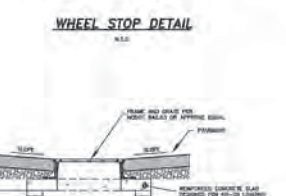
CONCRETE SIDEWALK/CURB COMBINATION SECTION
A1.3



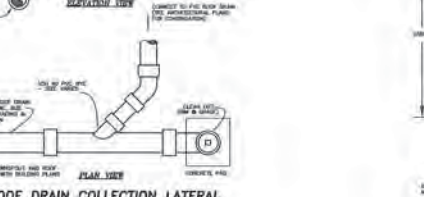
WHEEL STOP DETAIL
A1.4



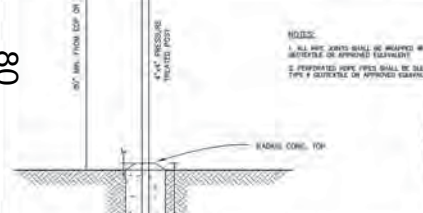
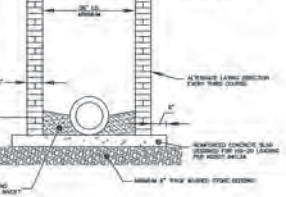
CONCRETE DUMPSTER PAD and ENCLOSURE
A1.5



ADA RESERVED PARKING SIGN DETAIL
A1.6



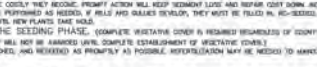
TRENCH WIDTH MUST BE ACCORDING TO COMPACTOR EQUIPMENT
A1.7



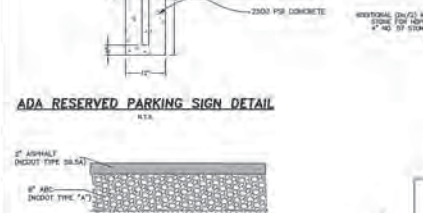
STORM PIPE TRENCH SECTION
A1.8



NYLOPLAST 12-30\"/>



CONVENTIONAL BED SECTION
A1.9



ASPHALT CROSS SECTION
A1.10



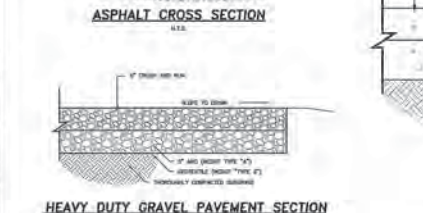
CONCRETE SIDEWALK SECTION
A1.11



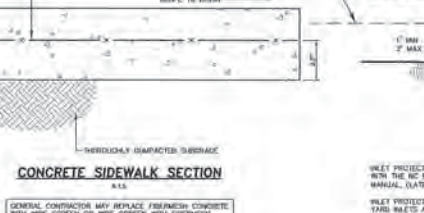
INLET PROTECTION
A1.12



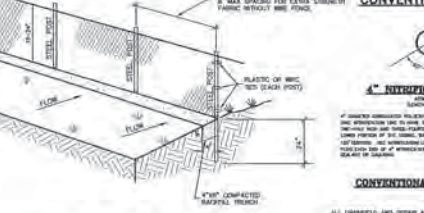
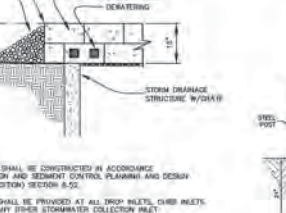
SILT FENCE DETAIL
A1.13



HEAVY DUTY GRAVEL PAVEMENT SECTION
A1.14



GENERAL CONTRACTOR MAY REPLACE FINISH CONCRETE WITH WIRE SCREEN OR WIRE SCREEN WITH FIBERGLASS CONCRETE AS APPROVED BY ENGINEER
A1.15



Quibe & Associates, P.C.
PLANNING • CONSULTING • DESIGN
ENVIRONMENTAL • SCIENCE • SURVEYING

INTERNATIONAL "TOP" PROFESSIONAL FIRM
LEED ACCREDITED
MEMBER OF THE GREEN BUILDING INSTITUTE

NO. 1	DATE	REVISION
1	11/11/11	ISSUED FOR PERMIT
2	11/11/11	REVISED TO ADD LIGHT RAILS AND LANDING SIGN
3	11/11/11	REVISED TO ADD LIGHT RAILS AND LANDING SIGN
4	11/11/11	REVISED TO ADD LIGHT RAILS AND LANDING SIGN
5	11/11/11	REVISED TO ADD LIGHT RAILS AND LANDING SIGN

DETAILS
LOT 5
MARITIME WOODS BUSINESS PARK
NORTH CAROLINA
DADE COUNTY
HUNTS HOOK TOWNSHIP

PROJECT NO. P17691
DESIGNED BY DLT
DRAWN BY DLT
CHECKED BY MWS
DATE 5/8/17
SHEET NO. 3
OF 3 SHEETS



Jonathan Midgett Group Development -- CUP Application and Site Plan

Description

Mr. Jonathan Midgett has submitted a conditional use permit application and associated site plan to develop his property located at 1145 Colington Road as a group development. He proposes to construct three structures on the property, which is zoned CS, commercial services. A staff report and associated documents for the project are attached with this cover sheet.

Board Action Requested

Motion to grant approval to Midgett site plan and conditional use permit as recommended by the Planning Board.

Item Presenter

Donna Creef, Planning Director

STAFF REPORT: July 17, 2017 Dare County Board of Commissioners Meeting
ITEM: Jonathan Midgett Group Development Conditional Use Permit
FROM: Donna Creef, Planning Director

Jonathan Midgett has submitted a conditional use permit application and site plan for development of his property located at 1145 Colington Road. The property is zoned CS (commercial services). He proposes to construct three structures on the property. One of the structures will be used by his mother for a residence/hair salon. The Zoning Ordinance was recently amended to add residential uses in conjunction with a commercial use to the CS district. The one commercial structure will be used by Mr. Midgett to house his contractor's office and associated equipment storage. The third structure is proposed as a four-unit building for other uses in the CS district. Tenants for this third building have not been identified but Mr. Midgett understands that the uses located in the building must be consistent with the scope of the CS district.

You will note from review of the site plan, a deed overlap with the adjoining property is depicted on the site. All of the proposed improvements have been sited to account for this deed overlap.

A wetland delineation of the site has been prepared and verified by the Corps of Engineers. Wetland fill permits from the Corps of Engineers are pending. Those areas to be filled as permitted by the Corps are noted on the site plan.

A draft conditional use permit is attached. These conditions are based on discussions with the applicant and his project engineer during the Planning Board review process. Some of the conditions include a prohibition of parking on adjoining property or Colington Road during construction, hours of operation for the contractor's office, accounting for the deed overlap, lighting improvements and other standard conditions that are included in all CUPs approved by Dare County.

The hours of operation listed in the CUP are for the two commercial structures. The residence/hair salon will be owner occupied and the Planning Board felt that was self-monitoring and did not include any specific hours for the hair salon.

There will be no pole mounted light fixtures on the site. Light fixtures mounted on the front of the metal structure will be directed away from the adjoining residential uses and will be full-cut type fixtures.

The Planning Board reviewed this site plan at their May and June monthly meetings. The Board voted unanimously on June 12, 2017 to recommend approval of the site plan and CUP as prepared by staff.

Adjoining property owners have been notified of this review and the property posted as required by the Zoning Ordinance. Mr. Jason Hill, the owner of the adjoining property with the deed overlap, may attend the Board meeting. He contacted me earlier during review of the CS text amendment recently approved but I have not heard from him recently.



Conditional Use Permit No. 3--2017

Dare County Sections 22-26.1, 22-31, and 22-68.

Application of: Jonathan Midgett

On _____, 2017 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 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 conditional use permit under the Code, including group developments.
3. The subject property is zoned CS (commercial services) and located at 1145 Colington Rd, NC. This property is identified on the Dare County tax records as parcel 023696000 and located in the Colington tax district.
4. That the Dare County Planning Board recommended for approval the granting of this Conditional Use Permit as requested. The Planning Board made this recommendation on June 12, 2017.
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.
7. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Conditional Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to Jonathan Midgett for a group development subject to such conditions as are hereinafter set out:

CONDITIONAL USE: a group development consisting of a single family residential dwelling with attached hair salon , a commercial structure for use as a contractor's office and associated equipment storage warehouse, and a commercial four-unit building as depicted on the associated site plan labelled Appendix B.

CONDITIONS:

1. The group development authorized at 1145 Colington Rd shall operate as set forth in Section 22-31 of the Dare County Zoning Ordinance.
2. No parking or staging of equipment shall be conducted on adjoining properties or the Colington Rd right-of-way during construction once the site is occupied. On-site parking improvements shall be as depicted on the site plan labelled as Appendix B.
3. The deed overlap on site plan labeled as Appendix B shall be accounted for in the construction of all improvements associated with the group development.
4. A solid wooden buffer fence shall be constructed and perpetually maintained by applicant.
5. All signage shall be consistent with the Dare County Sign Ordinance and shall be approved by a separate permit process. Temporary signs such as sandwich board or A-frame type signs shall not be used on the property. The display of flags and other wind devices shall be according to the standards of Chapter 158.
6. Wetland fill permits issued by the Army Corp of Engineers shall be secured to complete fill activities as depicted on the site plan
7. All uses occurring on the site in the four-unit commercial structure shall be only those uses permitted in the CS Zoning District as outlined in Section 22-26.1 of the Dare County Zoning Ordinance.
8. Light fixtures shall be mounted on the contractor's office on the front of the building and directed away from the adjoining residential uses. There shall be no pole mounted fixtures on the site. Glare from all lighting improvements shall be directed away from any right-of-way and adjoining properties.
9. The hours of operations for the contractor's office and for the tenants located in the four-unit commercial structure shall be Monday-Saturday 7:00 a.m. to 7:00 p.m.

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 ____th day of _____, 2017

SEAL:

COUNTY OF DARE

By: _____
Robert L Woodard
Dare County Board of Commissioners

ATTEST:

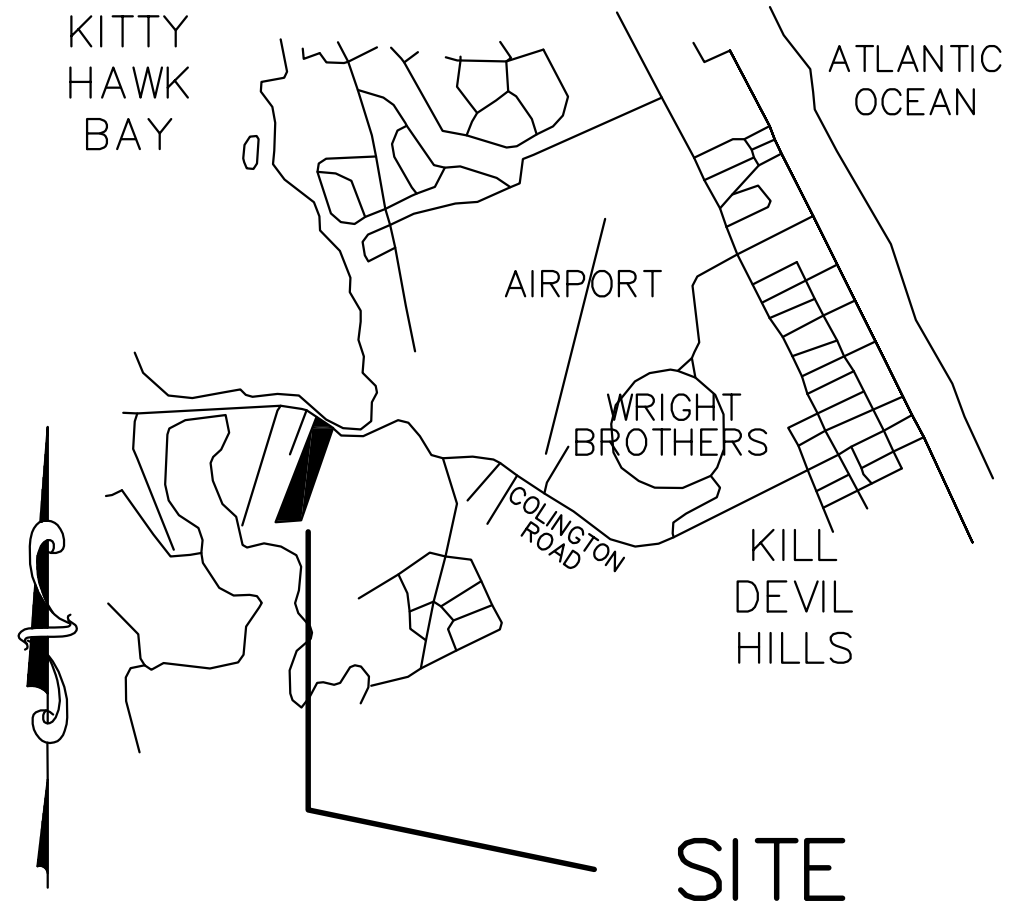
By: _____
Gary Gross
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____
Jonathan Midgett

APPROVED AS TO LEGAL FORM

By: _____
Robert L. Outten
County Attorney



VICINITY MAP (N.T.S.)

NOTES:

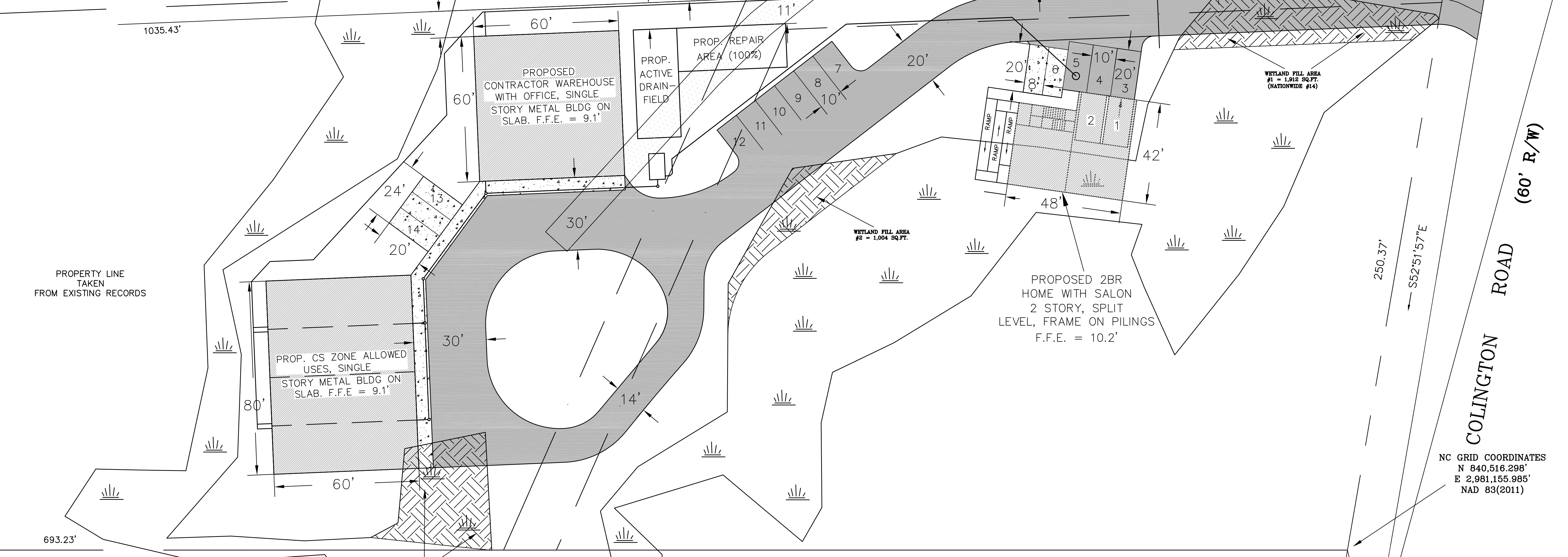
Address: 1145 Colington Road
 Total Area = 276,096 Sq. Ft. / 6.34 Acres
 Flood Zones are subject to change
 FIRM REFERENCES:
 3720 9883 00 J
 3720 9884 00 J
 Property is zoned "CS"
 Total Uplands= 52,409 Sq. Ft.
 Total 404 Wetlands= 31,290 Sq. Ft.
 Total Coastal Wetlands= 192,397 Sq. Ft.

N/F
 JASON B. HILL
 TANYA N. HILL
 D.B. 2071, PG. 204
 PC D. SL. 29

SITE DATA

PROPOSED	
PROPOSED BUILDINGS	10,224 SF.
PROPOSED GRAVEL DRIVE	19,677 SF.
PROPOSED CONCRETE	2,092 SF.
TOTAL COVERAGE (COUNTY)	12,316 SF.
TOTAL COVERAGE (NCDE&NR)	31,993 SF.
TOTAL PARCEL AREA	276,096 SF. (6.34 AC.)
TOTAL UPLAND AREA	52,409 SF. (1.20 AC.)
TOTAL IMPERVIOUS UPLAND COVERAGE (COUNTY)	23.50 %
TOTAL IMPERVIOUS UPLAND COVERAGE (NCDE&NR)	61.04 %

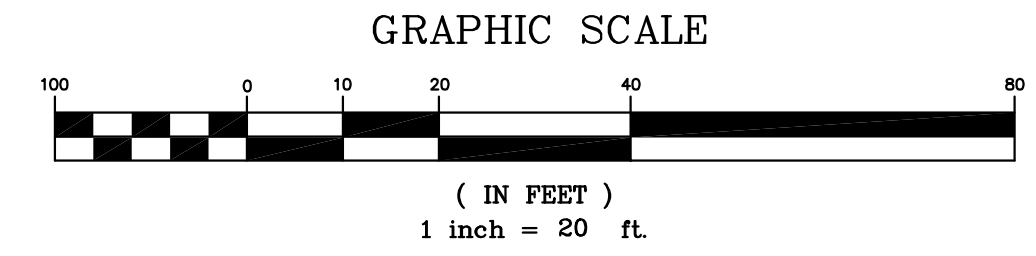
"POINT OF BEGINNING"
 NC GRID COORDINATES
 N 840,639.153'
 E 2,980,937.830'
 NAD 83(2011)



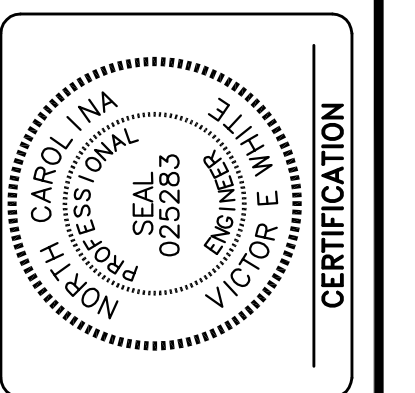
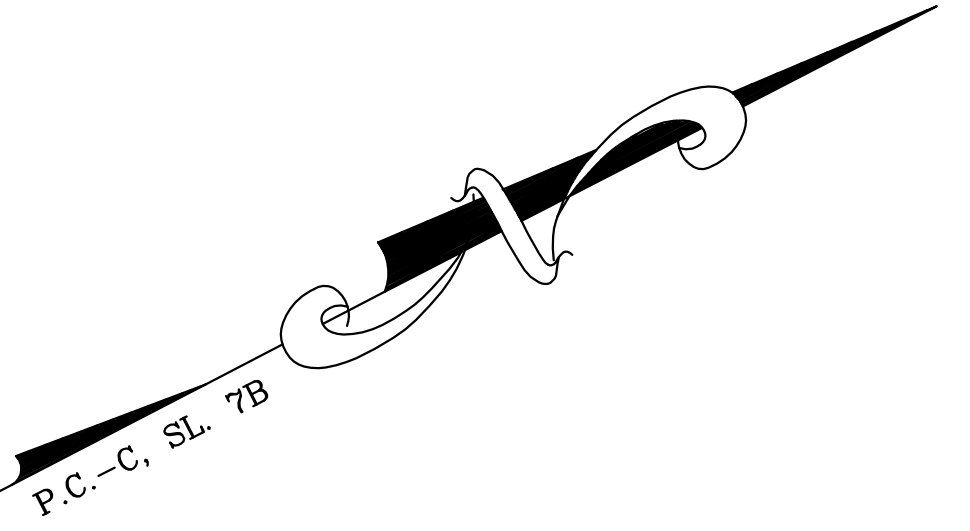
NC GRID COORDINATES
 N 840,516.298'
 E 2,981,155.985'
 NAD 83(2011)

LEGEND

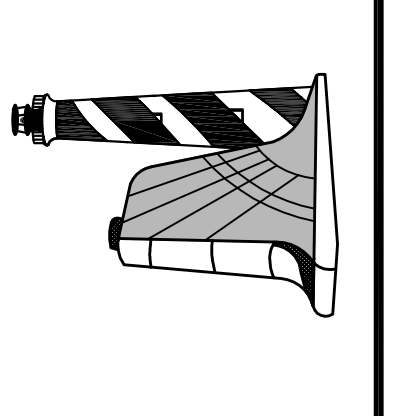
- PROPOSED GRAVEL
- PROPOSED CONCRETE
- PROPOSED WETLAND FILL



N/F
 DARE COUNTY
 P.C.-C. SL. 7B
 D.B. 922, PG. 519



NO.	DATE	DESCRIPTION



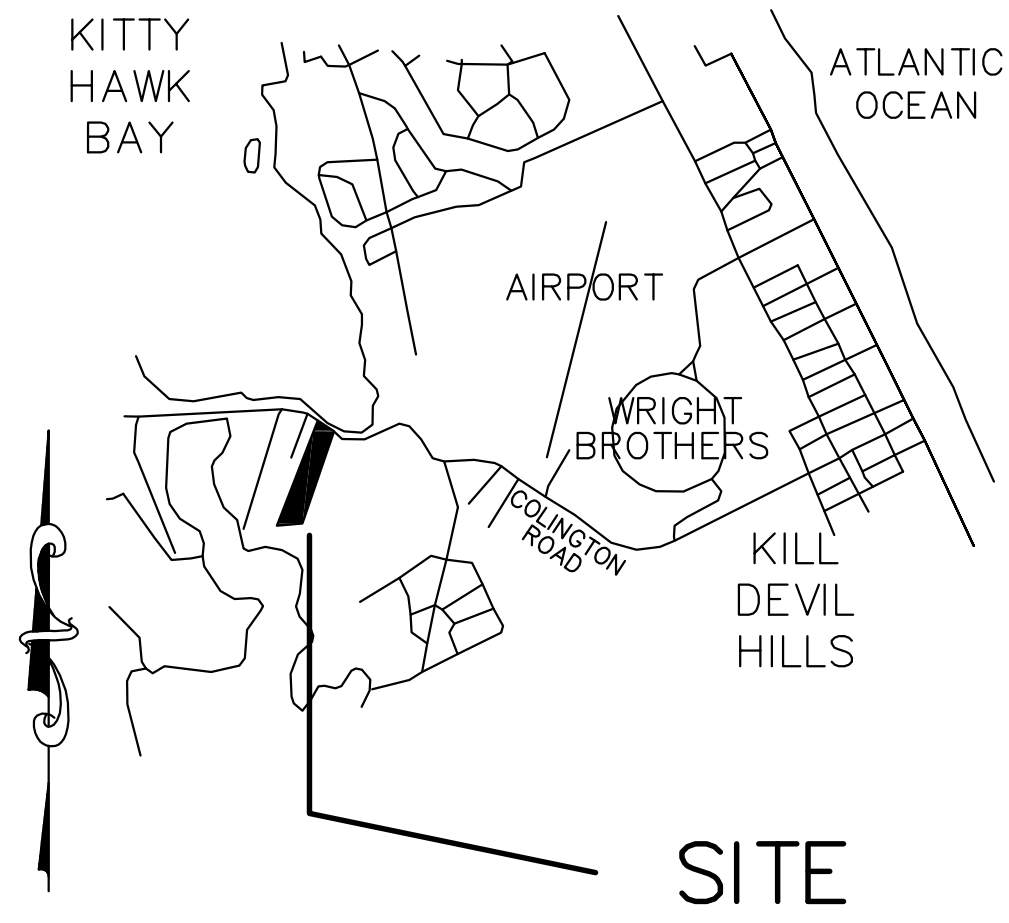
SITE PLAN

JOHN MIDGETT PROPERTY
 DARE COUNTY NORTH CAROLINA

LANDMARK ENGINEERING & ENVIRONMENTAL, P.C.
 CIVIL, ENVIRONMENTAL & GEOTECHNICAL ENGINEERING SERVICES
 MAILING: P.O. Box 1150 • Kitty Hawk, NC 27949 • PHONE: (252) 355-0892 FAX: (252) 355-0892 EMAIL: victor@mlemkeng.com

Project # P17003
 Designed By: VEW
 Drawn By: VEW
 Checked By: VEW
 Issued Date: 4/17/17

SHEET NO.
C1
 OF 2 SHEETS



VICINITY MAP (N.T.S.)

NOTES:

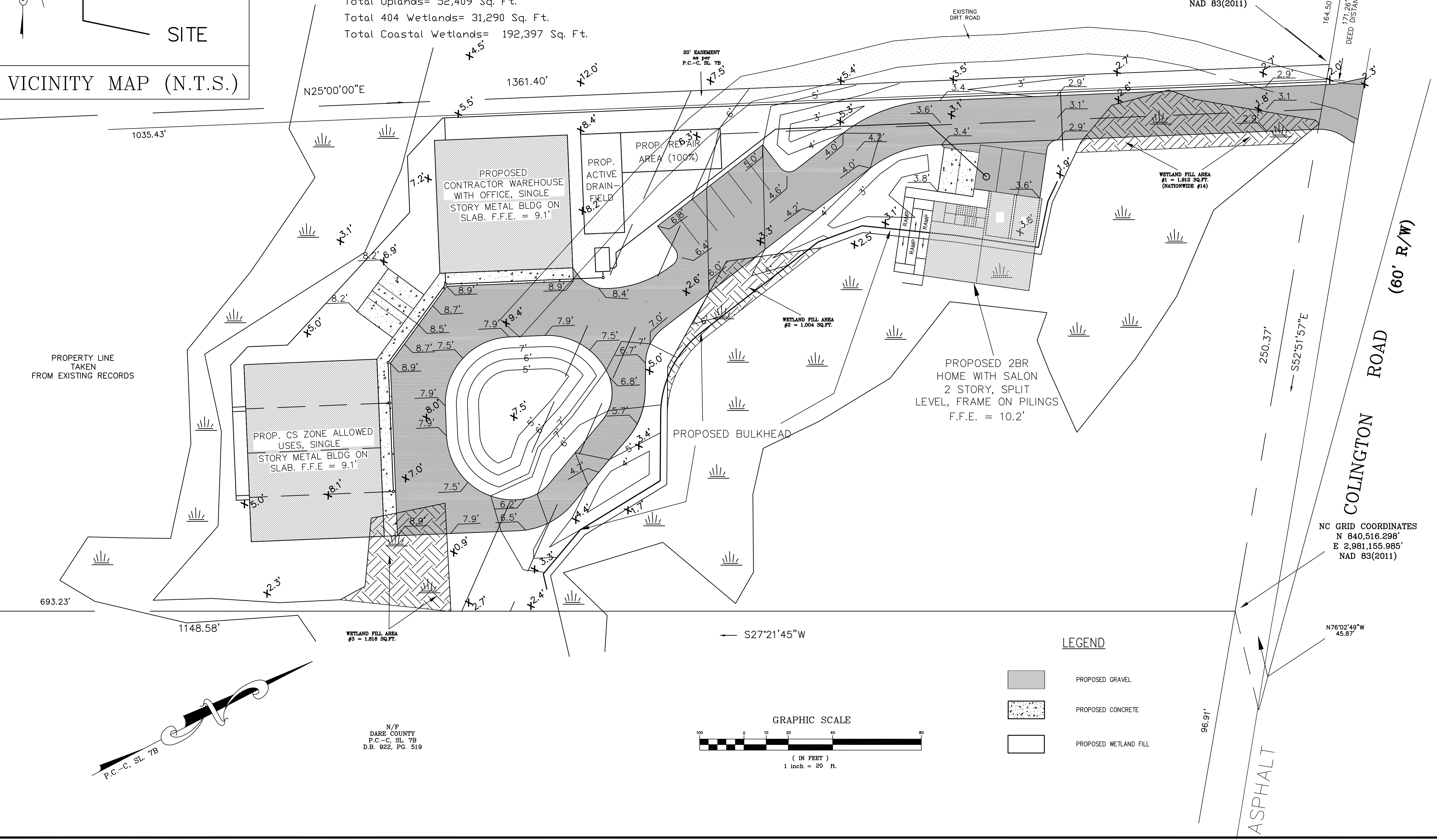
Address: 1145 Colington Road
 Total Area = 276,096 Sq. Ft. / 6.34 Acres
 Flood Zones are subject to change
 FIRM REFERENCES:
 3720 9883 00 J
 3720 9884 00 J
 Property is zoned "CS"
 Total Uplands= 52,409 Sq. Ft.
 Total 404 Wetlands= 31,290 Sq. Ft.
 Total Coastal Wetlands= 192,397 Sq. Ft.

N/F
 JASON B. HILL
 TANYA N. HILL
 D.B. 2071, PG. 204
 PC D, SL 29

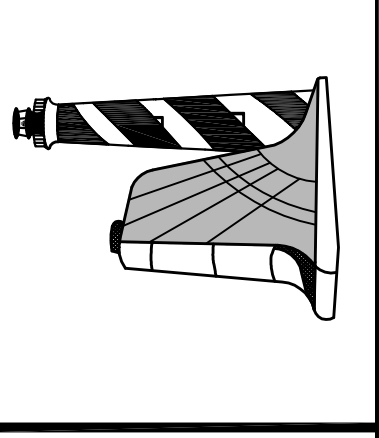
SITE DATA

PROPOSED
 PROPOSED BUILDINGS 10,224 SF.
 PROPOSED GRAVEL DRIVE 19,677 SF.
 PROPOSED CONCRETE 2,092 SF.
 TOTAL COVERAGE (COUNTY) 12,316 SF.
 TOTAL COVERAGE (NCDE&NR) 31,993 SF.
 TOTAL PARCEL AREA 276,096 SF. (6.34 AC.)
 TOTAL UPLAND AREA 52,409 SF. (1.20 AC.)
 TOTAL IMPERVIOUS UPLAND COVERAGE (COUNTY) 23.50 %
 TOTAL IMPERVIOUS UPLAND COVERAGE (NCDE&NR) 61.04 %

"POINT OF BEGINNING"
 NC GRID COORDINATES
 N 840,639.153'
 E 2,980,937.830'
 NAD 83(2011)



NO.	DATE	DESCRIPTION



GRADING AND DRAINAGE PLAN
JOHN MIDGETT PROPERTY
 COLINGTON DARE COUNTY NORTH CAROLINA
LANDMARK ENGINEERING & ENVIRONMENTAL, P.C.
 CIVIL, ENVIRONMENTAL & GEOTECHNICAL ENGINEERING SERVICES
 MAILING: P.O. Box 1190 - Kitty Hawk, NC 27949 - PHONE: (252) 255-0992 FAX: (252) 255-0992 EMAIL: vj@landmarkeng.net

Project #	P17003
Designed By:	VEW
Drawn By:	VEW
Checked By:	VEW
Issued Date:	4/17/17
SHEET NO.	C2
OF: 2 SHEETS	



Belle Acres Group Development -- CUP Application and Site Plan

Description

Colingwood Development LLC has submitted a conditional use permit application and site plan for development of a group development according to Section 22-31 of the Dare County Zoning Ordinance. The site is zoned VC-2, village commercial. A staff report, draft CUP and site plan is attached with this cover sheet.

Board Action Requested

Motion to grant approval to CUP and site plan as recommended by the Planning Board.

Item Presenter

Donna Creef, Planning Director

STAFF REPORT: July 17, 2017 Dare County Board of Commissioners Meeting

ITEM: Belle Acres Group Housing Development Conditional Use Permit

FROM: Donna Creef, Planning Director

Colingwood Development LLC has submitted a conditional use permit application and site plan for the development of a 10-unit residential project in Colington, NC. The site is located at the intersection of Colingwood Lane and Colington Road. The site is zoned VC-2 (village commercial) and group developments are permitted as conditional uses in this district. Section 22-31 of the Dare County Zoning Ordinance establishes the regulations for group developments.

Under the group development regulations, homesites are identified and owned individually with remaining areas of the property designated as common area and owned/managed by a homeowners association. The Belle Acres individual homesites are 20' x 48' and all structural improvements for each homesite will be located within this area. Parking areas will be provided as depicted on the site plan. I have reviewed the draft covenants for the development and they appropriately address maintenance of the road improvements, common areas and other infrastructure.

A site plan and conditional use permit were approved for the site in 2007, which expired before any improvements were constructed. The 2017 site plan is similar in layout with two less structures due to a change in the road requirements of Section 22-31 adopted by Dare County after the 2007 plan was approved. A 45' wide right-of-way with 20 feet of paved road improvements is now required. The roadway design of the site plan has been submitted to NC Department of Transportation. Comments from NCDOT indicate the road design meets their design specifications for developments of this size. Although the road design meets NCDOT specifications, the roads will be private roads and maintained by a homeowners association. An emergency ingress/egress will be provided for a second access onto Colington Road. This second access has been reviewed by the Fire Marshal and the Colington fire department.

Dumpsters will be used for solid waste pick-up instead of door-to-door pick-up. The dumpster location has been approved by Dare County Public Works. The draft CUP includes a condition noting that door-to-door solid waste service is not available. Similar language is included on the site plan.

Landscaping will be installed by the developer according to a landscaping plan that is part of the site plan. This area will be maintained by the homeowners association and will not be disturbed as part of the individual homesite development.

The Planning Board reviewed this proposal at their May meeting and their June meeting. The Planning Board voted unanimously on June 12 to recommend approval of the site plan and the draft CUP prepared by staff. A time period of twelve months for the installation of all infrastructure improvements has been included in the CUP.



Conditional Use Permit No. 2-2017

Dare County Sections: 22-27. 5, 22-31, and 22-68.

Application of:

On _____, 2017 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 of the Dare County Code (hereinafter referred to as "Code");
2. The subject property is zoned VC-2, village commercial and located in Colington, NC. This property is identified on the Dare County tax records as Parcel Identification Number 987306386064 and located in the Colington tax district.
3. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including residential group housing developments;
4. That the Dare County Planning Board recommended for approval the granting of this Conditional Use Permit as requested. The Planning Board made this recommendation on June 12, 2017.
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.
7. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Conditional Use Permit according to the terms and conditions below:

CONDITIONAL USE: a 10-unit group housing development located in Colington, NC with associated roadway, parking, and stormwater improvements as depicted on the site plan included with the conditional use permit application labeled as Appendix B.

CONDITIONS:

1. Individual parking spaces shall be provided for each unit as depicted on the site plan. Each structure shall be located a minimum of 25 feet from each property line and 20 feet from another structure as established in Section 22-31 of the Zoning Ordinance. The maximum building height shall be 35 feet as permitted under the VC-2 zoning district regulations. All structural improvements (including pools, spas, and decks) shall be located within the 20' x 48' footprint provided for each residential unit.
2. An as-built survey of the infrastructure improvements shall be submitted to the Planning Department upon completion of the improvements. Individual as-built surveys for each residential unit shall be submitted before the final inspection of each unit is completed by the Dare County building inspector. A final plat depicting the road improvements and metes and bounds descriptions for each homesite, limited common areas, and common areas shall be recorded in the Dare County Register of Deeds upon completion of the infrastructure improvements.
3. All impervious road improvements shall be constructed to the pavement design standards of the NC Department of Transportation and verified by an independent consultant once the road improvements are completed. Copies of the test results shall be submitted to the Dare County Planning Department.
4. All infrastructure and landscaping improvements shall be installed and completed within 12 months of the date of approval of the conditional use permit. A 12-month extension may be granted by the Dare County Board of Commissioners if such request is submitted in writing to the Dare County Planning Director before the expiration of the initial 12-month approval period.
5. No work on the installation and construction of the road improvements, waterline improvements, wastewater treatment system, residential units or other improvements associated with this project shall commence until all State permits have been secured by the developers. This includes but is not limited to the Division of Land Resources sedimentation and erosion control permit and the Division of Water Quality stormwater management permit.

6. A vegetated buffer shall be provided along the property lines as depicted on the site plan labelled as Appendix B and included with this CUP. This buffer shall be constructed at the same time as the other infrastructure improvements. This buffer area shall remain undisturbed and shall be perpetually maintained by the developer, the developers successors and/or any homeowners association.
7. A dumpster site for the disposal of solid waste shall be provided as depicted on Appendix B. Vegetative screening shall be provided around the dumpster site. Door-to-door pick-up of solid waste is not available within the development.
8. An emergency service vehicle entrance will be constructed for direct access to SR 1217, Colington Road. The use of this access will be for emergency purposes only. Use of this accessway by property owners and other private vehicles is prohibited. Access to this entrance shall be coordinated with the Colington Fire Department. No parking signs shall be installed as required by the Dare County Fire Marshal. These signs shall be installed before the as-built survey is submitted to the Dare County Planning Department for final approval.
9. The property owners of the group housing development shall be responsible for the maintenance of the road improvements, vegetative buffer and stormwater improvements.
10. It is understood that all other terms and provisions of the Code shall remain in full force and effect except as herein lawfully permitted;
11. A violation of this Permit shall be a violation of the Code punishable as therein provided, and shall automatically void Permit.

This the ____ day of August 2017

SEAL:

COUNTY OF DARE

Robert L. Woodard, Chairman
Dare County Board of Commissioners

ATTEST:

Gary Gross, Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

Colingwood Development LLC

APPROVED AS TO LEGAL FORM

Robert L. Outten
| County Attorney

DRAFT

D. Fees

Building permit fees of \$1.00 per foot of turbine/tower height shall be assessed at the time a building permit is issued for any wind turbine authorized for construction under this ordinance.

E. Definitions

The definitions set forth in Section 22-29.3 Wind Energy Research Sites of the Zoning Ordinance shall apply to these regulations also.
(Adopted 7-18-11)

SECTION 22-30 - REDUCTION OF FRONT YARD SETBACK REQUIREMENTS

In any residential district, where the average setback distance for existing buildings on all lots located wholly or partly within 200 feet of any lot, and within the same zoning district and fronting on the same side of the same street as such a lot is less than the minimum setback required in such zoning district, the setback on such lot may be less than the required setback but not less than the existing average setback distance for all lots within the 200 feet, and in no instance shall the setback be reduced to less than 15 feet. When lots within the 200 feet are vacant, such vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance. (11-20-75, art. 3, 3.12; 2-6-78)

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 established by this chapter; provided, that a mandatory pre-application conference is held between the planning board and the developer prior to filing the required application for review and approval of the project by the board of commissioners. 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.

For group development projects that are proposed for review under the Family Housing Incentive Standards of the Zoning Ordinance, or for projects affiliated with the Outer Banks Community Development Corporation, the right-of-way width may be reduced to a width of 30 feet, with 20 feet of paved improvements. (This paragraph added on 9-2-2008)

(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-2, SP-C, VC, VC-2, C-2, C-3, I-1, S-1, CS, BT, RB, MLM, WVC, MC-1, MC-2 and Highway 345. Only those uses listed as permitted and/or conditional 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 conditional 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 Zoning Administrator:

“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)

ARTICLE IV. PLANNED UNIT DEVELOPMENT

This entire section was by the Dare County Board of Commissioners on September 19, 1994.

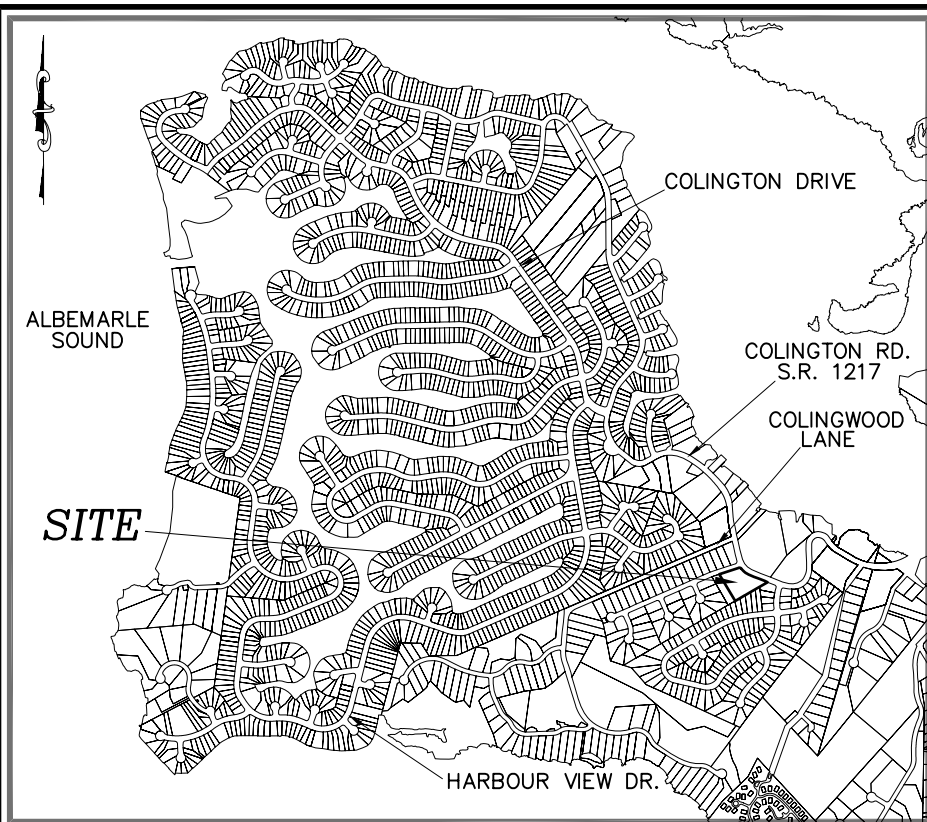
ARTICLE V. MOBILE HOME AND TRAILER PARKS

This entire section was by the Dare County Board of Commissioners on September 19, 1994. Please refer to the Dare County Mobile Home Park Ordinance for regulations for the development of such uses.

ARTICLE VI. NON-CONFORMITIES

SECTION 22-46 - INTENT OF ARTICLE

Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before November 20, 1975, or before the date of adoption of any such applicable amendment, but which would be prohibited, regulated or restricted under the terms of this chapter or such future amendments. It is the intent of this article to permit these nonconformity's to



VICINITY MAP
NOT TO SCALE

- NOTES:
- SUBJECT PROPERTY: 1.91 AC. PARCEL LOCATED AT THE SOUTH WEST CORNER OF COLINGTON ROAD (S.R. 1217 AND COLINGWOOD LANE ON COLINGTON ISLAND, DARE COUNTY, NORTH CAROLINA
 - PIN: 9873 06 38 6064 PARCEL: 018767098
 - CURRENT PROPERTY ZONING: VC-2 (VILLAGE COMMERCIAL)
 - FEMA Data:

Dare County CID 375348	Panel 9873 Suffix J
Map Number 3720987300J	Effective Date: September 20, 2006
Vertical Datum NAVD 1988	
FIRM Zone AE (EL 8)	Base Flood Elevation = 8.2' by FIS
Flood Zones subject to change by FEMA	

- PROPOSED USE: GROUP DEVELOPMENT IN ACCORDANCE WITH SECTION 22-31 TO INCLUDE 10 SINGLE FAMILY RESIDENCES WITH ASSOCIATED INFRASTRUCTURE (WATER, ROADWAYS, STORMWATER MGMT.). ALLOWABLE USE IN VC-2 ZONING DISTRICT
- DEVELOPMENT STANDARDS: SETBACKS: FRONT - 25' SIDE OR REAR PROPERTY LINE - 25' MINIMUM RIGHT OF WAY WIDTH = 45' MINIMUM PAVEMENT WIDTH = 20' MAXIMUM LOT COVERAGE - 30% MINIMUM BUILDING SEPARATION = 20'

7. AREA SCHEDULE:

GROSS PARCEL AREA	83,181 sq. ft.
BUILDING AREA	9,600 SQ. FT.
ROADWAY AREA	8,021 SQ. FT.
CONC. DRIVEWAY AREA	6,512 SQ. FT.
HVAC PADS	180 SQ. FT.
DUMPSTER PAD	200 SQ. FT.
TOTAL COVERAGE	24,513 sq. ft.
PERCENT COVERAGE	29.47
OPEN SPACE	58,678 sq. ft.

- NOTES FROM SURVEY:
 - Area by coordinate computation = 83,181 sq. ft., 1.91 acre
 - Parcel Id #018767098, Pin #987306386064
 - Flood zone AE 8.2'; Panel #3720987300J (F.I.R.M. zone subject to change by F.E.M.A.)
 - Recorded References: M.B. 4, Pg. 96, P.C. E, Sl. 246, P.C. G, Sl. 188, D.B. 2089, Pg. 845, D.B. 1836, Pg. 243
 - It is the sole responsibility of the permitting municipality to verify site compliance with all ordinances, zoning, & setbacks requirements prior to the issuance of permits. Surveyor makes no certification as to compliances either shown or implied.
 - This survey is subject to any facts that may be disclosed by a full and accurate title search
 - Survey from recorded references and physical evidence found
 - A 20' front and rear utility and drainage easement and a 10' side, utility and drainage easement exist along all property lines

Curve Table

Curve	Length	Radius	Direction	Chord
C1	29.84'	25.00'	S64°19'55"E	28.10'
C2	67.35'	248.41'	S37°54'18"E	67.14'
C3	56.01'	248.41'	S52°07'51"E	55.89'

Line Table

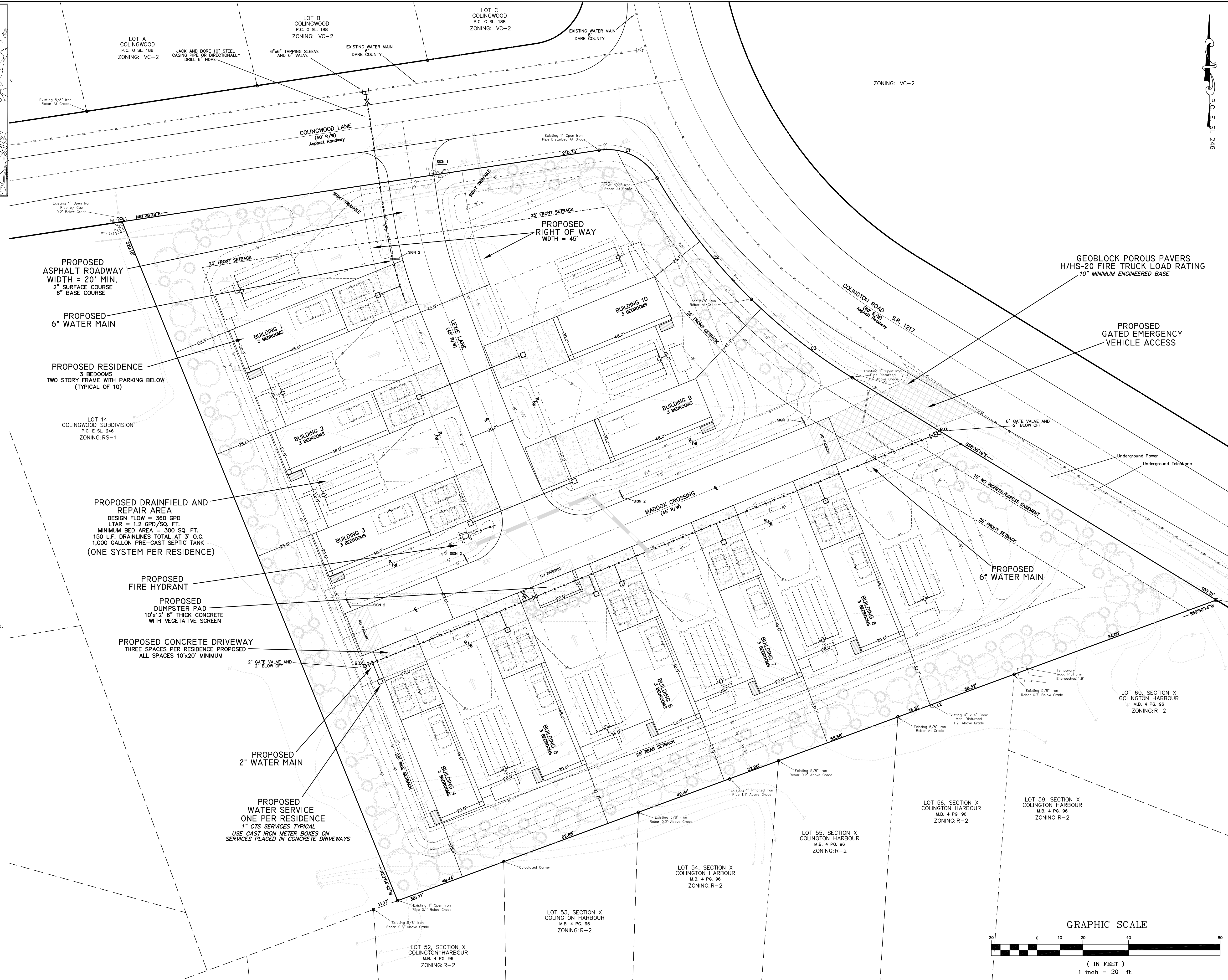
Line	Length	Bearing
L1	0.27'	N21°00'55"W
L2	0.53'	S20°09'46"E

9. SIGN SCHEDULE:

SIGN 1	STOP
SIGN 2	NO PARKING ON STREET AT ANY TIME TOWING ENFORCED AT OWNERS EXPENSE
SIGN 3	EMERGENCY VEHICLE ACCESS NO PARKING AT ANY TIME TOWING ENFORCED AT OWNERS EXPENSE

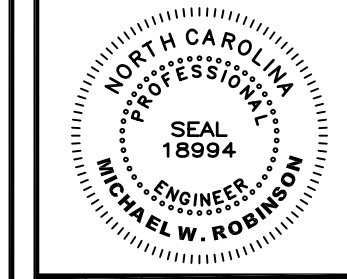
10. SOLID WASTE NOTIFICATION:

DEVELOPER AND PROSPECTIVE BUYERS ARE HEREBY NOTIFIED THAT SOLID WASTE DISPOSAL WILL BE THROUGH CENTRAL DUMPSTERS AS DEPICTED ON THE SITE PLAN. DOOR TO DOOR PICK UP OF SOLID WASTE IS NOT AVAILABLE WITHIN THE DEVELOPMENT.



MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
KILL DEVIL HILLS, NC 27948
PHONE: 252-255-8026
EMAIL: mrobinson@wbengineering.com

PRELIMINARY
NOT FOR CONSTRUCTION



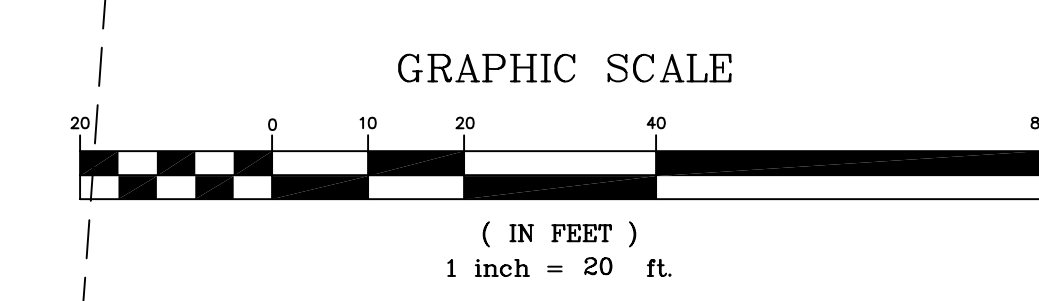
REVISIONS

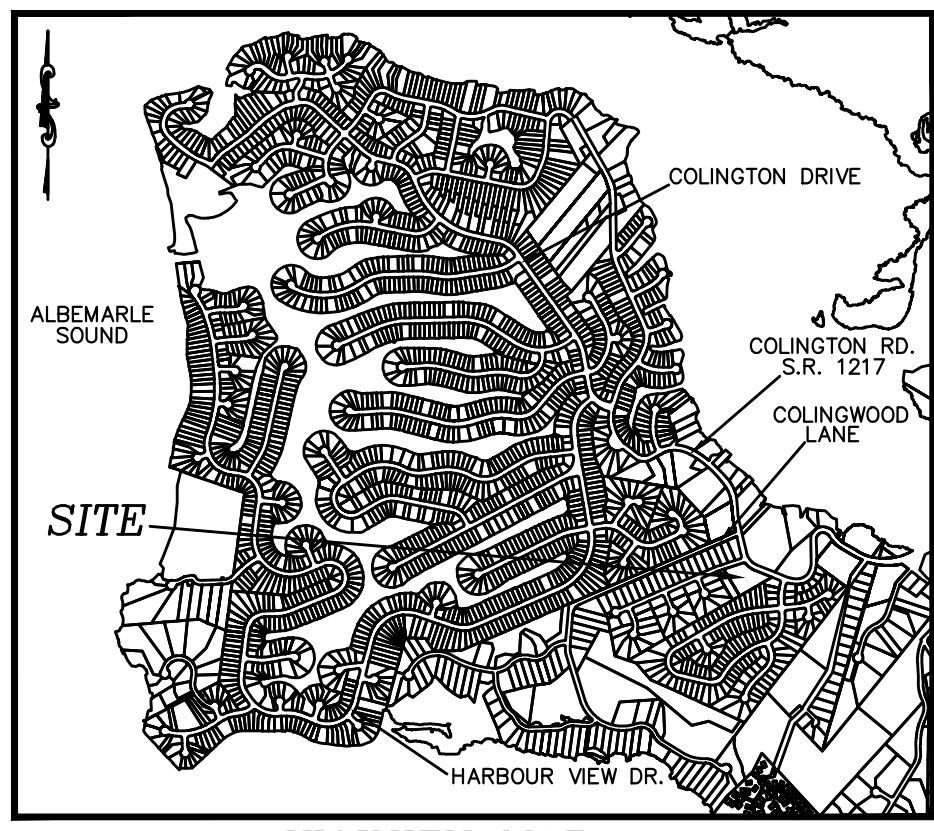
NO.	DATE	DESCRIPTION
1	07-23-17	REVISE PER PLANNING DEPARTMENT COMMENTS

NORTH CAROLINA
DARE COUNTY

BELLE ACRES
COLINGTON ISLAND
PRELIMINARY PLAN

PROJECT: COLINGTON HARBOUR
DATE: 05-26-17
SCALE: 1"=20'
DESIGNED: MWR
DRAWN: MWR
SHEET: 1 OF 2
CAD FILE: colingwood base.dwg
PROJECT NO: 091016





VICINITY MAP
NOT TO SCALE

NOTES:
 1. SUBJECT PROPERTY: 1.91 AC. PARCEL LOCATED AT THE SOUTH WEST CORNER OF COLINGTON ROAD (S.R. 1217 AND COLINGWOOD LANE ON COLINGTON ISLAND, DARE COUNTY, NORTH CAROLINA
 2. PIN: 9873 06 35 6064 PARCEL: 018767098
 3. CURRENT PROPERTY ZONING: VC-2 (VILLAGE COMMERCIAL)
 4. FEMA Data:

Dare County CID	375348
Panel	9873 Suffix J
Map Number	3720987300J
Effective Date	September 20, 2006
Vertical Datum	NAVD 1988
FIRM Zone	AE (EL 8)
Base Flood Elevation	= 8.3' by FIS
Flood Zones	subject to change by FEMA

5. PROPOSED USE: GROUP DEVELOPMENT IN ACCORDANCE WITH SECTION 22-31 TO INCLUDE 10 SINGLE FAMILY RESIDENCES WITH ASSOCIATED INFRASTRUCTURE (WATER, ROADWAYS, STORMWATER MGMT.) ALLOWABLE USE IN VC-2 ZONING DISTRICT

6. AREA SCHEDULE:

GROSS PARCEL AREA	83,181 sq. ft.
BUILDING AREA	9,600 SQ. FT.
10 BUILDINGS AT 960 SQ. FT. EACH	
ROADWAY AREA	7,901 SQ. FT.
20' PAVEMENT WIDTH	
CONC. DRIVEWAY AREA	6,502 SQ. FT.
HVAC PADS	180 SQ. FT.
10 HVAC PADS AT 18 SQ. FT. EACH	
TOTAL COVERAGE	24,183 sq. ft.
PERCENT COVERAGE	29.07
OPEN SPACE	58,998 sq. ft.

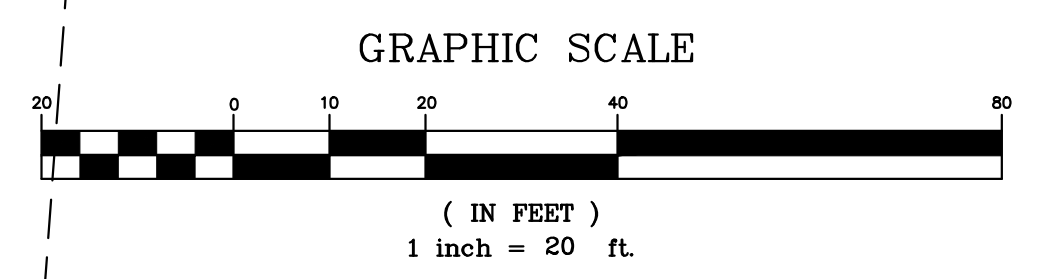
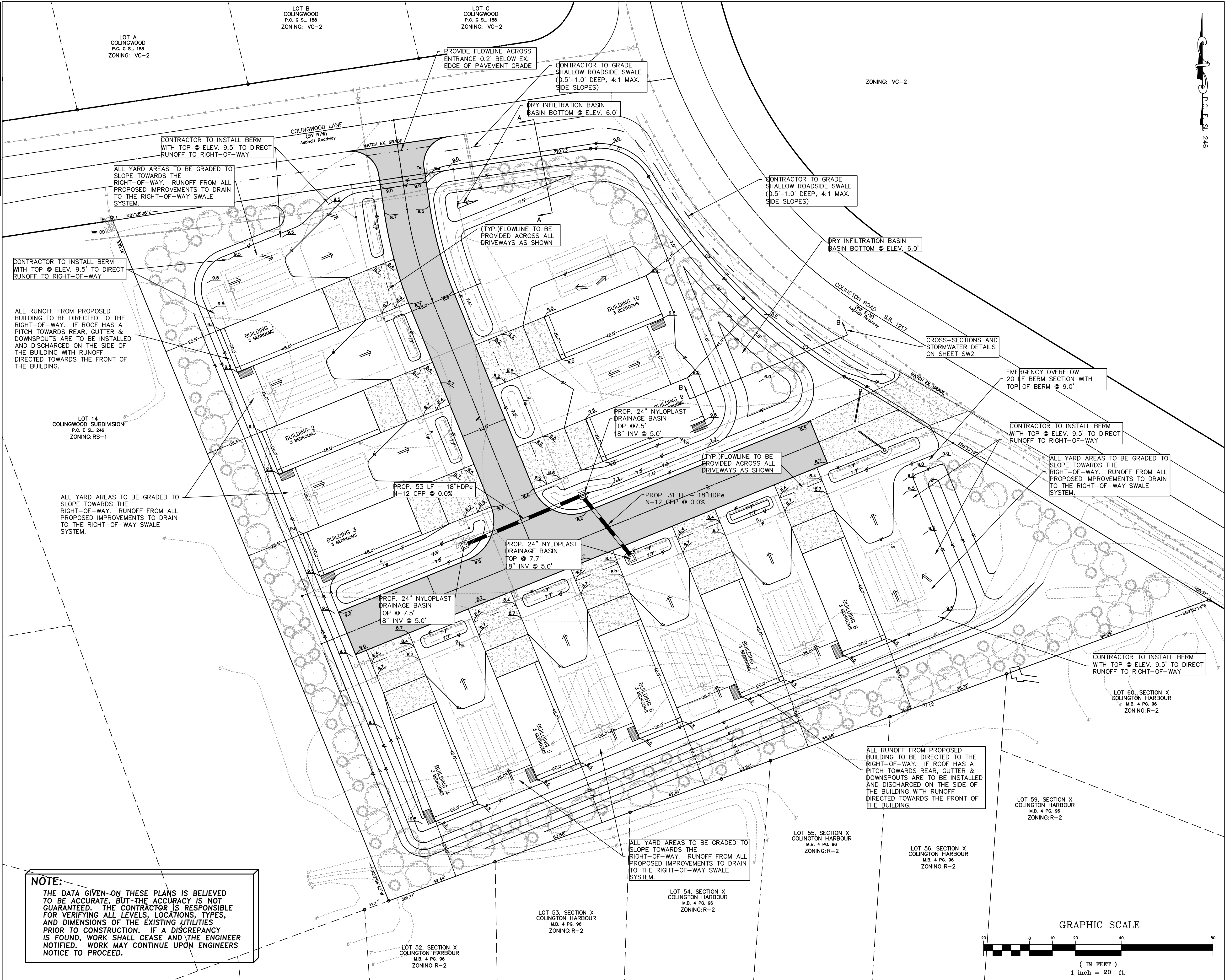
7. THERE ARE NO USAGE JURISDICTIONAL WETLANDS PRESENT ON THE PROJECT SITE.
 8. BOUNDARY & ELEVATIONS SHOWN AS PER SURVEY BY JAMIE FURR, PLS. ALL ELEVATIONS SHOWN REFERENCE VERTICAL DATUM NAVD 1988.
 9. MINIMUM BUILDING FINISH FLOOR ELEVATION @ 9.5' (ALL BUILDINGS)
 10. "HDPe N-12 CPP" PIPE REFERS TO HIGH DENSITY POLYETHYLENE, DOUBLE WALL (SMOOTH INTERIOR), CORRUGATED PERFORATED PIPE IN FILTER FABRIC SLEEVE.

LEGEND

- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED STORM SEWER (HDPe N-12 CPP)
- PROPOSED DROP INLET (NYLOPLAST BASIN)
- PROPOSED FLOW LINE ACROSS PAVEMENT
- PROPOSED GRASSED SWALE
- PROPOSED SURFACE FLOW DIRECTION



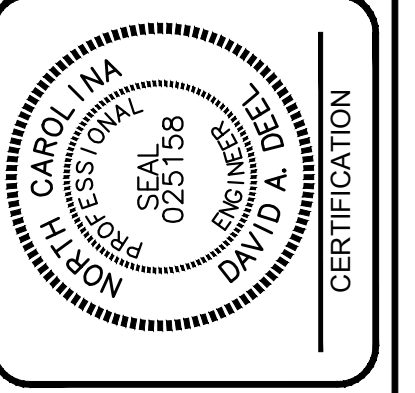
NOTE:
 THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS NOTICE TO PROCEED.



DEEL ENGINEERING, PLLC
 CIVIL ENGINEERING SERVICES
 FIRM LICENSE P-1045
 P.O. BOX 3901
 KILL DEW HILLS, NC 27488
 Phone: (252) 302-3603 E-Mail: doehel@deel.com

COPYRIGHT © 2014
 DEEL ENGINEERING, PLLC
 THIS DOCUMENT IS THE PROPERTY
 OF DEEL ENGINEERING, PLLC. ALL
 RIGHTS ARE RESERVED. NO
 REPRODUCTION OF THIS OR
 ANY PART THEREOF WITHOUT THE
 WRITTEN PERMISSION OF DEEL
 ENGINEERING, PLLC WILL BE A
 VIOLATION OF COPYRIGHT LAW.

NO.	DATE	REVISIONS



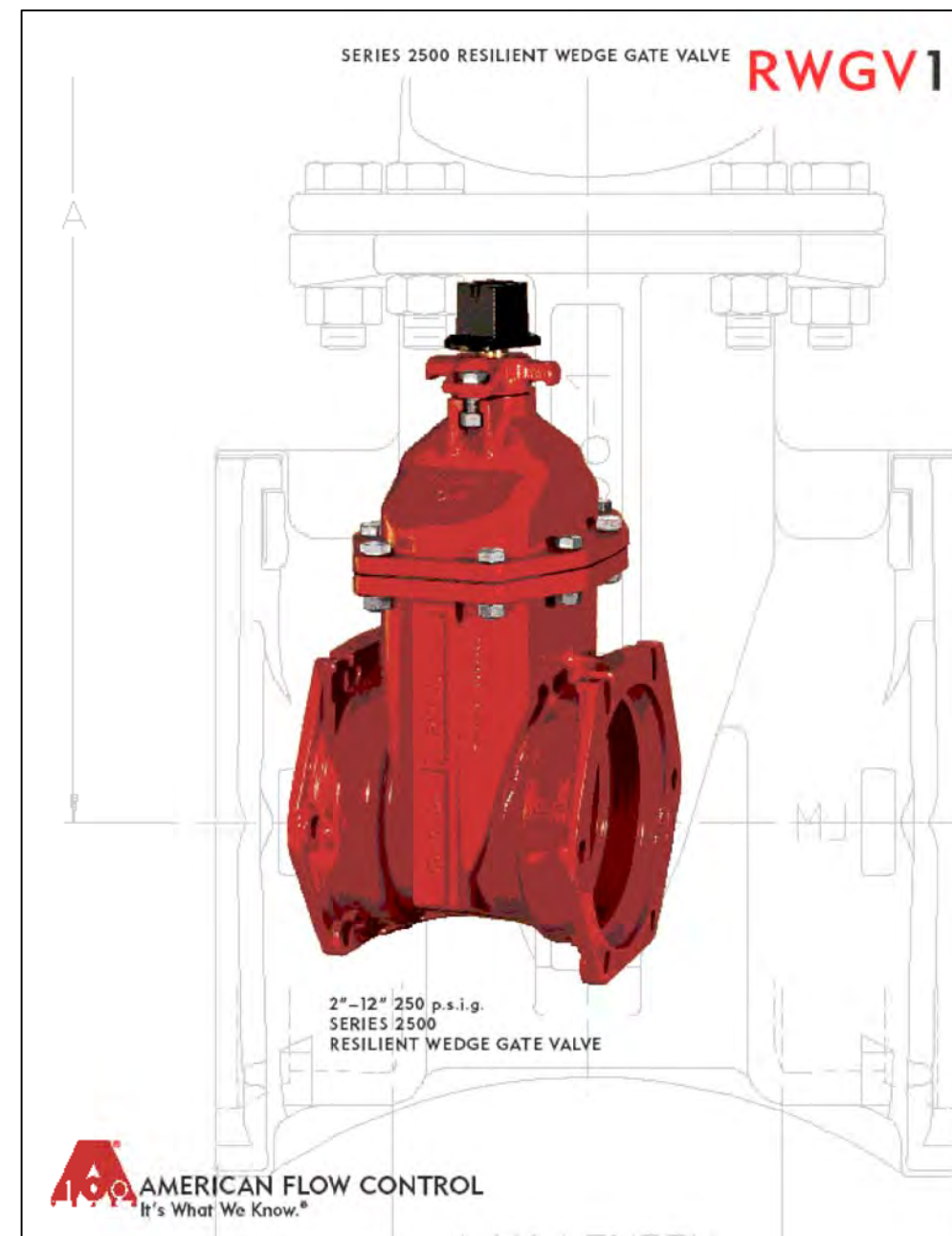
STORMWATER PLAN
 BELLE ACRES
 GROUP DEVELOPMENT
 NORTH CAROLINA
 DARE COUNTY
 COLINGTON ISLAND

COMMISSION NO.	15012
DESIGNED BY	DAD
DRAWN BY	DAD
CHECKED BY	DAD
ISSUE DATE	4/13/2017
SHEET NO.	

SW1
 OF 2 SHEETS



AMERICAN FLOW CONTROL FIRE HYDRANT WATEROUS TREND WB77
NO SUBSTITUTIONS PERMITTED



AMERICAN FLOW CONTROL SERIES 2500 RESILIENT WEDGE GATE VALVE
CLOW MODEL MJ-F6100 OR APPROVED EQUAL

Ford Stainless Steel Tapping Sleeve

Style FAST Tapping Sleeve, 360° Gasket, Stainless Steel, Carbon Steel Flange or Mechanical Joint Adapter Outlet

Ford FAST Tapping Sleeves take the guesswork out of large pipe taps. A gasket surrounds the pipe and not only cushions the pipe during the tap, but also helps prevent pipe leaks. The flange outlet is welded inside and out. The sleeve is constructed of Grade 304 stainless steel to provide corrosion protection. Sleeves are available in pipe sizes 3" through 24" with outlets from 2" through 12". Detailed specifications and critical dimensions are outlined below.

Specifications

Test Press: Waterous Trend 24" x 4" standard square head. Proper use of this tool ensures positive and secure tapping.

Wells and Holes: 18-8 stainless steel LUNC threads. Heavy nuts and washers are used to prevent galling.

Upper Bar: 18-8 stainless steel provides a heavy bearing surface for the tap.

Arrow: Heavy gauge Type 18-8 stainless steel arrow is welded into the gasket to bridge the gap between legs.

Outlet: 18-8 stainless steel (Schedule 10 for 3" and 4" outlets. Schedule 5 for all other outlet sizes).

Flange: 316 SS 18-8 stainless steel flange with heavy 18-8 SS 316 SS to accept standard tapping tools. Gaskets ASTM A192 carbon steel flange may be ordered. Flange conforms to ANSI MSS Class 2.040.100. 2" opening. Class 2 or Class 4 flange available. But only 18-8 stainless steel center line.

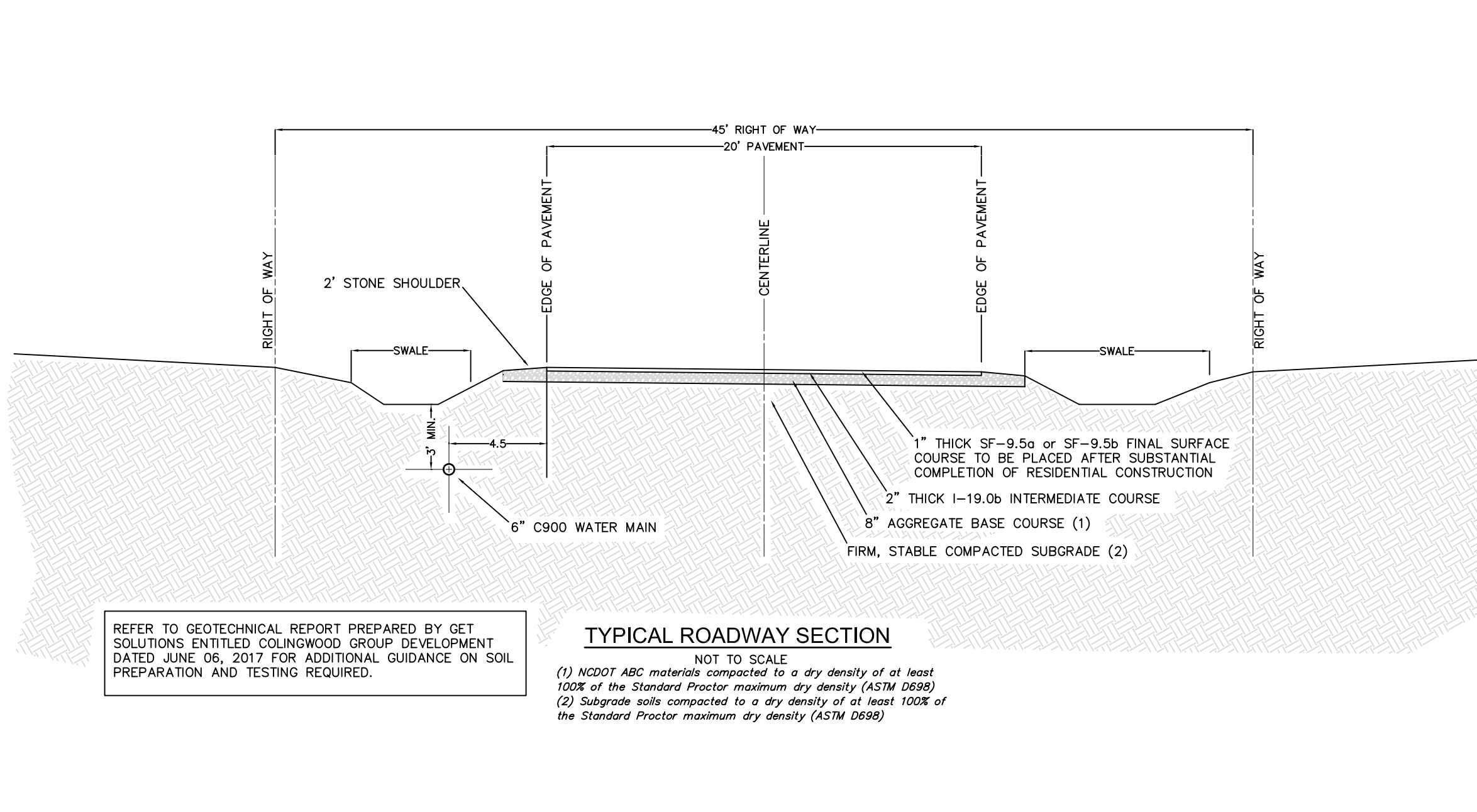
Gasket: Gasket rings 18-8 stainless steel (Schedule 10 for 3" and 4" outlets. Schedule 5 for all other outlet sizes). Gasket provides 360° pipe coverage. The outer gasket is 18-8 stainless steel.

Mechanical Joint Adapter Outlet: Heavy 18-8 stainless steel for 18-8 SS 316 SS to accept standard tapping tools. Gaskets ASTM A192 carbon steel flange may be ordered. Flange conforms to ANSI MSS Class 2.040.100. 2" opening. Class 2 or Class 4 flange available. But only 18-8 stainless steel center line.

FAST Dimensions

Outlet Size	3"	4"	6"	8"	10"	12"	14"	16"	18"	20"	24"
Weight (lb)	1.5	2.0	3.0	4.0	5.5	7.0	9.0	11.0	13.5	16.0	21.0
Length (in)	12	12	12	12	12	12	12	12	12	12	12
Flange Dia (in)	3.0	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	24.0
Outlet Dia (in)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Weight (lb)	1.5	2.0	3.0	4.0	5.5	7.0	9.0	11.0	13.5	16.0	21.0

STAINLESS STEEL TAPPING SLEEVE - FORD OR APPROVED EQUAL OR APPROVED EQUAL

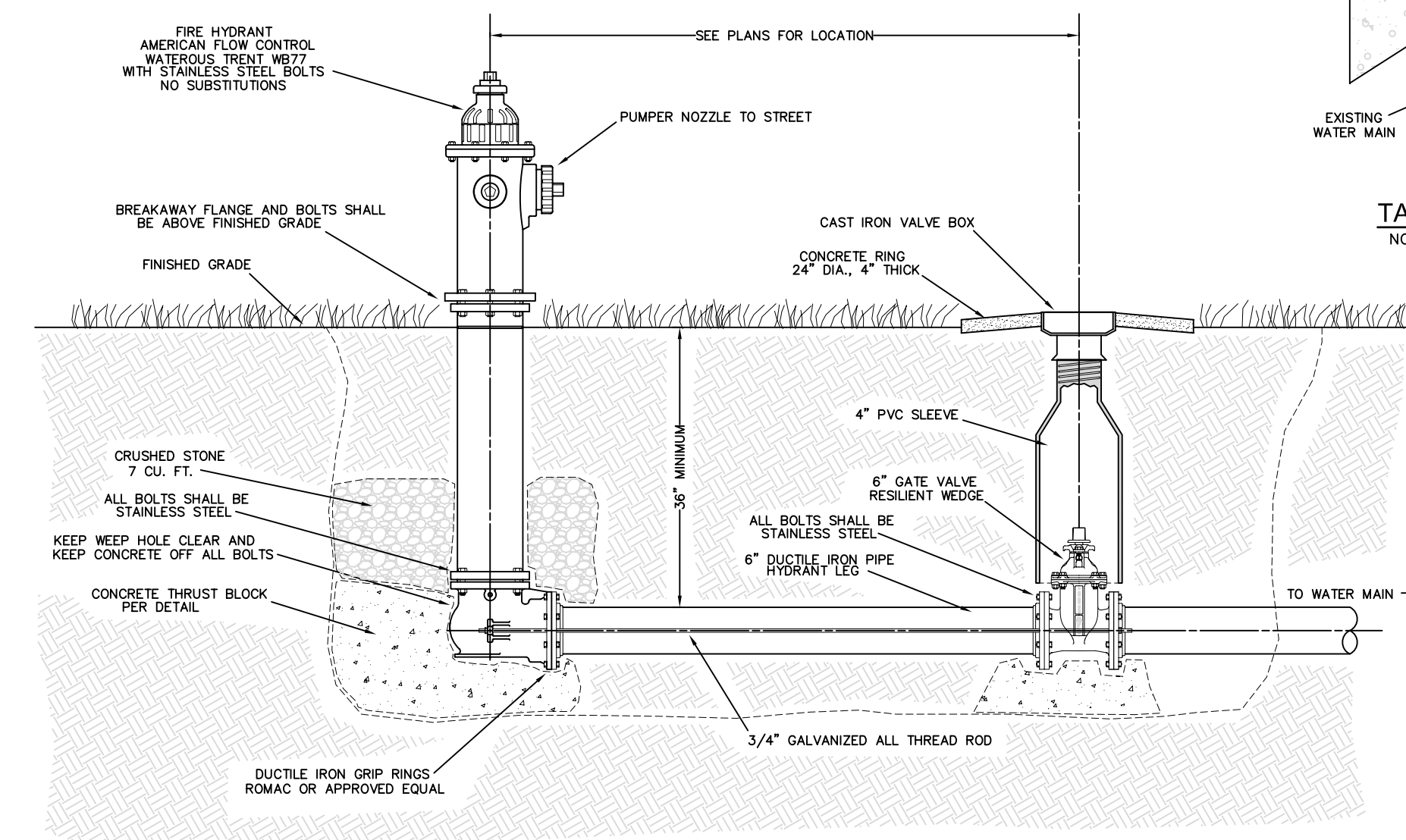


PAINTING REQUIREMENTS FOR NEW FIRE HYDRANTS

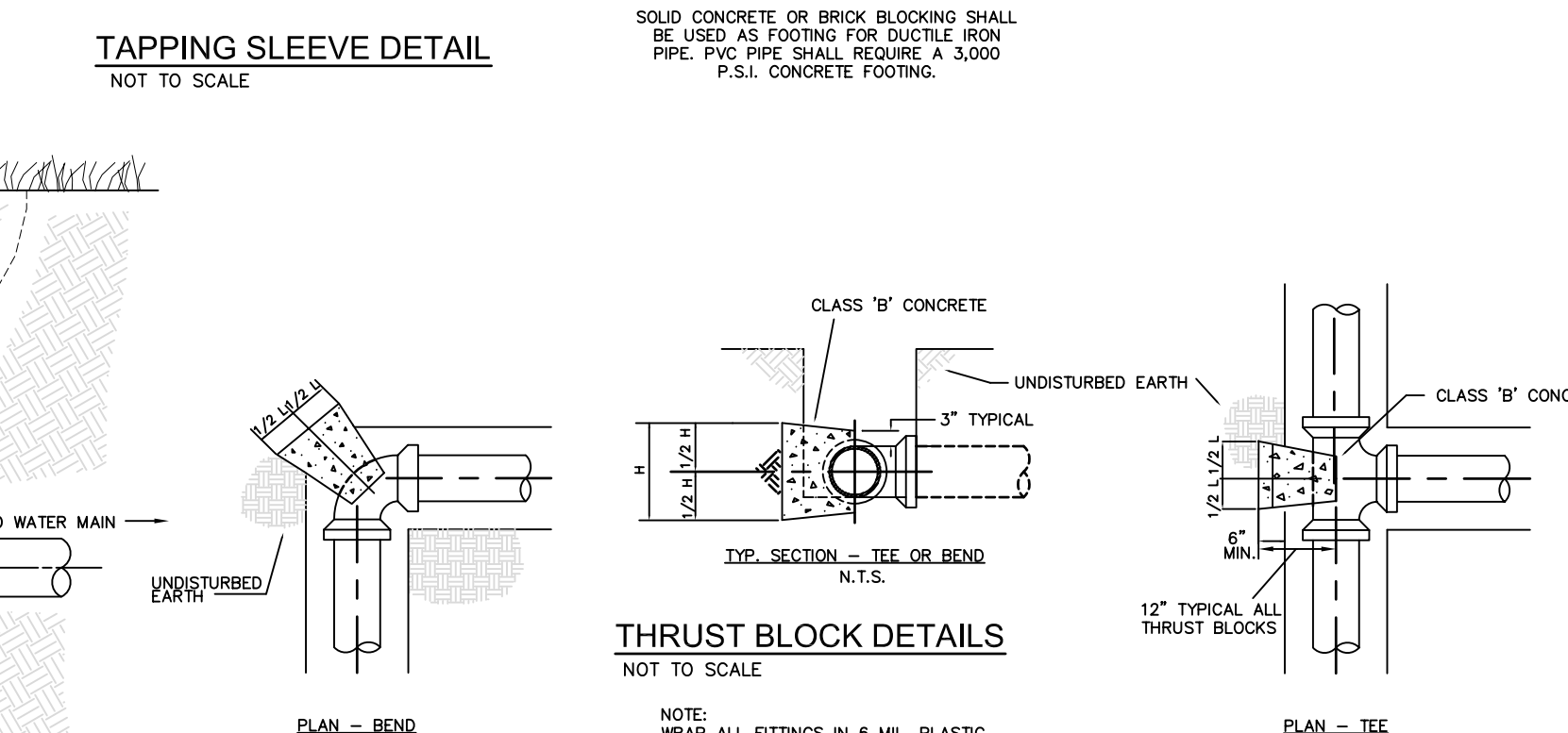
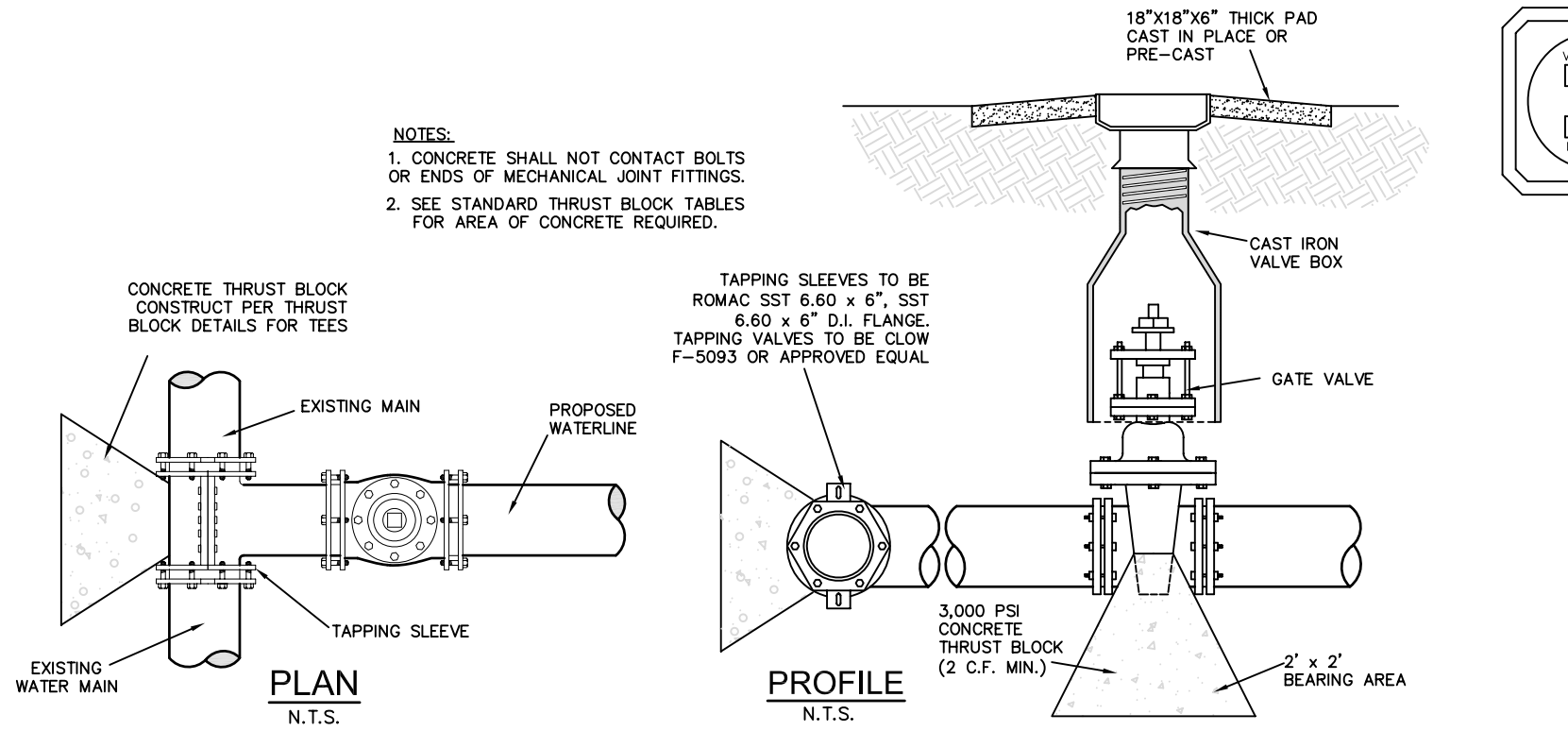
WATERLINE DIAMETER	BONNETT	BODY
4"	YELLOW	RED
6"	ORANGE	RED
10" AND LARGER	GREEN	RED

NOTE: RED BODY MUST BE REPAINTED BY CONTRACTOR PAINT WITH RUSTOLEUM ENAMEL "SAFETY YELLOW", "SAFETY ORANGE", "SAFETY GREEN" AND "SAFETY RED"

- NOTES:**
- DO NOT BLOCK HYDRANT DRAIN WITH THRUST BLOCKING
 - COAT THE RODS AND NUTS WITH EPOXY
 - DO NOT SUPPORT VALVE BOX DIRECTLY ON VALVE
 - ALL JOINTS SHALL BE MECHANICAL JOINTS
 - INSTALL REFLECTIVE HYDRANT MARKER, STAMPSONITE MODEL BRAD. TWO WAY REFLECTOR IN CENTERLINE OF PAVEMENT PERPENDICULAR TO HYDRANT LOCATION USING E-BOND EPOXY ADHESIVE 1240/1241 PER MANUFACTURER'S SPECIFICATIONS.

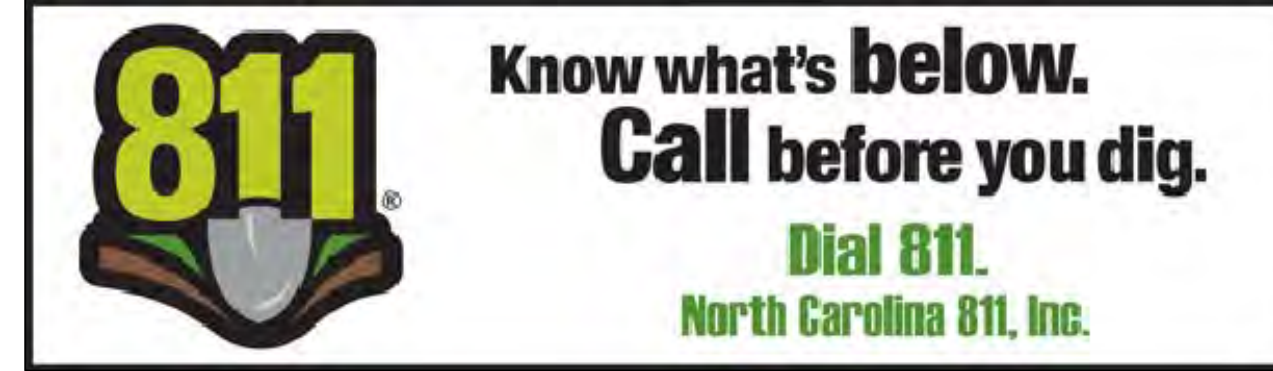
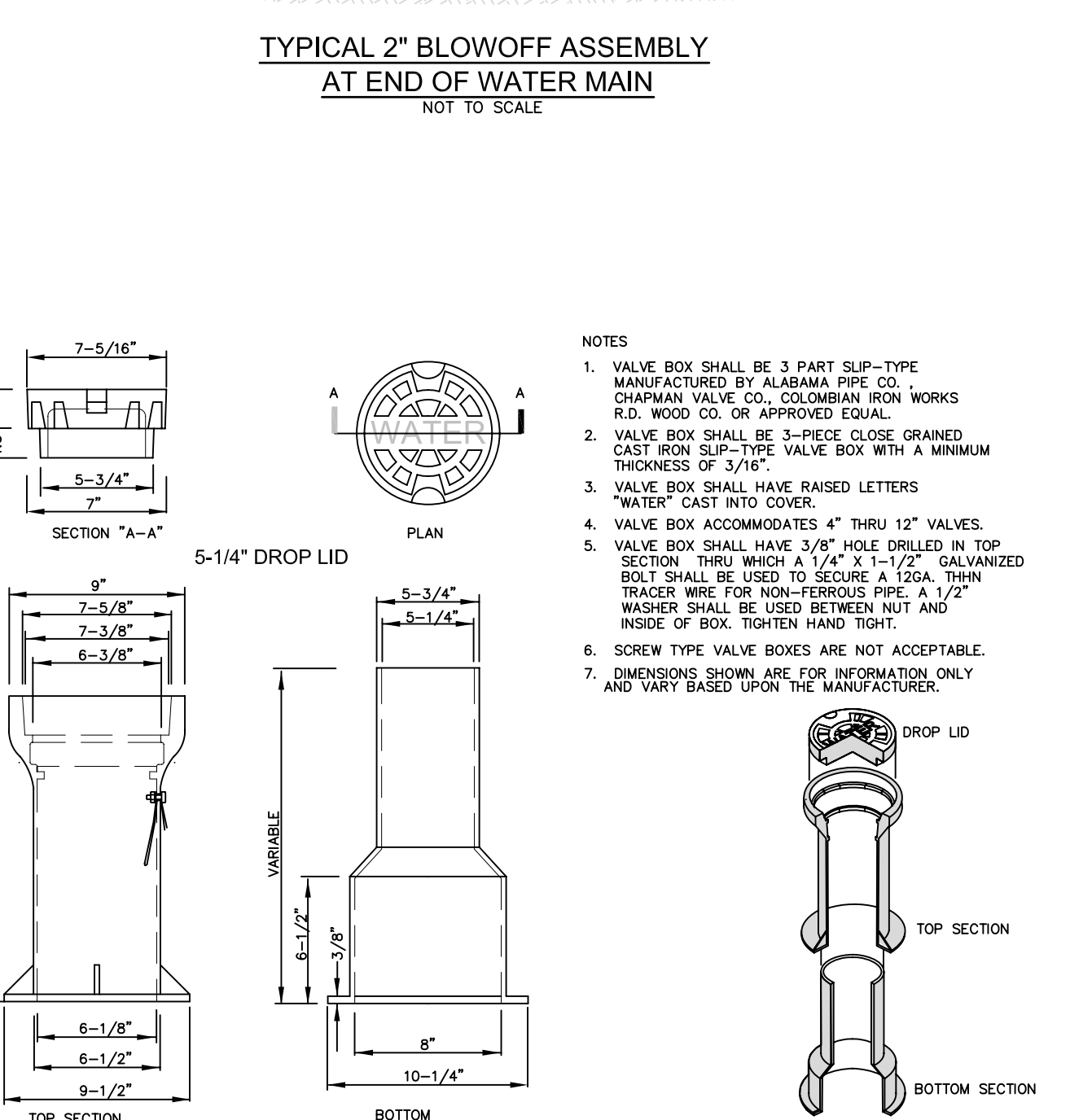
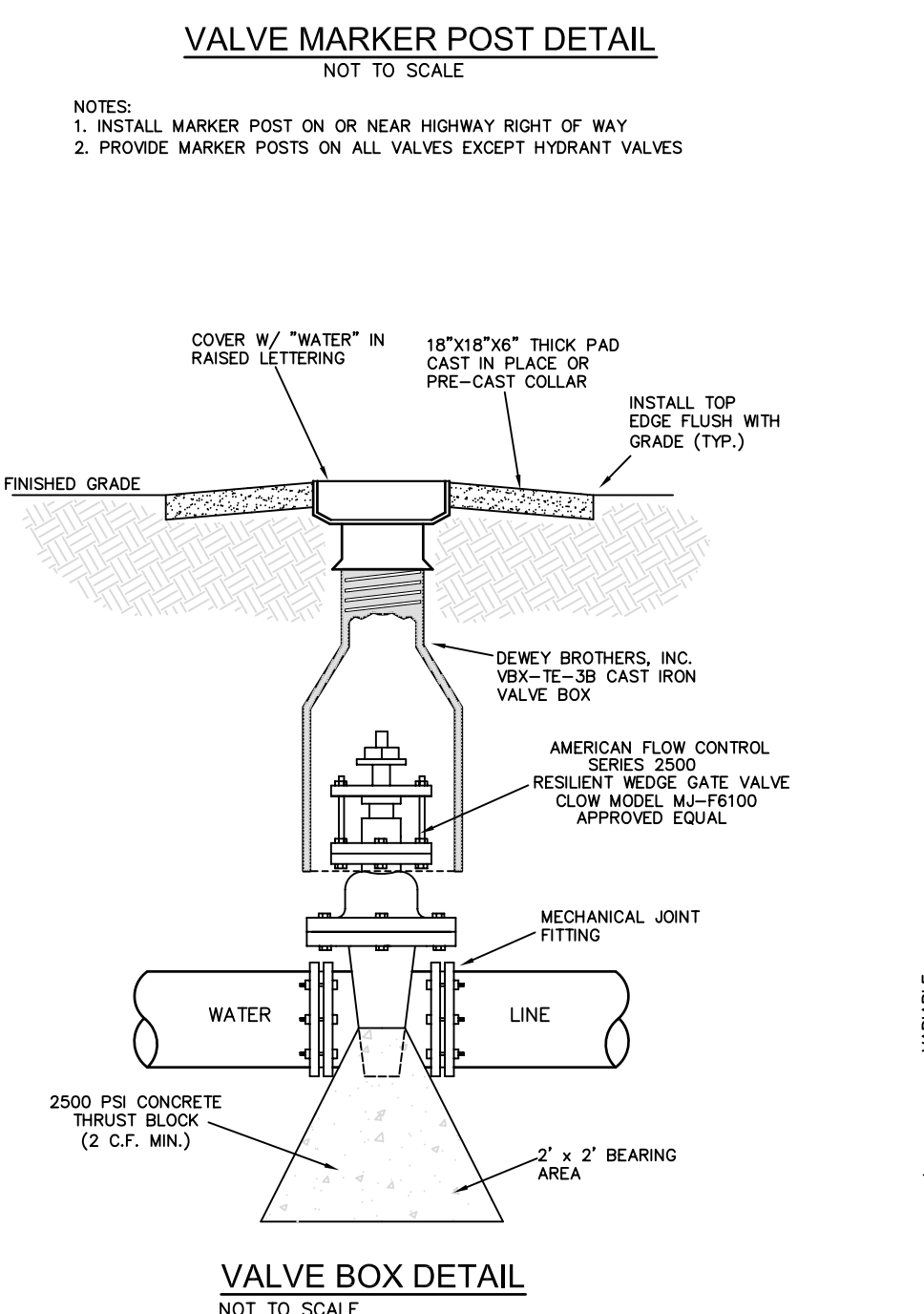
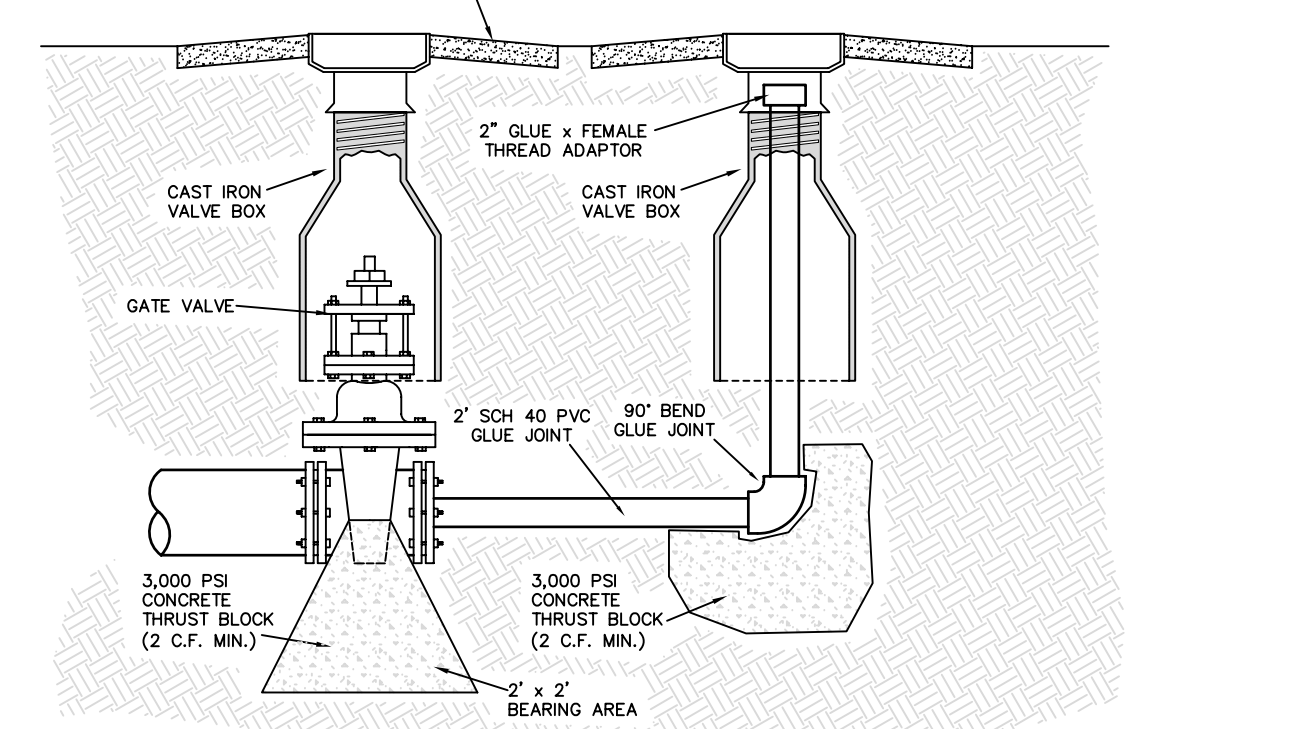
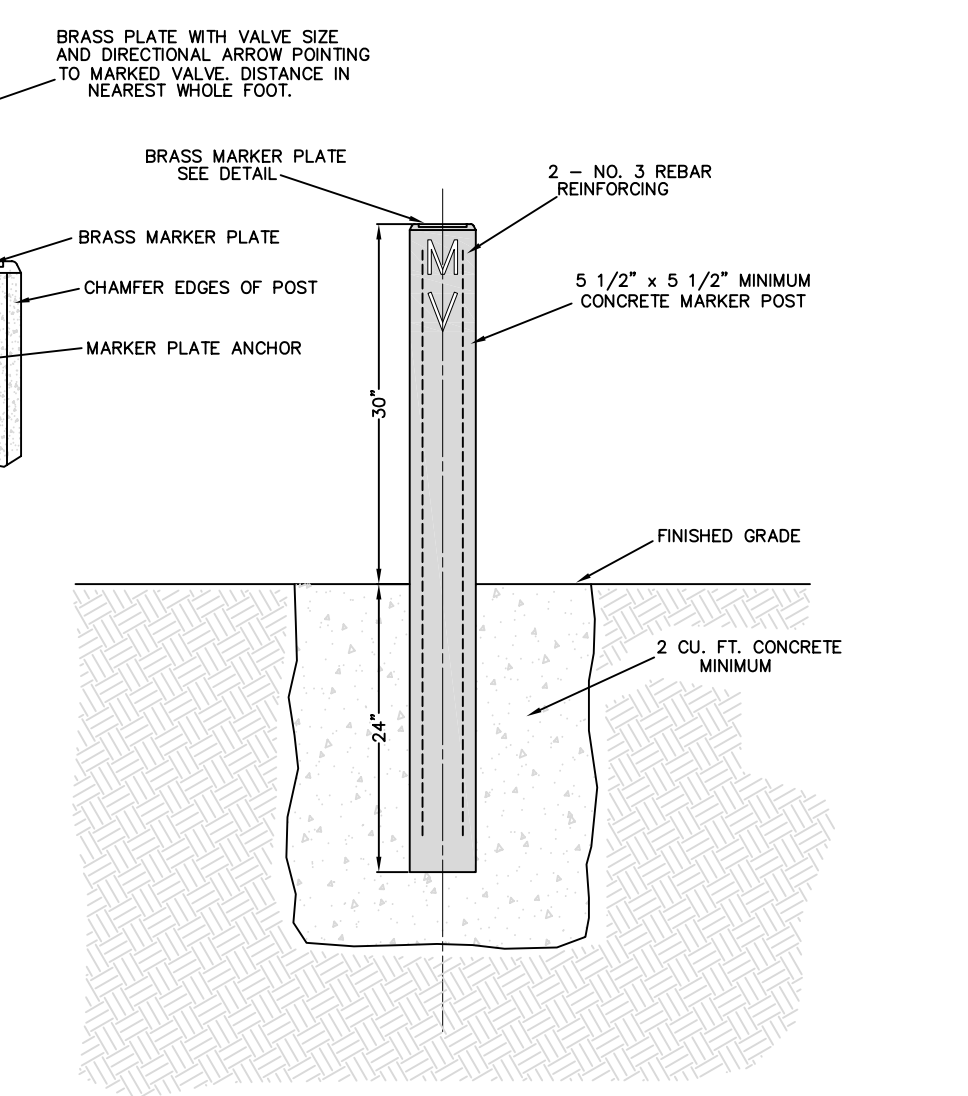


FIRE HYDRANT AND VALVE INSTALLATION DETAIL
NOT TO SCALE



CONCRETE THRUST BLOCK SCHEDULE

PIPE SIZE INCHES	TEE AND DEAD END						BEND						DESIGN PRESSURE PSI
	H	L	C.Y.	H	L	C.Y.	H	L	C.Y.	H	L	C.Y.	
4" & 2"	1.5'	2.0'	0.11	1.5'	2.0'	0.11	1.5'	2.0'	0.11	1.5'	2.0'	0.11	150
6"	2.5'	2.5'	0.23	2.5'	2.5'	0.23	1.5'	2.0'	0.11	1.5'	2.0'	0.11	150
8"	2.5'	2.5'	0.23	3.0'	3.0'	0.33	2.5'	2.5'	0.23	1.5'	2.0'	0.11	150



ALL WORK ASSOCIATED WITH THE WATER LINE INSTALLATION SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR WATER DISTRIBUTION CONSTRUCTION FOR PROJECTS WITH THE DARE COUNTY WATER DEPARTMENT DATED AUGUST 01, 1999. PROJECT SPECIFICATIONS HAVE GENERAL APPROVAL BY THE DIVISION OF ENVIRONMENTAL HEALTH, PUBLIC WATER SUPPLY SECTION UNDER APPROVAL SERIAL NUMBER 99-01464, APPROVED BY THE DIVISION OF ENVIRONMENTAL HEALTH ON SEPTEMBER 14, 1999.

NO DEVIATIONS FROM APPROVED PLANS OR STANDARD SPECIFICATIONS WITHOUT WRITTEN APPROVAL FROM THE ENGINEER AND THE DARE COUNTY WATER DEPARTMENT.

MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
P.O. BOX 2852
KILL DEVIL HILLS, NC 27548
PHONE: 252-255-8026
EMAIL: mrobinson@obxengineering.com

PRELIMINARY
NOT FOR CONSTRUCTION



REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	07-23-17	ISSUE FOR PERMITS		

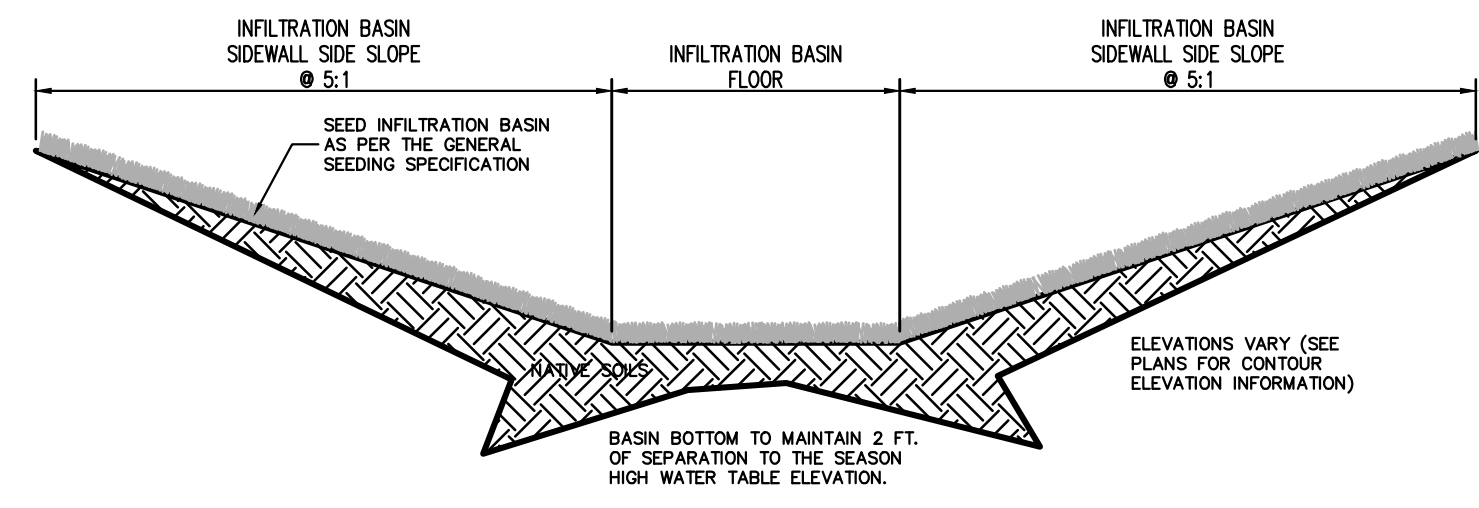
NORTH CAROLINA

BELLE ACRES
DARE COUNTY

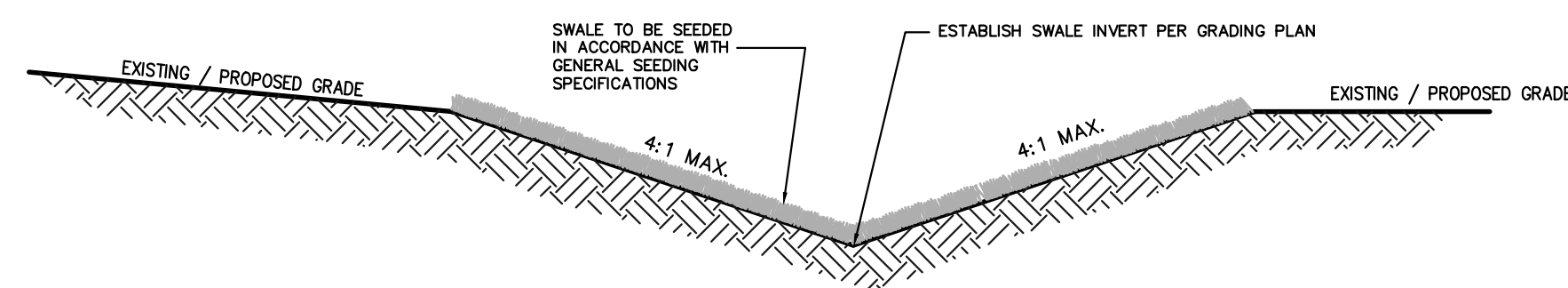
COLINGWOOD ISLAND

DATE: 05-26-17
SCALE: 1"=20'
DESIGNED: MWR
DRAWN:
SHEET: 2 OF 2
CAD FILE: colingwood base.dwg
PROJECT NO: 091016

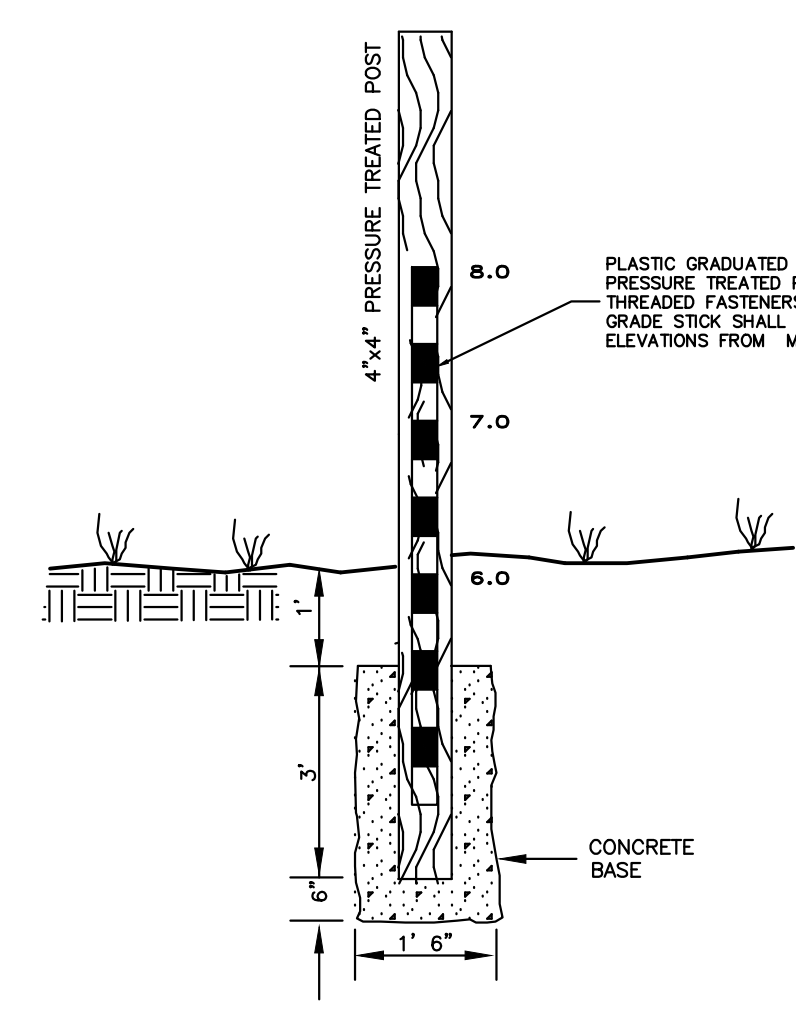
BOTTOM ELEVATION	SEDIMENT SHALL BE REMOVED WHEN THE DEPTH REACHES:
6.0'	6.50'



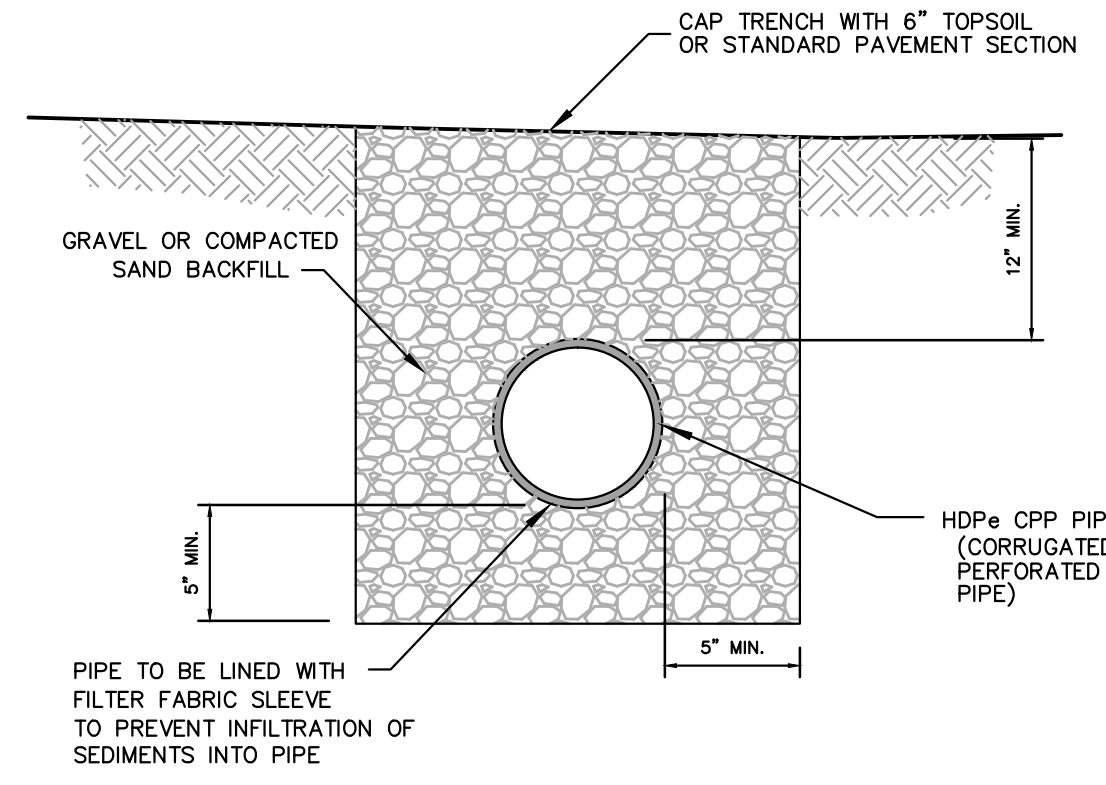
TYPICAL INFILTRATION BASIN CROSS SECTION
N.T.S.



TYPICAL SWALE
N.T.S.



DEPTH BENCHMARK
N.T.S.



HDPe CPP PIPE INSTALLATION DETAIL
N.T.S.

PERMANENT VEGETATION

SEEDING DATES: APRIL 1 - SEPT 30

SEED MIXTURE	APPLICATION RATES/ACRE
BAHA	50 LBS.
COMMON BERMUUDA (UNHULLED)	50 LBS.
GERMAN MILLETT	15 LBS.
FESCUE	20 LBS.

FERTILIZER
26-13-13 @ 500 LB/ACRE

MULCH
APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

TEMPORARY VEGETATION

SEEDING DATES: OCT. 1 - MARCH 31

SEED MIXTURE	APPLICATION RATES/ACRE
RYE GRASS	175 LBS.

FERTILIZER
10-10-10 @ 1000 LB/ACRE

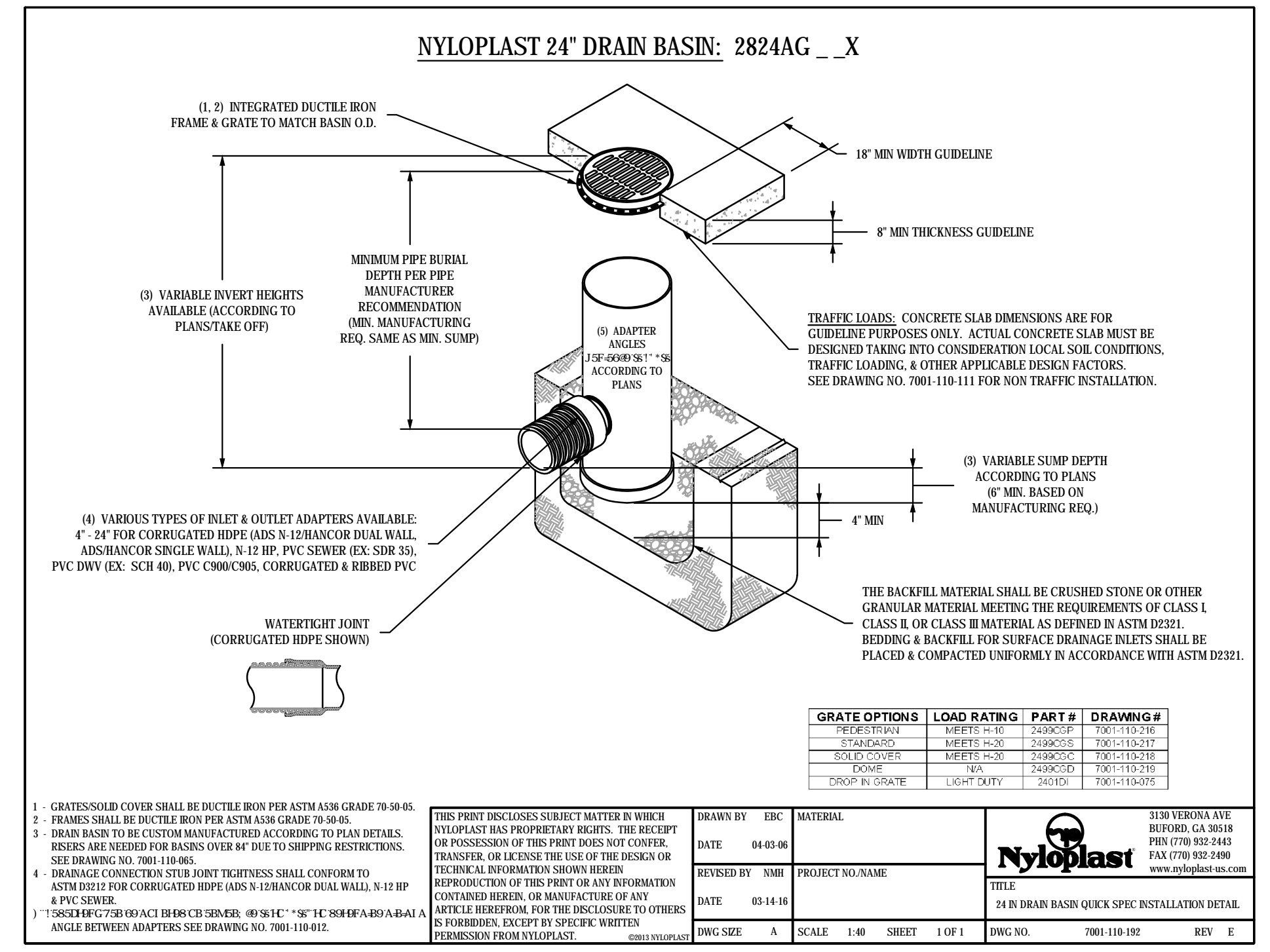
MULCH
APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

GENERAL:
- FERTILIZER RATES SHOWN ARE GENERAL RECOMMENDATIONS; FREQUENCY AND AMOUNT OF FERTILIZATION CAN BEST BE DETERMINED THROUGH SITE SPECIFIC SOIL TESTING.
- MAINTENANCE:
SATISFACTORY STABILIZATION AND EROSION CONTROL REQUIRES A COMPLETE VEGETATIVE COVER. EVEN SMALL BREACHES IN VEGETATIVE COVER CAN EXPAND RAPIDLY AND, IF LEFT UNATTENDED, CAN ALLOW SERIOUS SOIL LOSS FROM AN OTHERWISE STABLE SURFACE. A SINGLE HEAVY RAIN IS OFTEN SUFFICIENT TO GREATLY ENLARGE BARE SPOTS, AND THE LONGER REPAIRS ARE DELAYED, THE MORE COSTLY THEY BECOME. PROMPT ACTION WILL KEEP SEDIMENT LOSS AND REPAIR COST DOWN. NEW SEEDLINGS SHOULD BE INSPECTED FREQUENTLY AND MAINTENANCE PERFORMED AS NEEDED. IF RILLS AND GULLIES DEVELOP, THEY MUST BE FILLED IN, RE-SEEDED, AND MULCHED AS SOON AS POSSIBLE. DIVERSIONS MAY BE NEEDED UNTIL NEW PLANTS TAKE HOLD.
MAINTENANCE REQUIREMENTS EXTEND BEYOND THE SEEDING PHASE.
WEAK OR DAMAGED SPOTS MUST BE RELIEM, FERTILIZED, MULCHED, AND RESEEDED AS PROMPTLY AS POSSIBLE. REFERTILIZATION MAY BE NEEDED TO MAINTAIN PRODUCTIVE STANDS.

GENERAL SEEDING SPECIFICATIONS



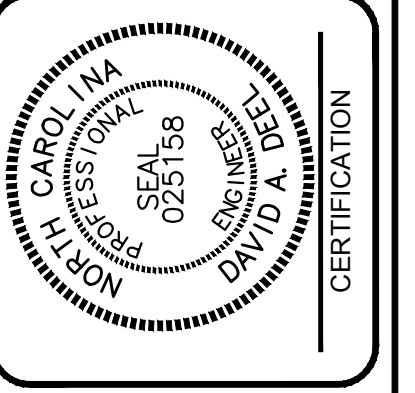
NOTE:
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS NOTICE TO PROCEED.



DEEL ENGINEERING, PLLC
CIVIL ENGINEERING SERVICES
FIRM LICENSE P-1045
P.O. BOX 3901
KILL DEVI HILLS, NC 27488
Phone: (252) 202-3603 E-Mail: doehelen@gmail.com

COPYRIGHT © 2014 DEEL ENGINEERING, PLLC
THIS DOCUMENT IS THE PROPERTY OF DEEL ENGINEERING, PLLC. ALL RIGHTS ARE RESERVED. NO REPRODUCTION OF THIS OR ANY PART THEREOF WITHOUT THE WRITTEN PERMISSION OF DEEL ENGINEERING, PLLC WILL BE A VIOLATION OF COPYRIGHT LAW.

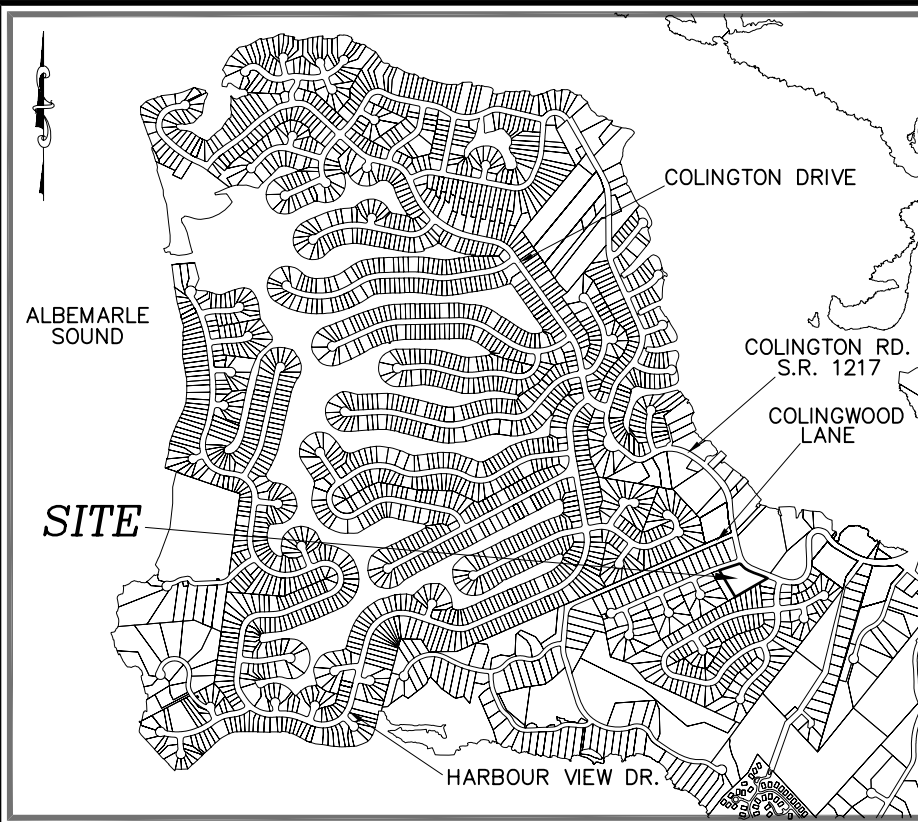
NO.	DATE	REVISIONS



STORMWATER DETAILS
BELLE ACRES
GROUP DEVELOPMENT
NORTH CAROLINA
DARE
COLINGTON ISLAND

COMMISSION NO.	15012
DESIGNED BY	DAD
DRAWN BY	DAD
CHECKED BY	DAD
ISSUE DATE	4/13/2017
SHEET NO.	

SW2
OF 2 SHEETS



VICINITY MAP
NOT TO SCALE

- NOTES:
- SUBJECT PROPERTY: 1.91 AC. PARCEL LOCATED AT THE SOUTH WEST CORNER OF COLINGTON ROAD (S.R. 1217 AND COLINGWOOD LANE ON COLINGTON ISLAND, DARE COUNTY, NORTH CAROLINA
 - PIN: 9873 06 38 6064 PARCEL: 018767098
 - CURRENT PROPERTY ZONING: VC-2 (VILLAGE COMMERCIAL)
 - FEMA Data:

Dare County CID 375348
Panel 9873 Suffix J
Map Number 3720987300J
Effective Date: September 20, 2006
Vertical Datum NAVD 1988
FIRM Zone AE (EL 8)
Base Flood Elevation = 8.2' by FIS
Flood Zones subject to change by FEMA

- PROPOSED USE: GROUP DEVELOPMENT IN ACCORDANCE WITH SECTION 22-31 TO INCLUDE 10 SINGLE FAMILY RESIDENCES WITH ASSOCIATED INFRASTRUCTURE (WATER, ROADWAYS, STORMWATER MGMT.). ALLOWABLE USE IN VC-2 ZONING DISTRICT
- DEVELOPMENT STANDARDS: SETBACKS: FRONT - 25' SIDE OR REAR PROPERTY LINE - 25' MINIMUM RIGHT OF WAY WIDTH = 45' MINIMUM PAVEMENT WIDTH = 20' MAXIMUM LOT COVERAGE = 30% MINIMUM BUILDING SEPARATION = 20'

7. AREA SCHEDULE:

GROSS PARCEL AREA	83,181 sq. ft.
BUILDING AREA	9,600 sq. ft.
10 BUILDINGS AT 960 SQ. FT. EACH	9,600 sq. ft.
ROADWAY AREA	8,021 sq. ft.
20' PAVEMENT WIDTH	8,021 sq. ft.
CONC. DRIVEWAY AREA	6,512 sq. ft.
HVAC PADS	180 sq. ft.
10 HVAC PADS AT 18 SQ. FT. EACH	180 sq. ft.
DUMPSTER PAD	200 sq. ft.
TOTAL COVERAGE	24,513 sq. ft.
PERCENT COVERAGE	29.47
OPEN SPACE	58,678 sq. ft.

- NOTES FROM SURVEY:
 - Area by coordinate computation = 83,181 sq. ft., 1.91 acre
 - Parcel Id #018767098, Pin #987306386064
 - Flood zone AE 8.2'; Panel #3720987300J (F.I.R.M. zone subject to change by F.E.M.A.)
 - Recorded References: M.B. 4, Pg. 96, P.C. E, Sl. 246, P.C. S, Sl. 198, D.B. 2089, Pg. 845, D.B. 1836, Pg. 243
 - It is the sole responsibility of the permitting municipality to verify site compliance with all ordinances, zoning, & setbacks requirements prior to the issuance of permits. Surveyor makes no certification as to compliances either shown or implied.
 - This survey is subject to any facts that may be disclosed by a full and accurate title search.
 - Survey from recorded references and physical evidence found.
 - A 20' front and rear utility and drainage easement and a 10' side, utility and drainage easement exist along all property lines.

Curve Table

Curve	Length	Radius	Direction	Chord
C1	29.84'	25.00'	S64°19'55"E	28.10'
C2	67.35'	248.41'	S37°54'18"E	67.14'
C3	56.01'	248.41'	S52°07'51"E	55.89'

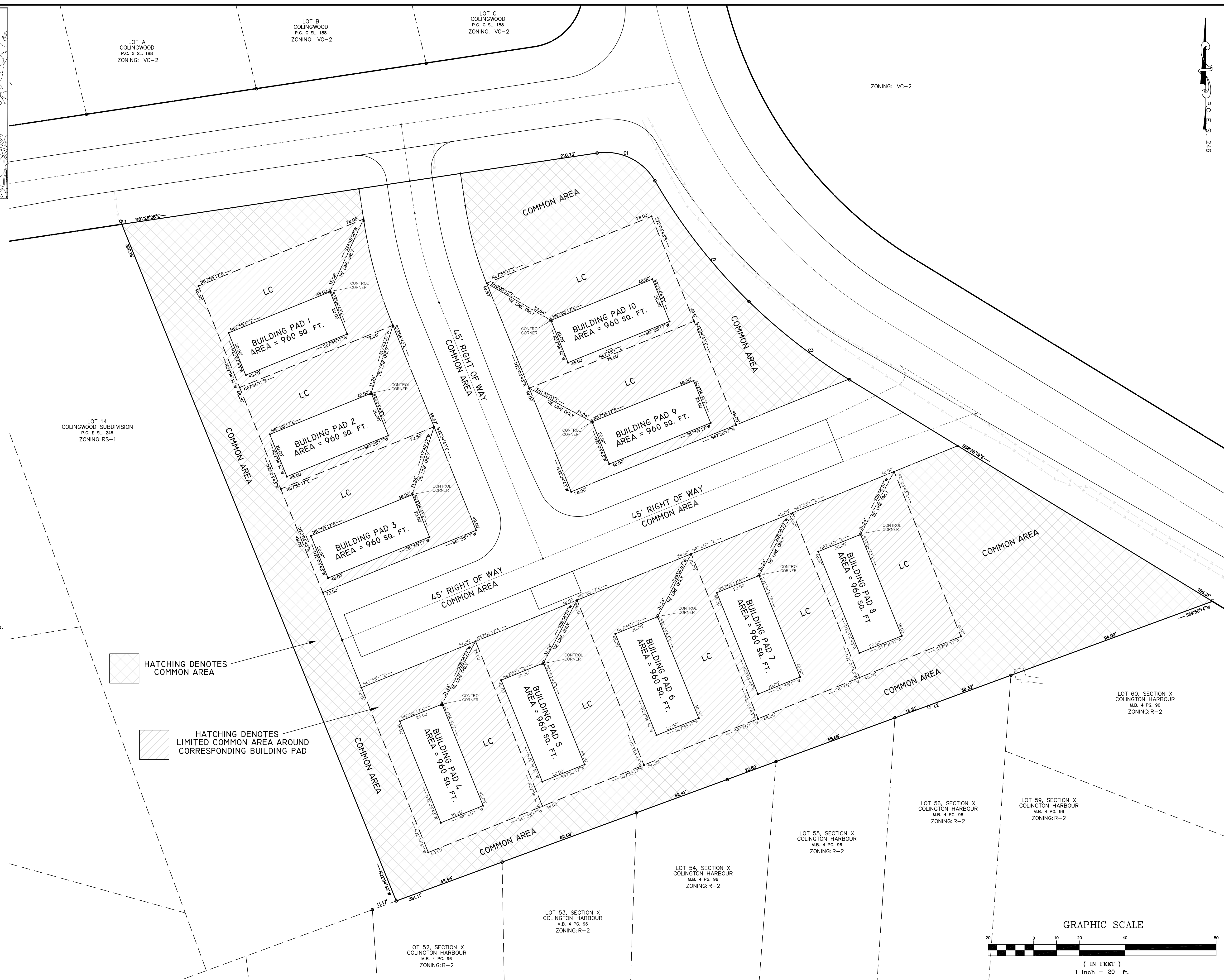
Line Table

Line	Length	Bearing
L1	0.27'	N21°00'55"W
L2	0.53'	S20°09'46"E

- SIGN SCHEDULE:

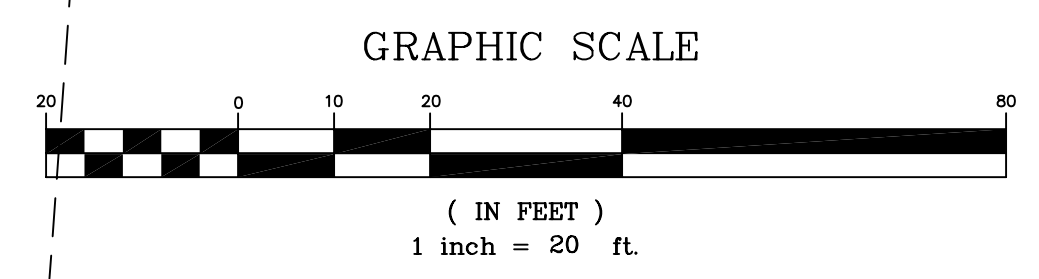
SIGN 1	STOP
SIGN 2	NO PARKING ON STREET AT ANY TIME TOWING ENFORCED AT OWNERS EXPENSE
SIGN 3	EMERGENCY VEHICLE ACCESS NO PARKING AT ANY TIME TOWING ENFORCED AT OWNERS EXPENSE

10. SOLID WASTE NOTIFICATION:
DEVELOPER AND PROSPECTIVE BUYERS ARE HEREBY NOTIFIED THAT SOLID WASTE DISPOSAL WILL BE THROUGH CENTRAL DUMPSTERS AS DEPICTED ON THE SITE PLAN. DOOR TO DOOR PICK UP OF SOLID WASTE IS NOT AVAILABLE WITHIN THE DEVELOPMENT.



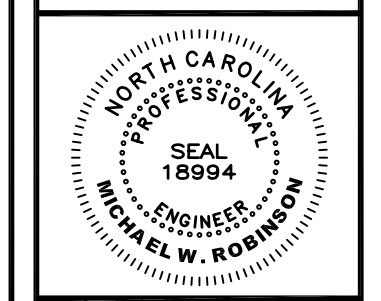
HATCHING DENOTES COMMON AREA

HATCHING DENOTES LIMITED COMMON AREA AROUND CORRESPONDING BUILDING PAD



MICHAEL W. ROBINSON, P.E., P.L.S.
ENGINEERING AND SURVEYING
KILL DEVIL HILLS, NC 27948
PHONE: 252-255-8026
EMAIL: mrobinson@obengineering.com

PRELIMINARY
NOT FOR RECORDATION



REVISIONS

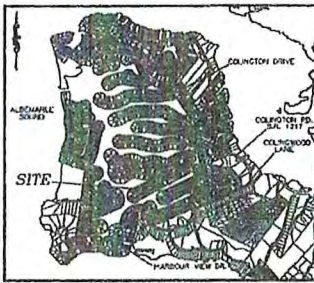
NO.	DATE	DESCRIPTION	BY	CHK
1	07-23-17	REVISE FOR PLANNING DEPARTMENT		

NORTH CAROLINA
DARE COUNTY

BELLE ACRES
COLINGTON ISLAND
PRELIMINARY PLAT

PROJECT: COLINGTON HARBOUR
M.B. 4 PG. 96
ZONING: R-2

DATE: 05-30-17
SCALE: 1"=20'
DESIGNED: MWR
DRAWN: MWR
SHEET: 1 OF 1
CAD FILE: colingwood base.dwg
PROJECT NO: 091016



VICINITY MAP
NOT TO SCALE

- NOTES**
1. SUBJECT PROPERTY: 1.57 AC. PARCEL LOCATED AT THE SOUTH WEST CORNER OF COLWORTH ROAD (S.R. 1717) AND COLWORTH LANE IN COLONETOWN, GAITHERSBURG, DISTRICT COUNTY, NORTH CAROLINA. P.N. 8573 06 36 6064 PARCEL: 018767098
 2. P.N. 8573 06 36 6064 PARCEL: 018767098
 3. CURRENT PROPERTY ZONING: VC-2 (MILAGE CONDOMINIUM)
 4. FEMA DATA:

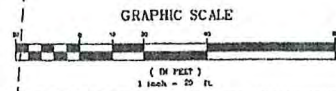
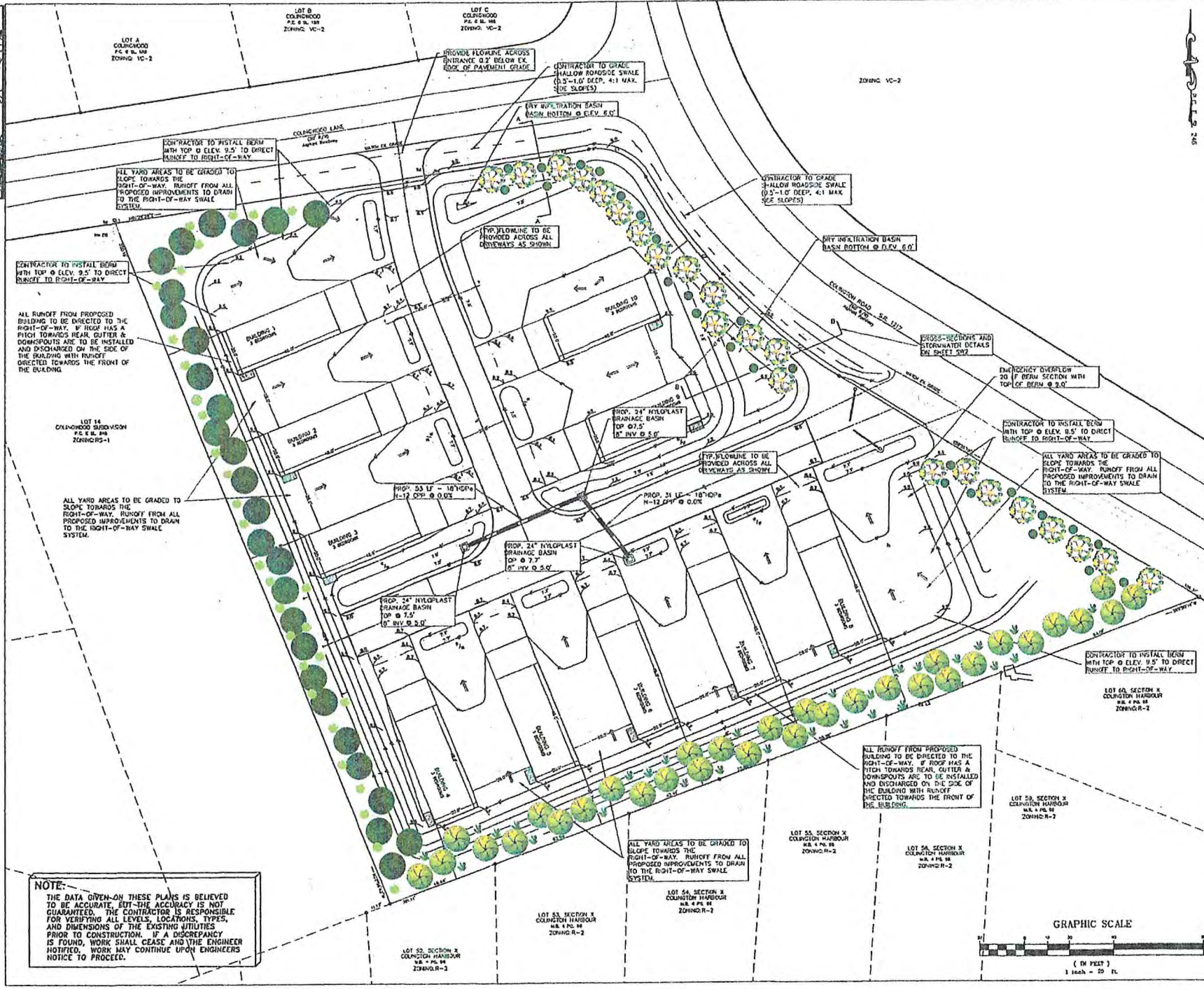
Dist. County:	00 375348
Map No.:	8573 06 36 6064
Effective Date:	September 20, 2009
Service Effective:	March 1998
From:	John A.E. (L.L.O.)
Dist. Flood Elevation:	6.5' by FIS
Flood Zone:	subject to check by FEMA
 5. PROPOSED USE: GROUP DEVELOPMENT IN ACCORDANCE WITH SECTION 22-31 TO INCLUDE 10 SINGLE FAMILY RESIDENCES WITH ASSOCIATED INFRASTRUCTURE (WATER, SEWER, STORMWATER INFLOW). ALLOWABLE USE #1 VC-2 ZONING DISTRICT
 6. AREA SCHEDULE:

GROUPS PARCEL AREA	SQ. FT.
10 BUILDINGS AT 800 SQ. FT. EACH	8,000 SQ. FT.
ROADWAY AREA	7,501 SQ. FT.
CONCL. DRIVEWAY AREA	18,509 SQ. FT.
HVAC PADS	150 SQ. FT.
18 HOUSING UNITS @ 85 SQ. FT. EACH	1,530 SQ. FT.
TOTAL COVERAGE	24,189 SQ. FT.
PERCENT COVERAGE	29.07
OPEN SPACE	56,899 SQ. FT.
 7. THERE ARE NO USAGE JURISDICTIONAL WETLANDS PRESENT ON THE PROJECT SITE.
 8. BOUNDARY & ELEVATIONS SHOWN AS PER SURVEY BY JAMES FOUR, PLS. ALL ELEVATIONS SHOWN REFERENCE VERTICAL DATUM NAVD 1988.
 9. WRETHAM BUILDING FINISH FLOOR ELEVATION @ 8.5' (ALL BUILDINGS)
 10. "12" N-12 CPP" PIPE REFERS TO HIGH DENSITY POLYETHYLENE DOUBLE WALL (SMOOTH RIBBED) CORRUGATED PIPE WITH 12" I.D. & 14" O.D. EXTER.

- LANDSCAPE LEGEND**
- CRAPE MYRTLE TREES
 - RUSSIAN OLIVE TREES
 - HOLLYWOOD JUNIPER TREES
 - INDIAN HAWTHORNS
 - SHRUBS
 - LIRIOPE
- LEGEND**
- PROPOSED ASPHALT PAVEMENT
 - PROPOSED CONCRETE PAVEMENT
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED SPOT ELEVATION
 - PROPOSED STORM SEWER (12" N-12 CPP)
 - PROPOSED GPO INLET (NYLOPLAST BASIN)
 - PROPOSED FLOW LINE ACROSS PAVEMENT
 - PROPOSED GRASSED SWALE
 - PROPOSED SURFACE FLOW DIRECTION



NOTE:
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEER'S NOTICE TO PROCEED.



DEEL ENGINEERING, PLLC
CIVIL ENGINEERING SERVICES
FIRM LICENSE P-1245
P.L. 002 2011
ALL STATE REG. NO. 1716
Phone: (704) 362-3833 Fax: (704) 362-3834

THE DOCUMENT IS THE PROPERTY OF DEEL ENGINEERING, PLLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DEEL ENGINEERING, PLLC.

NO.	DATE	REVISIONS



STORMWATER PLAN
BELLE ACRES
GROUP DEVELOPMENT

COMMISSION NO. 15012
DESIGNED BY DAD
DRAWN BY DAD
CHECKED BY DAD
ISSUE DATE 4/12/2017
SHEET NO. SW1

OF 2 SHEETS



Ordinance To Allow The Sale Of Alcoholic Beverages Before Noon On Sundays

Description

On June 29, 2017 the North Carolina General Assembly enacted Senate Bill 155, which authorizes local governments to adopt an ordinance allowing the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001.

The Outer Banks Restaurant Association requests that the Dare County Board of Commissioners adopt an ordinance to allow the sale of alcoholic beverages before noon on Sundays. Attached is a letter from the Outer Banks Restaurant Association expressing the unanimous support of their member businesses for Senate Bill 155, known as the "Brunch Bill."

Board Action Requested

Adopt Ordinance

Item Presenter

Robert Outten, County Manager



Senator Cook
Representative Steinburg
Representative Boswell

The Outer Banks Restaurant Association would like to express our support for Senate Bill 155. The 'Brunch Bill' would remove a barrier that has prevented restaurants across the state from engaging in what is widely recognized as a special meal service unique to a specific timeframe: Sunday Brunch.

The Sunday Brunch is a celebratory meal that is often associated with lightly alcoholic beverages based on sparkling wine that have even led to even more marketable and business friendly efforts as the 'Champagne Brunch' in the many states that have no such restrictions to Sunday sales. Also, brunch by definition is a meal somewhere between breakfast and lunch. Eliminating the restriction on sales of specific menu offerings so closely associated with brunch will only make it more a more successful endeavor for restaurants.

Up until this point, some of our membership has expressed no previous interest in even opening for business at all before noon on Sundays, as the current ABC laws indeed limit our ability to be profitable. Eliminating the outdated restriction will have immediate positive benefits:

- Increase sales to the numerous restaurants across the state not only by increased check averages, but also by adding hours of operation to those finding it prohibitive to operate before noon on Sundays under current restrictions.
- Increase state tax revenues as a result of increased sales.
- Adding jobs by the increased hours of operation and revenues.
- Increase out of state visitation by eliminating outdated restrictions that many visitors simply don't understand and do not enjoy, especially in our tourism driven economy.

We urge passage of SB155 to remove statewide restrictions on businesses to engage in free trade, promote a positive economy and add jobs to our communities. This is especially important in our seasonally driven economy, where we have a very narrow window to generate the revenue necessary to sustain a successful business. And as written, should other localities feel that eliminating such restrictions is not in their best interest, they may elect not to do so. But as your constituents, we hope to have your support in helping us grow our businesses and our local economy.

Thank you for your time and consideration.

On behalf of the Dare and Currituck County membership of the Outer Banks Restaurant Association, as resolved unanimously at our regularly scheduled meeting, March 1, 2017, respectfully,

Daniel Lewis, President

Dare County Restaurant Association
dba Outer Banks Restaurant Association
PO Box 2283
Kill Devil Hills, NC 27948



**AN ORDINANCE
TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES
BEFORE NOON ON SUNDAYS AT LICENSED PREMISES**

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled “An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws”; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our county to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit the county’s small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our County has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Dare County, North Carolina that:

Section 1. Pursuant to the authority contained in G.S. 153A – 145.7, the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed in the unincorporated areas of Dare County beginning at 10 A.M. on Sunday pursuant to the licensed premises’ permit issued under G.S 18B – 1001.

Section 2. This ordinance is effective on the ___ day of _____, 2017.

Adopted this the ___ day of _____, 2017.

Robert Woodard, Chairman

ATTEST:

Gary Lee Gross, Clerk to the Board



Outer Banks Gun Club Lease

Description

Dare County currently leases property to the Outer Banks Gun Club located at Link Road, Manns Harbor for an annual payment of \$1.00. The current lease is set to expire on July 31, 2017.

Attached is a proposed lease agreement with a 5 year term starting August 1, 2017 and expiring on July 31, 2022 with a lease payment of \$1.00 per year. If the Board wishes to consider this lease, a Public Notice will be published stating the Board's intent to enter into a 5 year lease agreement.

Following publication of the Public Notice, the lease will be presented to the Board for approval at a future meeting.

Board Action Requested

Authorize publication of a Public Notice stating intent to enter into a 5 year lease agreement.

Item Presenter

Robert Outten - County Manager

NORTH CAROLINA

DARE COUNTY

THIS LEASE, made and entered into this ___ day of _____, 2017 by and between County of Dare, (hereinafter "Landlord") and Outer Banks Gun Club, Inc., (hereinafter "Tenant");

WITNESSETH:

For and in consideration of the mutual terms and conditions contained herein Landlord hereby leases and demises unto Tenant, and Tenant hereby rents and leases from Landlord the Leased Premises herein described upon the following terms and conditions:

1. **Leased Premises.** The Leased Premises shall consist of all that lot or parcel of land and improvements thereon located in Dare County, North Carolina, together with all improvements thereon, and being more particularly described as:

See Platt attached

2. **Structures and Equipment.** In addition to the Leased Premises described above, Landlord shall let and lease unto Tenant structures, fixtures and equipment located upon the leased premises.

3. **Term.** The term of this Lease shall commence on the 1st day of August, 2017 and terminate the 31st day of July, 2022.

4. **Rental.** As rental for the said premises, Tenant shall pay unto Landlord the sum of \$1.00 per year, said sum being due in advance, the first rental payment shall be due upon execution and shall continue on the 15th day of August each year thereafter.

5. **Taxes.** Tenant shall not be responsible for ad valorem taxes on the real property but shall be responsible for and pay any ad valorem personal property taxes which accrue upon personalty owned or otherwise taxable to Tenant as the same may become due.

6. **Utilities.** Tenant shall be responsible for and pay all utility costs associated with the leased premises, including but not limited to water, telephone, electricity, TV, sewage, internet, and bottled gas (if any).

7. **Insurance.** Tenant shall indemnify and hold harmless Landlord against any and all liabilities loss, damage and expense incurred or suffered by Landlord as a result of failure of Tenant, its agents, or employees, to perform any covenant hereunder or for any accident, injury or damage to personal property occurring upon the Leased Premises from the Tenant's use or occupancy or activities upon the Leased Premises. Tenant shall keep and maintain a policy of liability insurance with aggregate coverage of not less than \$500,000.00. Tenant shall obtain a fire, wind, hail, and extended coverage insurance policy or policies upon any building and improvements upon the premises, together with flood insurance if the property is located in a flood zone in which flood insurance coverage is available. The amount of coverage for such policies of insurance shall be equal to or greater than the fair market value of the buildings and improvements upon the premises. Tenant shall keep and maintain insurance on the contents of the building at tenant's expense.

8. **Repairs and Maintenance.** Tenant shall keep the demised premises in clean and sanitary condition and will keep and maintain all portions of the Leased Premises, including, but not limited to, the plumbing, electrical systems, septic system, HVAC, fixtures, painted surfaces, equipment, fixtures, windows, doors, glass, roofs, grounds and all structures and improvements

from time to time located therein in as good of repair as they are now in. Landlord shall have no maintenance responsibilities or costs.

9. **Improvements and Alterations.** Tenant shall not place any structures upon the premises or make structural improvements or structural alterations to the Leased Premises without the consent of the Landlord. Landlord may withhold such consent at its discretion and for any reason. If such structural improvements are permitted, they shall become a part of the leased premises and shall be the property Landlord upon termination of this lease without cost to or reimbursement from Landlord.

10. **Use of the Premises.** Tenant shall be allowed to use the premises for shooting range purposes only. In no event shall Tenant store any hazardous waste upon the premises or engage in any unlawful activities. Tenant shall operate the premises pursuant to National Rifle Association or other nationally recognized rules or standards for the operation of a shooting range. Tenant's use of the premises is subject to Landlord's right to designate use of the premises for the exclusive use or joint use by law enforcement personnel at such times and for such periods as Landlord shall deem necessary or appropriate. Tenant's use of the premises shall be subject to such other rules, regulations, or ordinances, in effect or adopted from time to time during the term of his lease by Landlord concerning the hours of operation.

11. **Mortgage.** Tenant shall not permit or allow any mortgage, deed of trust, lien or other encumbrance to be placed upon or attached to the property which is the subject matter of this lease.

12. **Default.** Breach of any covenant or condition of this Lease shall be deemed a default by Tenant under this Lease. However, a default (except as to payment of rent or any other sum due to Landlord) as to a matter capable of being cured shall be deemed waived if

Tenant, in good faith commences performance required to cure the same within 10 days after receipt of such notice and thereafter continuously and with reasonable diligence proceeds to complete the performance required to cure such default and such default is cured within 60 days of notice of default from Landlord.. Tenant shall be deemed in default if Tenant during the term of this Lease should be adjudged bankrupt or insolvent by any Court of competent jurisdiction, a receiver shall be appointed for substantially all of Tenant's assets, or tenant shall fail to comply with any other condition of this lease. Upon default Landlord may, at Landlord's option terminate this Lease and may exercise all remedies available at law or in equity, such remedies are to be cumulative. Tenant shall remain liable for all Tenants' obligations under this Lease and for such loss and damages as Landlord may sustain as a result of Tenant's breach hereof, including reasonable attorney's fees.

13. **Holdovers.** If Tenant shall continue possession after the end of the term of this Lease and such holdover is with the permission of the Landlord, the terms of this Lease shall continue to apply with the exception that the tenancy thus created may be terminated by either party by giving the other party not less than 30 days written notice of the date in which they intend to terminate this Lease.

14. **Notices.** All notices required to be given hereunder shall be by mailing, registered or certified mail, a letter addressed to the Landlord or the Tenant at the address specified below. Either of the parties may change this address by written notice to the other.

Landlord's address is:

PO Box 1000

Manteo, NC 27949

Attention:

County Manager

Tenant's address is:

PO Box 118

Manns Harbor, NC 27953

15. **Sublease.** Tenant shall not be permitted to sublease any or all demised premises without the consent of Landlord. Landlord shall have no obligation to grant consent and may give or withhold its consent for any reason or no reason. In the event that Landlord should approve a sublease, all terms and conditions of the sublease shall be subject to the terms of this lease agreement and shall not relieve the Tenant of any of its obligations under the terms of this lease. Breach of any terms of this agreement by any sub lessee shall be deemed a default by Tenant.

16. **Fire or Other Casualty.** In the event of a loss to the property by fire or any other casualty, wherein the property is damaged to an extent that requires repairs but not sufficiently damaged that the improvements are uninhabitable, Tenant shall make the necessary repairs. Such repairs will be arranged as expeditiously as possible. In the event that the damage to the premises is of a substantial nature such that it leaves the premises uninhabitable (uninhabitable shall mean that the premises are in such a condition that Tenant cannot occupy or use the property for its intended purposes or the property and/or the repairs to the premises shall take more than 30 days to complete), Landlord shall have the option to terminate this lease.

17. **Inspection of the Premises.** Landlord shall have the right to inspect the premises at reasonable times during the term of this lease.

18. **Quiet Enjoyment.** Subject to the other provisions of this Lease, Landlord covenants that Tenant shall be allowed to peaceably and quietly enjoy the Leased premises for

the term of this Lease without hindrance or interruption by Landlord or any other person or entity claiming by or through Landlord.

19. **Compliance.** Tenant agrees that at all times it shall remain as nonprofit corporation as defined by the North Carolina General Statutes and shall abide by all provisions of the North Carolina General Statutes applicable thereto. Tenant further agrees that it shall at all times abide by and follow the terms and conditions of its articles of incorporation, bylaws and other rules and that it shall not change its Articles of Incorporation or bylaws without the express written consent of Landlord which consent Landlord may withhold for any reason or no reason. Tenant further agrees that it shall abide by and follow all other governmental statutes, rules and regulations applicable to Tenant or to Tenants use of the property.

20. **Nondiscrimination.** Tenant agrees that membership shall be open to the public and that it shall not discriminate in authorizing membership based upon race, color, creed, sex, or religion, or upon any other characteristic or class protected under the laws of the United States or the State of North Carolina.

21. **Termination.** This lease may be terminated as otherwise provided in this lease or by either party upon 90 days notice to the other. Upon termination, all structures, fixtures and equipment affixed to the premises shall become the property of Landlord without cost or liability to Landlord, except that if termination occurs by other than Tenant's default, any mobile home located upon the premises shall be the property of tenant if removed by Tenant from the premises within 30 days of termination, but if not removed within 30 days of termination, such mobile home shall become the property of landlord without cost or liability to Landlord.

22. **Entire Agreement.** This instrument contains the complete agreement of the parties regarding the terms and conditions of the lease of the demised premises and replaces any

other leases or agreements and there are no oral or written conditions, terms or understandings or other agreements pertaining thereto which have not been incorporated herein.

23. **Evacuation Orders.** In the event the Dare County Control Group or other governmental entity shall order a mandatory evacuation due to a hurricane or other potential disaster, Tenant and sub lessee, if any, shall secure the premises, bring inside and secure all outside furniture, furnishings, fixtures, or other items of personal property located on the premises and evacuate the premises.

IN WITNESS WHEREOF, parties have hereunto set their hands and seals the day and year first above written.

Landlord:

_____ (SEAL)

Tenant:

_____ (SEAL)

NORTH CAROLINA, DARE COUNTY

I, a Notary Public for the above named State and County do hereby certify that _____ appeared before me this day and acknowledged the execution of the foregoing instrument. WITNESS my hand and notarial seal, this the ____ day of _____, 200.

My commission expires:

Notary Public

(NOTARIAL SEAL)

NORTH CAROLINA, DARE COUNTY

I, a Notary Public for the above named State and County do hereby certify that _____ appeared before me this day and acknowledged the execution of the foregoing instrument. WITNESS my hand and notarial seal, this the ____ day of _____, 2003.

My commission expires:

Notary Public

(NOTARIAL SEAL)



Consent Agenda

Description

1. Approval of Minutes (06.19.17)
2. Reimbursement Resolution - Fiscal Year 2017-2018 Vehicle & Equipment Financing
3. Dare County Transportation Department - Drug and Alcohol Testing Policy
4. 2017 Community Waste Reduction and Recycling Grant
5. Tax Collector's Report

Board Action Requested

Approval

Item Presenter

County Manager, Robert Outten



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

County Manager, Robert Outten



COUNTY OF DARE, NORTH CAROLINA

District 1: Roanoke Island & Mainland; District 2: Nags Head, Colington, Kill Devil Hills; District 3: Kitty Hawk, Southern Shores, Duck; District 4: Chicamacomico, Avon, Buxton, Frisco, Hatteras; District 5: At Large

Regularly scheduled Board meetings are videotaped and can be viewed at www.darenc.com

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., June 19, 2017

Commissioners present: Chairman Robert Woodard, Vice Chairman Wally Overman
Jack Shea, Steve House, Rob Ross, Jim Tobin, Danny Couch

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Finance Director, David Clawson
Public Information Officer, Dorothy Hester
Clerk to the Board, Gary Gross

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.com.

Chairman Woodard called the meeting to order at 5:02 p.m. He invited Rev. Spottswood Graves to share a prayer, and then he led the Pledge of Allegiance to the flag.

Note – In order to accommodate the Public Hearings scheduled for 5:30 p.m., some agenda items were handled out of sequential order.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He commented on NC House Bill 867 and thanked Commissioners House and Tobin for their efforts with Representative Boswell to protect our fishermen.
- Gave an update on the beach nourishment projects underway in Dare County.
- Extended a welcome to the new Dare County School Superintendent John Farrelly.
- He presented a certificate of appreciation to retiring Superintendent Sue Burgess.

A video of the Chairman’s update can be seen on the County website www.darenc.com.

ITEM 2 – PUBLIC COMMENTS

The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center in Buxton. Citizen remarks can be seen in their entirety on the county website www.darenc.com. Following is a brief summary of the key issue that was mentioned by each speaker –

The following Public Comments were made in Manteo –

1. Maria Wilson Midgett, on behalf of the League of Women Voters, expressed the group's opposition to legislation that would create partisan elections for the Board of Education. She said we need less partisanship, not more.
2. Judy Williams commented on the need for a fenced in dog park with shade trees in front of the new Emergency Operations Center in Manteo. She explained that travel to the Kitty Hawk Dog Park is not feasible especially during the tourism season.

The following Public Comments were made in Buxton –

3. LeRoy Reynolds, known as the alien at the Frisco UFO house, said the Futuro house is a popular attraction where visitors stop to take photographs. As a veteran, he said he just wants fair treatment and thanked everyone who has supported him.
4. Dewey Parr asked the Board to look into the Frisco UFO house saying that people are very concerned about why it will be closed down. He noted that the site has brought joy to a lot of people especially children and visitors to Hatteras Island.

ITEM 3 – DARE COUNTY SOIL AND WATER CONSERVATION BOARD REPORT

Ann Daisey on behalf of the Dare County Soil and Water Conservation Board presented a quarterly update report. She reviewed community outreach efforts and summarized statewide cost share allocations and the amount of funds that have been awarded for Dare County projects. She also provided information about upcoming forums on marine debris.

ITEM 4 – FINANCIAL REPORT & GRANT PROJECT ORDINANCE FOR HURRICANE MATTHEW & TS HERMINE (Att. #1)

Finance Director David Clawson explained that Hurricane Matthew resulted in \$2,465,532 of costs and that Tropical Storm Hermine had \$155,123. He noted that of these amounts, all but \$17,337 should be covered by FEMA, the State, or by insurance proceeds. With reimbursement still pending, Mr. Clawson presented a Grant Project Ordinance that does not expire at the end of the fiscal year.

MOTION

Vice Chairman Overman motioned to adopt the Grant Project Ordinance as presented. Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 5 – PUBLIC HEARING – PETITION TO REQUEST NCDOT TO ABANDON A PORTION OF SR1160

At 5:31 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and

explained the procedure for making comments in Manteo and via the video link to the Fessenden Center in Buxton.

The following people spoke in Manteo –

1. Harold Parker said he disagreed with the abandonment petition saying it is detrimental and not in the County's best interest and would create a hardship for several people.
2. Margarette Umphlett gave the Planning Director a petition signed by 113 residents opposed to the request, which she said would increase the applicant's property value while lowering the value for others who will no longer have nearby soundside access.
3. John Payne described the important role that the soundside access site has had for multiple generations of people in his family. He asked the Board to think about access for future generations in making their decision
4. Albert Thomas expressed concern about the abandonment proposal that he said would restrict access to the area known as "The Little Beach." He urged the Board to consider this as an issue of access.
5. Janice Booth said it was incredibly important that people have access to the soundside site that she described as a little piece of heaven on Roanoke Island. She said approving the abandonment petition would be a loss to humanity.
6. David Creef, a lifelong resident, said he has used this site to launch canoes and asked that this beautiful, quiet place not be closed off to the people who live nearby
7. Cheryl Anby explained why the soundside site is important to her family and said she cannot imagine it not being there. She spoke against the abandonment request saying it would change something that she considers to be a little piece of heaven.
8. Jason Sneed asked the board to leave the street the way because it would be a shame to lose this soundside access.

There were no comments from the Fessenden Center in Buxton

Chairman Woodard closed the hearing at 5:50 p.m.

Elizabeth Robbins on behalf of her clients, Randy and Mary Ann Hodges, described the condition of the unpaved roadway and noted that approving the request will not limit access. Ms. Robbins fielded Commissioner questions. Mr. Outten clarified that the County does not own public roads and has no maintenance duties or responsibilities. The Planning Director outlined how public notice of the abandonment request was given. Steve Thompson spoke on behalf of the National Park Service Outer Banks Group saying that he visited the site with Mr. Hodges and explained that the Park Service will not support the abandonment request or oppose it. After conducting the public hearing and discussing the item, the abandonment request failed for lack of a motion.

RECESS: 6:14 p.m. – 6:31 p.m.

ITEM 6 – PUBLIC HEARING – MANAGER’S PROPOSED BUDGET (Att. #2)

At 6:31 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments in Manteo and via the video link to the Fessenden Center in Buxton.

The following people spoke in Manteo –

1. Judy Williams asked whether the increased operating costs for the Regional 911 Communications Center would be shared with the participating counties. She also asked if any thought was given to using the facility as an emergency shelter.
2. Tom Murphy commended the Board for increasing the tax rate by the proper amount instead of doing like previous Boards and raising it by an amount that was less than what was really needed. He said the Board made the right decision in addressing staff salaries and upgrading Emergency Medical Services. He noted that good government costs money and said he would gladly pay his part.

There were no comments from the Fessenden Center in Buxton

Chairman Woodard closed the hearing at 6:35 p.m.

A Budget Change List was presented outlining adjustments to Planning Department fees and to the Water Fund. Chairman Woodard asked if there were any questions and there were none. He commended the Board, staff, and department heads for participating in four budget workshops and comprehensively going through every line item of the budget.

MOTION

Vice Chairman Overman and Commissioner Shea motioned to approve the Manager’s Recommended 2018 Fiscal Year Budget incorporating the Budget Change List and including the Annual Budget Ordinance.

Commissioner Couch seconded the motion.

VOTE: AYES: 5 (Commissioners: Woodard, Overman, Shea, Ross, Couch)

NOES: 2 (Commissioners: House, Tobin)

Motion carried in a 5 to 2 vote

ITEM 7 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room. He explained that staff will be inserting data into the blank space on Consent item #6.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (06.05.17) **(Att. #3)**
- 2) Debris Management Contract

- 3) DHHS – Social Services Division, Budget Amendment – Day Care
- 4) Budget Amendment – Sheriff Department
- 5) Nags Head Fireworks Display 2017
- 6) Tax Foreclosure Attorney Contract
- 7) Tax Collector’s Report

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Following is a brief outline of items raised during this segment. Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety on a video archived on the Dare County website www.darenc.com.

Commissioner Couch – commented on the Buxton beach nourishment project saying that the community has welcomed the contractor’s employees and that the nourishment activity has become a popular tourism attraction. Commissioner Couch described the shell collecting that is underway at the new Cape Point channel. He also thanked the Public Relations Department for their update reports on the Bonner Bridge replacement.

Commissioner Shea – thanked Dr. Burgess for years of service as Superintendent of Dare County schools and wished her a happy retirement. Commissioner Shea expressed hope that this summer will be a good tourism season.

Vice Chairman Overman – no additional comments.

Commissioner House – thanked Commissioners for going to Raleigh to show support for local commercial fishermen opposing House Bill 867. He noted that the Speaker of the North Carolina House of Representatives has asked Representative Boswell to address the tension that exists between commercial and recreational fishing interests. He added that Commissioner Tobin is working with Representative Boswell on legislation that will help create a fair playing field for everyone. During his remarks, the SPCA Pet of the Week video was presented. In addressing the budget, Commissioner House thanked the County Manager, Finance Director, and all Commissioners for their outstanding work on the fiscal year budget. He said there is nothing in that budget that is a want. He stated that everything in that budget is a need and a must have. He said the reason he voted against it was because of the tax increase, which he said he thought could have been done with a little bit less. He said that was the only reason he voted against it plus the fact that several people on the street asked him to oppose it and his vote against the budget was letting their small voice be heard. Commissioner House said other than that, he supported the budget whole-heartedly noting that everything in it is a need not a want.

Commissioner Ross – reported that the Albemarle Commission is looking at a new headquarters facility and the Executive Director will be coming to a future Board meeting to seek support for the project, which will have stringent cost control measures. He noted that he just recently learned of the UFO house on Hatteras Island.

Commissioner Tobin – reported on a productive trip to Raleigh and briefed the Board on legislative efforts that are underway with Representative Boswell to provide support for our commercial fishing industry. He informed everyone that Dare County boats did very well in the recent Big Rock Fishing Tournament and that participants were able to get out of Hatteras Inlet using the Connecting Channel.

Chairman Woodard – said he wanted it reflected in the record that four public workshops were held on the fiscal year budget where every single line item was reviewed for every department. He said during this process the Board expressed unanimous consensus in giving direction to the County Manager and Finance Director to prepare the budget as it was presented at today's meeting. The Chairman said there are no wants in the budget and everything in it represents a need. He reiterated that during the Budget Workshops the Board was unanimous in giving direction on the budget.

MANAGER'S/ATTORNEY'S BUSINESS

1. The Manager reported that the County has received the previously approved change order to add the Town of Southern Shores beach nourishment component. He asked for authorization to sign the change order.

MOTION

Commissioner Couch motioned to authorize the Manager to sign the change order.
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten gave a report on the Hatteras Inlet dredging project. He outlined additional work needed and noted that one of the dredging vessels will be out of commission for several months this fall. The Manager explained that there is a need to be able to dredge wherever there is deep water and in order to do so a Submerged Cultural Resources Study is needed at a cost of approximately \$80,000 with a cost share for Dare County of approximately \$20,000. He asked the Board to authorize the expense and approve moving forward with the recommendations of the Corps of Engineers.

MOTION

Vice Chairman Overman and Commissioner Shea motioned to approve the request.
Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

3. Mr. Outten noted that the Memorandum of Agreement (MOA) for dredging Hatteras Inlet will expire next April. He said efforts are underway to get a 10 year MOA so the document would not be redone every year.

4. The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the County in order to preserve the attorney-client privilege; and to approve the minutes of the last Closed Session.

MOTION

Commissioner Shea motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 7:30 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 8:01 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney, and took no action.

Prior to adjourning the meeting, Chairman Woodard asked the County Manager to address questions raised by Judy Williams during the Public Hearing on the budget about the Regional 911 Center/Emergency Operations Center. After information was given about the project's funding and emergency shelters, the Chairman asked for a motion to adjourn.

MOTION

Commissioner Tobin motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous (Commissioner Shea was not present for voting on this motion)

At 8:05 p.m., the Board of Commissioners adjourned until 5:00 p.m., July 17, 2017.

Respectfully submitted,

[SEAL]

By:

Gary Lee Gross, Clerk to the Board

APPROVED:

By: _____
Robert Woodard, Chairman
Dare County Board of Commissioners



Reimbursement Resolution - Fiscal Year 2017-2018 Vehicle & Equipment Financing

Description

The 2017-2018 budget includes \$1,977,531 to be financed for the purchase of vehicles and equipment. Adoption of the attached resolution will allow the County to be reimbursed from the proceeds of the financing for those items that need to be purchased prior to the placement of the financing.

Board Action Requested

Adopt the reimbursement resolution

Item Presenter

None

Resolution No. _____

REIMBURSEMENT RESOLUTION – FISCAL YEAR 2017-2018 VEHICLE AND EQUIPMENT FINANCING PROJECT

WHEREAS, the County Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the County’s use of financing proceeds to restore County funds when the County makes capital expenditures prior to closing on a bond issue or other financing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the obligations. The County reasonably expects to execute and deliver the obligations to finance all or a portion of the costs of the project and the maximum principal amount of obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the project is \$1,977,531.

Section 2. ***Compliance with Regulations.*** The County adopts this resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County’s intent to reimburse itself for the original expenditures from proceeds of the obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the County is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the original expenditures incurred and paid by the County in connection with the project during the period commencing on the date occurring 60 days prior to the date of adoption of this resolution and ending on the date of execution and delivery of the obligations.

Section 4. ***Effective Date.*** This resolution shall become effective immediately upon the date of its adoption.

Adopted this 17th day of July, 2017.

Chair

man, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA

Clerk to the Board



Dare County Transportation Drug and Alcohol Testing Policy

Description

NCDOT has requested that Dare County Transportation revise our Drug and Alcohol Testing Policy to meet the present requirements listed under U.S. Department of Transportation as published within 49 CFR Part 655 and 49 CFR Part 40. NCDOT has reviewed and approved this policy.

Board Action Requested

Policy to be adopted by the Dare County Board of Commissioners.

Item Presenter

Don Cabana

Dare County Transportation Department

Drug and Alcohol Testing Policy

July 2017

DCTS Drug and Alcohol Testing Policy

Table of Contents

Section: A	<u>Purpose</u> (Page 4)
Section: B	<u>Applicability</u> (Page 5)
Section: C	<u>Definitions</u> (Pages 5-11)
Section: D	<u>Education and Training</u> (Page 12)
Section: E	<u>Prohibited Substances</u> (Pages 13-14)
Section: F	<u>Prohibited Conduct</u> (Page 14-15)
Section: G	<u>Drug Statue Conviction</u> (Page 15)
Section: H	<u>Testing Requirements</u> (Pages 15)
Section: I	<u>Drug Testing Procedures</u> (Pages 16-18)
Section: J	<u>Alcohol Testing Procedures</u> (Page 19)
Section: K	<u>Pre-Employment Testing</u> (Pages 20-21)
Section: L	<u>Reasonable Suspicion Training</u> (Pages 21-22)
Section: M	<u>Post-Accident Testing</u> (Pages 23-24)
Section: N	<u>Random Testing</u> (Page 24-25)
Section: O	<u>Return-to Duty Testing</u> (Page 25-26)
Section: P	<u>Follow-Up Testing</u> (Page 26)
Section: Q	<u>Result of Drug/Alcohol Test</u> (Page 26-28)
Section: R	<u>Grievance and Appeal</u> (Page 29)
Section: S	<u>Proper Application of the Policy</u> (Page 29)
Section: T	<u>Information Disclosure</u> (Pages 29-30)
Section: U	<u>Systems Contact Information</u> (Page 31)

Attachment A: Safety Sensitive Positions (Page 32)

Attachment B: Alcohol Fact Sheet (Page 33-34)

Attachment C: Minimum Thresholds (Page 35)

**ZERO TOLERANCE
Drug & Alcohol Testing Policy
Dare County Transportation System
Adopted as of
January 2017**

A. PURPOSE

- 1) The Dare County Transportation System provides public transit and paratransit services for the residents of Dare County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Dare County Transportation declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Dare County Transportation System and are not provided under the authority of the above named Federal regulations are underlined. *Test conducted under the sole authority of Dare County Transportation will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.*

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties Dare County Transportation employees that do not perform safety-sensitive functions are also covered under this policy under the sole authority of Dare County Transportation.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and any transit employee who operates a vehicle requires a Commercial Driver's License to operate. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remunerated for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A)

Covered Employee Under Company Authority: An employee, applicant, or transferee that will not perform a safety-sensitive function as defined by FTA but is included under the company's own authority. (See Attachment A).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Motor Carriers' Safety Administration,

Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse(ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer.
- (2) Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused a test.

- (3) Fails to provide a urine or breath specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- (5) Fails to provide a sufficient quantity of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation.
- (6) Fails or declines to take a second test the employer or collector has directed you to take
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO or the Designated Employer Representative.
- (8) Fails to cooperate with any part of the testing process.
- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form
- (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- (13) Admit to the collector or MRO that you adulterated or substituted the specimen.
- (14) Fail to remain readily available following an accident

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.
- 3) Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.
- 4) Any and all questions in regards to Dare County's anti-drug and alcohol misuse programs should be directed to the Dare County's Human Resources Director.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including codeine, morphine and heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including codeine, morphine and heroin), and phencyclidine as described in Section H of this policy. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Dare County Transportation Supervisor or the Dare County Human Resources Manager and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Dare County, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Dare County Transportation employees are prohibited from engaging in the unlawful

manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Dare County Transportation System management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q. of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Dare County Transportation authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.
- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Dare County Transportation. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opiates (including codeine, morphine and heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Dare County Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Dare County Transportation will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Dare County Transportation may seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct Dare County Transportation to retest the employee under direct observation.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
 - a) Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Dare County Transportation that there was not an adequate medical explanation for the result;
- ii. The MRO reports to Dare County Transportation that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) Dare County Transportation affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
 - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a Substance Abuse Professional. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
 - e. If a pre-employment test is canceled, Dare County will require the applicant to take and pass another pre-employment drug test.
 - f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool during the time, the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and

have negative test results prior to the conduct of safety-sensitive job functions.

- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide Dare County with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. Dare County Transportation is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide Dare County Transportation proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1. All Dare County Transportation FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Dare County's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

2. Dare County Transportation shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
3. A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Dare County Human Resources Manager
4. When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Dare County Transportation shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the Dare County Transportation. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q

M. POST-ACCIDENT TESTING

- 1) **FATAL ACCIDENTS** - A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) **NON-FATAL ACCIDENTS** - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
 - a) The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
 - b) One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Dare County Transportation is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Dare County Transportation may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <http://www.dot.gov/odapc/random-testing-rates> .
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Dare County's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 6) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY-TESTING

Dare County Transportation will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the

employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive a refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in

termination and referral to an SAP. A test refusal includes the following circumstances:

- a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer
 - b. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fails to attempt to provide a urine or breath specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
 - e. Fails to provide a sufficient quantity of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation
 - f. Fails or declines to take a second test the employer or collector has directed you to take
 - g. Fails to undergo a medical examination or evaluation, as directed by the MRO or the Designated Employer Representative
 - h. Fails to cooperate with any part of the testing process
 - i. If the MRO reports that there is verified adulterated or substituted test result
 - j. Failure or refusal to sign Step 2 of the alcohol testing form
 - k. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - l. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
 - m. Admit to the collector or MRO that you adulterated or substituted the specimen.
 - n. Fail to remain readily available following an accident
- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-

sensitive duty for his/her next shift until he/she submits to a NON-DOT alcohol test with a result of less than 0.02 BAC.

- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Dare County Transportation employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Dare County Transportation and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
 - e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Dare County Transportation.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Dare County Transportation is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

1. Drug/alcohol testing records shall be maintained by the Dare County Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
2. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
3. Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
4. Records will be released to a subsequent employer only upon receipt of a written request from the employee.

5. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
6. Records will be released to the National Transportation Safety Board during an accident investigation.
7. Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
8. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
9. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Dare County Transportation or the employee.
10. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
11. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA

U. CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Dare County Transportation Drug and Alcohol Program Manager

(DER) Designated Employer Representative

Name: Elizabeth Reilly

Title: Human Resources Director

Address: PO Box 1000 Manteo, NC 27954

Telephone Number: 252-475-5823

(MRO) Medical Review Officer

Name: David Nahin, MD

Address: 9501 Northfield Blvd. Denver, CO. 80238

Telephone Number: 877-585-8366, Fax: 855-253-5666

Substance Abuse Professional

Name: JoAnn Hummers

Title: EdD, LPC, LCAS, CCS

Address: 119 Woodhill Drive, Unit 8. Nags Head, NC. 27959

Telephone Number: 252-473-4801

HHS Certified Laboratory Primary Specimen

Name: Labtech

Contact: Tommy King

Address: 3415 E Ash Street Ste A Goldsboro, NC 27534

Telephone Number: 919-778-3111

Attachment A
Safety-Sensitive Positions

Job Title	Job Duties	Testing Authority
Transportation Supervisor	Overall Supervision of Transportation	FTA / Dare County
Transportation Dispatcher/Scheduler	Dispatch/Scheduling of vehicles	FTA / Dare County
Lead Driver	Dispatch/Scheduling/Driver Training	FTA / Dare County
Driver F/T	Driver Full Tim	FTA / Dare County
Driver P/T	Driver Part Time	FTA / Dare County
Vehicle Maintenance Supervisor	Supervisor Vehicle Maintenance Garage	FTA / Dare County
Vehicle Maintenance Worker	Vehicle Maintenance Worker	FTA / Dare County

Attachment B Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

- Social Issues
 - Two-thirds of all homicides are committed by people who drink prior to the crime.
 - Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
 - Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
 - The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
 - Forty percent of family court cases are alcohol problem related.
 - Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
 - More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

- The Annual Toll
 - 24,000 people will die on the highway due to the legally impaired driver.
 - 12,000 more will die on the highway due to the alcohol-affected driver.
 - 15,800 will die in non-highway accidents.
 - 30,000 will die due to alcohol-caused liver disease.
 - 10,000 will die due to alcohol-induced brain disease or suicide.
 - Up to another 125,000 will die due to alcohol-related conditions or accidents.

- Workplace Issues
 - It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
 - Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
 - A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment C

Minimum Thresholds

(a) As a laboratory, you must use the cutoff concentrations displayed in the following table for initial and confirmatory drug tests. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows: **Initial test analyte**

	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA1	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL.
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL.
Morphine		2000 ng/mL.	
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL.
Methamphetamine ⁵		250 ng/mL.	
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL.
MDA ⁷		250 ng/mL.	
MDEA ⁸			

This Policy was adopted by the Dare County Board of Commissioners on [MONTH DD, YEAR].

This Policy was adopted by the Dare County Board of Commissioners on

____/____/____
Date:

Dare County Board of Commissioners Chairman



2017 Community Waste Reduction and Recycling Grant

Description

Dare County has been awarded the 2017 Community Waste Reduction and Recycling Grant by the State. This grant will allow for the purchase of concrete pads and electrical hook ups at the Manteo Recycle Center and Kitty Hawk Recycle Center for co-mingled compactor boxes that will be supplied in another grant.

Board Action Requested

1. Sign 2 copies of the grant contract in 2 separate places.
2. Approve the Budget Amendment

Item Presenter

Edward Mann, Public Works Director

DARE COUNTY

BUDGET AMENDMENT

F/Y 2017-2018

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department: Recycling					
<u>Revenues:</u>					
Grant Proceeds	103715	422015	TBD	\$7,916	
<u>Expenditures:</u>					
Supplies	104715	513300	TBD	\$9,500	
Contingency	104490	550000			\$1,584

Explanation:

To budget grant proceeds and related expenditures for 2017 Community Waste Reduction and Recycling Program project from NC Dept of Environmental Quality. Grant match by County is \$1,584.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



Environmental
Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

June 13, 2017

Shanna Fullmer
Solid Waste Superintendent
County of Dare
Post Office Box 1000
Manteo, North Carolina 27954

Dear Ms. Fullmer:

Attached please find Grant Contract No. 7263 between the North Carolina Department of Environmental Quality (the "Agency") and the County of Dare (the "Grantee") for a 2017 Community Waste Reduction and Recycling Program project. Please print two copies of the Grant Contract document.

Recent legislation requires each vendor, prior to contracting with the State, to complete a Certification of Eligibility Under the Iran Divestment Act. This certification has been included in Grant Contract No. 7263 as Attachment E. Please have an *authorized official* complete and sign this Certification.

Please verify the information in clause number eight (8) of the agreement. If this information regarding the Grantee's Fiscal Year is incorrect, please make the correction and initial the change.

Please have an *authorized official* sign each of the two documents (**original signatures are required**). **Return the two original-signed documents (the entire document)** to the following address by June 21, 2017 for execution by the Agency:

Purchasing and Contracts Section
DEQ Financial Services Division
1606 Mail Service Center
Raleigh NC 27699-1606

Please be advised that no work can be performed under this grant contract until both the **Grantee and Agency** have executed the contract. *Failure to return the documents by the above stated date for execution by the Agency may result in the Agency's withdrawal of the offered grant contract.* Should you have any questions, please contact me at (919) 707-8529.

Sincerely,

Tommy Kirby
Purchasing Director
Financial Services Division

Attachments

Nothing Compares

STATE OF NORTH CAROLINA
COUNTY OF WAKE

GRANTEE'S FEDERAL
IDENTIFICATION
NUMBER: **0293

This contract (the "Grant Award Contract") is hereby made and entered into this **1st day of July, 2017**, by and between the **NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY** (the "Agency") and the **COUNTY OF DARE** (the "Grantee").

If subject to the audit and other reporting requirements of the Local Government Commission pursuant to Article 3 of Chapter 159 of the North Carolina General Statutes (Local Government Budget and Fiscal Control Act), the Grantee understands and acknowledges that the terms, conditions, restrictions and requirements hereinafter set forth shall apply to the extent not inconsistent with, or superseded by, the audit and other reporting requirements of the Local Government Commission.

1. Contract Documents. The agreement between the parties consists of the following documents:

- a. This Grant Award Contract
- b. State's General Terms and Conditions (Attachment A)
- c. Agency's Request for Proposals ("RFP") (Attachment B)
- d. Grantee's Response to Agency's RFP, including (i) the Project Description, (ii) the Project Timeline and (iii) the Project Budget (hereinafter referred to generally as "Grantee's RFP Response") (Attachment C)
- e. Notice of Certain Reporting and Audit Requirements (Attachment D)
- f. Certification of Eligibility Under the Iran Divestment Act (Attachment E)

Together, these documents (the "Contract Documents") constitute the entire agreement between the parties (the "Grant Agreement") and supersede all prior oral or written statements or agreements. Modifications to this Grant Award Contract or to any other Contract Document may only be made through written amendments processed by the Agency's Financial Services Division. Any such written amendment must be duly executed by an authorized representative of each party.

2. Precedence Among Contract Documents. In the event of a conflict or inconsistency between or among the Contract Documents, the document with the highest relative precedence prevails. The order of precedence is established by the order of documents in Section 1 above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment has the highest precedence and the oldest amendment has the lowest precedence.

3. Contract Period. This Grant Award Contract shall be effective on **July 1, 2017** and shall terminate on **June 30, 2018**.

4. Grantee's Duties. As a condition of the grant award, the Grantee agrees to:

- a. Undertake and/or perform the grant award project, plan or services as described in the Grantee's RFP Response (Attachment C) and in accordance with the approved Project Budget set forth therein, and to comply with the **Other General Terms and Conditions** of the Agency's RFP (Attachment B).
- b. Ensure that the funds subject to the terms of this Grant Award Contract are expended in a manner consistent with the purposes for which they were awarded, as described more fully in the attached Contract Documents.
- c. Comply with the requirements of 09 NCAC 03M .0101, et seq. (Uniform Administration of State Awards of Financial Assistance), including, but not limited to, those provisions relating to audit oversight, access to records, and availability of audit work papers in the possession of any auditor of any recipient of State funding.

¹ The contract documents attached hereto may at times use alternative terms to describe the Grantee. Such terms might include, but are not necessarily limited to, the following (in common or proper form): "recipient," "applicant," or "participant".

- d. Comply with the applicable provisions of Attachment D, Notice of Certain Reporting and Audit Requirements.
 - e. Maintain all records related to the Grant Agreement for a period of six (6) years or until all audit exceptions have been resolved, whichever is longer.
 - f. Comply with all State and Federal anti-discrimination laws applicable to its performance under the Grant Agreement and/or the conduct of its business generally.
 - g. Comply with all other laws, ordinances, codes, rules, regulations, and licensing requirements applicable to its performance under the Grant Agreement and/or the conduct of its business generally, including those of Federal, State, and local agencies having jurisdiction and/or authority.
 - h. Obtain written approval from the Agency's Contract Administrator prior to making any subaward or subgrant not already described in the approved Project Description set forth in the Grantee's RFP Response (Attachment C).
 - i. Ensure that the terms, conditions, restrictions and requirements of the Grant Agreement, including those incorporated by reference to State and/or Federal law, are made applicable to, and binding upon, any subgrantee who receives as a subaward or subgrant any portion of the grant funds described herein.
 - j. Take reasonable measures to ensure that any and all subgrantees (i) comply with the terms, conditions, restrictions and requirements set forth herein, including those incorporated by reference to State and/or Federal law, and (ii) provide such information in its possession as may be necessary for the Grantee to comply with such terms, conditions, restrictions and requirements.
5. **Agency's Duties.** The Agency shall pay the Grantee in the manner and in the amounts specified in this Grant Award Contract and in accordance with the Project Timeline and Project Budget set out in Attachment C.
6. **Contract Amount.** The total amount paid by the Agency to the Grantee under the Grant Agreement shall not exceed **SEVEN THOUSAND NINE HUNDRED SIXTEEN DOLLARS AND THIRTY-THREE CENTS (\$7,916.33)**. This amount consists of:

Funding:

Type of Funds	Funding Source	CFDA No.
Appropriations	North Carolina General Assembly	N/A

Accounting Code Information:

Dollars	GL Company	GL Account	GL Center
\$7,916.33	1602	536961	6760

Grantee Matching Information:

- a. There are no matching requirements from the Grantee.
- b. There are no matching requirements from the Grantee; however, the Grantee has committed the following match to this project:

In-Kind	\$
Cash	\$
Cash and In-Kind	\$
Other / Specify:	\$

[X] c. The Grantee's matching requirement is \$1,583.67, which shall consist of:

	In-Kind	\$
X	Cash	\$1,583.67
	Cash and In-Kind	\$
	Other / Specify:	\$

[] d. The Grantee is committing to an additional \$0 to complete the project as described in Attachment C.

Based on the figures above, the total contract amount is \$9,500.00.

- 7. **Invoice and Payment.** The grant funds shall be disbursed to the Grantee as provided in the Project Timeline and Project Budget (Attachment C) and in accordance with the following provisions:
 - a. The Grantee shall submit invoices to the Agency Contract Administrator at least quarterly. The final invoice must be received by the Agency within forty-five (45) days following the end of the Contract Period (see Section 3 above). Amended or corrected invoices must be received by the Agency's Controller within six (6) months following the end of the Contract Period. The Agency will not pay any invoice received more than six (6) months following the end of the effective period.
 - b. The Agency shall reimburse the Grantee for actual allowable expenditures, with the Agency retaining a minimum of ten percent (10%) of the Agency's funds until all required activities are completed and reports/deliverables are received and accepted by the Agency. "Allowable expenditures" are expenditures associated with the work performed to meet the milestones for a specific reporting period. The Agency may withhold payment on invoices when the Grantee fails to accomplish the milestones set out in the Project Timeline and Project Budget (Attachment C).
- 8. **Grantee's Fiscal Year.** The Grantee represents that its fiscal year is from July 1 to June 30.
- 9. **Availability of Funds.** The Grantee understands and agrees that payment of the sums specified herein shall be subject to, and contingent upon, the allocation and appropriation of funds to the Agency for the purposes described in the Grant Agreement.
- 10. **Reversion of Unexpended Funds.** The Grantee understands and agrees that any unexpended grant funds shall revert to the Agency upon termination of this Grant Award Contract.
- 11. **Supplantation of Expenditure of Public Funds.** The Grantee represents that funds received pursuant to the Grant Agreement shall be used only to supplement, not to supplant, the total amount of Federal, State and local public funds that the Grantee otherwise expends for Community Waste Reduction and Recycling services and related programs. Funds received under the Grant Agreement shall be used to provide additional public funding for such services and/or programs and shall not be used to reduce the Grantee's total expenditure of other public funds for such services and/or programs.
- 12. **Contract Administrators.** Each party shall submit notices, questions and correspondence related to this Grant Award Contract to the other party's Contract Administrator. The contact information for each party's Contract Administrator is set out below. Either party may change its Contract Administrator and/or the contact information associated therewith by giving timely written notice to the other party.

Grantee Contract Administrator:	Agency's Contract Administrator
Shanna Fullmer, Solid Waste Superintendent County of Dare Post Office Box 1000 Manteo NC 27954 Telephone: (252) 475-5881 Email: shanna@darenc.com	Robert Taylor North Carolina Department of Environmental Quality, Division of Environmental Assistance and Customer Service 1639 Mail Service Center Raleigh NC 27699-1639 Telephone: (919) 707-8139 Email: rob.taylor@ncdenr.gov

13. Grantee's Principal Investigator or Key Personnel. The Grantee shall not substitute its Principal Investigator or Key Personnel without prior written approval from the Agency's Contract Administrator. The Grantee has assigned its Principal Investigator or Key Personnel as follows:

Principal Investigator or Key Personnel
Shanna Fullmer, Solid Waste Superintendent County of Dare Post Office Box 1000 Manteo NC 27954 Telephone: (252) 475-5881 Email: shanna@darenc.com

14. Assignment. The Grantee may not assign its obligations or its rights to receive payment hereunder. Upon the Grantee's written request, however, the Agency may (a) forward the Grantee's payment check(s) directly to any person or entity designated by the Grantee, or (b) include any person or entity designated by the Grantee as a joint payee on the Grantee's payment check(s). Such approval and action by the Agency does not obligate the Agency to anyone other than the Grantee, nor does it relieve the Grantee of any duties or obligations for which it is responsible hereunder.

15. Procurement. The Grantee understands and agrees that the following provisions shall apply with respect to any and all procurement activities undertaken in connection with the performance of its duties under the Grant Agreement:

- a. None of the work to be performed under the Grant Agreement involving the specialized skill or expertise of the Grantee shall be contracted without prior written approval from the Agency's Contract Administrator.
- b. The Grantee shall not contract with any vendor who is restricted from contracting with the State of North Carolina pursuant to N.C.G.S. §§ 143-133.3, 143-59.1, or 143-59.2.
- c. In the event the Grantee contracts for any or all of the work to be performed under the Grant Agreement, the Grantee shall not be relieved of any duties or responsibilities herein set forth.

16. Subawards. The Grantee understands and agrees that any subaward or subgrant of any portion of the grant funds subject to the terms of this Grant Award Contract shall not relieve the Grantee of any duties or responsibilities herein set forth.

17. Outsourcing to Foreign Countries. The Grantee represents that it has identified to the Agency all jobs related to the Grant Agreement that have been or will be outsourced to other countries, if any. The Grantee understands and agrees that no such jobs shall be outsourced to other countries during the course of its performance under the Grant Agreement without prior written approval from the Agency's Contract Administrator.

18. E-Verify. To the extent applicable, the Grantee represents that it and each of its subgrantees, contractors and/or subcontractors performing work pursuant to, or in association with, this Grant Award Contract are in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes, including, in particular, the requirement that certain employers verify the work authorization of newly hired employees using the Federal E-Verify system.

- 19. **Survival.** Any provision contained in this or any other Contract Document that contemplates performance or observance subsequent to the termination or expiration of this Grant Award Contract shall survive the termination or expiration thereof and continue in full force and effect.
- 20. **Signature Warranty.** The undersigned represent and warrant that they are authorized to bind their principals to the terms and conditions of this Grant Award Contract and all Contract Documents attached hereto, which collectively constitute the entire Grant Agreement between the parties.

IN WITNESS WHEREOF, the Grantee and the Agency execute this Grant Award Contract in two (2) originals, one (1) of which is retained by the Grantee and one (1) of which is retained by the Agency, the day and year first above written.

COUNTY OF DARE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

By _____
Grantee's Signature

By _____
Signature of Department Head or Authorized Agent

Printed Name and Title

Tommy Kirby, Purchasing Director

Printed Name and Title

Organization

Financial Services Division, Purchasing and Contracts Section

Division/Section

ORIGINAL

**General Terms and Conditions
Governmental Entities**

DEFINITIONS

Unless indicated otherwise from the context, the following terms shall have the following meanings in this Contract. All definitions are from 9 NCAC 3M.0102 unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

- (1) "Agency" (as used in the context of the definitions below) means and includes every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political sub-agency of government. For other purposes in this Contract, "Agency" means the entity identified as one of the parties hereto.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Certification of Compliance" means a report provided by the Agency to the Office of the State Auditor that states that the Grantee has met the reporting requirements established by this Subchapter and included a statement of certification by the Agency and copies of the submitted grantee reporting package.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument that is used to reflect a relationship between the agency, grantee, and sub-grantee.
- (6) "Fiscal Year" means the annual operating year of the non-State entity.
- (7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
- (8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
- (9) "Grant" means financial assistance provided by an agency, grantee, or sub-grantee to carry out activities whereby the grantor anticipates no programmatic involvement with the grantee or sub-grantee during the performance of the grant.
- (10) "Grantee" has the meaning in G.S. 143C-6-23(a)(2): a non-State entity that receives a grant of State funds from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, "Grantee" shall mean the entity identified as one of the parties hereto. For purposes of this contract, Grantee also includes other State agencies such as universities.
- (11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
- (12) "Non-State Entity" has the meaning in N.C.G.S. 143C-1-1(d)(18): A firm, corporation, partnership, association, county, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution.
- (13) "Public Authority" has the meaning in N.C.G.S. 159-7(10): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation, (ii) is not subject of the State Budget Act, and (iii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
- (14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
- (15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
- (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are sub-granted to other organizations. Pursuant to N.C.G.S. 143C-6-23(a)(1), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.
- (17) "Sub-grantee" has the meaning in G.S. 143C-6-23(a)(4): a non-State entity that receives a grant of State funds from a grantee or from another sub-grantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

(18) "Unit of Local Government has the meaning in G.S. 159-7(b)(15): A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

Relationships of the Parties

Independent Contractor: The Grantee is and shall be deemed to be an independent contractor in the performance of this Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Agency.

Subcontracting: To subcontract work to be performed under this contract which involves the specialized skill or expertise of the Grantee or his employees, the Grantee first obtains prior approval of the Agency Contract Administrator. In the event the Grantee subcontracts for any or all of the services or activities covered by this contract: (a) the Grantee is not relieved of any of the duties and responsibilities provided in this contract; (b) the subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and; (c) the subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.

Sub-grantees: The Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Grantee to comply with the standards set forth in this Contract.

Assignment: The Grantee may not assign the Grantee's obligations or the Grantee's right to receive payment hereunder. However, upon Grantee's written request approved by the issuing purchasing authority, the Agency may:

- (a) Forward the Grantee's payment check(s) directly to any person or entity designated by the Grantee, or
- (b) Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check(s).

Such approval and action does not obligate the State to anyone other than the Grantee and the Grantee remains responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this Contract inures to the benefit of and is binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract, and all rights of action relating to such enforcement, are strictly reserved to the Agency and the named Grantee. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Agency and Grantee that any

third person receiving services or benefits under this Contract is an incidental beneficiary only.

Indemnity

Indemnification: In the event of a claim against either party by a third party arising out of this contract, the party whose actions gave rise to the claim is responsible for the defense of the claim and any resulting liability, provided that a party may not waive the other party's sovereign immunity or similar defenses. The parties agree to consult with each other over the appropriate handling of a claim and, in the event they cannot agree, to consult with the Office of the Attorney General.

Insurance: During the term of the contract, the Grantee at its sole cost and expense provides commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the Grantee provides and maintains the following coverage and limits:

- (a) **Worker's Compensation:** The Grantee provides and maintains Worker's Compensation insurance as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Grantee's employees who are engaged in any work under this contract. If any work is sublet, the Grantee requires the subgrantee to provide the same coverage for any of his employees engaged in any work under this contract.
- (b) **Commercial General Liability:** General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- (c) **Automobile:** Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles used in performance of the contract. The minimum combined single limit is \$500,000.00 bodily injury and property damage; \$500,000.00 uninsured/under insured motorist; and \$25,000.00 medical payment.

Providing and maintaining adequate insurance coverage is a material obligation of the Grantee and is of the essence of this contract. The Grantee may meet its requirements of maintaining specified coverage and limits by demonstrating to the Agency that there is in force insurance with equivalent coverage and limits that will offer at least the same protection to the Agency. Grantee obtains insurance that meets all laws of the State of North Carolina. Grantee obtains coverage from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The Grantee complies at

all times with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the Grantee do not limit the Grantee's liability and obligations under the contract.

Default and Termination

Termination by Mutual Consent: Either party may terminate this agreement upon sixty (60) days notice in writing from the other party. In that event, all finished or unfinished documents and other materials, at the option of the Agency, be submitted to the Agency. If the contract is terminated as provided herein, the Grantee is paid in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this agreement; for costs of work performed by subcontractors for the Grantee provided that such subcontracts have been approved as provided herein; or for each full day of services performed where compensation is based on each full day of services performed, less payment of compensation previously made. The Grantee repays to the Agency any compensation the Grantee has received which is in excess of the payment to which he is entitled herein.

Termination for Cause: If, through any cause, the Grantee fails to fulfill in timely and proper manner the obligations under this agreement, the Agency thereupon has the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reason thereof and the effective date thereof. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the Grantee, at the option of the Agency, be submitted to the Agency, and the Grantee is entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials. The Grantee is not relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this agreement, and the Agency may withhold payment to the Grantee for the purpose of set off until such time as the exact amount of damages due the Agency from such breach can be determined.

Waiver of Default: Waiver by the Agency of any default or breach in compliance with the terms of this Contract by the Grantee is not a waiver of any subsequent default or breach and is not a modification of the terms of this Contract unless stated to be such in writing, signed by an authorized representative of the Agency and the Grantee and attached to the contract.

Availability of Funds: The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Agency.

Force Majeure: Neither party is in default of its obligations hereunder if it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: Any and all copyrights resulting from work under this agreement shall belong to the Grantee. The Grantee hereby grants to the North Carolina Department of Environmental Quality a royalty-free, non-exclusive, paid-up license to use, publish and distribute results of work under this agreement for North Carolina State Government purposes only.

Compliance with Applicable Laws

Compliance with Laws: The Grantee understands and agrees that it is subject to compliance with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Grantee understands and agrees that it is subject to compliance with all Federal and State laws relating to equal employment opportunity.

Confidentiality

Confidentiality: As authorized by law, the Grantee keeps confidential any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Grantee under this agreement and does not divulge or make them available to any individual or organization without the prior written approval of the Agency. The Grantee acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract or without the prior written approval of the Agency.

Oversight

Access to Persons and Records: The State Auditor and the using agency's internal auditors shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and Session Law 2010-194, Section 21 (i.e., the State Auditors and internal auditors may audit the records of the contractor during the term of the contract to verify accounts and data affecting fees or performance). The Contractor shall retain all records for a period of six (6) years

following completion of the contract or until any audits begun during this period are completed and findings resolved, whichever is later.

Record Retention: The Grantee may not destroy, purge or dispose of records without the express written consent of the Agency. State basic records retention policy requires all grant records to be retained for a minimum of six (6) years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than six (6) years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has started before expiration of the six (6) year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular six (6) year period described above, whichever is later.

Time Records: The GRANTEE will maintain records of the time and effort of each employee receiving compensation from this contract, in accordance with the appropriate OMB circular.

Miscellaneous

Choice of Law: The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Grantee, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Agency and the Grantee.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this Contract.

Care of Property: The Grantee agrees that it is responsible for the proper custody and care of any State owned property furnished him for use in connection with the performance of his contract and will reimburse the State for its loss or damage.

Ownership of equipment purchased under this contract rests with the Agency. Upon approval of the Agency Contract Administrator, such equipment may be retained by the Grantee for the time the Grantee continues to provide services begun under this contract.

Travel Expenses: All travel, lodging, and subsistence costs are included in the contract total and no additional payments will be made in excess of the contract amount indicated in above. Contractor must adhere to the travel, lodging and subsistence rates established in the Budget Manual for the State of North Carolina.

Sales/Use Tax Refunds: If eligible, the Grantee and all sub-grantees shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Grantee may not use the award of this Contract as a part of any news release or commercial advertising.

Recycled Paper: The Grantee ensures that all publications produced as a result of this contract are printed double-sided on recycled paper.

Sovereign Immunity: The Agency does not waive its sovereign immunity by entering into this contract and fully retains all immunities and defenses provided by law with respect to any action based on this contract.

Gratuities, Kickbacks or Contingency Fee(s): The parties certify and warrant that no gratuities, kickbacks or contingency fee(s) are paid in connection with this contract, nor are any fees, commissions, gifts or other considerations made contingent upon the award of this contract.

Lobbying: The Grantee certifies that it (a) has neither used nor will use any appropriated funds for payments to lobbyist; (b) will disclose the name, address, payment details, and purpose of any agreement with lobbyists whom the Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and (c) will file quarterly updates about the use of lobbyists if material changes occur in their use.

By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32: It is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Natural and Cultural Resources, Environmental Quality, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

2017 Community Waste Reduction and Recycling Grant Program

REQUEST FOR PROPOSALS

N.C. Department of Environmental Quality
Division of Environmental Assistance and Customer Service

The purpose of this grant program is to assist local governments with the implementation, expansion, and improvement of waste reduction and recycling programs in North Carolina. The Division of Environmental Assistance and Customer Service (DEACS) administers the Community Waste Reduction and Recycling Grant program through the Solid Waste Management Outreach Program.

With the release of this Request for Proposals (RFP), DEACS is seeking proposals that request grant funding to help initiate or expand public waste reduction programs within the state. **Applicants should carefully read this entire RFP prior to submitting a proposal. Proposals must be received by DEACS by 5:00 p.m. on Friday, February 17, 2017.** Please address any questions about this grant program to Rob Taylor at (919) 707-8139, rob.taylor@ncdenr.gov.

Community Waste Reduction and Recycling Grant Program Parameters and Ideas:

The 2017 Community Waste Reduction and Recycling (CWRAR) Grant Program seeks to fund projects that help communities build lasting capacity to divert materials from the waste stream and / or that increase public awareness of waste reduction and recycling. There are two categories of CWRAR Grants: Standard Project Grants and Priority Project Grants. Different levels of grant funding are available for Standard Project Grants and Priority Project Grants. See the Available Funding section of this document for more information.

Standard Project Grants:

Standard Project Grants support a wide range of projects that increase and / or enhance public waste reduction and recycling. The following list provides examples of Standard Projects that are welcomed:

- Projects that demonstrate the potential to significantly increase a community's overall diversion of materials from the solid waste stream;
- Projects that improve recycling program efficiency and / or cost effectiveness while supporting increased waste reduction;
- Projects that increase the diversion of materials that are banned from disposal in North Carolina;
- Projects that implement education and outreach efforts that will grow public awareness about waste reduction and recycling services and / or that work to decrease contamination;
- Projects that implement new curbside recycling programs or that help transition an existing curbside recycling program from collection using bins or blue-bags to a cart-based collection system;
- Projects that implement or expand public school recycling programs. If seeking funding for public school recycling, please see additional provisions for public school recycling projects in the Special Requirements section of this document;
- Projects that increase the efficiency or effectiveness of public electronics recycling programs. If seeking funding for electronics recycling, please see additional provisions for electronics recycling projects in the Special Requirements section of this document.

Priority Project Grants:

Priority Project Grants support investments in public recycling program areas that have been determined to be of particular importance to growing and expanding efficient and effective waste reduction and recycling

~ continued on next page ~

services throughout North Carolina. Proposals that seek funding for the following Priority Projects are strongly encouraged:

- ★ Projects that create or expand away-from-home recycling opportunities such as recycling infrastructure for parks, sports fields, streetscape / pedestrian recycling, and / or recycling at public venues. If seeking funding for away-from-home recycling, please see additional provisions for away-from-home recycling projects in the Special Requirements section of this document;
- ★ Projects that implement or expand multifamily and / or commercial recycling service;
- ★ Projects that implement new permanent Household Hazardous Waste (HHW) Programs or that expand existing permanent HHW Programs. To qualify as a Priority Project, a newly established permanent HHW program must be open to collect HHW from the public at least four (4) separate days during any given Fiscal Year and an existing HHW program must significantly increase the number of days or hours of operation so that citizens have improved access to HHW services;
- ★ Projects that implement or support Hub and Spoke Recycling Systems that consolidate commingled recyclable materials for bulk transfer to a Materials Recovery Facility (MRF);
- ★ Projects that implement or expand recycling programs to collect and manage food waste from residential or commercial sources.

Grant funds may not be used for payment of contracted collection costs or for employee salaries. See the Use of Grant Funds section of this document for more information on the types of program elements that are eligible for grant funding. Please contact Rob Taylor at (919) 707-8139 or rob.taylor@ncdenr.gov for more information or to discuss project ideas.

Available Funding:

Grant Award Amounts:

- **Standard Project:** Applicants are eligible for a Standard Project grant award of up to **\$20,000**.
- **Priority Project:** Applicants are eligible for a Priority Project grant award of up to **\$30,000**.

Cash Match Requirement:

Required Cash Match: Standard Project and Priority Project grant winners must provide a cash match equal to or exceeding 20 percent of the requested grant funding. For example, a grantee under this program requesting \$20,000 in grant funding from DEACS must show a minimum expenditure of \$4,000 of local funds on the project. To meet the cash match requirement, a minimum of one (1) local dollar must be spent for every five (5) dollars of grant funding awarded.

Calculating Cash Match: To determine the necessary cash match for any grant project, first determine the total budget associated with the project and then use the following equation: total project budget ÷ 6 = required cash match. The difference between the total project budget and the required cash match equals the maximum possible grant award.

Distributions from the \$2 per ton Solid Waste Disposal Tax may be used to cover cash match requirements. In-kind contributions will not be accepted in lieu of cash match.

Grant Project Planning:

Available funding is limited and it is anticipated that the 2017 CWRAR Grant Round will be highly competitive. For this reason, it is important that project seeking grant funding be well thought out and well planned, and that applicants follow the instructions in this RFP when preparing proposals by providing all information as outlined in the section addressing Required Proposal Format. Proposals that seek grant funds for the replacement of existing equipment will be scored substantially lower than projects that implement new recycling services or projects that expand existing recycling services.

Use of Grant Funds:

Examples of **approved uses** of CWRAR Grant funds include site development costs, construction of facilities to handle recyclable materials, equipment purchases, equipment installation costs, key recycling program components, public awareness programs and materials that support public education such as signs or brochures.

Examples of activities for which CWRAR Grant funds **MAY NOT** be used include employee salaries, land acquisition costs, administrative expenses such as overhead and / or utility costs, studies or work performed by consultants, contracted collection costs, and / or payment for other contracted recycling services such as payment to a vendor for operating a household hazardous waste collection event.

Please consider contacting a DEACS Local Government Assistance Team staff member to discuss potential grant projects prior to submitting a grant proposal. Local Government Team members are available to provide technical assistance and advice on grant projects. A listing of team member contact information and areas of individual expertise is available on this web site <https://deq.nc.gov/conservation/recycling/local-government-recycling-assistance>.

Eligible Entities:

- Counties, municipalities, councils of governments and solid waste authorities in North Carolina are eligible to apply for funding from the CWRAR Grant Program.
- Applicants with an **open CWRAR Grant contract** from an earlier grant cycle must have invoiced for 90% of eligible grant funds by the proposal due-date to be considered for grant funding during this new grant cycle. Applicants that have completed and closed previous CWRAR Grant projects may submit another proposal under this grant round. Proposals **will not** be accepted from applicants with an open CWRAR Grant from cycles prior to 2016.
- Federal and state agencies **are not eligible** for funding through this grant program.
- Public universities, community colleges and private colleges and universities **are not eligible** for funding through this grant program.
- Not-for-profit entities **are not eligible** for funding through this grant program; however, these entities are eligible for funding through the Recycling Business Development Grant Round. For more information about Recycling Business Development Grants, please contact Wendy Worley at (919) 707-8136 or wendy.worley@ncdenr.gov.
- Public school systems and individual public schools **are not eligible** to apply directly for funding through this grant program. **However**, local governments (counties or municipalities) may apply for funding to support public school recycling projects. Additional requirements apply for projects seeking grant support for public school recycling projects - see Special Requirements section below.

Conditions on Submittals:

- **ONLY ONE PROPOSAL PER ELIGIBLE ENTITY WILL BE ACCEPTED.** Grant proposals may combine funding requests for multiple types of projects into one proposal. For example, a grant proposal seeking funding for away-from-home recycling receptacles plus an investment in some other public recycling program element unrelated to away-from-home recycling would be considered. If combining different grant project elements into one proposal, the available funding limits still apply and total request may not exceed the grant award amounts noted in the Available Funding section of this document.
- Multi-party initiatives such as joint projects involving two or more local governments where each local government contributes towards project funding are strongly encouraged. Any group participating in a regional or multi-party project proposal may not submit additional proposals.
- All applicants selected for funding will undergo a compliance review to ensure that they do not have an outstanding Notice of Violation (NOV) related to North Carolina solid waste statutes and rules. Any outstanding NOV's must be corrected to the satisfaction of the N.C. Division of Waste

Management (DWM) prior to any grant being awarded. Applicants with outstanding NOV's are responsible for providing DEACS with information from DWM indicating that the community is in compliance and that the NOV's have been corrected before a grant contract can be initiated.

- Applications will not be accepted from local governments that have not submitted the required Solid Waste and Materials Management Annual Report for the most recent fiscal year.
- As a condition of grant award DEACS may work with applicants to revise initially submitted proposals before entering into a grant contract. Initial proposals must be received by the due date. Changes to proposals may include adjustments to project scope, project budget, project timeline and / or other elements of the proposal. Any changes to initial proposals must be approved by DEACS and the applicant and the resultant Final CWRAR Proposal will become an attachment to the grant contract.
- The annual CWRAR Grant cycle typically receives funding requests that exceed available funds. However, it is a priority for DEACS to support as many qualifying projects as possible. After close examination of the requested funding and subject to agreement with the applicant, DEACS may award grant amounts lower than the original request. For any amount awarded, grantees must still provide the required cash match as explained in the Cash Match Requirement section.

General Requirements:

General requirements for all applicants:

- Usage of N.C. Solid Waste Disposal Tax proceeds: Solid Waste Disposal Tax proceeds are distributed to eligible local governments on a quarterly basis by the Department of Revenue. According to § 105-187.63, these funds must be used by a city or county solely for solid waste management programs and services. CWRAR Grant applicants must certify in writing that all disposal tax proceeds are used only for the purpose of providing solid waste and recycling services. In addition to this written certification, applicants should describe how disposal tax funds are utilized and whether proceeds will be used to supply matching funds.
- Public Building Recycling Services: CWRAR Grants will not be awarded to applicants that do not have recycling services for cans, bottles and paper available at their government buildings. As part of the grant proposal, all applicants must indicate that employees in the key government buildings operated by the applicant have reasonable access to recycling services and are able and encouraged to recycle materials generated in the course of government business. Please include a list of the materials collected for recycling at these facilities.
- Mercury Product Recycling: § 130A-310.60 requires that any public agency using state funds for the construction or operation of public buildings shall establish a program for the collection and recycling of all spent fluorescent lights and thermostats that contain mercury generated in public buildings. As part of the grant proposal, all applicants must indicate that they have a program in place for the collection of fluorescent lights and mercury thermostats from their public buildings. If the applicant does not have a program in place for the collection of these materials, then as a precondition of any grant award the applicant must initiate such services. For more information about these requirements and / or for assistance implementing a mercury products recycling program please contact Joseph Fitzpatrick at 919-707-8121, joseph.fitzpatrick@ncdenr.gov.

Special Requirements:

Applicants seeking funding for public school recycling, away-from-home recycling and / or electronics recycling **MUST** address the indicated Special Requirement(s) in their submitted proposal.

- **Public School Recycling Projects:** As stated in the section addressing Eligible Entities, only counties, municipalities, councils of governments and solid waste authorities in North Carolina are eligible to apply for CWRAR Grant funding. Proposals seeking funding for public school recycling projects must come from one of these entities. Public school systems and or individual schools **may not** apply directly. Applicants seeking funding for public school recycling projects **must** provide the supplemental information outlined below to ensure that all necessary program elements are

addressed, and to help demonstrate project planning. This is a competitive grant program and projects that institute or expand a system-wide school recycling program will compete better than projects that only serve an individual school. Eligible grant projects may seek funding for equipment (such as bins and roll carts) and / or education materials. As with other CWRAR projects, administrative expenses (staff salaries and contract collection costs) are not eligible for grant funding nor can they be used as matching funds. Please contact Rob Taylor at 919-707-8139, rob.taylor@ncdenr.gov for information or assistance with public school recycling projects.

School Recycling Supplemental Requirements:

- Provide a description of any existing school recycling program(s).
 - Indicate whether the collection of recyclables will be provided by the local government or through a contracted or third-party service provider.
 - Provide a list of the recyclable materials accepted by the program and indicate how the materials are to be collected (single stream, dual stream, source separated).
 - Indicate where the recyclables going after they are collected (name the materials processor).
 - Indicate where recycling containers be placed at the school facilities (classrooms, cafeterias, hallways, athletic fields, administrative offices, library, copy rooms, etc.).
 - Indicate who will be responsible for emptying the recycling containers (custodian / cleaning staff, teachers, students, student groups, etc.).
 - A designated recycling contact must be established at each school that is recycling as a result of this grant. Please provide a list of schools to be served by this project and the designated recycling contact for each school including the title of the designated contact. Examples of designated contacts might include school facility manager, head custodian, the faculty coordinator or leader of a group or club, the principal or school administrator.
 - Provide a plan for promoting recycling within the schools impacted by the grant project as well as the plan for educating staff and students about the program.
- **Electronics Recycling Projects:** Any community seeking grant funds related to an electronics recycling related project must indicate in their proposal whether the local government has ever received funds distributed from the State's Electronics Management Program. For more information on eligibility for Electronics Management Program Funds see this web site: <http://deq.nc.gov/about/divisions/waste-management/solid-waste-section/electronics-management/nc-local-governments-info-page>. If the local government has received Electronics Management Fund distributions in the past, then the applicant must include information in its proposal about how those funds have been used and about how the community intends to use the funds that will be distributed in February 2017 and February 2018.

Successful **county** applicants seeking grant funds to support an electronics recycling related project that **have not** previously been eligible for distributions from the State's Electronics Management Program will be required to become eligible for Electronics Management Funds on or before December 31, 2017 as a precondition of receipt of CWRAR Grant funds.

Successful **municipal** applicants seeking grant funds to support an electronics recycling related project that **have not** previously been eligible for distributions from the State's Electronics Management Program must decide whether or not to make themselves eligible for Electronics Management Funds prior to the December 31, 2017 eligibility deadline. This decision should be made in consultation with the county where the municipality is located and should be based on how the distribution of funds can best serve the advancement electronics recycling within the community. If it is determined that the municipality should seek Electronics Management Funds, the municipality should take action to become eligible for funds on or before December 31, 2017.

- **Away-From-Home Recycling Projects:** Grant funds can only be used for recycling related purchases and cannot be used to pay for the purchase of away-from-home receptacles for the collection of waste (garbage). If a proposal includes the purchase of away-from-home receptacles that collect BOTH waste and recyclables, then the standard cash matching fund requirement will be adjusted so that the applicant (grantee) covers the full cost of the waste portion of the container with their matching funds. For example, if a community seeks to purchase a combo waste / recycling station that has one slot for garbage and one for recyclables and the receptacle costs \$1,000 then the applicant will be expected to provide a cash match equal to one half of the purchase price or \$500. If seeking funding for an away-from-home recycling project, then please indicate in the Special Requirements section of the proposal whether any of the equipment to be purchased will be used to collect waste materials that are intended to be disposed of in a landfill.

In addition, applicants for away-from-home related grant projects are strongly encouraged to specify which particular recycling receptacles are being considered for purchase as a part of their proposal. For assistance with and guidance on the selection of recycling receptacles please contact Rob Taylor at 919-707-8139 or rob.taylor@ncdenr.gov.

Grant Project Period / Funding Period:

Successful grant applicants will be required to enter into a grant contract with the Department of Environmental Quality. The resultant grant contract period is intended to align with the local government fiscal year, and will generally have a one (1) year contract long term. Grantees must expend funds within the year-long contract period unless the grant contract end date is extended by written agreement between the applicant and the N.C. Department of Environmental Quality (DEQ). Extensions are possible but not guaranteed. It is anticipated that grant contracts resulting from this grant cycle will begin on July 1, 2017 and end on June 30, 2018. **All purchases associated with grant funds must be made within the grant contract period. Any purchased made prior to the start of the grant contract or after the end date of the grant contract will not be eligible for reimbursement.**

Due Date:

Proposals **MUST** be received by DEACS by **5:00 p.m. on Friday, February 17, 2017**. Any proposals received after the deadline will not be considered. Local governments requiring board approval to apply for grant funds should plan to procure that approval before the submittal deadline.

How to Submit Proposals:

One electronic copy of the proposal must be submitted. Receipt of all acceptable proposals will be acknowledged by e-mail. Submit electronic documents to rob.taylor@ncdenr.gov. Please submit electronic versions as Microsoft Word (preferred) or Adobe (PDF) files. If submittal of an electronic version of a grant proposal presents a hardship, please contact Rob Taylor to discuss submittal options.

Proposals must be received by 5:00 p.m. on Friday, February 17, 2017. Proposals not received by 5:00 p.m. on Friday, February 17, 2017 will not be accepted.

Required Proposal Format:

The following outline indicates what applicants **must** include in their proposal for their application to be considered complete. Proposals that fail to provide all of the required information or that fail to follow the following format will be deemed inadequate and may not be considered for funding.

- **Project Title**
- **Applicant Contact Information:** to include the following:
 - ✓ Name and title of main contact
 - ✓ Organization

~ continued on next page ~

- ✓ Address
- ✓ Phone number
- ✓ Fax number
- ✓ E-mail address
- **Date of Proposal Submittal:** this should be the date the proposal is submitted to DEACS
- **General Requirements:** (see section on General Requirements for more information)
 - ✓ Written statement certifying that Solid Waste Disposal Tax Proceeds are used only for solid waste management purposes and a description of how proceeds are used.
 - ✓ Written statement indicating that the applicant has recycling services for cans, bottles and paper available at the key government buildings and a list of the materials collected.
 - ✓ Written statement indicating that the applicant has established a program for the collection and recycling of fluorescent lights and mercury containing thermostats from public buildings owned by the applicant.
- **Project Description:** Provide a description of the grant project and please include the following information in the project description:
 - ✓ Description and quantities of items to be purchased with grant funds;
 - ✓ Description of the anticipated life of service for the items or materials to be purchased with grant funds (estimate how long the project will continue to serve the community);
 - ✓ An estimate of the number of households or businesses that will be impacted by or have access to the recycling services associated with the proposed project;
 - ✓ An estimate of the waste reduction impact of the proposed project; and
 - ✓ A description of whether the grant project will create a new service, enhance or expand an existing service, or support an existing recycling service without expanding that service.
- **Special Requirements:** Proposals for school recycling, electronics recycling or away-from-home recycling must include additional information as stipulated in the Special Requirements section. See Special Requirements on pages 4 - 6 for more information.
- **Project Timeline:** Bulleted list showing project milestones and general implementation dates. Timeline must begin on or after July 1, 2017 and project must be complete by June 30, 2018.
- **Project Budget:** to include the following:
 - ✓ Itemized list of intended expenditures and estimated costs;
 - ✓ Amount of funds requested from the state and amount of matching funds to be provided by the applicant (see Cash Match Requirements);
 - ✓ If the grant project is not a Priority Project Grant, the state grant award cannot exceed \$20,000;
 - ✓ Please submit the Project Budget in a table following the example shown below:

Sample Project Budget	State Grant Award	Applicant Cash Match	Project Total
Recycling Carts for Commercial Recycling Program (100 carts @ \$55 each)	\$ 4,583	\$ 917	\$ 5,500
Labels for Carts and Signs for Recycling Sites	\$ 343	\$ 69	\$ 412
Program Brochures (Design and Printing)	\$ 209	\$ 41	\$ 250
Total	\$ 5,135	\$ 1,027	\$ 6,162

* Note about Project Budgets: state and local sales taxes **are not** reimbursable expenditures and should not be included as part of grant budgets.

Grant Selection Process:

Through a blind evaluation process, a selection committee will use the pre-established Award Criteria identified below to rank proposals and make award decisions. The review process is expected to be completed and preliminary award announcements made in April, 2017. Applicants are encouraged to

consider the following Award Criteria as they develop their grant proposals. A total of 100 points is available.

Award Criteria:

1. **Innovation / Creativity (0-5 points):** Is the project innovative? Does the project address a new waste stream or material, create a new recycling service, or take an approach not seen in North Carolina? Does the project set a strong example for other communities to replicate?
2. **Advancement of Public Recycling Service (0-10 points):** Does the project implement a new recycling service in the applicant community? Does the project bring a new aspect of recycling to an area or region of the state? Does the project implement a new program or service that is proven to be effective in another community or region of the state?
3. **Planning (0-20 points):** Did the Project Description include all necessary elements as outlined in the Required Proposal Format? Is the proposal well thought out, well researched and backed by valid facts and assumptions?
4. **Consistency with Best Management Practices (0-15 points):** Is the project consistent with recycling industry Best Management Practices (BMPs) and / or does the project involve the adoption or expansion of an industry BMP? Recognized BMPs may include the collection of commingled materials, collection using carts, the use of compacting equipment for collection vehicles, and / or the use of equipment and / or practices proven to reduce contamination and maximize diversion in other communities.
5. **Impact on the Waste Stream (0-15 points):** Will the project contribute substantially toward reduction of the local waste stream or will it substantially increase tonnage recovered through recycling services?
6. **Efficiency / Cost-effectiveness (0-10 points):** Will the project improve the efficiency or cost-effectiveness of the local waste reduction program? Does the project increase the efficiency or effectiveness of an existing service? Does the project reduce the operating cost of a current recycling service or does it adopt practices proven to be cost effective in other communities?
7. **Sustainability / Commitment (0-10 points):** Will the project be ongoing and sustained in subsequent annual budgets? Does the project have the support of the governing body? Does the project make investments that will continue to serve the community for years to come?
8. **Joint Effort (0 or 5 points):** One party proposals will receive zero (0) points; multi-party proposals (involving cash match from all participants) will receive five (5) points.
9. **Priority Project★ (0-10 points):** Is the project seeking funding for a Priority Project Grant, and to what extent does the project support investments targeted in one of the Priority Project Grant categories?

If A Proposal is Selected for Funding:

DEACS anticipates that applicants selected to receive grant funding will be notified by the end of April 2017. DEACS will notify the applicant with a formal offer by e-mail. The applicant must accept or decline the offer. The following will occur once the offer of grant funding is accepted:

- DEACS will conduct a compliance review with the Division of Waste Management (this may occur before offer is accepted).
- When DEACS requires revisions to the initially submitted proposal as a condition of grant award, DEACS and the applicant must both agree on the revisions to the proposal and the applicant must approve any changes and accept the offered grant in writing. The Final Proposal will become an attachment to the grant contract. Applicants who fail meet this requirement will not be awarded funding.
- Successful applicants will be required to register with the state's e-procurement system using the same address provided in the applicant's proposal. To register in the state's e-procurement system please visit the following link: <http://eprocurement.nc.gov/>.

- DEACS will submit a request through the DEQ contract processing system for a grant contract. Grantees must act to execute the resultant grant contract without excessive delay.

NOTE: Successful applicants that make purchases before a grant contract is signed by both DEQ and the grant recipient will not be reimbursed.

Other General Terms and Conditions:

All grantees are subject to the following terms and conditions. Most of these terms and conditions will be outlined in the grant contract.

- **Publications:** all documents and publications associated with a grant contract should be printed on recycled paper containing at least 30 percent post-consumer content.
- **Final reports:** a draft final report is required to be submitted to DEACS at least 30 days prior to the contract end date and a final report is required to be submitted by the contract end date. Final reports and drafts should be submitted electronically. All applicants are strongly encouraged to visit the following web site to review the final reporting format and guidelines:
<https://deq.nc.gov/conservation/recycling/local-government-recycling-assistance/grant-programs> . Applicants and grantees without internet access should contact Rob Taylor at (919) 707-8139 to receive a copy of the Final Report Guidelines.
- **Extensions / Amendments:** no-cost time extensions are possible but not guaranteed for grant contracts. Grantees seeking no-cost time extensions should submit a request for a time extension at least sixty (60) days prior to the contract end date. The request for extension must indicate how long the grantee is seeking to extend the project and the reason that the extension is being requested (i.e., why the project cannot be completed on time). Any request for an extension must include a new timeline with revised project milestones and should also include a revised project budget if budget changes are also being requested. DEACS reserves the right to decline any request for extension or amendment that is not initiated at least sixty (60) days prior to the contract end date.
- **Reimbursement:** distribution of DEACS grant funds is on a reimbursement basis. Requests for reimbursement can only be made after the grantee has spent funds on the grant project. Reimbursement requests must be submitted on letterhead, must include copies of invoices, and must include proof that the grantee has made payment. Proof of payment may include copies of canceled checks or other financial reports showing that funds were spent. **State and local sales taxes are not reimbursable, may not be counted towards expenditure requirements, and should be excluded from reimbursement requests.** The amount of actual grant payments may be prorated for projects and / or project elements that come in under budget.
- **Final 10 Percent of Funds:** DEACS will continue to reimburse grantees until 90 percent of the award amount has been expended. The final 10 percent of grant funds will be held until an acceptable final report has been received by DEACS. The final report must be received and approved prior to the end date of the contract. All final requests for reimbursement must be received within 45 days of the contract end-date or all remaining grant funds will be forfeited.

A Final Word on Grant Writing:

Proposals may receive low scores or even be rejected because applicants fail to follow the instructions outlined in this document. Applicants stand a better chance of success if they include all of the required components of a proposal and if they follow the Required Proposal Format. Project Descriptions should be clear, concise, and should demonstrate thoughtful planning. Poorly prepared proposals create uncertainty about the project goals and intended results. Clear details will provide grant proposal reviewers confidence about the validity and feasibility of a proposal. Applicants with questions are encouraged to contact DEACS for more information.



County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

Project Title: Dare County Single Stream Conversion and Recycling Expansion

Applicant Contact Information: Dare County
Shanna Fullmer, Solid Waste Superintendent
P O Box 1000
Manteo, NC 27954
Phone No. 252-475-5881
Fax No. 252-473-5218
Email shanna@darenc.com

Date of Proposal Submittal: February 17, 2017

General Requirements:

Solid Waste Disposal Tax proceeds are received by the County and are used for solid waste management purposes, including recycling. This tax will not be used to supply matching funds.

Key government buildings in Dare County include The Justice Center, The Administration Building, and The Dare Center. The Dare County Recycling Department provides recycling of cans, bottles and paper to these three buildings. The Recycling Department collects these materials twice a week and brings them to the Recycle Yard to go to market.

Dare County is working with NLR, Inc., a mail-back recycling program, to dispose of fluorescent lights and mercury thermostats from all of our public buildings.

Project Description:

Items to be purchased: (2) 12' x 50' concrete pads to be constructed (labor and material), and compactor installation and electrical hook up for (2) compactor systems.

Dare County operates both staffed and unstaffed drop off locations where residents and visitors can recycle. The staffed sites include Manteo Public Works, Buxton Transfer Station, and the Recycle Yard in Kitty Hawk. Kitty Hawk partners with Dare County to collect and take to market their recycle goods. The unstaffed sites include a trailer in Stumpy Point, a trailer in Manns Harbor, a trailer in Wanchese, dumpsters at the Hatteras Ferry, and an unstaffed recycle yard in Rodanthe.

Dare County is seeking to enhance an already existing recycle program by installing concrete pads and hookups at 2 staffed Recycle yards to accommodate co-mingled compactors for the collection of recyclables. Dare County is in the process of applying for the Convenience Center Commingled Recycling Collection Grant to support the purchase of the compactors and receiver roll-offs for the site in Kitty Hawk and the other in Manteo.

Both the Kitty Hawk site and the Manteo site will benefit from the concrete pads and hook ups when the compactors are installed. Once the compactors are installed both sites will begin to co-mingle plastic, paper, steel cans and aluminum cans while continuing to collect cardboard and glass separately. The Manteo site operates a glass crusher and the public and visitors can take the recycled glass for their flower beds and other home projects. Although Dare County collects source-separated materials such as cardboard and glass, this grant will enable the County to co-mingle the materials with ease through the use of compactors. Kitty Hawk will service 2700 households while the Manteo site will be excepting recyclables from the rest of the population in Dare County. The permanent population of Dare County is approximately 33,920 with tourism bringing in as many as 300,000 over the summer months. Last year, at least 1448 tons of recyclables were diverted from the landfill so hope to reach that again this year if not surpass it.

Project Timeline: Sept 29, 2017— work completed on concrete pads and electrical hook ups, compactors installed and recycling service using compactors initiated.

June 30, 2018 – Submit final report to DEACS

Project Budget:

Item	State Grant Award	Applicant Cash Match	Project Total
(2) 12'x50' concrete pads	\$4,583.33	\$916.67	\$5,500.00
Electrical supplies for (2) compactor hook ups	\$3,333.00	\$667.00	\$4,000.00
Total	\$7,916.33	\$1,583.67	\$9,500.00

Notice of Certain Reporting and Audit Requirements

A recipient or subrecipient shall comply with the all rules and reporting requirements established by statute or administrative rules found in 09 NCAC Subchapter 3M. For convenience, the requirements of 09 NCAC Subchapter 3M.0205 are set forth in this Attachment.

Reporting Thresholds.

There are three reporting thresholds established for recipients and subrecipients receiving State awards of financial assistance. The reporting thresholds are:

- (1) Less than \$25,000 – A recipient or subrecipient that receives, hold, uses, or expends State financial assistance in an amount less than twenty-five thousand dollars (\$25,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
- (2) \$25,000 up to \$500,000 -A recipient or subrecipient that receives, holds uses, or expends State financial assistance in an amount of at least twenty-five thousand (\$25,000) but less than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
 - (C) A description of activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
- (3) Greater than \$500,000 – A recipient or subrecipient that receives, holds, uses, or expends State financial assistance in the amount equal to or greater than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
 - (C) A description of activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
 - (D) A single or program-specific audit prepared and completed in accordance with Generally Accepted Government Auditing Standards, also known as the Yellow Book.

Other Provisions:

1. All reports shall be filed with the disbursing agency in the format and method specified by the agency no later than three (3) months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audits must be provided to the funding agency no later than nine (9) months after the end of the recipient's fiscal year.
2. Unless prohibited by law, the costs of audits made in accordance with the provisions of 09 NCAC 03M .0205 shall be allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in the Code of Federal Regulations, 2CFR Part 200. The cost of any audit not conducted in accordance with this Subchapter shall not be charged to State awards.
3. Notwithstanding the provisions of 09 NCAC 03M .0205, a recipient may satisfy the reporting requirements of Part (3)(D) of this Rule by submitting a copy of the report required under the federal law with respect to the same funds.
4. Agency-established reporting requirements to meet the standards set forth in this Subchapter shall be specified in each recipient's contract.

**CERTIFICATION OF ELIGIBILITY
Under the Iran Divestment Act**

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.** requires that each vendor, prior to contracting with the State certify, and the undersigned on behalf of the Vendor does hereby certify, to the following:

1. that the vendor is not identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
2. that the vendor shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
3. that the undersigned is authorized by the Vendor to make this Certification.

Vendor: _____

By: _____
Signature Date

Printed Name Title

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx> and will be updated every 180 days. For questions about the Department of State Treasurer's Iran Divestment Policy, please contact Meryl Murtagh at Meryl.Murtagh@nctreasurer.com or (919) 814-3852.

* Note: Enacted by Session Law 2015-118 as G.S. 143C-55 *et seq.*, but has been renumbered for codification at the direction of the Revisor of Statutes.



Tax Collector's Report

Description

June 2017 Discoveries over \$100
June 2017 Releases over \$100
June 2017 Refunds over \$100
June 2017 NCVTS Refunds over \$100

Board Action Requested

Approved

Item Presenter

Becky Huff, Tax Collector

Discovery Report for REAL ESTATE, PERSONAL PROPERTY and MOTOR VEHICLE

(Discoveries over \$100.00)

Month: JUNE

Date Range: 6/9/2017 - 6/30/2017

Submitted By:

Becky Huff

Taxpayer Name	Parcel	Bill Yr	Reason	Value Discovered	Tax Discovered
SARA DESPAIN JEWELRY	984558000	2016	Additional assets discovered during audit	13,427.00	109.04
MONRO MUFFLER BRAKE, INC #1067	976700003	2016	Additional assets discovered during audit	21,250.00	216.89
SHREVES, DOLORES	935238000	2016	Mobile Home not listed	<u>47,500.00</u>	<u>2,278.48</u>
TOTALS:				82,177.00	2,604.41

Release Report for REAL ESTATE, PERSONAL PROPERTY and MOTOR VEHICLE

(Releases over \$100.00)

MONTH: JUNE

DATE RANGE: 6/1/2017 - 6/30/2017

SUBMITTED BY: Becky Huff

Taxpayer Name	Parcel#	Bill Year	Reason	Released Value	Tax Released
GARRISON, JEFFREY H	962117000	2016	Boat sold in 2015	-147,344.00	-977.49
STJ ENTERPRISES LTD	012256001	2016	Tax Foreclosure / Dare County	0.00	-939.47
WALSTON, ASHLEY	017755000	2016	NAME CORRECTION	0.00	-427.74
STJ ENTERPRISES LTD	012256003	2016	Tax Foreclosure / Dare County	0.00	-895.94
STJ ENTERPRISES LTD	012256004	2016	Tax Foreclosure / Dare County	0.00	-895.94
STJ ENTERPRISES LTD	012256005	2016	Tax Foreclosure / Dare County	0.00	-895.94
STJ ENTERPRISES LTD	012256006	2016	Tax Foreclosure / Dare County	0.00	-417.12
STJ ENTERPRISES LTD	012256261	2016	Tax Foreclosure / Dare County	0.00	-766.00
				Total Tax Released:	-6,215.64

Refund Report for REAL ESTATE, PERSONAL PROPERTY and MOTOR VEHICLE

(Refunds over \$100.00)

MONTH: JUNE

Date Range: 6/1/2017 - 6/30/2017

Submitted By:

Becky Huff

Taxpayer Name	Parcel	Bill Yr	Reason	Refund Amount
OREGON INLET FISHING CENTER INC	009068000	2011	06-05-17 BOC release of tax	-1,186.98
OREGON INLET FISHING CENTER INC	009068000	2012	06-05-17 BOC release of tax	-1,179.60
OREGON INLET FISHING CENTER INC	009068000	2013	06-05-17 BOC release of tax	-1,296.06
OREGON INLET FISHING CENTER INC	009068000	2014	06-05-17 BOC release of tax	-1,296.06
OREGON INLET FISHING CENTER INC	009068000	2015	06-05-17 BOC release of tax	-1,296.06
MILLER, JAMES GORDON III	004197000	2016	Overpayment	-246.66
SJF AND ME INC	005997000	2016	Overpayment	-411.00
BELCHER, HARVEY T JR	009926000	2016	Overpayment	-320.00
WIMBISH, SARAH H	017428000	2016	Overpayment	-150.00
PERRY, JANELLE HAYWOOD	018372000	2016	Overpayment	-3,178.56
BACON, MARY FRIEDA REED	025446000	2016	Overpayment	-165.80
TWIDDY, THOMAS R	027823000	2016	Overpayment	-134.11
GREGORY, IVA	028507000	2016	Overpayment	-299.78
TWIDDY, THOMAS R	028784000	2016	Overpayment	-133.36
ODIN, DEXTER S TRUSTEE	015691000	2016	Overpayment	-719.76
PHILLIPS, WENDI K	024371002	2016	Overpayment	-1,283.62
DANIELS, KAREN M	024594000	2016	Overpayment	-100.00
SCARBOROUGH SQUARE ASSOCIATES	024811000	2016	Overpayment	-290.14
WRIGHT CO INC	029832000	2016	Overpayment	-195.06
KEENAN, JOSEPH GERARD	030789000	2016	Overpayment	-251.55
MOORE, TIMOTHY W	030833000	2016	Overpayment	-1,620.00
MAYER, GREGORY A	031018016	2016	Overpayment	-273.49
MULLIS, MARY TEMPLE	814234279	2016	Overpayment	-376.16
BOWEN, CARROL	936414000	2016	Overpayment	-110.17
ARGYLE BAKE SHOPPE	980150000	2016	Overpayment	-226.09
				<u>-16,740.07</u>



North Carolina Vehicle Tax System

NCVTS Pending Refund report

Report Date 7/10/2017 10:10:16 AM

Payee Name	Address 1	Address 3	Bill #	Refund Reason	Tax Jurisdiction	Change	Interest Change	Total Change
MCMANUS, JERRY EVERETT	9214 S OLD OREGON INLET R	NAGS HEAD, NC 27959	0035847775	Tag Surrender	C99	(\$86.16)	\$0.00	(\$86.16)
					T14	(\$59.51)	\$0.00	(\$59.51)
					Refund		\$145.67	
SULLIVAN, ANDREW PAUL	323 OAK RUN	KITTY HAWK, NC 27949	0034155065	Tag Surrender	C99	(\$71.78)	\$0.00	(\$71.78)
					T08	(\$50.08)	\$0.00	(\$50.08)
					T08BN	(\$6.68)	\$0.00	(\$6.68)
Refund		\$128.54						
WIESZEK, VICTOR JOHN	5606 S SEACHASE DR	NAGS HEAD, NC 27959	0023930074	Tag Surrender	C99	(\$169.24)	\$0.00	(\$169.24)
					T14	(\$116.89)	\$0.00	(\$116.89)
					Refund		\$286.13	
							Refund Total	\$560.34



Board Appointments

Description

The Dare County Board of Commissioners will consider the following Board Appointments:

1. East Lake Community Center Board
2. Game and Wildlife Commission
3. Wanchese Community Center Board

Complete information about each appointment appears after this page. Upcoming Board Appointments for the next three months are highlighted at the end.

Board Action Requested

Make Board Appointments & Announce Upcoming Appointments

Item Presenter

Robert Outten, County Manager



Board Appointment - East Lake Community Center Board

Description

See Attached Summary

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager

July, 2017

BOARD APPOINTMENT
EAST LAKE COMMUNITY CENTER BOARD
(Three Year Term)

The East Lake Community Center Board manages the use of the Community Building and holds fundraisers to maintain the building.

The following term expires this month:

Ted Hemilright
(Current term 7/14– 7/17)
(Originally Apptd. 3/12)

Mr. Hemilright would like to be reappointed.

Other Members:
See attached list

EAST LAKE COMMUNITY CENTER BOARD
(Staggered/Three Year Term)

Manages the community building and holds fundraisers to maintain
the building for reunions, parties, etc. that are held there.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Ted Hemilright 19635 Dell-Lee Rd. East Lake, NC 27953 473-3192	7-17	Apptd. 3-12 Reapptd. 7-14
Rosemarie Doshier 19880 Hwy 64 East Lake, NC 27953 473-3996	7-18	Apptd. 10-08 Reapptd.7-09,12,15
Crystal Basnight 14540 Hwy 64 East Lake, NC 27953 473-5025	7-19	Apptd. 10-08 Reapptd.7-10,13,16
Joseph Sexton 19544 Laurel Bay Ct. East Lake, NC 27953 473-2213	7-19	Apptd. 3-12 Reapptd.7-13,16
Shelly Perrot 19545 Laurel Bay Court East Lake, NC 27953 423-0276	7-19	Apptd. 10-10 Reapptd. 7-12,13,16

Notes:

MEETING INFO: As needed

CONTACT INFO: Rosemarie Doshier, Chairman

MEMBERS COMPENSATED: No

Asher Vandenburg replaced Ted Hemilright 7/97.
Earl Glenn Twiddy appointed to fill unexpired term of Steve Tyler 12/98.
Danny Rowe appointed to fill unexpired term of Asher Vandenburg 1/99.
John Sethman appointed to fill unexpired term of Earl G. Twiddy 11/99.
Willis Creef appointed to fill unexpired term of Danny Rowe 11/99.
Deanna Etheridge replaced Willis Creef 7/00.
Richard G. Perrot appointed to fill unexpired term of Deanna Etheridge 5/01.
Craig Burgess replaced Earl Twiddy 7/04.
Nancy Cahoon apptd. for 3 yr term 10/08.
Rosemarie Doshier filled unexpired term of John Sethman 10/08.
Crystal Basnight filled unexpired term of Violet Cahoon 10/08.
Brian Horne appointed to fill unexpired term of Craig Burgess 10/10 (term will expire 2013)
Shelly Perrot appointed to fill seat left vacant (last held by Ricky Perrot) 10/10
Ted Hemilright appointed to fill unexpired term of Nancy Cahoon 3/12

Joseph Sexton appointed to fill unexpired term of Brian Horne 3/12

REVISED 7/16



Board Appointment - Game and Wildlife Commission

Description

See Attached Summary

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager

July, 2017

GAME AND WILDLIFE COMMISSION
(Three Year Term)

The Game and Wildlife Commission issues and renews duck blind licenses in all Dare County waters. Renewals and new licenses are received on a yearly basis from August through December of each year.

The following have terms to expire this month:

Bryan Perry

(Current Term 7/14– 7/17)
(Originally Apptd. 8/94)
(District 4)

Buddy Shelton

(Current Term 7/14 – 7/17)
(Originally Apptd. 7/08)
(District 1)

Sonny Briggs

(Current Term 7/14 – 7/17)
(Originally Apptd. 8/90)
(District 2)

George Henderson

(Current Term 7/14-7/17)
(Originally Apptd. 8/77)

Bryan Perry does not want to be reappointed.

Applications have been received from:

John DeBoy – District 2
Missy McPherson – District 1
Bryan Orosen – District 2
Robert Owens – District 2
Kenneth Pekrun, Jr. – District 2
Kyle Perry – District 4
Cameron Whitaker – District 4

Other Members: See attached list

DARE COUNTY GAME AND WILDLIFE COMMISSION

(Staggered/Three Year Terms)

Issues and renews blind licenses in all Dare County waters. Renewals and new licenses are received on a yearly basis from August through December of each year.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Bryan Perry, Ch. P.O. Box 25 Frisco, NC 27936 995-5084 District 4	7-17	Apptd. 8/94 Reapptd. 8/97, 8/00, 7/02,7/05,08, 11,14
Buddy Shelton, V. Ch. 291 Bayview Dr. Stumpy Point, NC 27978 473-5572 District 1	7-17	Apptd. 7/08 Reapptd. 7/11,14
Timmy Midgett P.O. Box 250 Manns Harbor, NC 27953 District 1	7-19	Apptd. 8/16
Mike Johnson P.O. Box 9 Wanchese, NC 27981 441-6958(H) 473-8262(W) District 3	7-19	Apptd. 11/05 Reapptd. 7/07,10,13,16
Edward "Bow" Meekins P.O. Box 532 Wanchese, NC 27981 423-1403 (H) 473-1803 W) District 1	7/19	Apptd. 7/13 Reapptd. 7/16
Sonny Briggs P.O. Box 333 Manteo, NC 27954 473-2393 District 2	7-17	Apptd. 8/90 Reapptd. 7/92, 7/94, 8/97, 8/00 7/02, 7/05,08,11,14
George Henderson PO Box 606 Manteo, NC 27954 473-2791 District 2	7-17	Apptd. 8/77 Reapptd. 8/90, 7/92, 7/94, 8/97, 8/00, 7/02,7/05,08,11, 14
Dr. Andrew F. Horne 6405 N. Croatan Hwy. Kitty Hawk, NC 27949 261-2250(O), 261-2725(H)	7-18	Apptd. 10/97 Reapptd. 8/00, 7/03,06,09,12,15

District 3
Phil Haywood 7-18 Reapptd. 8/90,
2473 Colington Rd. 7/92, 7/94, 8/97,
Kill Devil Hills, NC 27948 8/00, 7/03,06,09,12,15
441-5705
District 3

Harvey Scarborough, Jr. 7-18 Apptd. 7/11
P.O. Box 571 Reapptd.; 7/12,15
Avon, NC 27915
District 4

Phil Sawyer 7-18 Apptd. 9/11
P.O. Box 310 Reapptd. 7/12,15
Manns Harbor, NC 27953
473-2902
District 1

NOTES:

MEETING INFO: Once a month, August – December, 7 p.m., Rm. 168, Dare County Adm. Building, Meetings for 2016 – Aug. 17, 9/14, 10/12, 11/9, 12/7

CONTACT INFO: Bryan Perry, Chairman
Melva Garrison, Game and Wildlife Clerk

MEMBERS COMPENSATED: \$25 per meeting
\$50 per meeting – Chairman

Bill Walker replaced Randy O’Neal 8/86.
Phil Haywood replaced Robert D. Parker 1986.
Sonny Briggs replaced Ken Mann 8/90.
David Pruitt replaced Gary Dowdy 8/93.
Leland Midgett replaced Allen Burrus 7/94.
Barry Martin replaced John Booth, Jr. 7/94.
Bryan Perry replaced Leland Midgett 8/94.
6/24/96 – General Statute requires term to be for three years. Changed terms at direction of County Attorney.
William H. Wilson replaced Barry Martin 8/97.
Allan Newcomb replaced Ray Scarborough 8/97.
Dr. Andrew F. Horne replaced Allan Newcomb 10/97.
Timmy Midgett appointed to fill unexpired term of Harry Mann 12/98.
Mike Johnson apptd. to fill unexpired term of David Pruitt 11/05.
Buddy Shelton replaced Earl Ray Mann 7/08.
Harvey Scarborough, Jr. appointed to fill unexpired term of William Wilson, 7/11.
Phil Sawyer appointed to fill unexpired term of Manson Meekins 9/11.
Edward “Bow” Meekins replaced Bill Walker 7/13.
Eddie Twyne replaced Timmy Midgett 7/16.
Timmy Midgett apptd. to fill unexpired term of Eddie Twyne 8/16. Mr. Twyne is unable to serve at this time due to work schedule conflict.

In order to create staggered terms inacted by the General Assembly Attorney Al Cole recommended the following: Reappoint Timmy Midgett, David Pruitt, Bill Walker for 1 yr. Reappoint Bryan Perry, Earl Ray Mann, Sonny Briggs, George Henderson for 2 yrs. Reappoint Andrew Horne, Phil Haywood, William Wilson, Manson Meekins for 3 yrs. This action was done at the 8/7/00 DCBC mtg. REVISED 8/16

APPLICATION FOR APPOINTMENT TO
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Rhonda Creef, Dare County Deputy Clerk to the Board, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-6312, or send it by email to rhonda@darenc.com

Advisory Board or Committee interested in:

1st choice Game and wildlife commission - District 2

2nd choice Planning Board

3rd choice _____

Name John DeBoy

Address 303 Eagle Dr.

City/State/Zip KDH NC 27498

Email Address deboy@charter.net

Telephone Home: 252-207-8912

Business: 252-480-9921

Resident of Dare County: yes no

Occupation: Custom Home Builder

Business Address: 303 Eagle Drive, KDH NC 27948

Educational background:

High School Graduate

Business and civic experience and skills:

OBX Home Builders Association President 2012 & 2013

Beach Food Pantry BoD 2013-2014

Other Boards/Committees/Commissions on which you presently serve:
 Dare County Flood Insurance CRS committee member


OBX Home Builders Assoc. BoD 2010-current

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
William Daughtry			757-630-1134
David Craig			252-489-8729
Sam Barker			252-207-6796

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.

Date: 5-22-15 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: _____

APPLICATION FOR APPOINTMENT TO
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Rhonda Creef, Dare County Deputy Clerk to the Board, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-6312, or send it by email to rhonda@darenc.com

Advisory Board or Committee interested in:

1st choice Game and Wildlife Commission - District 1
2nd choice Parks and Recreation Advisory Council - App'd. 7/16
3rd choice Dare Center Advisory Council

Name Missy T. McPherson

Address 119 Margaret Ct

City/State/Zip Manteo, NC 27954

Email Address missysecu@hotmail.com

Telephone Home: 252-473-6831 & Cell 252-216-6831

Business: 252-473-1292

Resident of Dare County: yes no

Occupation: Sr. Financial Service Officer I

Business Address: SECU- 938 US Hwy 64, Manteo, NC 27954

Educational background:

Manteo High School Graduate and a BS in Business Management
and Organizational Development Mount Olive University

Business and civic experience and skills:

mortgage loan originator, tax prep, lending supervisor, insurance agent;

President Dare Co. Shrinettes, President Manteo High Football Moms, President Manteo High School Athletic Booster Club

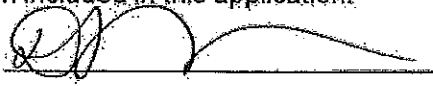
Other Boards/Committees/Commissions on which you presently serve:

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
Dean Tolson	Dare County Clerk of Court	117 Sherwood Dr Manteo, NC	252-216-7114
Jim Lewis	Pastor Ark Church	122 Baum Bay Dr KDH, NC	252-573-9349
Chris Lee	Marine Patrol Officer	106 Club View Ct KDH, NC	252-305-0749

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.

Date: 10/21/10 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: _____

APPLICATION FOR APPOINTMENT TO
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Rhonda Creef, Dare County Deputy Clerk to the Board, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-6312, or send it by email to rhonda@darenc.com

Advisory Board or Committee interested in:

1st choice Game & Wildlife Commission - District 2

2nd choice _____

3rd choice _____

Name BRYAN OROSON

Address 203 EAGLE DR

City/State/Zip KDH NC 27948

Email Address BOROSON@CHARTER.NET

Telephone Home: 441-3771

Business: 252-1560 - Use this

Resident of Dare County: yes no

Occupation: ELECTRICAL CONTRACTOR - BUSINESS OWNER

Business Address: 203 Eagle Dr KDH NC 27948

Educational background:
US Navy Nuclear Power School

4+ yrs college - physics - no degree

Business and civic experience and skills:
Dare Co Republican Party - TREASURER
Owner of Various Restaurants

Other Boards/Committees/Commissions on which you presently serve:

Director - Brotherhood of St. Andrews
Fleet Captain - Colington Yacht Club - Former Commodore

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
Shawn Murphy	Ass Town Mgr - KOH		(252) 256-1570 ²⁸²³
Rick Strub	CPA		
Bronny Douglas	Real Estate		

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.

Date: 5-21-15 Signature of applicant: [Signature]

FOR OFFICE USE ONLY:

Date received: _____

APPLICATION FOR APPOINTMENT TO
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Janice Williams, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-1817, or send it by email to janicew@darenc.com

Advisory Board or Committee interested in:

1st choice Game and Wildlife Commission

2nd choice _____

3rd choice _____

Name Robert Owens

Address 711 Carolina Ct.

City/State/Zip Manteo, NC 27954

Email Address Homdevelopment@yahoo.com

Telephone Home: N/A

Business: 2522023425

Resident of Dare County: y yes _____ no

Occupation: Equipment Operator (Coastal Sand & Grading)

Business Address: 301 W Fresh Pond Dr. Kill Devil Hills, NC

Educational background:

High School

Business and civic experience and skills:

Other Boards/Committees/Commissions on which you presently serve:


N/A

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
Melva Garrison		475 - 0593	
Mike Johnson		473 - 8262	
Harvey Scarborough		996 - 0050	

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.

Date: 7/6/17 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: 7-11-17

APPLICATION FOR APPOINTMENT TO DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Rhonda Creef, Dare County Deputy Clerk to the Board, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-6312, or send it by email to rhonda@darenc.com

Advisory Board or Committee interested in:

Game and Wildlife commission

1st choice _____

2nd choice _____

3rd choice _____

Name Kenneth William Pekrun Jr.

Address 102 Walter Ct

City/State/Zip Manteo NC 27954

Email Address kenny@atlanticelevators.com

Telephone Home: 473-2343

Business: 305-4465

Resident of Dare County: yes no

Occupation: Business owner

Business Address: 301 West Fresh Pond Dr. Kill Devil Hills

Educational background: High School

Business and civic experience and skills:

Charter boat industry 24 years. NC Marine Fisheries 9 years.

Currently own and operate Atlantic Elevators. 33 years Roanoke Isl. VFD.

Dare County chamber of Commerce board - 3 years

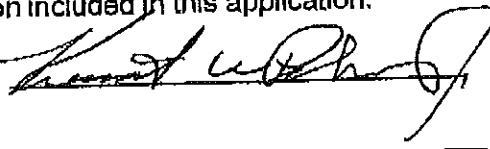
Other Boards/Committees/Commissions on which you presently serve:
None at this time

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
Mike Johnson	Cross Trail Outfitters	KDH	473-8262
Bruce Austin	Retired	Manteo	252-423-0605
Jeff Malarney	Twiddy & Co.	Wanchese	252-202-4040

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.

Date: 8/9/2016 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: 8/9/16

Kyle Perry

50304 Snug Harbor Dr

Frisco NC 27936

252-996-0186

To: Dare County Board of Commissioners

Dare County Game Commission

Hi my name is Kyle Perry. I have lived on Hatteras Island my entire life. In that time I have hunted the sound and woods of the Island. I am a fair, honest person and can look past any personal issues to make a decision based on the rules set forth by the Game Commission. I have grown up working in the family business (Frisco Rod and Gun) with my parents, Bryan and Susie Perry and sister, Natalie Kavanagh. At this time I am in charge of all aspects of our business. I strive to make all decisions based on the fairness to my customers at the store as well as the people I represent. I do hope you consider me for the vacant position on the board of the Dare County Game Commission.

Thank You

Kyle Perry

A handwritten signature in black ink, appearing to read 'K. Perry', written over the printed name 'Kyle Perry'.

APPLICATION FOR APPOINTMENT TO
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Janice Williams, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-1817, or send it by email to janicew@darenc.com

Advisory Board or Committee interested in:

1st choice Dare County Game Commission

2nd choice _____

3rd choice _____

Name Kyle L Perry

Address 50304 Snug Harbor Dr

City/State/Zip Frisco NC 27936-0055

Email Address kyle@friscorodandgun.com

Telephone Home: 252-996-0186

Business: 252-995-5366

Resident of Dare County: yes no

Occupation: Frisco Shopping Center Manager

Business Address: 53610 NC Hwy 12 Frisco NC 27936

Educational background:

Associates Degree in Business

Cape Fear Community College

Business and civic experience and skills:

I have worked in the Hunting and Fishing industry my entire life.

I manage Frisco Shopping Center/ Frisco Rod ad Gun

Other Boards/Committees/Commissions on which you presently serve:

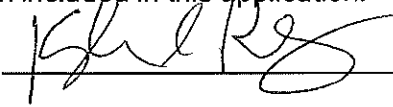
I am the President of Brigands Bay HOA in Frisco NC

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
Buddy Hooper	Charter Captian	Buxton NC	252-475-0972
Steve Coulter	Charter Captain	Frisco NC	252-996-0276
Sunny Briggs	Boat Builder	Wanchese nc	252-473-2393

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.

Date: 06/28/2017 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: 6-30-17

APPLICATION FOR APPOINTMENT TO
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

The Dare County Board of Commissioners believes all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member on one of the county's advisory boards or committees. If you would like to be considered for appointment to an advisory board or committee, please complete the form below and mail to Rhonda Creef, Dare County Deputy Clerk to the Board, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-6312, or send it by email to rhonda@darenc.com

Advisory Board or Committee interested in:

1st choice Dare County Blind & Game Commission

2nd choice _____

3rd choice _____

Name Cameron Whitaker

Address Po Box 513

City/State/Zip Hatteras, NC 27943

Email Address TraditionFishingCharters@gmail.com

Telephone Home: _____

Business: 252-305-7755

Resident of Dare County: yes no

Occupation: Self-Employed, Tradition Fishing

Business Address: Po Box 513

Educational background:

ECU BSBA: Concentration Management

Obtaining MBA

Business and civic experience and skills:

owner/operator 2 years, previous work at Custom Sand Charters

Hatteras Volunteer Fire Department, Lieutenant, member 7 yrs

Other Boards/Committees/Commissions on which you presently serve:

Hatteras Village Cobia Tournament, HVRD Fire Officers

REFERENCES

List three persons who are not related to you and who have definite knowledge of your qualifications for the position for which you are applying.

Name	Business/Occupation	Address	Telephone
Jack Scarborough	DC Sheriff Office, Lieutenant	Hatteras office	252-475-0597
Ken Dempsey	Ken Dempsey Cante Service	Hatteras, NC	252-216-5581
Dan Oden	ODENS Dock	Hatteras, NC	252-305-2555

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.

Date: 1/25/17 Signature of applicant: Carson W. Behm

FOR OFFICE USE ONLY:

Date received: 3/20/17



Board Appointment - Wanchese Community Center

Description

See Attached Summary

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager

July, 2017

WANCHESE COMMUNITY CENTER BOARD

(Two Year Term)

**The Wanchese Community Center Board manages and is responsible
for the upkeep of the community building.**

The following terms expire this month:

**Rosie Davenport
(Current Term 7/15-7/17)
(Originally Apptd. 8/93)**

**Bill Wilson
(Current Term 4/17-7/17)
(Originally Apptd. 4/17)**

**Sally DeFossee
(Current Term 7/15-7/17)
(Originally Apptd. 2/09)**

**Becky Beacham
(Current Term 7/15-7/17)
(Originally Apptd. 7/13)**

**Ulysses S. "Lish" Meekins
(Current Term 7/15-7/17)
(Originally Apptd. 1/13)**

All would like to be reappointed.

No applications have been received.

Other Members:
See attached list

WANCHESE COMMUNITY CENTER BOARD
(Two Year Term)

The Wanchese Community Center Board manages and is responsible for upgrading the community building. The community of Wanchese has the opportunity to have reunions, parties, etc. at the community center.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Joyce T. Meekins Old Schoolhouse Rd. Wanchese, NC 27981 252-473-3087	7-18	Apptd. 2-02 Reapptd. 7-02,04,06, 08,10,12,14,16
Rosie Davenport 338 The Lane Wanchese, NC 27981 252-473-5557	7-17	Apptd. 8-93 Reapptd. 7-95,97,99, 01,03,05,07,09,11, 13,15
Bill Wilson 291 ER Daniels Road Wanchese, NC 27981 252-216-6650	7-17	Apptd. 4-17
Sally DeFosse 165 E.R. Daniels Rd. Wanchese, NC 27981 252-473-3792	7-17	Apptd. 2-09 Reapptd. 7-09,11,13, 15
Robert L. Walton P.O. Box 733 Wanchese, NC 27981 252-475-1195	7-18	Apptd. 7-05 Reapptd. 7-06, 08,10, 12
Becky Beacham P.O. Box 177 Wanchese, NC 27981 252-473-5313	7-17	Apptd. 7-13 Reapptd. 7-15
Ulysses S. "Lish" Meekins, Ch. P.O. Box 392 Wanchese, NC 27981 252-305-2002	7-17	Apptd. 1-13 Reapptd. 7-13,15

NOTES:

MEETING INFO: Quarterly, 1st Tuesday of January, April, July, October, 7:00 p.m., Wanchese Community Center

CONTACT INFO: Lish Meekins, Chairman

MEMBERS COMPENSATED: No

8/93 – Rosie Davenport replaced Ruth Whiton

8/94 – George Schwartz replaced Harry Horton

7/01 – Will Fields replaced Randy O'Neal

2/02 – Joyce Meekins filled unexpired term of Linda Byrd Daniels

7/03 – Patricia Austin replaced Ken Doughty

10/03 – John B. Beasley filled unexpired term of Will Fields

7/05 – Jimmie Williams filled unexpired term of George Schwartz

7/05 – Robert Walton filled unexpired term of Nora Scarborough

2/09 - Sally DeFosse filled unexpired term of Patricia Austin

7/13 – Becky Beacham replaced Jimmie Williams

12/14 – Robin Holt filled unexpired term of Thomas Baum

4/17 – Bill Wilson filled unexpired term of Robin Holt



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 that have terms expiring during the next 3 months. The list highlights when the item will be presented to the Board of Commissioners along with any special requirements that may pertain to the appointment.

Information about how to obtain and submit applications follows the list –

Upcoming Board Appointments

August 7, 2017

1. ABC Board
 - Sets policy in conformity with ABC laws and rules.
 - 1 term expires.
2. Dare County Center Advisory Board
 - Provides citizen input on operation and programs of the Dare County Center.
 - 4 terms expire
3. Jury Commission
 - Certifies jury lists on an as needed basis.
 - 1 term expires

September 5, 2017

1. Health and Human Services Board
 - Serves as the policy-making, rule-making, and administrative board of the consolidated human services agency.
 - 6 terms expire

October 2, 2017

None

-----Instructions for Obtaining and Submitting Applications-----

An application must be submitted in order for your name to be considered for a Board or Committee appointment. The form is available on the Dare County website, or by calling Janice Williams at 475-5800.

A.B.C. BOARD
 (Three Year Term)

This Board consists of a Chairman and 4 members appointed by county governing authority.
 They retain authority to set policy and adopt rules in conformity with ABC laws and Commission rules.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Ray White, CH P.O. Box 922 Manteo, NC 27954 441-4464	8-19	Reaptd. 8-89 through 8-07 Apptd. 5-08 Reaptd.8-10,13, 16
Bobby Owens P.O. Box 505 Manteo, NC 27954 252-256-0668	8-18	Apptd. 6-11 Reaptd.8-12,15
Fields Scarborough, Sr. P.O. Box 1691 Manteo, NC 27954 473-5833	8-17	Apptd. 8-14
Joe Tauber 205 Eagle Dr. Kill Devil Hills, NC 27948 410-491-9735	8-18	Apptd. 9-15
James Clark 1508 Small Ct. Kill Devil Hills, NC 27948 252-715-0602 (H) 252-207-2912 (O)	8-18	Apptd. 9-15

NOTES:

MEETING INFO: 3rd Tuesday each month, 9:00 a.m., ABC Store in Manteo

CONTACT INFO: Ray White, Chairman
 Ted Toler, ABC Supervisor

MEMBERS COMPENSATED: No

Rondall Tillett replaced David Mizelle 8/94.
 Aubrey Heath appointed to fill unexpired term of Leon Daniels 8/94.
 Carl Hayes replaced Aubrey Heath 8/98.

Guy Midgett replaced Ray White 8/07.

Ray White appointed to fill unexpired term of Guy Midgett 5/08.

Bobby Owens appointed to fill unexpired term of Rondal Tillett 6/11.

Fields Scarborough, Sr. replaced Carl Hayes 8/14.

****At their meeting on 8/3/15, the Dare County Bd. Of Commissioners voted to increase the size of the ABC Board from 3 to 5 members.**

Joe Tauber was appointed 9/8/15.

James Clark was appointed 9/8/15.

REVISED 8/16

DARE COUNTY CENTER ADVISORY BOARD
(Three Year Term)

This Board advises and promotes goals and policies to enhance
Dare County Center operations and community outreach.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Rob Ross 105 East Sand Fiddler Court Nags Head, NC 27959 Rob.ross@darenc.com 2166869		Apptd. 6/17
Bea Basnight 177 Scuppernong Lane Manteo, NC 27954 473-3856 (H) 475-0105 (Cell)	8/17	Apptd. 7/09 Reapptd. 8/14
Flossie Tugwell P.O. Box 896 Nags Head, NC 27959 473-5993	8/18	Apptd. 8/10 Reapptd. 8/12, 15
Mary Pendill 129 Dogwood Circle Manteo, NC 27954 473-3589	8/18	Apptd. 8/14 Reapptd. 8/15
John D. Sibunka 132 Gareth Circle Manteo, NC 27954 473-3300	8/17	Apptd. 8/10 Reapptd. 8/14
Lynda Hester, CH. P.O. Box 457 Manteo, NC 27954	8/19	Apptd. 8/10 Reapptd. 8/13, 16
Mitchell Bateman P.O. Box 100 Wanchese, NC 27981 473-3350	8/17	Apptd. 8/14

Rodney Benson 309 Agona St. Manteo, NC 27954 336-906-0593	8/19	Apptd. 3/15 Reapptd. 8/16
Samantha Brown 2621 S. Bridge Lane Nags Head, NC 27959 207-2933(H) 305-1414 (O)	8/17	Apptd. 12/16
Jean Councill 176 Wax Myrtle Trail Kitty Hawk, NC 27949 573-9174 (H) jeanfarrcouncill@gmail.com	8/19	Apptd. 8/16
Daniel Otte' 185 The Dogwoods Manteo, NC 27954 473-1883(H), 473-8883 (Cell)	8/19	Apptd. 8/16
Tiffany Wescott P.O. Box 2148 Manteo, NC 27954 216-6341	8/18	Apptd. 8/15
Anastacia Davis P.O. Box 1097 Manteo, NC 27954 473-5687	8/18	Apptd. 8/15

NOTES:

MEETING INFO: 2nd Tuesday -monthly, (except June, July, Aug.) 9 a.m., Dare Center Meeting Room

CONTACT INFO: Lynda Hester, Chairman
Sandy Scarborough, Director of Dare Center

MEMBERS COMPENSATED: No

Flossie Tugwell filled unexpired term of Betty Blanchard 8/10.

John Sibunka filled unexpired term of Doris Young 8/10.
Lynda Hester was appointed as an additional member 8/10.
John Robbins filled unexpired term of Jimmie Williams 6/12.
Suzy Barrett filled unexpired term of Catherine McCabe 2/13.
Ann Groves replaced James Harris 9/13.
Brooke McCord appointed to fill unexpired term of Malcolm Fearing 9/13.
Mitchell Bateman replaced Isabel Cooper 8/14.
Mary Pendill filled unexpired term of Betty Mann 8/14.
Margarette Umphlett replaced Virginia Tillett 12/14.
Tiffany Wescott replaced Suzy Barrett 8/15.
Anastacia Davis replaced Fred Brumbach 8/15.
Jean Council replaced James Brown 8/16.
Daniel Otte' replaced John Robbins 8/16.
Samantha Brown filled unexpired term of Brook McCord 12/16.
Robb Ross replaced Margarette Umphlett 6/17

REVISED 6/17

JURY COMMISSION

(Two Year Term)

The Jury Commission consists of three members to certify jurors. One member is appointed by the Senior Regular Resident Superior Court Judge, one by the Clerk of Superior Court, and one by the Board of Commissioners.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Tammy Jennings (Clerk Appointee) Manteo, NC 27954		
Scheryl Gray (Judge Appointee) 123 W. Oak Knoll Dr. Nags Head, NC 27959		
Alma Clark (Commissioner Appointee) 157 Etheridge Rd. Manteo, NC 27954 473-2320	8-17	Apptd. 11/11 Reapptd. 8/13, 15

NOTES:

Meeting Date – Every two years to certify jurors

Joyce Sledge replaced Gwen White.
Janice Midgett replaced Ken Doughty.
Stella Hollingsworth replaced Joyce Sledge 8/95.
Kim Grimes replaced Janice Midgett 8/95.
Mona Meekins replaced Katherine Aguirre 8/95.
Sandra Robinson replaced Stella Hollingsworth 8/97.
Tammy Jennings replaced Kim Doughtie.
Alma Clark filled unexpired term of Sandra Robinson 11/11.

REVISED 8/15

HEALTH AND HUMAN SERVICES BOARD
 (Staggered/Four Year Term)

The Health and Human Services Board serves as the policy-making, rule-making,
 and administrative board of the consolidated human services agency.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Kevin Phillips 186 Scuppernong Rd. Manteo, NC 27954 216-5751 (H) 473-5801 (O) (Pharmacist Position)	9/18	Apptd. 9/14
L'Tanya Murray 118 Raleigh Wood Dr. Manteo, NC 27954 423-1104 (H) 489-3629 (O) (At Large)	9/17	Apptd. 6/15
Nicholas Kiousis P.O. Box 35 Point Harbor, NC 27964 441-7064(O) 202-1354(H) (At Large)	9/18	Apptd. 9/13 Reapptd.9/14
Dr. Mark Grossman 512 Pirates Way Manteo, NC 27954 423-0975 (Veterinarian Position)	9/20	Apptd. 3/16 Reapptd. 9/16
David Ryan 267 Mother Vineyard Road Manteo, NC 27954 475-1029 (Engineer Position)	9/17	Apptd. 9/13
Dr. Janet Riddick 259 Outrigger Dr. Kill Devil Hills, NC 27948 441-3163(O) 441-0309(H) (Optometrist Position)	9/19	Apptd. 9/13 Reapptd. 9/15
Wally Overman 549 Skyco Rd. Manteo, NC 27954 473-3433 (H) 216-6042 (O) (At Large)	9/20	Apptd. 3/17

Dr. James Woodson 104 Alder Branch Rd. Manteo, NC 27954 305-4450 (H) 441-1319 (O) (Dentist Position)	9-19	Apptd. 11/15
Alexis Hodges P.O. Box 29 Hatteras, NC 27943 986-2230 (H) 995-3900 (O) (Nurse Position)	9/20	Apptd. 9/13 Reapptd. 9/16
Tanya Barkley-Graham 550 Parkwood Dr. Kill Devil Hills, NC 27948 256-3023 (H) 489-1464 (O) (Social Worker Position)	9/17	Apptd. 1/14
Christian Lige 6066 Martin's Point Rd. Kitty Hawk, NC 27949 261-3849 (H) (Physician Position)	9/17	Apptd. 9/13
Mary E. Gray P.O. Box 1103 Buxton, NC 27920 995-5745 (At Large)	9/18	Apptd. 11/13 Reapptd. 9/14
Tim Shearin 136 Cannon Trail Manteo, NC 27954 473-1730 (H) 475-9251 (O) (At Large)	9/19	Apptd. 11/13 Reapptd. 9/15
Frank Hester P.O. Box 1068 Manteo, NC 27954 475-1964 (At Large)	9/20	Apptd. 11/13 Reapptd. 9/16
Kaye White 423 W. Villa Dunes Dr. Nags Head, NC 27959 441-7062 (H) (At Large)	9/17	Apptd. 11/13

Bob Woodard

9/17

Apptd. 11/13

305 Bay Dr.
Kill Devil Hills, NC 27948
480-6654 (H)
(Commissioner Rep.)

NOTES:

Formed 9/13

MEETING INFO: – 3rd Tuesday of Feb., April, June, Sept., and Nov.; 6:30 p.m. DSS Bldg.

CONTACT INFO: Tim Shearin, Chair
Jay Burrus, Director

MEMBERS COMPENSATED: \$100 per meeting

9/14 - Kevin Phillips replaced Steve Evans
1/15 - Beverly Boswell appointed to fill unexpired term of Allen Burrus
6/15 - L'Tanya Murray filled unexpired term of Brant Murray
11/15 - Dr. James Woodson replaced Dr. J. Trahey Maner
3/16 - Dr. Mark Grossman filled unexpired term of Dr. Steven Samson
3/17 – Wally Overman appointed to fill unexpired term of Beverly Boswell

REVISED 3/17

COMMISSIONERS' BUSINESS

MANAGER'S / ATTORNEY'S BUSINESS