



**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, December 16, 2019**

**“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** Public Comments
- ITEM 3** Public Hearing on Proposed Text Amendment to Highway 345 Business Zoning District
- ITEM 4** Update on Proposal for Development of Dredge Material Management Plan
- ITEM 5** Central DC Channel Maintenance and Dredge Material Management Permitting Project
- ITEM 6** Southern DC Channel Maintenance and Dredge Material Management Permitting Project
- ITEM 7** Request for Late Application for 2019 Property Tax Exemption or Exclusion
- ITEM 8** Release for Settlement of State Attorney Generals Lawsuit Versus UBS AG
- ITEM 9** Construction Manager At Risk Contract for College of the Albemarle Project
- ITEM 10** UNC Chapel Hill School of Gov. Essential Housing Needs Pre-Development & Opportunity Site Identification
- ITEM 11** Consent Agenda
1. Approval of Minutes
  2. Dare County DHHS Public Health Division-Community Linkages to Care (CLC) for Overdose Prevention and Response Grant
  3. Tax Collector's Report
  4. North Carolina Governor's Highway Safety Program Local Governmental Resolution
  5. Retirement of Deputy Sheriff K-9 Diablo
- ITEM 12** Board Appointments
1. Dare County Transportation Advisory Board
  2. Dare County Joint Community Advisory Committee
- ITEM 13** Commissioners' Business & Manager's/Attorney's Business

ADJOURN UNTIL 9:00 A.M. ON JANUARY 6, 2020



*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



*Public Comments*

**Description**

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

Comments can be made at the Commissioners Meeting Room in Manteo or through an interactive video link at the Fessenden Center Annex in Buxton.

Commissioners Meeting Room - Administration Building, 954 Marshall Collins Drive, Manteo  
Video Link - Fessenden Center Annex, 47017 Buxton Back Road, Buxton

**Board Action Requested**

Hear Public Comments

**Item Presenter**

Robert Outten, County Manager



*Public Hearing on Proposed Text Amendment to Highway 345 Business Zoning District*

**Description**

Earlier this month the Board scheduled a public hearing on a proposed text amendment submitted by Dare Pits LLC to amend the Highway 345 Business Zoning District. Dare Pits LLC is seeking the addition of commercial storage yards as a permitted use in the HWY 345 zoning district. A Staff memo with draft motion, supporting documents and finding of consistency are attached.

**Board Action Requested**

Conduct public hearing and approval of text amendment to the HWY 345 Business Zoning District as recommended by the Planning Board.

**Item Presenter**

Noah H Gillam, Assistant Planning Director



## PLANNING DEPARTEMNT STAFF REPORT

DATE: December 16, 2019 DCBC MEETING  
FROM: Noah Gillam, Assistant Planning Director  
RE: PUBLIC HEARING – Dare Pits LLC --Text Amendment to Highway 345 Business District (HWY 345)

Earlier this month the Board scheduled a Public Hearing on a zoning text amendment to the Highway 345 Business district submitted by Dare Pits LLC. The HWY 345 district applies to the southern portion of Roanoke Island. Dare Pits LLC is seeking the addition of Commercial Storage Yards to the list of uses offered in the areas zoned HWY 345. The Dare County Zoning Ordinance defines commercial storage yards as follows: An open site that provides space for a fee for the storage of boats and boat trailers; recreational vehicles, travel trailers, and campers; automobiles; utility trailers; contractors' towable storage trailers, and similar types of vehicles and equipment. This does not include the dry-stack storage of boats. The current permitted uses in the HWY 345 already allow for uses that are more intensive, including boat yards, boat and motor displays, and travel trailer parks.

If adopted, the text amendment would apply to all areas zoned HWY 345 Business. Dare Pitts LLC currently own parcel 016522004 as identified on the Dare County tax record. The parcel abuts NC Hwy 345 and already has some improvements to the site that would accommodate the commercial storage yard. The parcel was previously used as a site for temporary construction offices and storage for the contractors of the Bonner Bridge replacement.

Staff recommends using language that is currently used in the Skyco Neighborhood Commercial district and the C-3 Commercial district that allow for Commercial Storage Yards. The following language is recommended:

### *Permitted Uses:*

*14) Commercial storage yards as defined in Section 22-2 provided the following conditions are met:*

*a. Storage areas shall be enclosed with fencing for security purposes. Such fencing shall be at least 6 feet in height but shall not exceed 10 feet in height. The security fencing shall be maintained as needed by the property owner.*

*b. A vegetative buffer in addition to the security fencing shall be installed and perpetually maintained where the storage yard abuts a residential zone or a residential*

*use to the side or the rear of the site. The vegetative buffer shall be of a sufficient size and height to effectively buffer the site from the abutting residential zone or residential use. A plan detailing the type, size, and species of vegetation proposed for use as a buffer shall be provided to the Zoning Administrator for review and approval. Existing on-site vegetation may be used if deemed to be sufficient by the Zoning Administrator. Solid fencing of wood or a composite material may be used in lieu of the vegetative buffer at a height not to exceed six feet in height. No buffer is required if the site does not abut a residential use or residential district.*

*c. There shall be no storage of inoperable or junked vehicles and equipment; unoccupied mobile (manufactured) homes; unattached flatbed trailers or container-type trailers designed for connection to tractor-trailer trucks; or large pieces of equipment used in dredging operations, road construction, and other industrial uses. Any vehicle or trailer stored on the site shall have a valid license plate and/or valid owner registration.*

*d. No recreational vehicles, travel trailers, or campers stored on the site shall be occupied or used for habitation while stored at the site.*

*e. All vehicles and equipment stored on the site shall be locked, enclosed or otherwise fashioned to such an extent that it is impossible for a child to obtain access or be entrapped in such vehicle or equipment.*

*f. There shall be no bulk storage of fuel, paint, or other combustible or hazardous materials at the site.*

The commercial development policies from the 2009 Land Use Plan are attached. The Planning Board reviewed this request on November 12, 2019 and voted to recommend favorable action and found the request to be consistent with the Dare County Land Use Plan. However, any zoning amendment request can be denied based on public input even if the request is determined to be consistent with the land use plan. Consistency with land use plans is just one aspect of the review process for zoning amendments.

The property has been posted and adjoining property owners notified of the requested amendment. To date, we have not received any public comments.

Following the close of the public hearing, the Board will be in a position to act on the requested amendment. I have included draft motions for the Board's consideration:

Motion to adopt: "I move that the Highway 345 Business zoning district text amendment for Dare Pits LLC be adopted as recommended by the Planning Board. A finding of consistency is also adopted as part of this motion and this consistency statement shall be part of the public record."

Motion to deny zoning amendment request based on public input: “I move that the Highway 345 Business zoning district text amendment for Dare Pits LLC not be adopted due to concerns (insert issues identified by public) expressed by the neighborhood about the proposed revision”.

## SECTION 22-27.16-HIGHWAY 345 BUSINESS DISTRICT (HWY 345)

The Highway 345 Business district shown on the Dare County tax map, tax district 17 originally dated November 20, 1975 depicts tracts of land that lie along Highway NC 345 bounded on the east by the Pamlico Sound and on the west by Croatan Sound and Oyster Creek. Moreover, these tracts of land border NC Highway 345, a heavily traveled thoroughfare to the southern portion of Roanoke Island.

**(a) Scope and intent:** This district provides for a mix of residential and commercial neighborhoods that offer a broad range of services and commodities that will serve seasonal and local residents. The mixed residential district includes single family homes and duplex homes in a group housing development setting that support private wells or a central water supply with alternative methods of wastewater treatment facilities approved by the Dare County Environmental Health Department (not to include centralized urban-style wastewater collection and treatment systems). A maximum gross building size of 30,000 square feet (10,000 square feet of heated space and 20,000 square feet of non-heated space) for commercial structures is included in the regulations thereby allowing for future compatible land uses such as hotels and motels and similar lodging structures.

Furthermore, the Highway 345 Business District provides for land uses that allow goods and services for people and industry while strengthening the economic base of Dare County and ensures the protection of the fragile and pleasant atmosphere at the south end of Roanoke Island. Highway 345 provides the only vehicular transportation route into the Village of Wanchese. There is concern for the large expanses of wetland areas along NC 345 that contain marginal soils and are not suitable for high-density development. A number of water supply wells, which serve the Dare County water system, are located within this district. Land use adjacent to these wells is also a concern and is reflected in the minimum lot size established in this zoning district. Density in this district shall be limited to 20,000 square feet and duplex lots limited to 25,000 square feet. Another goal is to protect the quality of the communities' surface water and ground water supply particularly with the close proximity of this district to Broad Creek, Croatan Sound, Pamlico Sound and the various creeks and canals that serve as nursery areas for fish and wildlife.

**(b) Permitted uses:** Any use in existence on June 5, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a conditional use in any of the Wanchese zoning districts. Additions or expansion of uses in existence on June 5, 2006 shall be subject to administrative review and approval by the Dare County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a conditional use permit if not already established prior to June 5, 2006 shall trigger review and approval under the conditional use permit process.

The following uses and no other uses shall be permitted by right. Any use not permitted herein shall be deemed prohibited.

**(1) Commercial uses:**

- a. Boat yards and repair.
- b. Boat and motor display, sales and service.
- c. Boarding of horses, equestrian related uses and activities, tack shop.
- d. Box making facilities.
- e. Cabinet and woodworking shop.

- f. Contractors' offices, supplies and services.
  - g. Crab shedding operations and associated equipment.
  - h. Commercial fishing nets, sales, service and storage.
  - i. Crab pot storage and other crabbing and commercial fishing gear.
  - j. Docks private, public and commercial.
  - k. Dry cleaning and laundromats.
  - l. Electrical equipment, sales and service.
  - m. Electronic equipment, sales and service.
  - n. General village store without fuel pumps and not associated with a marina.
  - o. Hotels, motels – administrative review for one principal building per site, two or more buildings require conditional use permit for group development –see CUP.
  - p. Fish houses, including packing, processing, seafood sales, storage and loading and unloading trawlers.
  - q. Fishing - party fishing excursions and associated services.
  - r. Food services –carryout (if seating see CUP).
  - s. Hardware supplies.
  - t. Heating and air, sales, service.
  - u. Tourist homes as defined in Section 22-2.
  - v. Mobile home parks according to the Mobile Home Park Ordinance.
  - w. Plumbing supplies, sales and service.
  - x. Retail shops, including, but not limited to gifts and imports.
  - y. Radio, TV broadcasting and film production studio.
  - z. Seafood processing and seafood market sales – wholesale /retail.
  - aa. Schools, commercial limited to sailing/marine oriented outdoor lifestyle.
  - bb. Travel trailer parks and campgrounds according to the Travel Trailer Park Ordinance.
  - cc. Upholstery, fabric dry goods.
  - dd. Village general store without fuel pumps and not associated with a marina.
  - ee. Welding shop and steel fabrication.
- (2) Single-family dwelling in conjunction with a commercial business may be located above or in the rear of a commercial building, or a detached structure, provided that all federal, state and local regulations are met. Additional parking for the residential use shall not be needed.
- (3) Detached single-family dwelling on individual lots or parcels.
- (4) Bed and breakfast homes.
- a. Small bed and breakfast home as defined in Section 22-2.

- b.** Large bed and breakfast home as defined in Section 22-2.
- (5)** Single-family mobile homes on individual lots, provided that:
  - a.** Compliance with the building code for mobile homes in a hurricane area.
  - b.** Compliance with the building inspector requirements regarding skirting material and skirting area.
- (6)** Duplexes.
- (7)** Small childcare homes as defined in Section 22-2.
- (8)** Customary accessory uses associated with commercial or residential principal use, including windmills, not to exceed height limit of this district, garages, sheds, swimming pools and other accessory uses associated with the commercial and or residential use.
- (9)** Accessory dwelling unit associated with residential use referred to as a “guesthouse” is permitted, subject to the following requirements:
  - a.** A dwelling unit may be attached to the principal residence or may be detached from the principal residence. The size of the accessory dwelling unit, whether attached to or detached from principal residence, shall not to exceed 900 square feet of heated space.
  - b.** An accessory dwelling unit, whether attached to or detached from the principal residence, shall be located on the lot in conformance with the building setbacks of this zoning district.
  - c.** Owner and/or family members shall occupy either the primary residence or accessory dwelling unit.
  - d.** One additional off-street parking space shall be required.
  - e.** Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.
  - f.** An outbuilding on a residential lot that exists at the time of adoption of this ordinance may be converted into an accessory building unit, provided that lot overage is met for the dwelling unit and the primary residence.
  - g.** The accessory dwelling unit shall be constructed according to all applicable federal, state regulations and local building inspection requirements. And, if applicable, compliance with federal flood plain elevation standards.
  - h.** Once permitted, the property owner shall submit annual verification of year round occupancy of the principal structure or the accessory dwelling unit to the Dare County Zoning Administrator, if necessary.
  - i.** Travel trailers, recreational vehicles, and/or mobile homes shall not be used as accessory dwelling units.
  - j.** Accessory dwelling units shall not be used for any commercial or business use.
- (10)** Traditional village business – A commercial accessory use conducted by owner and/or family member residing on the lot or parcel of the principal residence provided the following conditions are met:
  - a.** Property owner and/or family member operates a business and resides on the premises.
  - b.** Merchandise produced on or off of the premises may be sold on premises.

- c. An accessory commercial building shall not exceed 1,200 square feet. In addition, 25% of the total floor area of the principal residence may be used for said business.
- d. One indirectly lighted freestanding sign, not to exceed 36 square feet, may be posted on the property.
- e. On-site parking for up to 4 spaces shall be provided on the site.
- f. Visual buffer: A 6-foot opaque wooden fence or vegetative buffer shall be provided for any business established after June 5, 2006. In some instances, existing dense shrubs, trees, and plants may provide screening.
- g. In the case where a property owner owns land that is contiguous to the principal residential use and accessory business, said land may be used as an extension and a part of the traditional village business use. The setbacks listed in subsection (d) of this district shall not apply.
- h. The traditional village business shall be located a minimum of 15 feet from the front property line and 10 feet from any side or rear property line. The setbacks listed in subsection (d) of this district shall not apply.
- i. An average of 3 non-resident employees may be employed.

The following list of uses may be permitted as a traditional village business including, but not limited to:

1. Offices: business, financial, professional, and medical.
2. Retail/wholesale shops:
  - a. Antiques, furniture, and home decor.
  - b. Apparel.
  - c. Artist and art supplies.
  - d. Bait and tackle supplies.
  - e. Beehives.
  - f. Books.
  - g. Camera and photo supplies.
  - h. Coffee/tea cakes, pies, bakery goods and edibles.
  - i. Florist.
  - j. Fruit and vegetable stand.
  - k. Gifts and imports.
  - l. Hobby goods.
  - m. Hunting and fishing supplies.
  - n. Jewelry.
  - o. Leather goods.
  - p. Millinery shop.
  - q. Music shop.

- r. Photography equipment sales and service.
  - s. Sewing shop/needle works, dry goods and supplies.
  - t. Tack and equestrian associated sales.
  - u. Toys.
  - v. Upholstery.
  - w. Woodcarving, ducks and other wildlife.
3. Service establishments:
- a. Automobile detailing.
  - b. Barber and beauty shops including tanning and exercise facilities.
  - c. Bicycle rentals with buffered storage area.
  - d. Boarding of horses, equestrian associated activities according to state regulations.
  - e. Boat building shop – (not to exceed 1,200 sq. ft. boat size limited to 36 ft.).
  - f. Bricklayer.
  - g. Bake shops – cakes, pastries, edibles and bakery goods.
  - h. Carpenter/cabinet/wood- working.
  - i. Catering business.
  - j. Computer and internet services.
  - k. Concrete finishing business and equipment.
  - l. Crab pot storage and other crabbing and commercial fishing gear.
  - m. Crab sheddens and associated operations.
  - n. Craft production and retail sales.
  - o. Electrician.
  - p. Electronics.
  - q. Excavating and equipment.
  - r. Hardwood flooring, carpet, vinyl and ceramic tile installation.
  - s. Heating and air.
  - t. History home place tours and interpretation of village lifestyle.
  - u. Home schooling.
  - v. House and boat moving business.
  - w. Landscape and lawn care.
  - x. Music lessons.
  - y. Outboard engine repair.
  - z. Painter and dry wall.



- aa. Photographer.
- bb. Plumber.
- cc. Potter, clay works, ceramics.
- dd. Pressure washing business.
- ee. Radio, TV broadcasting and film production studio.
- ff. Roofer.
- gg. Seafood sales as per North Carolina regulations.
- hh. Small engine repair.
- ii. Small trucking business – parking business truck on site.
- jj. Taxidermist.
- kk. Tree removal, stump grinding, log splitting and wood sales.
- ll. Welding shop.

4. Specific waterfront commercial accessory uses associated with principal use:

- a. Commercial fishing and crabbing business, retail and wholesale markets, including all rigging and storage of crab and fish gear.
- b. Boat dockage of 10 slips or less.
- c. Boat shop not to exceed 1200 square feet of floor area and limited to the construction of 36-foot boats.
- d. Boathouses and sheds.
- e. Boat rentals limited to non-motorized watercraft.
- f. Fishing party excursions 1/2 day and full day trips.
- g. Private boat ramps for residential use or commercial accessory use.
- h. Schools offering private lessons for sailing and other outdoor activities.

(11) Agriculture farming, livestock, waterfowl, poultry and related activities for personal use.

(12) Aquaculture and associated activities related to fish farming as regulated by the State.

(13) Private home antennas and on-site accessory business use antennas.

(14) County, state and U.S. government owned and leased facilities.

(15) Heritage gardens – designated areas of land leased to the public for gardening projects.

(16) Radio and broadcast studio facilities and associated broadcast transmission towers that existed prior to March 24, 2006. Replacement or reconstruction of towers that existed prior to March 24, 2006 may be authorized as permitted uses provided that such towers have received all necessary Federal Communications Commission license and Federal Aviation Administration license prior to March 24, 2006 and shall not exceed the height authorized by the FCC. The standards of Section 22-29.2 shall not apply to towers that qualify for replacement under this section. Replacement towers shall be located in a manner that maximizes separations from all property lines and in no case shall the setbacks be less than those of the Highway 345 district. Documentation shall be submitted that is signed and sealed from a North Carolina licensed engineer that the replacement tower meets the

structural requirements of the North Carolina building code and a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse, no damage to surrounding structures will result. Lighting of the tower shall be according to all Federal Communications Commission and Federal Aviation Association standards.

(17) Residential recovery and treatment center to include housing in multifamily structures and educational training. Center can be located in a single structure or multiple structures on one parcel of land. If more than one structure on parcel, it will be considered a group development subject to conditional use permit review according to Section 22-31 of the Dare County Zoning Ordinance.

**(c) Conditional uses:** Any use in existence on June 5, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a conditional use in any of the Wanchese zoning districts. Additions or expansion of uses in existence on June 5, 2006 shall be subject to administrative review and approval by the Dare County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a conditional use permit if not already established prior to June 5, 2006 shall trigger review and approval under the conditional use permit process.

The following conditional uses and no other conditional uses may be permitted, subject to the requirements of this district and the regulations and requirements imposed by the Board of Commissioners as provided by Article IX of this chapter. Any use not permitted herein shall be deemed prohibited.

(1) Boat building facilities.

(2) Churches, fire stations, cemeteries, and other public buildings.

(3) Telecommunication towers subject to all standards established in Section 22-29.2 of the Zoning Ordinance. (Amended 6-18-2018)

(4) Home occupations as defined in Section 22-2.

(5) Elder in-home care, up to 4 non-related patients (private home nursing) provided the following minimum requirements are met:

a. Employee and visitor parking according to Section 22-56 in addition to 1 parking space for each non-resident employee.

b. Other reasonable conditions imposed by the Board of Commissioners.

(6) Fuel storage only associated with on-site business use.

(7) Group development housing projects according to Section 22-31 plus the following requirements:

a. Density shall not exceed 1 unit per 20,000 square feet of soils not classified as coastal wetlands; duplex home 25,000 square feet of soils not classified as coastal wetlands provided this area may be reduced to 20,000 square feet if duplex is served by central water supply.

b. Every dwelling unit shall be accessible to emergency service vehicles and Dare County Public Works vehicles.

c. Turning lane into project shall be provided with additional setback buffer along state-maintained rights-of-way into the residential neighborhoods.

d. Building height limit of 40 feet as defined in this section.

e. No mooring of permanent floating homes and other permanent floating structures as defined in 15A NCAC 7M00602 in the surrounding public trust waters of Dare County.

- f. Accessory dwelling units are not allowed in sites developed as a group housing development.
  - g. A traditional village business use is not allowed in sites developed as a group housing development.
  - h. Other requirements that may be imposed by the Board of Commissioners.
- (8) Commercial group development projects (more than one principal structure per parcel under single ownership) according to Section 22-31.
- (9) Marinas, boat dockage, village marina store with fuel pumps, boat rentals for fishing excursions, and other non-motorized boat rentals provided the following minimum conditions are met:
- a. Lot size shall be sufficient to meet requirements of the Dare County Health Department and to provide adequate siting for structures, parking, loading and maneuvering space as provided in Section 22-56.
  - b. Food and beverage service and/or a restaurant may be associated with a marina.
  - c. All boat rentals, except for fishing excursion rentals, shall be limited to non-motorized vessels and shall be limited to a total of 10 vessels offered for rent.
  - d. Fuel pumps shall not be located within 50 feet of a residential zoning district or residential use and that such fuel pumps shall be setback a minimum of 25 feet from all rights-of-way.
  - e. One 10' x 20' parking space shall be provided for each wet boat slip.
  - f. Outdoor lighting shall be complete cut-off design, low-profile, shielded and oriented in such a manner to minimize spill across property lines and prevent glare at any location on or off the property. A lighting plan shall be submitted as part of the site plan.
  - g. Subject to the other requirements of the Zoning Ordinance and other reasonable conditions as may be imposed by the Board of Commissioners.
- (10) Public and private utilities (shall provide a planted vegetative buffer 10 feet in height).
- (11) Private meeting and recreational facilities such as an event center for weddings and group parties, including private boat launching areas, tennis courts, picnic areas, private swimming pools and beaches, whereby catering is an integral part thereto. The following minimum requirements shall be met:
- a. Parking for the event center and associated uses shall be based on the maximum occupancy of the proposed structure. Maximum occupancy shall be determined according to the North Carolina state building codes. One 10' x 20' space for every 4 persons or a minimum of 30 spaces whichever is greater.
- (12) Pet grooming provided the following minimum requirements are met:
- a. Shall be owner and/or family occupied residential premises.
  - b. Day care only for grooming – hours of operation limited to 7:00 a.m. to 6:00 p.m.
  - c. No outdoor run facilities and no overnight guests (not a kennel).
  - d. Other reasonable conditions imposed by the Board of Commissioners.
- (13) Restaurants, food service, café provided the minimum following conditions are met:
- a. Lot size shall be sufficient to meet requirements of the Dare County Health Department and to provide adequate siting for structures, parking, loading and maneuvering space as provided in

Section 22-56. In addition, a fence or vegetative buffer shall be provided adjacent to residential use or residential zoning district.

b. The restaurant shall not feature drive-thru window service whereby patrons are served while seated in a motor vehicle or drive-up wait service whereby patrons are served while seated in a motor vehicle.

c. The restaurant shall include facilities for indoor and outdoor seating.

d. On-site parking shall be according to Section 22-56 – one 10' x 20' parking space for every 3 customer seats plus one 10' x 20' space for every 3 employees and loading space.

e. Outdoor lighting shall be complete cut-off design, low-profile, shielded and oriented in such a manner to minimize spill across property lines and prevent glare at any location on or off the property. A lighting plan shall be submitted as part of the site plan.

f. Other reasonable conditions as may be imposed by the Board of Commissioners.

(14) Retail garden shops and landscaping business may be permitted, subject to requirements of this chapter, provided the following minimum conditions are met:

a. Storage of mulch material may be allowed for retail sale only. Storage "stockpiles" shall not exceed 6 feet in height and no more than 3 stockpiles allowed for each site. Industrial production of mulch is not permitted.

b. One accessory greenhouse for storage and outdoor protection of plants is permitted. Greenhouse is not to be used for wholesale growing of plants.

c. Associated equipment used by the landscape business such as trailers, lawn mowers, single-axle trucks and tractors may be stored on the site. Storage area that is well buffered from general public may include draglines, bulldozers backhoes and other heavy equipment.

d. Storage areas of mulch and equipment shall be buffered with fencing.

e. Outdoor display and storage of plants, bags of soil, mulch, fertilizer, landscaping stone, landscape timbers, yard ornaments, and the like shall not restrict parking areas. Bags of mulch, soil, and the like shall be stacked in an orderly manner.

f. Bulk irrigation piping shall be stored indoors.

g. Other conditions imposed by the Board of Commissioners.

(15) Storage/warehousing and warehouse storage centers, including boat trailers and long-term storage containers and mobile storage, provided the following minimum conditions are met:

a. Site shall be buffered with wooden opaque fencing not to exceed 10 feet in height and also provide sound and site screening as visual and sound buffer to residential homes in and around area of warehouse storage site.

b. Outdoor lighting plan shall be submitted with a site plan.

c. Hours of operation shall be included as part of CUP review.

d. Other reasonable conditions as may be imposed by the Board of Commissioners.

(16) Village center project: a mixed use development situated on single parcel of land under single ownership whereby an existing commercial building, or new structure, may be developed and limited to retail sales units on the lower level of the structure with residential units on upper level. Additional residential units may be situated on the site. The following minimum requirements shall be met:

- a. Village center complex site must contain a minimum of 3 acres.
  - b. Approval of all supplementary local, state and federal permits. Site must be adequate for siting commercial structure, parking, loading and maneuvering space as required by Article VII. Two 10'x 20' parking spaces per residential use shall be provided. Overflow parking, if applicable, shall be directed to off peak use of commercial spaces.
  - c. Site screening - a vegetative or fence buffer not to exceed 10 feet in height. A 10-foot wide setback shall be required where the site abuts a residential use or zone (not subject to 20-foot dimensional requirements in D.1 – Dimensional requirements).
  - d. Food service shall be limited to packaged items, such as snacks, drinks and ice cream. Food service may be located outside the building on site as a refreshment pavilion to serve patrons in the village complex. Food service shall be exempt from parking as required for restaurants.
- (17) Village general store with fuel pumps provided that no principal or accessory building shall be located within 50 feet of a residential use, accessory dwelling unit, or residential district and that such fuel pumps shall be set back at least 25 feet from all rights-of-way. The following minimum requirements shall be met for open canopy lighting to preserve the night time environment :
- a. The area directly below the canopy may be illuminated with a minimum foot candle of 4 but not to exceed a foot-candle rating of 10.
  - b. Parking spaces provided under a canopy shall be 10' x 20' in area.
- (18) Spoil sites for maintenance dredging.
- (19) Wind energy research facilities according to the standards of Section 22-29.3. (Adopted 4-18-11)
- (20) Temporary, portable concrete plant including silos, aggregate bins, dust collector, hoppers, conveyors, batch mix, office and other accessory equipment necessary to the operation of the portable concrete plant including storage of aggregate and other materials necessary for the making of concrete.
- a. The lot or parcel upon which the portable concrete plant is located shall contain at least four (4) acres of contiguous non-wetland area.
  - b. The plant and all accessory equipment shall be mobile and may be not permanently attached to the property. The equipment may be temporarily secured to the property for safety reason but must be removed upon the expiration of the conditional use permit.
  - c. Notwithstanding any other provision of the Zoning Ordinance, the portable concrete plant when erected shall not exceed 60 feet in height.
  - d. The concrete plant and storage of aggregate and other materials shall be at least twenty-five (25) feet from any property line and there shall be wooden opaque fence no less than ten (10) feet high between the plant and any residence or residential zone.
  - e. The concrete plant shall include a dust collection system which collects dust at the load out point and the particulate that is collected is recycled into the system.
  - f. All aggregate stored on the site shall be kept moist at all times to prevent dust.
  - g. All outdoor lighting shall be low profile, shielded with glare directed on-site and away from any adjoining properties and streets.
  - h. No more than eight (8) trucks used for the transport of concrete may be parked overnight on the property.

i. There shall be no concrete transport trucks that enter or exit the site between the hours of 7:00 a.m. to 8:30 a.m. and 2:00 p.m. to 3:30 p.m. on any day public schools in Dare County are in session.

j. The concrete plant shall be operated in accordance with all requirements of the North Carolina Department of Transportation and any other regulatory body.

k. This conditional use permit shall remain in effect for a period of 39 months. This 39-month period shall commence on the date identified by NC Department of Transportation in the notice to proceed issued by NCDOT to the bridge contractor. Upon the showing of good cause, the Dare County Board of Commissioners may extend the permit for up to 180 additional days. Good cause shall mean unavoidable conditions or events necessitating the continued operation of the plant for the purpose for which it was originally installed.

l. Upon expiration of the conditional use permit, operation of the concrete plant shall cease and the concrete plant and all accessory equipment and materials shall be removed from the site and the site returned to its original condition within thirty (30) days.

m. A performance bond, satisfactory to Dare County, to be used for removal and reclamation activities shall be established by the permittee at the time a site specific development plan and conditional use permit for a temporary portable concrete plant is authorized by Dare County. The bond shall be in the amount of \$20,000 shall be issued to Dare County to be used in the event the permittee does not remove all equipment from the site and restore the site to its original condition as provided above. If this amount is insufficient to cover the cost of reclamation of the site, then the property owner shall be held accountable for the additional amount and a lien shall be placed on the site for any amount over the \$20,000 bond amount that is incurred by Dare County in the reclamation of the site. The bond shall remain in place until released by Dare County upon certification by Dare County of compliance with the conditions of this permit. Dare County shall be authorized to use the bond to cover all costs and expenses of removal, including but not limited to all legal fees or other costs or expenses associated with enforcement of the provisions of the conditional use permit. This bond shall be forfeited if the concrete plant, all equipment, components and accessories of the concrete plant have not been removed from the site and the site restored to its pre-plant conditions within the time required by this conditional use permit. In lieu of a bond, permittee may post a cash bond with Dare County to be held for the purposes set forth above. (Adopted 11-19-2012)

**(d) Dimensional requirements for residential uses:**

**(1) Minimum lot size:**

a. Single-family lots with accessory dwelling units and accessory commercial structures used in association with a single-family use shall be of sufficient size to meet the requirements of the Dare County Environmental Health Department and to provide adequate setbacks for the single-family structure, accessory dwelling unit and all other accessory use structures.

Existing lots – All lots that were subdivide and recorded before June 5, 2006 shall meet the approval of the Dare County Environmental Health Department for well and on-site wastewater systems. The setbacks and lot coverage standards of Section 22-27.18 shall apply to lots recorded June 5, 2006.

b. Newly platted lots -- For those lots subdivided and recorded after June 5, 2006:

Single family lots:

15,000 square feet of soils not classified as coastal wetlands for lots connected to a central water supply.

20,000 square feet of soils not classified as coastal wetlands for lots connected to a private well.

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

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

(2) Minimum lot width: 75 feet at building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet; an additional 5-foot side setback for corner lots adjacent to a street. Lots less than 75 feet in width shall have an 8-foot setback and an additional 5-foot setback for corner lots adjacent to a street.

(5) Minimum rear yard: 20 feet maximum, or 20% of lot depth. Zero line setback for waterfront lots.

(6) Lot coverage: 30% as defined in Section 22-2. Lot coverage of 50% may be authorized for those sites with an accessory dwelling unit and/or a traditional village business.

(7) Building height: 40 feet to the highest elevation of any feature of the structure or portion of the roof measured from the base flood elevation, from natural ground elevation if natural ground elevation exceeds the base flood elevation, or from an unnatural ground elevation created by placement of fill material on a site on or before June 5, 2006. Chimneys, lightning rods, weather vanes, wind gauges, and other similar roof appurtenances shall not be considered the highest portion of the roof. The pitch of the principal roof shall be no less than 4/12. Principal roof is defined as the largest section of roof on the structure.

**(e) Dimensional requirements for individual commercial use on separate lot or parcel that is not in conjunction with principal residential use:**

(1) Minimum lot size: Commercial lots need to be of sufficient size to meet the requirements of the Dare County Environmental Health Department and to provide adequate siting for structures, parking, loading and maneuvering space according to Section 22-56. Also, a visual buffer of vegetation or fencing and a 20-foot wide setback is required when an individual commercial use abuts a residential use or residential zone. All outdoor lighting shall be low profile, shielded with glare directed on site and away from all adjoining properties and streets.

(2) Minimum front yard: 15 feet.

(3) Minimum side yard: 10 feet; an additional 5-foot side setback for corner lots adjacent to a street. Lots less than 75 feet in width shall have an 8-foot setback and an additional 5-foot setback for corner lots adjacent to a street.

(4) Minimum rear yard: 20 feet maximum, or 20% of lot depth for interior lots. Zero line setback for waterfront lots.

(5) Lot coverage: 60% as defined in Section 22-2.

(6) Building height: 40 feet to the highest elevation of any feature of the structure or portion of the roof measured from the base flood elevation, from natural ground elevation if natural ground elevation exceeds the base flood elevation, or from an unnatural ground elevation created by placement of fill material on a site on or before June 5, 2006. Chimneys, lightning rods, weather vanes, wind gauges, and other similar roof appurtenances shall not be considered the highest portion of the roof. The pitch of the principal roof shall be no less than 4/12. Principal roof is defined as the largest section of the roof on the structure.

(7) Maximum commercial building size: 10,000 square feet of heated space excluding decks, porches, and other non-heated space. Non-heated space shall not exceed 20,000 square feet of

area. The total building size shall not exceed 30,000 square feet based on these heated/non-heated square footage limitations. Hotels, motels, churches, fire stations, schools and other public buildings are excluded from this building size limitation.

**(8) Density limitations for motels, hotels, and similar seasonal lodging structures:**

**a.** Structures on a lot or tract that has no soils classified as wetlands, coastal marsh or section 404 jurisdictional soils: 10 rental rooms per acre.

**b.** Structures on a lot or tract that has between .01% and 19.9% of its soils classified as wetlands, coastal marsh, or section 404 jurisdictional soils: 8 rental rooms per acre.

**c.** Structures on a lot or tract that has more than 20% of its soils classified as wetlands, coastal marsh or section 404 jurisdictional soils: 6 rental rooms per acre.

**(f) Non-conforming uses and non-conforming structures:**The standards of Section 22-27.19 shall apply to this district.

**(g) Performance standards and other information:**The standards of Section 22-27.20 shall apply to this district.

**(h) The sections contained in Articles I, Article III, Article VII, Article VIII, and Article IX of the Dare County Zoning Ordinance shall apply to this district.**

(Adopted by the DCBC on June 5, 2006; amended 2-20-2017; amended 11-20-2017)



### Commercial Development

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

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

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

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

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

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

*Policy LUC #5*

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

*Implementation Strategy:*

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

*Policy LUC #6*

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

## ZONING AMENDMENT CONSISTENCY DETERMINATION

On December 16, 2019, the Dare County Board of Commissioners considered a zoning text amendment application submitted by Dare Pits LLC. This zoning amendment application seeks to amend the Highway 345 Business district to allow commercial storage yards as a permitted use.

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

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

### Land Use Compatibility Management Topic

#### Policy # LUC # 5

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

*Implementation Strategy for LUC #5 – Inventory of older existing commercial businesses and consideration of zoning amendment to ensure their replacement or repair in the event of damage from a natural disaster.*

#### Policy #LUC 6

*Policy #LUC6 Commercial development should be designed to meet the needs of Dare County's unincorporated village and not serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is to manage the size of commercial structures, which serve as a disincentive for regional commercial centers for location in villages.*

On November 12, 2019, the Dare County Planning Board voted to recommend favorable action on the zoning amendment and found the amendment to be consistent with the 2009 Dare County Land Use Plan.

Based on a review of the Dare county Land Use Plan and the consistency statement of the Planning Board, the Board of Commissioners also finds the proposed Highway 345 Business amendment to be consistent with the 2009 Land Use Plan. The Planning Board and Board of Commissioners acknowledge the intent of the Highway 345 Business district is to provide for a mix of residential and commercial neighborhoods that offer a broad range of services and commodities that will serve seasonal and local residents. The Highway 345 Business district already permits uses that are similar in nature to the requested amendment and some that are more intensive.

The Dare County Board of Commissioners hereby adopts the Highway 345 Business zoning text amendment submitted by Dare Pits LLC.



*Update on Proposal for Development of Dredge Material Management Plan*

**Description**

Presentation by Kenneth Willson to provide an update regarding the proposed study of spoil sites

**Board Action Requested**

None. Presentation

**Item Presenter**

Robert Outten, County Manager



*Central Dare County Channel Maintenance and Dredge Material Management Permitting Project*

**Description**

Dare County Waterways is requesting to approve a grant submission to the N.C. Department of Environmental Quality Shallow Draft Navigation Grant to assist in the cost share for the "Central Dare County Channel Maintenance and Dredge Material Management Permitting Project" The purpose of the project is to provide the necessary spoil sites for the U.S. Army Corps of Engineers proposed federally funded dredge event in FY2022 for Manteo/Shallowbag Bay Interior Channels. The cost for the contract is \$167,535. The grant application will include the cost of the proposal and up to \$6,933 for in-kind contribution from the Dare County Waterways Administrator. Total project cost for the grant will be \$174,468 with Dare County's 33% contribution being \$51,217.18.

**Board Action Requested**

Request to approve the submission of the Central Dare County Channel Maintenance and Dredge Material Management Permitting Project to the NC DEQ Shallow Draft Navigation Grant.

**Item Presenter**

Ken Willson, APTIM Coastal Planning and Engineering, President  
Brent Johnson, Waterways Administrator, Project Manager



**Kenneth Willson**  
*President*  
*Aptim Coastal Planning & Engineering of North*  
*Carolina, Inc.*

4038 Masonboro Loop Road  
Wilmington, North Carolina  
Tel: +1 910-791-9494  
Kenneth.Willson@aptim.com

December 9, 2019

Robert L. Outten  
Dare County  
954 Marshall C Collins Dr. Room 286  
Manteo, NC 27954

**Subject: Proposal: Central Dare County Channel Maintenance and Dredge Material Management Permitting Project**

Dear Mr. Outten:

Aptim Coastal Planning & Engineering of North Carolina, Inc. (APTIM) is pleased to provide this proposal to Dare County (OWNER) for services that will facilitate the permitting of channel maintenance and dredge material disposal sites in central Dare County. APTIM has a special preferred relationship with Aptim Environmental & Infrastructure, LLC, and through that relationship APTIM will utilize their personnel, resources and assets to perform the proposed Services.

The Scope of Professional Services (the Services) is attached to this proposal as Exhibit A and is broken into four (4) Tasks which include: 1) Needs Assessment, 2) Concept Alternative Development, 3) Permitting and Environmental Documentation and, 4) Sediment Compatibility. The Services will be performed for a lump sum fee of \$167,535. Exhibit B includes a breakdown of cost by Task.

Barring any unforeseen circumstances, APTIM anticipates completing Tasks 1 and 2 within 150 days of receiving your written notice to proceed and submitting permit applications to the United States Army Corps of Engineers (USACE) and the Division of Coastal Management (DCM) within 215 days following completion of Tasks 1 and 2.

Please see Exhibit C –List of Deliverables, for a description of each of the following deliverables identified as part of this proposal:

- Monthly Progress Reports;
- Needs Assessment – GIS Files;
- First Scoping Meeting Minutes;
- Second Scoping Meeting
- Concept Alternative Write Up;
- NC Division of Coastal Management Major CAMA Permit and Dept. of the Army Individual Permit Applications;
- Sediment Analysis Report;

Given the fact that the specific number of channels have yet to be determined and the fact that APTIM is not yet aware of the amount of data and documentation currently available through the USACE and other entities in regards to the characteristics of the material within these channels, additional services may be required to complete the permitting process. These undefined additional services may be submitted to the County in a separate Scope of Work, should they be required. Furthermore, the costs associated with completing the scope of work, as outlined above, for the Central Dare County Channel Maintenance and Dredge Material Management Permitting Project is predicated on the notion that APTIM will work concurrently to develop a similar set of deliverables to support channel maintenance and dredge material management permitting for the southern portion of Dare County. Additional costs may be realized should these two efforts be conducted independently.

APTIM's performance of the proposed Services is conditioned upon mutually acceptable contract terms and conditions. In that regard, attached to this proposal is our Services Agreement for your consideration as the terms and conditions that will govern our performance of the proposed Services.

If this proposal is acceptable to you, please have the attached Services Agreement signed, and return it to me. APTIM will then sign the Services Agreement and return a fully signed copy to you for your records.

Sincerely,

**APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.**



Kenneth Willson  
President



APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.  
SERVICES AGREEMENT  
FIXED PRICE BASIS

All in accordance with the following terms and conditions.

1. **SCOPE OF SERVICES:** APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC. ("APTIM") agrees to perform for the undersigned CLIENT, engineering and consulting ("Services") described in the attached Proposal and/or as follows:  
Central Dare County Channel Maintenance and Dredge Material Management Permitting Project.
2. **FEES, INVOICES AND PAYMENTS:** The Services will be performed on a fixed price basis for One Hundred Sixty-Seven Thousand, Five Hundred Thirty-Five Dollars and 0/100 (\$167,535.00). Invoices will be submitted by APTIM no more frequently than every two weeks, with payment due upon CLIENT'S receipt of invoice. Payment shall be in U.S. Dollars. CLIENT shall be responsible for payments (without deduction or offset from the total invoice amount) of any and all sales, use, value added, gross receipts, franchise and like taxes, tariffs and duties levied against APTIM or its employees by any government or taxing authority. A service charge equal to one-half percent (1/2 %) per month, or the maximum rate permitted by law, whichever is less, will be added to all accounts which remain unpaid for more than thirty (30) calendar days beyond the date of the invoice. Should there be any dispute as payments to be made on a percent complete basis to any portion of an invoice, the undisputed portion shall be promptly paid.
3. **CLIENTS COOPERATION:** To assist APTIM in performing the Services, CLIENT shall (i) provide APTIM with relevant material, data, and information in its possession pertaining to the specific project or activity, (ii) consult with APTIM when requested, (iii) permit APTIM reasonable access to relevant project sites, (iv) ensure reasonable cooperation of CLIENT's employees in APTIM's activities, and (v) notify and report to all regulatory agencies as required by such agencies.
4. **CONFIDENTIALITY:** In the course of performing Services, to the extent that CLIENT discloses to APTIM, business or technical information that CLIENT clearly marks in writing as confidential or proprietary, APTIM will exercise reasonable efforts to avoid the disclosure of such information to others. Nonetheless, CLIENT shall treat as confidential all information and data furnished to it by APTIM in connection with this Agreement including, but not limited to, APTIM's technology, formulae, procedures, processes, methods, trade secrets, ideas, inventions, and/or computer programs; and

CLIENT shall not disclose such information to any third party.

Nothing herein is meant to prevent nor shall be interpreted as preventing either party from disclosing and/or using any information or data (i) when the information or data are actually known to the receiving party before being obtained or derived from the transmitting party, (ii) when information or data are generally available to the public without the receiving party's fault at any time before or after it is acquired from the transmitting party; (iii) where the information or data are obtained or acquired in good faith at any time by the receiving party from a third party who has the same in good faith and who is not under any obligation to the transmitting party in respect thereto; (iv) where a written release is obtained by the receiving party from the transmitting party; (v) three (3) years from the date of receipt of such information; or (vi) when required by process of law; or by North Carolina Public Records Law; provided, however, upon service of such process, the recipient thereof shall use reasonable efforts to notify the other party and afford it an opportunity to resist such process.

5. **DELAYS AND CHANGES IN CONDITIONS:** If APTIM is delayed or otherwise in any way hindered or impacted at any time in performing the Services by (i) an act, failure to act or neglect of CLIENT or CLIENT's employees or any third parties; (ii) changes in the scope of the work; (iii) unforeseen, differing or changed circumstances or conditions including differing site conditions, acts of force majeure (such as fires, floods, riots, and strikes); (iv) changes in government acts or regulations; (v) delay authorized by CLIENT and agreed to by APTIM; or (vi) any other cause beyond the reasonable control of APTIM, then 1) the time for completion of the Services shall be extended based upon the impact of the delay, and 2) APTIM shall receive an equitable compensation adjustment. Any such equitable adjustment shall be based on APTIM's then current Time and Material Rates, as may be provided in a Rate sheet attached hereto.
6. **INSURANCE:** APTIM is presently protected by Worker's Compensation Insurance as required by applicable law and by General Liability and Automobile Liability Insurance (in the amount of \$1,000,000 combined single limit) for bodily injury and property damage. Insurance certificates will be furnished to CLIENT on request. If the CLIENT requires further insurance coverage, APTIM will endeavor to obtain said coverage, and CLIENT shall pay any extra costs therefor.



7. **INDEMNITIES:** APTIM shall defend, indemnify and hold harmless CLIENT and its officers and employees from and against loss or damage to tangible property, or injury to persons, to the extent arising from the negligent acts or omissions or willful misconduct of APTIM, its borrowed servants and their employer and its subcontractors, and their respective employees and agents acting in the course and scope of their employment. CLIENT shall defend, indemnify and save harmless APTIM (including its borrowed servants and their employers and its officers, and employees) from and against, any loss or damage to tangible property, or injury to persons, to the extent arising from the negligent acts or omissions or willful misconduct of CLIENT, its officers and employees

8. **LIMITATIONS OF LIABILITY:**

- a. GENERAL LIMITATION - CLIENT'S SOLE AND EXCLUSIVE REMEDY FOR ANY ALLEGED BREACH OF WARRANTY BY APTIM SHALL BE TO REQUIRE APTIM TO RE-PERFORM ANY DEFECTIVE SERVICES. APTIM'S LIABILITY AND CLIENT'S REMEDIES FOR ALL CAUSES OF ACTION ARISING HEREUNDER WHETHER BASED IN CONTRACT, WARRANTY, NEGLIGENCE, , OR ANY OTHER CAUSE OF ACTION, SHALL NOT EXCEED EXCEPT FOR THE MUTUAL INDEMNIFICATIONS SET FORTH IN SECTION 7 ABOVE. IN THE CUMULATIVE AGGREGATE (INCLUDING ANY INSURANCE PROCEEDS) WITH RESPECT TO ALL CLAIMS ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHATEVER MINIMUM AMOUNT MAY BE REQUIRED BY LAW OR, IF NONE, THE AMOUNT OF COMPENSATION FOR SUCH SERVICES,
- b. CONSEQUENTIAL DAMAGES: FURTHER AND REGARDLESS OF ANY OTHER PROVISION HEREIN, APTIM SHALL NOT BE LIABLE FOR ANY INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES (INCLUDING LOSS OF PROFITS, DECLINE IN PROPERTY VALUE, REGULATORY AGENCY FINES, LOST PRODUCTION OR LOSS OF USE) INCURRED BY CLIENT OR FOR WHICH CLIENT MAY BE LIABLE TO ANY THIRD PARTY OCCASIONED BY THE SERVICES OR BY APPLICATION OR USE OF REPORTS OR OTHER WORK PERFORMED HEREUNDER.

9. **GOVERNING LAWS:** This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina.

10. **TERMINATION:** Either party may terminate this Agreement with or without cause upon forty five (45) days' written notice to the other party. Upon such termination, CLIENT shall pay APTIM for all Services performed hereunder up to the date of such termination. In addition, if CLIENT terminates, CLIENT shall pay APTIM all reasonable costs and expenses incurred by APTIM in effecting the termination, including, but not

limited to non-cancelable commitments and demobilization costs.

11. **ASSIGNMENT:** Neither APTIM nor CLIENT shall assign any right or delegate any duty under this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, APTIM may, upon notice to CLIENT, assign, pledge or otherwise hypothecate the cash proceeds and accounts receivable resulting from the performance of any Services or sale of any goods pursuant to this Agreement.

12. **MISCELLANEOUS:**

a. **ENTIRE AGREEMENT, PRECEDENCE, ACCEPTANCE MODIFICATIONS:** The terms and conditions set forth herein constitute the entire understanding of the Parties relating to the provisions of the Services by APTIM to the CLIENT. All previous proposals, offers, and other communications relative to the provisions of these Services by APTIM, oral or written, are hereby superseded, except to the extent that they have been expressly incorporated by reference herein. In the event of conflict, the three pages of this Agreement shall govern. CLIENT may accept these terms and conditions by execution of this Agreement or by authorizing APTIM to begin work. Any modifications or revision of any provisions hereof or any additional provisions contained in any purchase order, acknowledgement or other document issued by the CLIENT is hereby expressly objected to by APTIM and shall not operate to modify the Agreement.

b. **DISPUTES, ATTORNEY FEES -** Any dispute regarding this Agreement or the Services shall be resolved first by exchange of documents by senior management of the parties, who may be assisted by counsel. Any thereafter unresolved disputes shall be litigated in the state whose law governs under Section 9 hereunder. In any litigation, the Prevailing Party shall be entitled to receive, as part of any award or judgment, eighty percent (80%) of its reasonable attorneys' fees and costs incurred in handling the dispute. For these purposes, the "Prevailing Party" shall be the party who obtains a litigation result more favorable to it than its last formal written offer (made at least twenty calendar days prior to the formal trial) to settle such litigation.

c. **WAIVER OF TERMS AND CONDITIONS -** The failure of APTIM or CLIENT in any one or more instances to enforce one or more of the terms or conditions of this Agreement or to exercise any right or privilege in the Agreement or the waiver by APTIM or CLIENT of any breach of the terms or conditions of this Agreement shall not be construed as thereafter waiving any such terms, conditions, rights, or privileges, and the same shall continue and remain in force and effect as if no such failure to enforce had occurred.

- d. **NOTICES** – Any notices required hereunder may be sent by orally confirmed US Mail, courier service (e.g. FedEx), orally confirmed telecopy (fax) or orally confirmed email (further confirmed by US Mail) to the addresses set forth below.
- e. **SEVERABILITY AND SURVIVAL** - Each provision of this Agreement is severable from the others. Should any provision of this Agreement be found invalid or unenforceable, such provision shall be ineffective only to the extent required by law, without invalidating the remainder of such provision or the remainder of this Agreement.

Further, to the extent permitted by law, any provision found invalid or unenforceable shall be deemed automatically redrawn to the extent necessary to render it valid and enforceable consistent with the parties' intent. The terms and conditions set forth herein shall survive the termination of this Agreement.

CLIENT and APTIM agree to the foregoing (INCLUDING THE LIMITATIONS ON LIABILITY IN SECTIONS herein) and have caused this Agreement to be executed by their duly authorized representatives as of the date set forth below.

Executed on \_\_\_\_\_, 2019.

**APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.**

**DARE COUNTY**

By (Sign): \_\_\_\_\_

By (Sign): \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

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Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

Aptim Coastal Planning & Engineering of North Carolina, Inc. (APTIM) will provide project management, planning, environmental, geotechnical and engineering services to the County of Dare (COUNTY) to facilitate maintenance dredging events within the federally authorized Manteo (Shallowbag) Bay navigation project and the Stumpy Point navigation channel. As described below, the same services will be applied to yet-to-be-determined non-federal navigation channels as well. Descriptions of the federal navigation channels included in this scope of work are provided below and shown in Figures 1 through 4:

- A channel -10 feet MLW (+2 feet overdepth) and 100 feet wide extending 1.6 miles from southern Albemarle Sound to the confluence of Roanoke Sound and the eastern portion of Shallowbag Bay
- A channel -12 feet MLW (+2 feet overdepth) and 100 feet wide extending 1.5 miles from a basin in front of the town of Manteo extending through Shallowbag Bay to Roanoke Sound
- A channel -12 feet MLW (+2 feet overdepth) and 100 feet wide extending 17.1 miles to and through Roanoke Sound and Old House Channel, to the 12-foot contour in Pamlico Sound
- A channel -12 feet MLW (+2 feet overdepth) and 100 feet wide extending 0.8 miles from Roanoke Sound to a basin at the town of Wanchese
- A channel -10 feet MLW (+2 feet overdepth) and 100 feet wide extending 5.2 miles from Pamlico Sound into Stumpy Point Bay

The goal of this scope of work is to obtain permits for 1) the dredging of the listed channels and 2) the establishment of sufficient dredge material management options to satisfy the long-term needs to maintain these channel projects. Furthermore, APTIM will coordinate with local stakeholders to determine additional channel maintenance and dredge disposal needs within the Project Area and incorporate additional needs into this permitting effort at the request of the COUNTY. As shown in Figure 4, the Project area includes a portion of the Outer Banks, Roanoke Island, and mainland Dare County from the southern portion of Albemarle Sound to the northwestern portion Pamlico Sound.

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

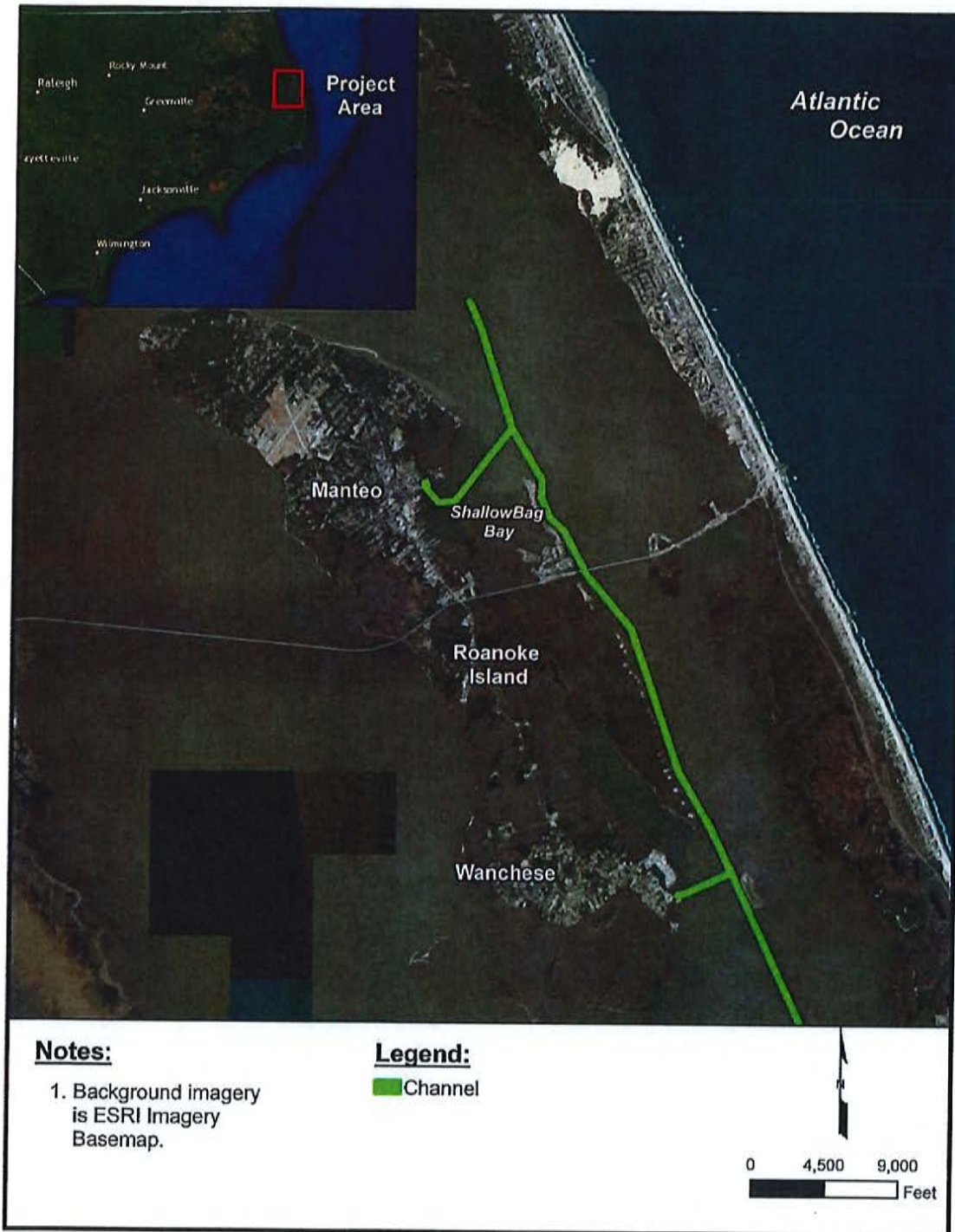


Figure 1: Location map showing the northern portion of the Manteo (Shallowbag Bay) navigation channel project.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

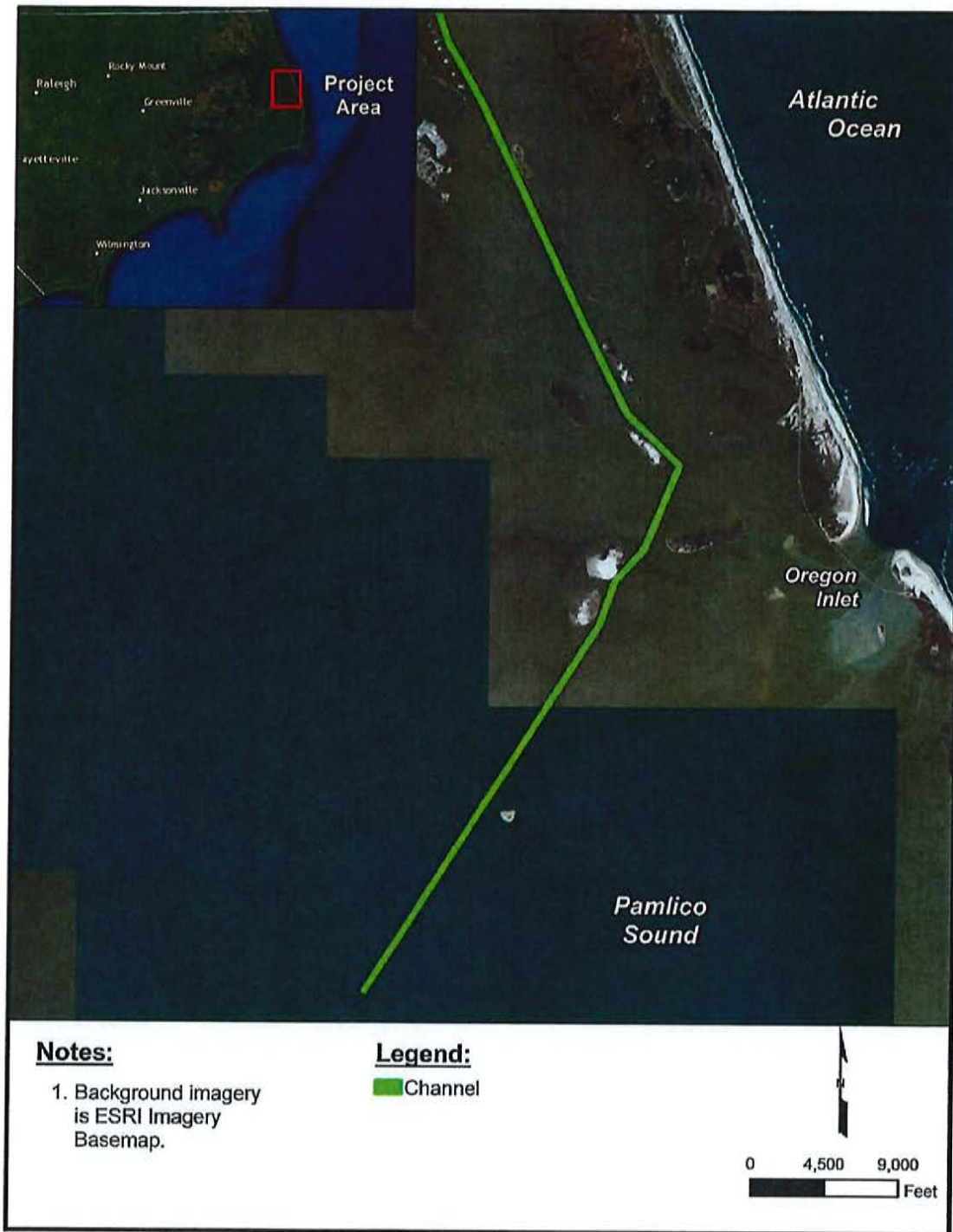


Figure 2: Location map showing the southern portion of the Manteo (Shallowbag Bay) navigation channel project.

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

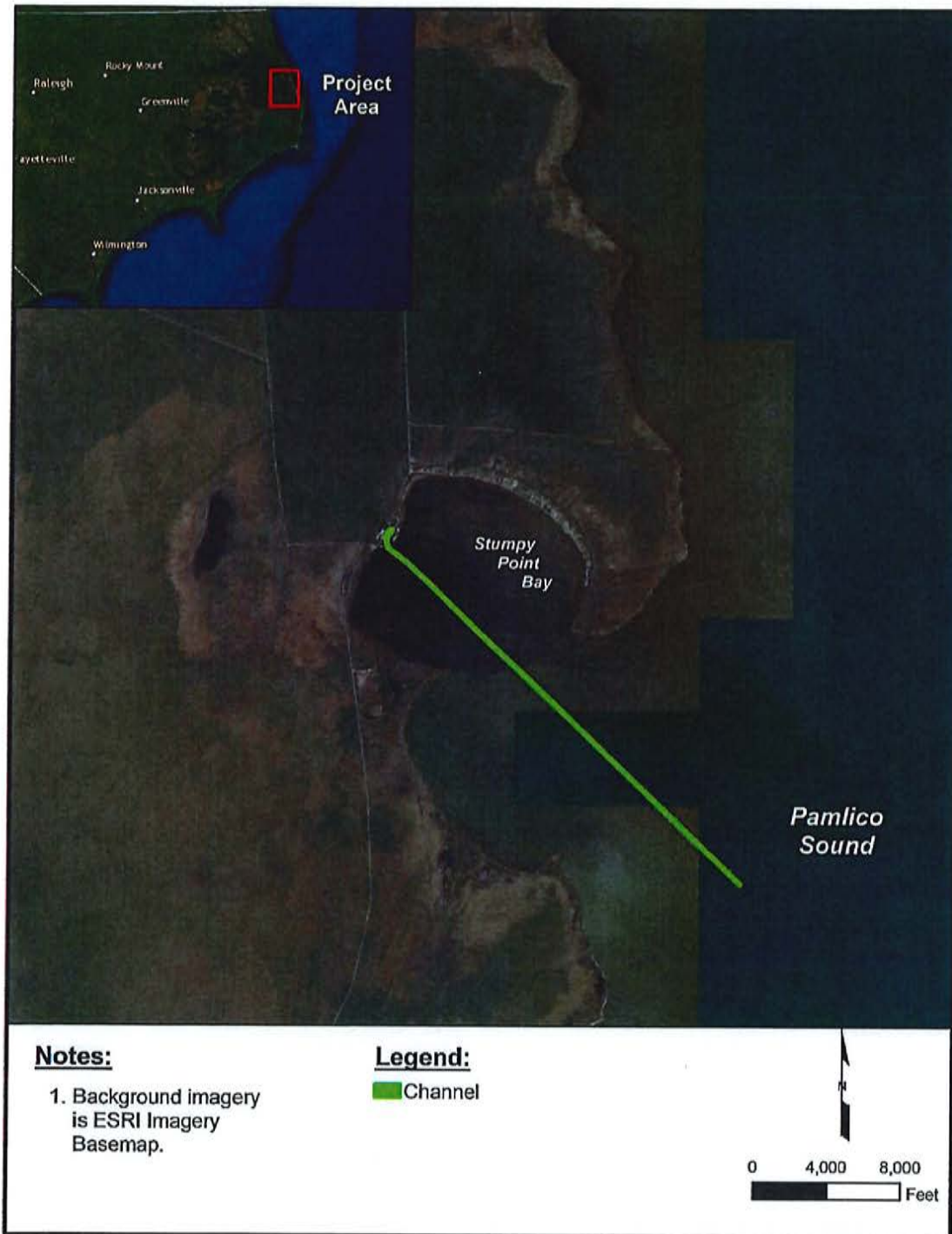


Figure 3: Location map showing Stumpy Point navigation channel

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

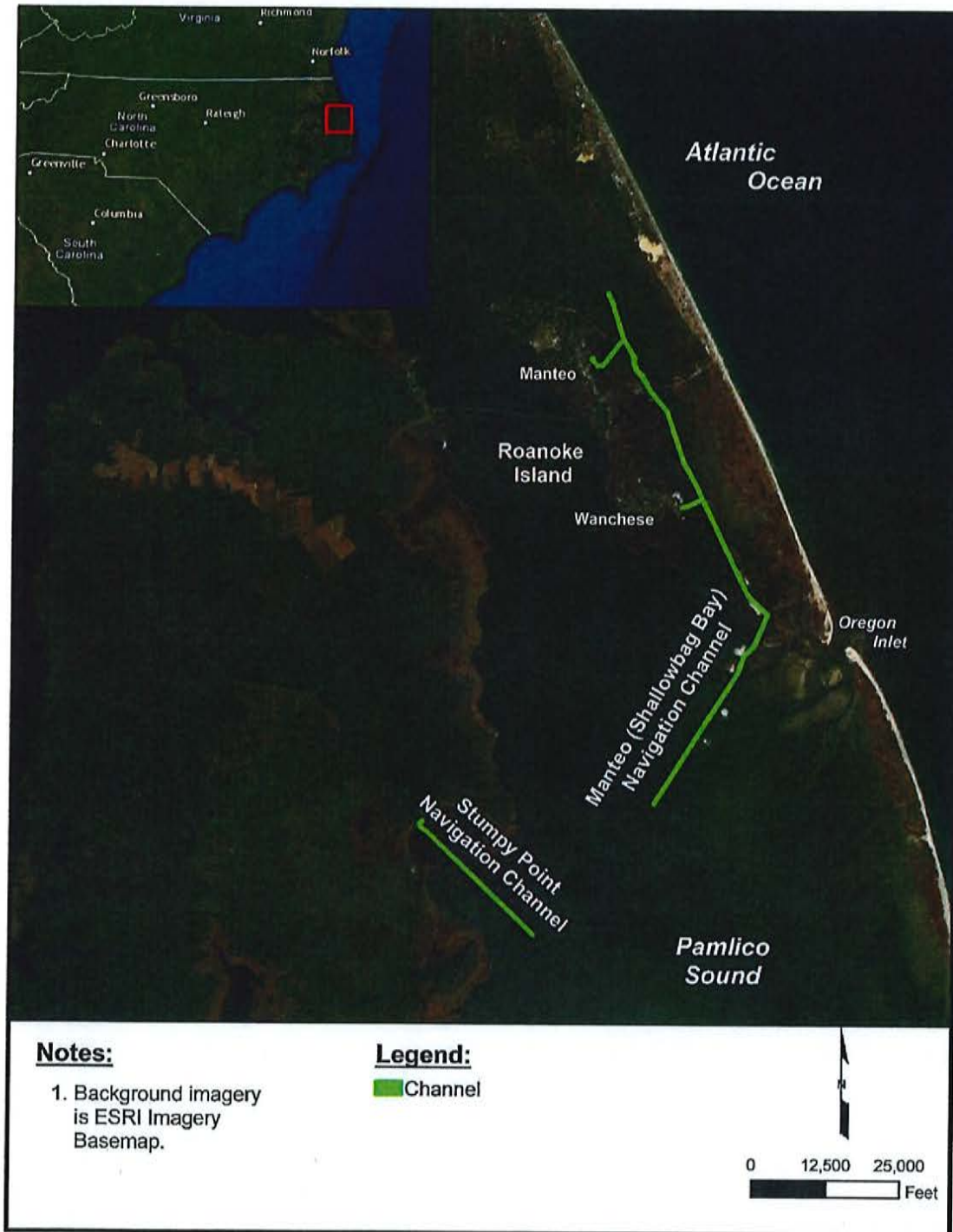


Figure 4: Location map showing Project Area

A detailed description of each of the services to be provided by APTIM as part of this Scope of Services follows.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

**PROJET MANAGEMENT**

The APTIM project manager will be responsible for project administration of the program with assistance from other senior staff as appropriate. Administration includes coordination with the client and APTIM team, providing progress and status updates, maintaining budget control, scheduling, planning, internal meetings, and other associated management tasks required to complete the project according to the scope in a timely manner. APTIM's project manager will provide the COUNTY, with a one (1) page monthly summary of activities completed, upcoming milestones, and any anticipated changes to the scope or schedule.

**TASK 1 – NEEDS ASSESSMENT**

Based on communications with the US Army Corps of Engineers (USACE) Wilmington District, the COUNTY is already aware of dredge material management needs associated with the maintenance of the channels listed above. However, the COUNTY also desires to determine additional interests with regards to navigation maintenance and dredge material management within other areas of the southern portion of the COUNTY. It is the COUNTY's intention to identify these needs and move forward with the permitting of such navigation maintenance projects and dredge material management strategies.

APTIM will develop a geographic information system (GIS) that contains all federal and non-federal maintained navigation channels within the project area, which is shown in Figure 4. Using dredge records from the USACE and other entities engaged in actively maintaining navigation channels in the COUNTY, APTIM will 1) quantify the volume of material anticipated to be placed in dredge disposal sites over a pre-determined timeframe; and 2) determine the quality of material to be removed from the channels (i.e. sand, sand silt mix, mud, etc.).

APTIM will submit Freedom of Information Act (FOIA) requests to the USACE for available sediment data to assess sediment quality. Typically, the USACE does not require fees to process such requests; however, depending on the level of effort required by the USACE staff to compile the records, they may charge the COUNTY a fee of \$48/hour plus duplication costs (\$.15/page and \$5.00/DVD). This contract does not include additional fees to be paid to the USACE for this information. Should fees be required, the COUNTY will be provided a cost estimate and instructions on how to remit payment directly to the USACE.

APTIM will use data provided by the USACE through the FOIA request and other sources to assess the quality and sediment characteristics of material dredged from channels. The assessment of sediment quality does not include field collection of any additional geotechnical data. APTIM will also use data provided by the USACE to identify the type



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

and size of dredge equipment likely to be used to maintain each dredge project and to determine if existing dredge disposal sites could be modified to increase capacity.

As part of the needs assessment, APTIM will also conduct interviews with representatives from the North Carolina Department of Transportation (NCDOT), COUNTY public works departments, National Parks Services (NPS), and representatives from private industry to determine the needs for the beneficial use of dredged material. Specifically, APTIM will determine the needs for the different types of sediments (sand, sand silt mix, etc.) dredged from navigation channels. This information will be used in the development of the project alternatives, specifically to determine how sediment can be beneficially used.

**TASK 2 – CONCEPT ALTERNATIVE DEVELOPMENT**

Upon completion of Task 1, APTIM will work with the COUNTY and other stakeholders to identify the up to ten (10) dredge material management facilities to be used for the identified channel maintenance projects. The siting of these locations will consider:

- Proximity of the facility to the channel(s) requiring maintenance;
- Cost to acquire land;
- Potential for environmental impacts;
- Ease of access for interested parties to transport spoil material from the sites for beneficial uses;
- Potential opportunities for dual purpose of dredge disposal sites for public use (i.e. coastal resilience, camp grounds, water access, educational outreach, habitat improvement, etc.)

Through the process of identifying potential sites, APTIM will coordinate with land owners and user groups (i.e. Dare County Waterways Commission, North Carolina Coastal Federation, local recreational and commercial fishing interests, etc.) to assess the feasibility of these sites based on the criteria listed above. Once initial site alternatives have been identified by APTIM and these user groups, APTIM will then develop a conceptual plan for each site with appropriate detail to allow for discussions with resource and permitting agencies to determine the feasibility from their perspectives.

APTIM will then arrange an interagency scoping meeting with representatives from state and federal environmental resources agencies, state regulatory agencies, the USACE, and local governmental representatives. The purpose of the meeting will be to identify any concerns these entities may have regarding each site identified through the process described above. In addition, the meeting will serve to determine the most appropriate permitting approach and National Environmental Policy Act (NEPA) documentation requirements. A project narrative and concept plan will be provided to meeting attendees by APTIM prior to the interagency meeting. Meeting minutes from the interagency

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

meeting will be drafted and disseminated to all meeting participants within 1 week following the meeting date.

APTIM will utilize information gained through the needs assessment, interviews with stakeholders, and resource/regulatory agency feedback from the interagency scoping meeting to develop recommended dredge material management facilities to be permitted under Task 3.

For each of the recommended dredge material management facilities, APTIM will also provide to the COUNTY the following information:

- Estimated volume anticipated to be removed from the identified navigation channels over the next 20 years
- Location and description of the recommended dredge material placement facilities
- Cost associated with the design, permitting and land acquisition for the recommended dredge material placement facilities
- Recommendations for cost-sharing partners
- A schedule for the design, permitting, and land acquisition required to develop the recommended dredge material placement facilities

A letter report will be prepared by APTIM to include this information. A draft of the letter report will be provided to the COUNTY within six (6) months following receipt of written authorization to proceed. Once comments have been received from the COUNTY regarding the alternatives, APTIM will address comments and provide both digital and hard copies of the document to the COUNTY as a deliverable.

**TASK 3- ENVIROMENAL SERVICES**

The scope of work and cost associated with both Task 3 and 4 assume the following stipulations:

- Permitting of the projects will follow the process described in the “*Permitting*” section below
- Completion of Task 3 and 4 will not require field investigations (collection of vibracore samples, analysis of sediments, field investigations of natural resources, etc.).
- Bathymetric data collected by the USACE will be provided to APTIM and will be sufficient to support the permit requests
- Publically available LiDAR data available through NOAA, the USGS, and the USACE, will be sufficient to support the permit requests
- Upon request by APTIM, the USACE will provide previous environmental documentation to support federally authorized channels included in the permitting requests.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

- Upon request by APTIM, the USACE will provide existing boring data previously obtained from within the federally authorized channels in the vicinity of Rollinson Channel.

Task 3 is based on preliminary discussions with the United States Army Corps of Engineers (USACE), North Carolina Division of Coastal Management (DCM), and the COUNTY.

***Permitting***

APTIM will convene a second interagency scoping meeting where the resolution to any issues identified during the first interagency meeting will be presented by APTIM. Likewise, the scope and nature of the navigation projects that will be included within the permitting effort will be described. This will include the type(s) of dredge plant to be used, estimated dredged volumes, and the attributes of the proposed dredged disposal sites. APTIM will also ensure agreement from all meeting participants in regards to the proposed permitting approach and the anticipated environmental documentation requirements.

Following the second scoping meeting and based on the assumption that the project will be designed to allow for the most expeditious permitting approach, APTIM will assist the COUNTY in obtaining the necessary permits and approvals from all relevant state and federal agencies. At this time, it is understood that the following state permits and approvals will be required:

- North Carolina Division of Coastal Management (NCDQM), Coastal Area Management Act (CAMA) Major Permit.
- NC Division of Water Resources (NCDWR) General Water Quality Certification.
- NC State Historic Preservation Office's concurrence.
- NC Division of Energy, Mineral, and Land Resources (NCDEMLR) Erosion and Sediment Control Permit (only applicable for upland dredge disposal alternatives)
- NC Department of Environmental Quality (NCDEQ) Construction General Permit (NCG01) (only applicable for upland dredge disposal alternatives)

Federal permits and approvals will include:

- Department of Army (DOA) USACE Individual Permit in compliance with Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
- U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) concurrence with Section 7 of the Endangered Species Act (ESA).
- NMFS concurrence with the Magnuson-Stevens Fishery Conservation and Management Act.

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

- U.S. Environmental Protection Agency (USEPA) concurrence with the Clean Water Act (CWA).
- National Park Service (NPS) Special Use Permit

In order to receive the aforementioned permits and approvals, APTIM will develop and submit the DCM CAMA Major Permit application on behalf of the COUNTY within 120 days following the second interagency scoping meeting. The CAMA Major Permit application package will include the required Major Permit forms along with plan drawings and adequate additional information that will serve to satisfy the agency review process. The CAMA Major Permit application serves as an application for several other state and federal permits, such as the Water Quality Certification, Stormwater Management Permit and is reviewed by ten (10) state and four (4) federal agencies before a decision is made.

APTIM engineers will develop preliminary designs for the proposed disposal site(s) in order to provide sufficient details for the permit drawings. The permit application will also include information pertaining to the characteristics of the disposal site(s), threatened and endangered species (marine and terrestrial), essential fish habitat, and other natural resource concerns. Four (4) hard copies and ten (10) CDs of the NCDCM application, project drawings, and other attachments will be produced and provided to NCDCM for dissemination to the resource agencies for review. The submittal of a "complete" NCDCM Major Permit application and attachments will serve as an intermediate project deliverable.

The USACE Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899. Because this proposed project includes construction and dredging within the Nation's navigable waters, it will also require a USACE permit. An individual, or standard permit, is issued when projects have more than minimal individual or cumulative impacts, are evaluated using additional environmental criteria, and involve a more comprehensive public interest review. At this time, and for the purposes of this proposal, it is assumed that the COUNTY will need to obtain an Individual Permit (IP) from the Department of Army, administered through the USACE. APTIM will develop and submit the DCM CAMA Major Permit application on behalf of the COUNTY within 120 days following the second interagency scoping meeting.

Should dredged material be placed on the oceanfront shoreline along Hatteras Island, a NPS Permit will be required. Special Use Permits are issued for activities that provide a benefit to an individual, group, or organization, and for activities that require the use of a designated park location for a specific purpose and length of time. The NPS only permits activities which are appropriate to the purpose for which the park was established, and for activities which can be sustained without causing unacceptable impacts to park resources. The environmental documentation developed in support of the USACE IP will be submitted to the NPS along with a standard Special Use Permit application within 120 days following the second interagency scoping meeting.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

Throughout the permitting process, APTIM proposes to participate in up to three (3) additional meetings with the various agencies/stakeholders coordinating the permit application's development and review. Additional coordination with resource agencies/stakeholders will be conducted via telephone and email correspondences as needed.

If following the interagency meeting the permitting approach described above requires modification, a change order will be prepared and presented to the COUNTY. Furthermore, in the event a state or federal agency solicits a Request for Additional Information (RAI) in response to the permit applications, an additional task order proposal will be submitted to COUNTY under a modified SOW.

***Environmental Documentation***

A Biological Assessment (BA) entitled "Use of Sidecast Dredges *Fry, Merritt, Schwezer*, and the Split-Hull Dredge *Currituck* in Coastal United States Waters" dated July 1998 was prepared by the USACE and provides relevant information. In addition, the Environmental Assessment (EA) prepared by the USACE entitled "Use of Government Plant to Dredge in Federally Authorized Navigation Projects in North Carolina", dated March 2004, the Environmental Impact Statement (EIS) prepared by the USAC entitled "Manteo (Shallowbag) Bay North Carolina FEIS", dated July 1977, and the Final EIS prepared by the USACE entitled "Final Supplement to the FEIS Manteo (Shallowbag) Bay Project, Dare County, North Carolina, dated August 1980" also provides relevant information. These, along with other environmental documents previously developed by the USACE will be utilized to support the development of the environmental documents needed for this proposed project.

At this time, it is envisioned that the development of additional environmental documents would be required to satisfy the National Environmental Protection Act (NEPA). These include the development of a new BA and Essential Fish Habitat (EFH) assessment to satisfy consultation under the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act, respectively. In addition, since it is anticipated that the nature of the proposed activities would result in a Finding of No Significant Impact (FONSI), an EA would be developed, using the above-mentioned documents for reference, to satisfy NEPA requirements. APTIM will propose these documentation approaches during the interagency pre-application meeting.

APTIM will acquire and evaluate available biological resource and human-interest factor data to determine the nature and extent of those resources that may be affected by project construction. This information will pertain to the nearshore marine, estuarine, and terrestrial habitats within and adjacent to the project areas. APTIM does not anticipate the need for field studies to collect any additional environmental data; therefore, this cost proposal does not reflect any additional field studies. If in the event it is determined that such studies are necessary, a change order will be requested within a separate SOW.

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

**TASK 4- GEOTECHNICAL SERVICES**

The proposed project aims to conduct maintenance dredging events within numerous federally authorized channels and boat basins and has the potential to include other non-federally authorized channels. As previously stated, APTIM will coordinate with staff from the USACE Wilmington District to obtain existing boring data which will be used to characterize the material within these channels. This characterization will determine how the dredged material should be managed and stored/utilized. In addition to determining the limits of how the material can be used, this characterization will also assist with determining the volume of material that may be deemed compatible for beach placement in accordance with the State Sediment Criteria Rule (15A NCAC 07H .0312).

APTIM will use available data to develop a sediment analysis report to be submitted as part of the NEPA documentation and CAMA Major Permit application. This report will provide information on sediment characteristics within the identified channel to be maintained under the permit, including grain size, percent fines, and description of sediment. The report will also include project maps showing channel locations and sediment sample locations. If available, such parameters such as color, mineralogy, shell content, percent gravel, percent granular, etc. will also be included. The report will also clearly document the sources of the data. This report will be included as an appendix to both the NEPA Documentation and the CAMA Major Permit Application. APTIM will also provide the COUNTY with up to two (2) hardcopies and two (2) digital copies of the report. Furthermore, the sediment data will be available for inclusion into any subsequent construction plans and specifications to be developed for future construction projects not included as part of this proposal.

**ADDITIONAL SERVICES NOT INCLUDED:**

As previously stated, the goal of this scope of work is to obtain permits for 1) the dredging of the listed channels and 2) the establishment of sufficient dredge material management options to satisfy the long-term needs to maintain these channel projects. Furthermore, the COUNTY aims to identify strategic permit disposal options for additional channel maintenance projects based on the results of Task 1 and 2. Given the fact that the specific channels and dredge material management options have not yet been determined, and the fact that APTIM is not yet aware of the amount of data and documentation currently available through the USACE and other entities in regards to the characteristics of the material within these channels, additional services may be required to complete the permitting process.

The following list is not necessarily comprehensive, but rather, a list of possible additional services that may arise as project details are established:



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

- Development and submittal of an Erosion and Sediment Control Permit(s) to NCDEMLR
- Additional environmental documentation (i.e. Environmental Impact Statement)
- Biological resource investigations
- Analysis to determine safe use of dredge materials that may contain contaminants
- Vibracore/Geo-Probe borings of channels and/or existing dredge material management facilities
- Grab samples of potential disposal areas including beaches, shallow water areas proposed for island establishment, current dredge material management facilities
- Sieve analysis of vibracore/Geo-probe boring samples and/or grab samples
- Contaminant testing of sediment samples
- Hydrographic/Topographic surveys of channels and proposed dredge material management facilities
- Submerged cultural resource surveys
- Detailed engineering design of dredge containment facilities that include such aspects as containment dikes, water control structures, dock or pier structures, etc.

The costs associated with completing the scope of work, as outlined above, for the Central Dare County Channel Maintenance and Dredge Material Management Permitting Project is predicated on the notion that the APTIM will work concurrently to develop a similar set of deliverables to support channel maintenance and dredge material management permitting for the southern portion of Dare County. Additional costs may be realized should these two efforts be conducted independently.

*The information contained in this proposal is confidential commercial information and shall not be used or disclosed, except for evaluation purposes, provided that if a contract is awarded to APTIM as a result of or in connection with the submission of this proposal, the requester shall have the right to use or disclose the data to the extent provided in the contract. This restriction does not limit the requester's right to use or disclose any technical data obtained from another source without restriction.*

**EXHIBIT B:  
 BREAKDOWN OF COSTS  
 DARE COUNTY, NORTH CAROLINA  
 CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
 MANAGEMENT PERMITTING PROJECT**

Table 1. Breakdown of the total cost of the environmental permitting, engineering design, and bidding assistance associated with the Central Dare County Channel Maintenance and Dredge Material Permitting Project.

TASK	DESCRIPTION	Cost
1	Needs Assessment	\$13,875
2	Concept Alternative Development	\$40,750
3	Permitting and Environmental Documentation	\$104,070
4	Sediment Compatibility	\$8,840
<b>TOTAL:</b>		<b>\$167,535</b>

The costs associated with completing Tasks 1-4 is predicated on the notion that the APTIM will work concurrently to develop a similar set of deliverables to support channel maintenance and dredge material management permitting for the central portion of Dare County. Additional costs will be realized should these two efforts be conducted independently.



**EXHIBIT C:  
LIST OF DELIVERABLES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
MANAGEMENT PERMITTING PROJECT**

The following items have been identified as deliverables for the completion of this scope of work.

- Monthly Progress Reports;
- Needs Assessment – GIS Files;
- First Scoping Meeting Minutes;
- Concept Alternative Write Up;
- Second Scoping Meeting Minutes;
- NC Division of Coastal Management Major CAMA Permit and Dept. of the Army Individual Permit Applications;
- Sediment Analysis Report;

A detailed description and an individual schedule for each deliverable are provided below.

Monthly Progress Reports: APTIM will provide a 1-page summary of the project status via e-mail approximately every 30 days during the course of the anticipated 12-month contract period. The letter will describe activities completed throughout the month and update the anticipated schedule of milestones as appropriate.

Needs Assessment – GIS Files: APTIM will develop a geographic information system (GIS) that contains federal and non-federal maintained navigation channels within the project area. GIS files created and populated by APTIM will be provided to the County along with metadata. The channel files will include information on geographic locations of the channels, type of dredge used to maintain the channels, type of material historically removed from the channels, frequency/history of dredging and other information known about the type of material dredged from those channels. The dredge material management facilities files will also include geographic locations of the proposed facilities, current property owners, and estimated value. Barring any unforeseen circumstances, the GIS shapefiles and associated metadata will be provided within 150 days following written authorization to proceed.

First Scoping Meeting: As part of Task 2, APTIM will convene a scoping meeting within 120 days following written authorization to proceed. The purpose of the meeting will be to identify concerns that state and federal resource and regulatory agencies may have regarding potential dredge material management facilities and to determine the most appropriate permitting approach and National Environmental Policy Act (NEPA) documentation requirements. APTIM will prepare and distribute meeting minutes to all participants including Dare County. Barring any unforeseen circumstances, the meeting minutes will be provided to participants within two (2) weeks

**EXHIBIT C:  
LIST OF DELIVERABLES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
MANAGEMENT PERMITTING PROJECT**

following the meeting. These meeting minutes will also be archived as an appendix to the Dredge Material Management Plan.

Concept Alternative Development: APTIM will develop a conceptual plan for up to eight (8) dredge disposal sites with appropriate detail to allow for discussions with resource and permitting agencies to determine the feasibility from their perspectives. For each of the recommended dredge material management facilities, APTIM will provide to the COUNTY the following information:

- Estimated volume anticipated to be removed from the identified navigation channels over the next 20 years
- Location and description of the recommended dredge material placement facilities
- Cost associated with the design, permitting, and land acquisition for the recommended dredge material placement facilities
- Recommendations for cost-sharing partners
- A schedule for the design, permitting, and land acquisition required to develop the recommended dredge material placement facilities

A letter report will be prepared by APTIM to include this information and will be submitted to the COUNTY. Barring any unforeseen circumstances, the letter report detailing the alternatives developed by APTIM will be provided within 150 days following written authorization to proceed.

Second Scoping Meeting: APTIM will utilize the information gleaned from the first scoping meeting to finalize Tasks 1 and Tasks 2. Upon finalization of Task 1 and Task 2, APTIM will develop draft a draft project narrative and project maps that will be presented at a second scoping meeting which will be held 90 days after the first scoping meeting. During this second scoping meeting, APTIM will also present a refined permitting approach and NEPA documentation requirements. Barring any unforeseen circumstances, the meeting minutes will be provided to participants within two (2) weeks following the meeting.

NC Division of Coastal Management Major CAMA Permit and Dept. of the Army Individual Permit Applications: The Scope of Professional Services includes the development and submittal of the complete Major CAMA permit and Dept. of the Army Individual permit applications directly to the NC Division of Coastal Management and US Army Corps of Engineers, respectively. Barring any unforeseen circumstances, these applications will be submitted to the appropriate agencies within 155 days following the conclusion of the Second Scoping Meeting.

Sediment Analysis Report: APTIM will develop a sediment analysis report to be submitted as part of the NEPA documentation and CAMA Major Permit application. The Sediment Analysis Report will be composed of a brief letter report describing sediment analysis methods, project setting maps showing the location of the sediment samples, and results of the sediment analysis. Barring

**EXHIBIT C:  
LIST OF DELIVERABLES  
DARE COUNTY, NORTH CAROLINA  
CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
MANAGEMENT PERMITTING PROJECT**

any unforeseen circumstances, the sediment analysis report will be provided within 150 days following written authorization to proceed.





*Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project*

**Description**

Dare County Waterways is requesting to approve a grant submission to the N.C. Department of Environmental Quality Shallow Draft Navigation Grant to assist in the cost share for the "Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project" The purpose of the project is to provide the necessary spoil sites for the U.S. Army Corps of Engineers proposed federally funded dredge event in FY2022 for Rollinson Channel. The cost for the contract is \$163,790. The grant application will include the cost of the proposal and up to \$6,933 for in-kind contribution from the Dare County Waterways Administrator. Total project cost for the grant will be \$170,723 with Dare County's 33% contribution being no more than \$49,969.

**Board Action Requested**

Request to approve the submission of the Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project to the NC DEQ Shallow Draft Navigation Grant.

**Item Presenter**

Ken Willson, APTIM Coastal Planning and Engineering, President  
Brent Johnson, Waterways Administrator, Project Manager



**Kenneth Willson**  
*President*  
*Aptim Coastal Planning & Engineering*  
*of North Carolina, Inc.*

4038 Masonboro Loop Road  
Wilmington, North Carolina  
Tel: +1 910-791-9494  
Kenneth.Willson@aptim.com

December 9, 2019

Robert L. Outten  
Dare County  
954 Marshall C Collins Dr. Room 286  
Manteo, NC 27954

**Subject: Proposal: Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project**

Dear Mr. Outten:

Aptim Coastal Planning & Engineering of North Carolina, Inc. (APTIM) is pleased to provide this proposal to Dare County (OWNER) for services that will facilitate the permitting of channel maintenance and dredge material disposal sites in southern Dare County. APTIM has a special preferred relationship with Aptim Environmental & Infrastructure, LLC, and through that relationship APTIM will utilize their personnel, resources and assets to perform the proposed Services.

The Scope of Professional Services (the Services) is attached to this proposal as Exhibit A and is broken into four (4) Tasks which include: 1) Needs Assessment, 2) Concept Alternative Development, 3) Permitting and Environmental Documentation and, 4) Sediment Compatibility. The Services will be performed for a lump sum fee of \$163,790.00. Exhibit B includes a breakdown of cost by Task.

Barring any unforeseen circumstances, APTIM anticipates completing Tasks 1 and 2 within 150 days of receiving your written notice to proceed and submitting permit applications to the United States Army Corps of Engineers (USACE) and the Division of Coastal Management (DCM) within 215 days following completion of Tasks 1 and 2.

Please see Exhibit C – List of Deliverables, for a description of each of the following deliverables identified as part of this proposal:

- Monthly Progress Reports;
- Needs Assessment – GIS Files;
- First Scoping Meeting Minutes;
- Second Scoping Meeting
- Concept Alternative Write Up;
- NC Division of Coastal Management Major CAMA Permit and Dept. of the Army Individual Permit Applications;
- Sediment Analysis Report

Given the fact that the specific number of channels have yet to be determined and the fact that APTIM is not yet aware of the amount of data and documentation currently available through the USACE and other entities in regards to the characteristics of the material within these channels, additional services may be required to complete the permitting process. These undefined additional services may be submitted to the County in a separate Scope of Work, should they be required. Furthermore, the costs associated with completing the scope of work, as outlined above, for the Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project is predicated on the notion that APTIM will work concurrently to develop a similar set of deliverables to support channel maintenance and dredge material management permitting for the central portion of Dare County. Additional costs may be realized should these two efforts be conducted independently.

APTIM's performance of the proposed Services is conditioned upon mutually acceptable contract terms and conditions. In that regard, attached to this proposal is our Services Agreement for your consideration as the terms and conditions that will govern our performance of the proposed Services.

If this proposal is acceptable to you, please have the attached Services Agreement signed, and return it to me. APTIM will then sign the Services Agreement and return a fully signed copy to you for your records.

Sincerely,

**APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.**



Kenneth Willson  
President



APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.  
SERVICES AGREEMENT  
FIXED PRICE BASIS

All in accordance with the following terms and conditions.

1. **SCOPE OF SERVICES:** APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC. ("APTIM") agrees to perform for the undersigned CLIENT, engineering and consulting ("Services") described in the attached Proposal and/or as follows:

Professional Services to Facilitate the Permitting of Channel maintenance and Dredge Material Disposal Sites in Southern Dare County.

2. **FEES, INVOICES AND PAYMENTS:** The Services will be performed on a fixed price basis for **One Hundred Sixty Three Thousand, Seven Hundred Ninety Dollars and 0/100 (\$163,790.00)**. Invoices will be submitted by APTIM no more frequently than every two weeks, with payment due upon CLIENT'S receipt of invoice. Payment shall be in U.S. Dollars. CLIENT shall be responsible for payments (without deduction or offset from the total invoice amount) of any and all sales, use, value added, gross receipts, franchise and like taxes, tariffs and duties levied against APTIM or its employees by any government or taxing authority. A service charge equal to one-half percent (1/2 %) per month, or the maximum rate permitted by law, whichever is less, will be added to all accounts which remain unpaid for more than thirty (30) calendar days beyond the date of the invoice. Should there be any dispute as payments to be made on a percent complete basis to any portion of an invoice, the undisputed portion shall be promptly paid.
3. **CLIENTS COOPERATION:** To assist APTIM in performing the Services, CLIENT shall (i) provide APTIM with relevant material, data, and information in its possession pertaining to the specific project or activity, (ii) consult with APTIM when requested, (iii) permit APTIM reasonable access to relevant project sites, (iv) ensure reasonable cooperation of CLIENT's employees in APTIM's activities, and (v) notify and report to all regulatory agencies as required by such agencies.
4. **CONFIDENTIALITY:** In the course of performing Services, to the extent that CLIENT discloses to APTIM, business or technical information that CLIENT clearly marks in writing as confidential or proprietary, APTIM will exercise reasonable efforts to avoid the disclosure of such information to others. Nonetheless, CLIENT shall treat as confidential all information and data furnished to it by APTIM in connection with this Agreement including, but not limited to, APTIM's technology, formulae, procedures, processes, methods, trade secrets, ideas, inventions, and/or computer programs; and

CLIENT shall not disclose such information to any third party.

Nothing herein is meant to prevent nor shall be interpreted as preventing either party from disclosing and/or using any information or data (i) when the information or data are actually known to the receiving party before being obtained or derived from the transmitting party, (ii) when information or data are generally available to the public without the receiving party's fault at any time before or after it is acquired from the transmitting party; (iii) where the information or data are obtained or acquired in good faith at any time by the receiving party from a third party who has the same in good faith and who is not under any obligation to the transmitting party in respect thereto; (iv) where a written release is obtained by the receiving party from the transmitting party; (v) three (3) years from the date of receipt of such information; or (vi) when required by process of law; or by North Carolina Public Records Law; provided, however, upon service of such process, the recipient thereof shall use reasonable efforts to notify the other party and afford it an opportunity to resist such process.

5. **DELAYS AND CHANGES IN CONDITIONS:** If APTIM is delayed or otherwise in any way hindered or impacted at any time in performing the Services by (i) an act, failure to act or neglect of CLIENT or CLIENT'S employees or any third parties; (ii) changes in the scope of the work; (iii) unforeseen, differing or changed circumstances or conditions including differing site conditions, acts of force majeure (such as fires, floods, riots, and strikes); (iv) changes in government acts or regulations; (v) delay authorized by CLIENT and agreed to by APTIM; or (vi) any other cause beyond the reasonable control of APTIM, then 1) the time for completion of the Services shall be extended based upon the impact of the delay, and 2) APTIM shall receive an equitable compensation adjustment. Any such equitable adjustment shall be based on APTIM's then current Time and Material Rates, as may be provided in a Rate sheet attached hereto.
6. **INSURANCE:** APTIM is presently protected by Worker's Compensation Insurance as required by applicable law and by General Liability and Automobile Liability Insurance (in the amount of \$1,000,000 combined single limit) for bodily injury and property damage. Insurance certificates will be furnished to CLIENT on request. If the CLIENT requires further insurance coverage, APTIM will endeavor to obtain said coverage, and CLIENT shall pay any extra costs therefor.



7. **INDEMNITIES:** APTIM shall defend, indemnify and hold harmless CLIENT and its officers and employees from and against loss or damage to tangible property, or injury to persons, to the extent arising from the negligent acts or omissions or willful misconduct of APTIM, its borrowed servants and their employer and its subcontractors, and their respective employees and agents acting in the course and scope of their employment. CLIENT shall defend, indemnify and save harmless APTIM (including its borrowed servants and their employers and its officers, and employees) from and against, any loss or damage to tangible property, or injury to persons, to the extent arising from the negligent acts or omissions or willful misconduct of CLIENT, its officers and employees

8. **LIMITATIONS OF LIABILITY:**

- a. GENERAL LIMITATION - CLIENT'S SOLE AND EXCLUSIVE REMEDY FOR ANY ALLEGED BREACH OF WARRANTY BY APTIM SHALL BE TO REQUIRE APTIM TO RE-PERFORM ANY DEFECTIVE SERVICES. APTIM'S LIABILITY AND CLIENT'S REMEDIES FOR ALL CAUSES OF ACTION ARISING HEREUNDER WHETHER BASED IN CONTRACT, WARRANTY, NEGLIGENCE, , OR ANY OTHER CAUSE OF ACTION, SHALL NOT EXCEED EXCEPT FOR THE MUTUAL INDEMNIFICATIONS SET FORTH IN SECTION 7 ABOVE. IN THE CUMULATIVE AGGREGATE (INCLUDING ANY INSURANCE PROCEEDS) WITH RESPECT TO ALL CLAIMS ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHATEVER MINIMUM AMOUNT MAY BE REQUIRED BY LAW OR, IF NONE, THE AMOUNT OF COMPENSATION FOR SUCH SERVICES,
- b. CONSEQUENTIAL DAMAGES: FURTHER AND REGARDLESS OF ANY OTHER PROVISION HEREIN, APTIM SHALL NOT BE LIABLE FOR ANY INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES (INCLUDING LOSS OF PROFITS, DECLINE IN PROPERTY VALUE, REGULATORY AGENCY FINES, LOST PRODUCTION OR LOSS OF USE) INCURRED BY CLIENT OR FOR WHICH CLIENT MAY BE LIABLE TO ANY THIRD PARTY OCCASIONED BY THE SERVICES OR BY APPLICATION OR USE OF REPORTS OR OTHER WORK PERFORMED HEREUNDER.

9. **GOVERNING LAWS:** This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina.

10. **TERMINATION:** Either party may terminate this Agreement with or without cause upon forty five (45) days' written notice to the other party. Upon such termination, CLIENT shall pay APTIM for all Services performed hereunder up to the date of such termination. In addition, if CLIENT terminates, CLIENT shall pay APTIM all reasonable costs and expenses incurred by APTIM in effecting the termination, including, but not

limited to non-cancelable commitments and demobilization costs.

11. **ASSIGNMENT:** Neither APTIM nor CLIENT shall assign any right or delegate any duty under this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, APTIM may, upon notice to CLIENT, assign, pledge or otherwise hypothecate the cash proceeds and accounts receivable resulting from the performance of any Services or sale of any goods pursuant to this Agreement.

12. **MISCELLANEOUS:**

- a. **ENTIRE AGREEMENT, PRECEDENCE, ACCEPTANCE MODIFICATIONS:** The terms and conditions set forth herein constitute the entire understanding of the Parties relating to the provisions of the Services by APTIM to the CLIENT. All previous proposals, offers, and other communications relative to the provisions of these Services by APTIM, oral or written, are hereby superseded, except to the extent that they have been expressly incorporated by reference herein. In the event of conflict, the three pages of this Agreement shall govern. CLIENT may accept these terms and conditions by execution of this Agreement or by authorizing APTIM to begin work. Any modifications or revision of any provisions hereof or any additional provisions contained in any purchase order, acknowledgement or other document issued by the CLIENT is hereby expressly objected to by APTIM and shall not operate to modify the Agreement.
- b. **DISPUTES, ATTORNEY FEES -** Any dispute regarding this Agreement or the Services shall be resolved first by exchange of documents by senior management of the parties, who may be assisted by counsel. Any thereafter unresolved disputes shall be litigated in the state whose law governs under Section 9 hereunder. In any litigation, the Prevailing Party shall be entitled to receive, as part of any award or judgment, eighty percent (80%) of its reasonable attorneys' fees and costs incurred in handling the dispute. For these purposes, the "Prevailing Party" shall be the party who obtains a litigation result more favorable to it than its last formal written offer (made at least twenty calendar days prior to the formal trial) to settle such litigation.
- c. **WAIVER OF TERMS AND CONDITIONS -** The failure of APTIM or CLIENT in any one or more instances to enforce one or more of the terms or conditions of this Agreement or to exercise any right or privilege in the Agreement or the waiver by APTIM or CLIENT of any breach of the terms or conditions of this Agreement shall not be construed as thereafter waiving any such terms, conditions, rights, or privileges, and the same shall continue and remain in force and effect as if no such failure to enforce had occurred.



- d. **NOTICES** – Any notices required hereunder may be sent by orally confirmed US Mail, courier service (e.g. FedEx), orally confirmed telecopy (fax) or orally confirmed email (further confirmed by US Mail) to the addresses set forth below.
- e. **SEVERABILITY AND SURVIVAL** - Each provision of this Agreement is severable from the others. Should any provision of this Agreement be found invalid or unenforceable, such provision shall be ineffective only to the extent required by law, without invalidating the remainder of such provision or the remainder of this Agreement.

Further, to the extent permitted by law, any provision found invalid or unenforceable shall be deemed automatically redrawn to the extent necessary to render it valid and enforceable consistent with the parties' intent. The terms and conditions set forth herein shall survive the termination of this Agreement.

CLIENT and APTIM agree to the foregoing (**INCLUDING THE LIMITATIONS ON LIABILITY IN SECTIONS herein**) and have caused this Agreement to be executed by their duly authorized representatives as of the date set forth below.

Executed on \_\_\_\_\_, 2019.

APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.

DARE COUNTY

By (Sign): \_\_\_\_\_

By (Sign): \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

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\_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

Aptim Coastal Planning & Engineering of North Carolina, Inc. (APTIM) will provide project management, planning, environmental, geotechnical and engineering services to the County of Dare (COUNTY) to facilitate maintenance dredging events within the federally authorized Rodanthe Harbor and Rollinson Channel navigation projects. As described below, the same services will be applied to yet-to-be-determined non-federal navigation channels as well. Descriptions of the federal navigation channels included in this scope of work are provided below and shown in Figures 1 through 3:

- Rodanthe Harbor -6 feet MLW (+2 foot overdepth) and 100 feet wide along the approximately 1.5 mile approach, the approximately 1,000 foot entrance channel, and the 80 ft. x 400 ft. boat basin;
- Rollinson Channel -12 feet MLW (+2 foot overdepth) and 100 feet wide extending 5 miles from Pamlico Sound to Hatteras Basin;
- Basin at Hatteras, - 12 feet MLW (+2 foot overdepth), varying widths and ~1,500 feet long; and
- Channel from Rollinson Channel at the basin entrance of Hatteras to Hatteras Inlet gorge, -10 feet MLW (+2 foot overdepth), 100 feet wide and 2.3 miles long.

The goal of this scope of work is to obtain permits for 1) the dredging of the listed channels and 2) the establishment of sufficient dredge material management options to satisfy the long-term needs to maintain these channel projects. Furthermore, APTIM will coordinate with local stakeholders to determine additional channel maintenance and dredge disposal needs within the Project Area and incorporate additional needs into this permitting effort at the request of the COUNTY. As shown in Figure 3, the Project Area includes the Outer Banks from the S-Curve south and west to Hatteras Inlet.

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

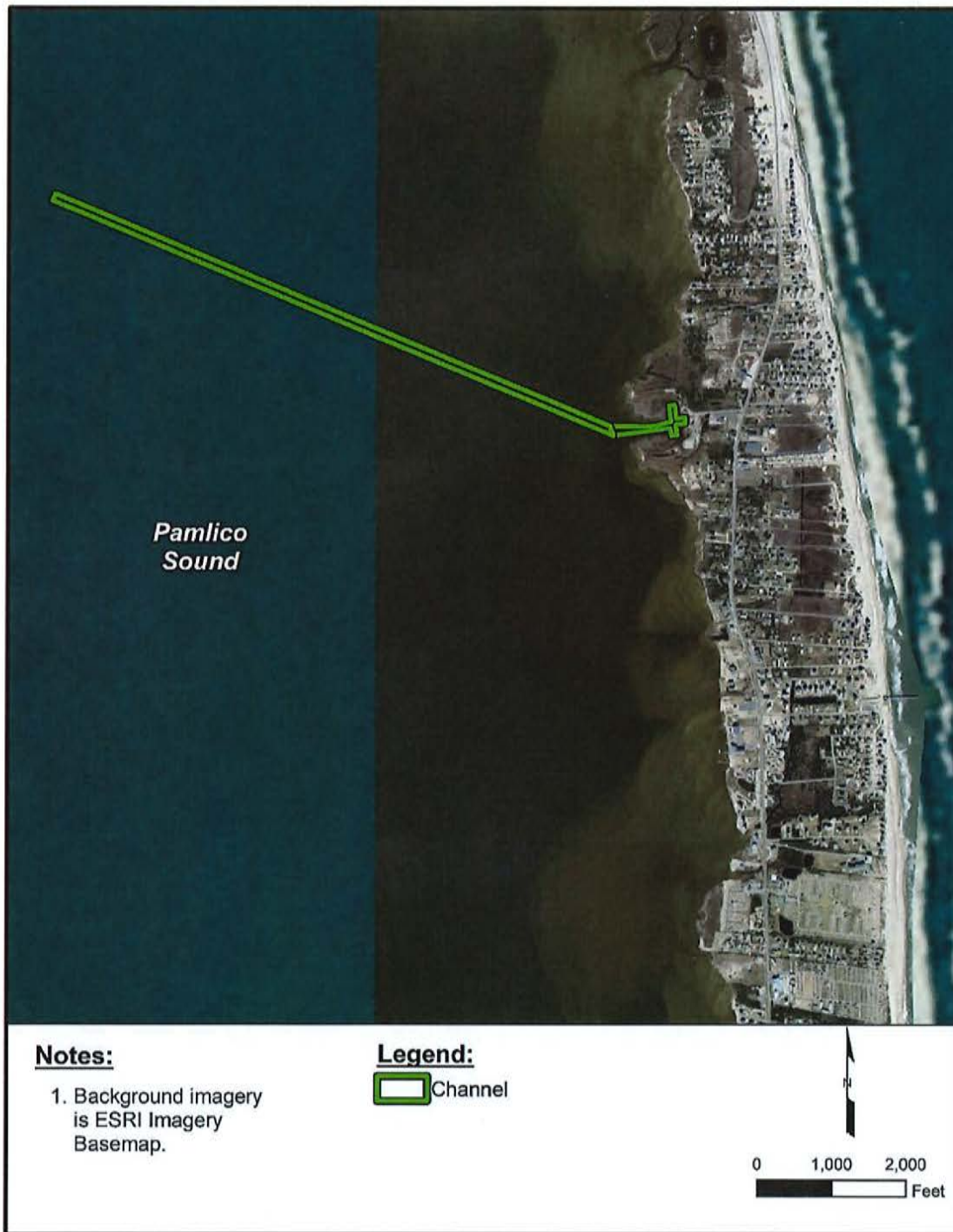


Figure 1: Location map showing Rodanthe Harbor Project



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

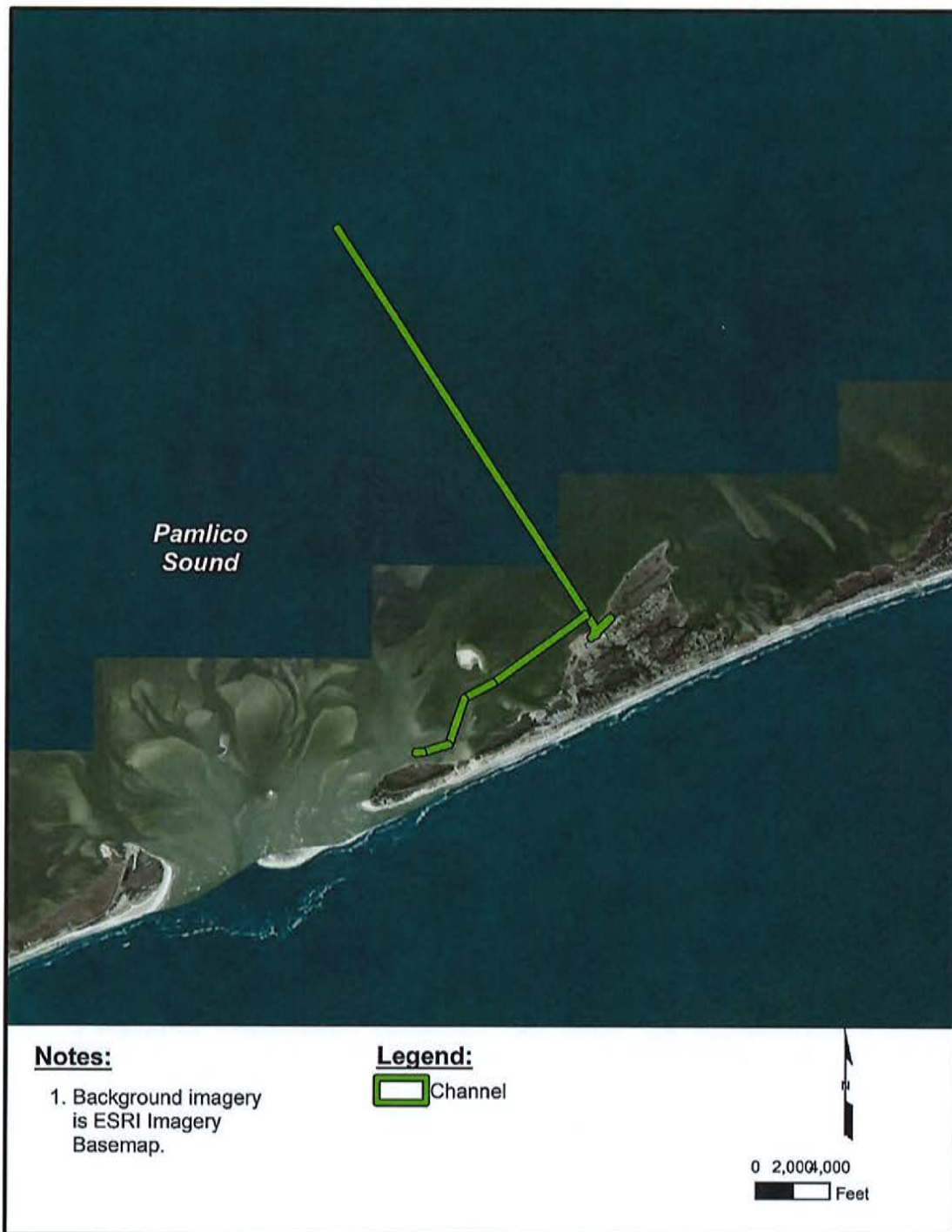


Figure 2: Location map showing Rollinson Channel Project

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

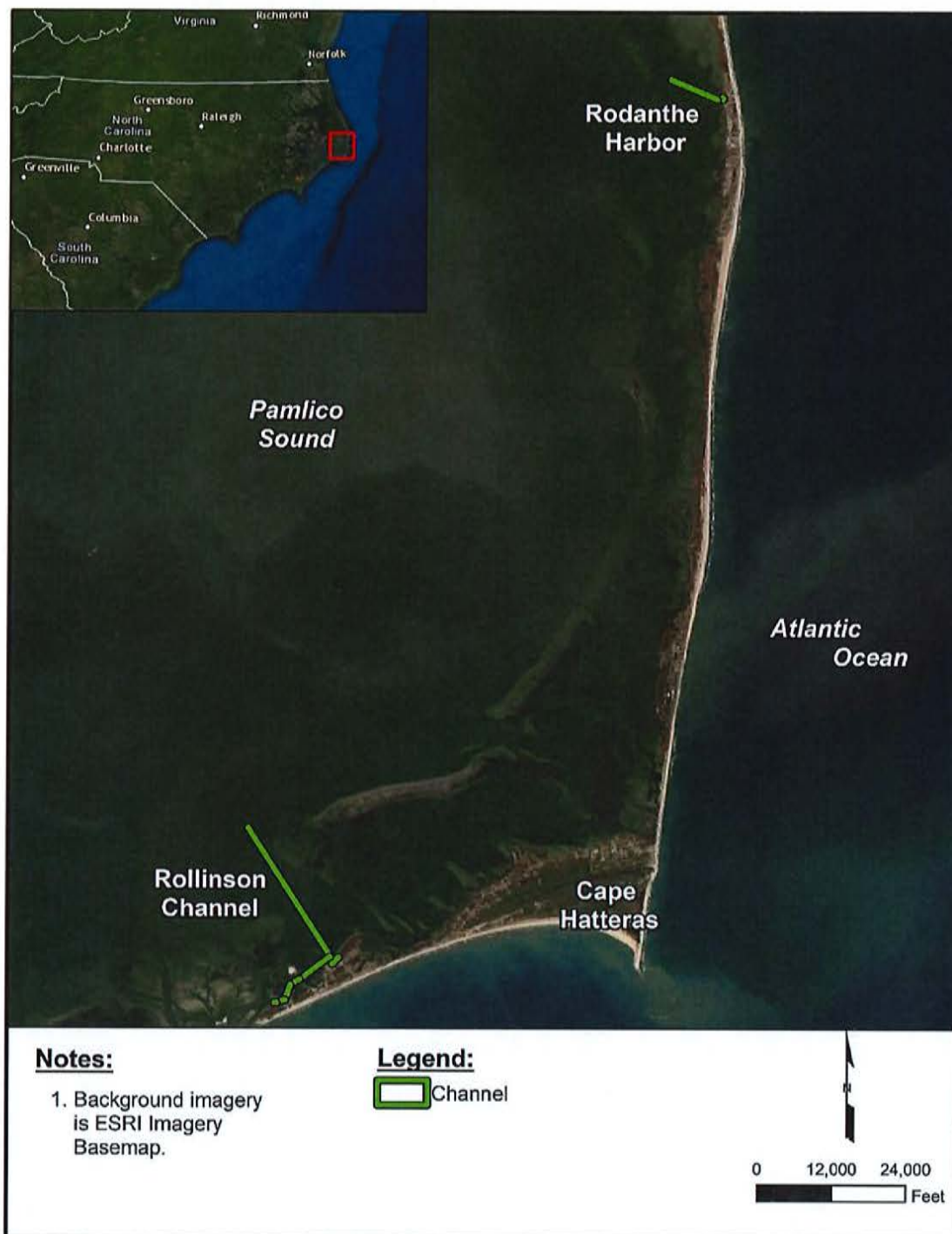


Figure 3: Location map showing Project Area

A detailed description of each of the services to be provided by APTIM as part of this Scope of Services follows.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

**PROJET MANAGEMENT**

The APTIM project manager will be responsible for project administration of the program with assistance from other senior staff as appropriate. Administration includes coordination with the client and APTIM team, providing progress and status updates, maintaining budget control, scheduling, planning, internal meetings, and other associated management tasks required to complete the project according to the scope in a timely manner. APTIM's project manager will provide the COUNTY, with a one (1) page monthly summary of activities completed, upcoming milestones, and any anticipated changes to the scope or schedule.

**TASK 1 – NEEDS ASSESSMENT**

Based on communications with the US Army Corps of Engineers (USACE) Wilmington District, the COUNTY is already aware of dredge material management needs associated with the maintenance of the channels listed above. However, the COUNTY also desires to determine additional interests with regards to navigation maintenance and dredge material management within other areas of the southern portion of the COUNTY. It is the COUNTY's intention to identify these needs and move forward with the permitting of such navigation maintenance projects and dredge material management strategies.

APTIM will develop a geographic information system (GIS) that contains all federal and non-federal maintained navigation channels within the project area, which is shown in Figure 3. Using dredge records from the USACE and other entities engaged in actively maintaining navigation channels in the COUNTY, APTIM will 1) quantify the volume of material anticipated to be placed in dredge disposal sites over a pre-determined timeframe; and 2) determine the quality of material to be removed from the channels (i.e. sand, sand silt mix, mud, etc.).

APTIM will submit Freedom of Information Act (FOIA) requests to the USACE for available sediment data to assess sediment quality. Typically, the USACE does not require fees to process such requests; however, depending on the level of effort required by the USACE staff to compile the records, they may charge the COUNTY a fee of \$48/hour plus duplication costs (\$.15/page and \$5.00/DVD). This contract does not include additional fees to be paid to the USACE for this information. Should fees be required, the COUNTY will be provided a cost estimate and instructions on how to remit payment directly to the USACE.

APTIM will use data provided by the USACE through the FOIA request and other sources to assess the quality and sediment characteristics of material dredged from channels. The assessment of sediment quality does not include field collection of any additional geotechnical data. APTIM will also use data provided by the USACE to identify the type

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

and size of dredge equipment likely to be used to maintain each dredge project and to determine if existing dredge disposal sites could be modified to increase capacity.

As part of the needs assessment, APTIM will also conduct interviews with representatives from the North Carolina Department of Transportation (NCDOT), COUNTY public works departments, National Parks Services (NPS), and representatives from private industry to determine the needs for the beneficial use of dredged material. Specifically, APTIM will determine the needs for the different types of sediments (sand, sand silt mix, etc.) dredged from navigation channels. This information will be used in the development of the project alternatives, specifically to determine how sediment can be beneficially used.

**TASK 2 – CONCEPT ALTERNATIVE DEVELOPMENT**

Upon completion of Task 1, APTIM will work with the COUNTY and other stakeholders to identify the up to eight (8) dredge material management facilities to be used for the identified channel maintenance projects. The siting of these locations will consider:

- Proximity of the facility to the channel(s) requiring maintenance;
- Cost to acquire land;
- Potential for environmental impacts;
- Ease of access for interested parties to transport spoil material from the sites for beneficial uses;
- Potential opportunities for dual purpose of dredge disposal sites for public use (i.e. coastal resilience, camp grounds, water access, educational outreach, habitat improvement, etc.).

Through the process of identifying potential sites, APTIM will coordinate with land owners and user groups (i.e. Dare County Waterways Commission, North Carolina Coastal Federation, local recreational and commercial fishing interests, etc.) to assess the feasibility of these sites based on the criteria listed above. Once initial site alternatives have been identified by APTIM and these user groups, APTIM will then develop a conceptual plan for each site with appropriate detail to allow for discussions with resource and permitting agencies to determine the feasibility from their perspectives.

APTIM will then arrange an interagency scoping meeting with representatives from state and federal environmental resources agencies, state regulatory agencies, the USACE, and local governmental representatives. The purpose of the meeting will be to identify any concerns these entities may have regarding each site identified through the process described above. In addition, the meeting will serve to determine the most appropriate permitting approach and National Environmental Policy Act (NEPA) documentation requirements. A project narrative and concept plan will be provided to meeting attendees by APTIM prior to the interagency meeting. Meeting minutes from the interagency



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

meeting will be drafted and disseminated to all meeting participants within 1 week following the meeting date.

APTIM will utilize information gained through the needs assessment, interviews with stakeholders, and resource/regulatory agency feedback from the interagency scoping meeting to develop recommended dredge material management facilities to be permitted under Task 3.

For each of the recommended dredge material management facilities, APTIM will also provide to the COUNTY the following information:

- Estimated volume anticipated to be removed from the identified navigation channels over the next 20 years;
- Location and description of the recommended dredge material placement facilities;
- Cost associated with the design, permitting, and land acquisition for the recommended dredge material placement facilities;
- Recommendations for cost-sharing partners;
- A schedule for the design, permitting, and land acquisition required to develop the recommended dredge material placement facilities.

A letter report will be prepared by APTIM to include this information. A draft of the letter report will be provided to the COUNTY within six (6) months following receipt of written authorization to proceed. Once comments have been received from the COUNTY regarding the alternatives, APTIM will address comments and provide both digital and hardcopies of the document to the COUNTY as a deliverable.

**TASK 3- ENVIRONMENTAL SERVICES**

The scope of work and cost associated with both Tasks 3 and 4 assume the following stipulations:

- Permitting of the projects will follow the process described in the “*Permitting*” section below.
- Completion of Tasks 3 and 4 will not require field investigations (collection of vibracore samples, analysis of sediments, field investigations of natural resources, etc.).
- Bathymetric data collected by the USACE will be provided to APTIM and will be sufficient to support the permit requests.
- Publically available LiDAR data available through NOAA, the USGS, and the USACE, will be sufficient to support the permit requests.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

- Upon request by APTIM, the USACE will provide previous environmental documentation to support federally authorized channels included in the permitting requests.
- Upon request by APTIM, the USACE will provide existing boring data previously obtained from within the federally authorized channels in the vicinity of Rollinson Channel.

Task 3 is based on preliminary discussions with the United States Army Corps of Engineers (USACE), North Carolina Division of Coastal Management (DCM), and the COUNTY.

***Permitting***

APTIM will convene a second interagency scoping meeting where APTIM will present the resolution to any issues identified during the first interagency meeting and describe the scope and nature of the navigation projects that will be included within the permitting effort. This will include the type(s) of dredge plant to be used, estimated dredged volumes, and the attributes of the proposed dredged disposal sites. APTIM will also ensure agreement from all meeting participants in regards to the proposed permitting approach and the anticipated environmental documentation requirements.

Following the second scoping meeting and based on the assumption that the project will be designed to allow for the most expeditious permitting approach, APTIM will assist the COUNTY in obtaining the necessary permits and approvals from all relevant state and federal agencies. At this time, it is understood that the following state permits and approvals will be required:

- North Carolina Division of Coastal Management (NCDCM), Coastal Area Management Act (CAMA) Major Permit.
- NC Division of Water Resources (NCDWR) General Water Quality Certification.
- NC State Historic Preservation Office's concurrence.
- NC Division of Energy, Mineral, and Land Resources (NCDEMLR) Erosion and Sediment Control Permit (only applicable for upland dredge disposal alternatives).
- NC Department of Environmental Quality (NCDEQ) Construction General Permit (NCG01) (only applicable for upland dredge disposal alternatives).

Federal permits and approvals will include:

- Department of Army (DOA) USACE Individual Permit in compliance with Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

- U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) concurrence with Section 7 of the Endangered Species Act (ESA).
- NMFS concurrence with the Magnuson-Stevens Fishery Conservation and Management Act.
- U.S. Environmental Protection Agency (USEPA) concurrence with the Clean Water Act (CWA).
- National Park Service (NPS) Special Use Permit.

In order to receive the aforementioned permits and approvals, APTIM will develop and submit the DCM CAMA Major Permit application on behalf of the COUNTY within 120 days following the second interagency scoping meeting. The CAMA Major Permit application package will include the required Major Permit forms along with plan drawings and adequate additional information that will serve to satisfy the agency review process. The CAMA Major Permit application serves as an application for several other state and federal permits, such as the Water Quality Certification, Stormwater Management Permit and is reviewed by ten (10) state and four (4) federal agencies before a decision is made.

APTIM engineers will develop preliminary designs for the proposed disposal site(s) in order to provide sufficient details for the permit drawings. The permit application will also include information pertaining to the characteristics of the disposal site(s), threatened and endangered species (marine and terrestrial), essential fish habitat, and other natural resource concerns. Four (4) hardcopies and ten (10) CDs of the NCDCM application, project drawings, and other attachments will be produced and provided to NCDCM for dissemination to the resource agencies for review. The submittal of a "complete" NCDCM Major Permit application and attachments will serve as an intermediate project deliverable.

The USACE Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899. Because this proposed project includes construction and dredging within the Nation's navigable waters, it will also require a USACE permit. An individual, or standard permit, is issued when projects have more than minimal individual or cumulative impacts, are evaluated using additional environmental criteria, and involve a more comprehensive public interest review. At this time, and for the purposes of this proposal, it is assumed that the COUNTY will need to obtain an Individual Permit (IP) from the Department of Army, administered through the USACE. APTIM will develop and submit the DCM CAMA Major Permit application on behalf of the COUNTY within 120 days following the second interagency scoping meeting.

Should dredged material be placed on the oceanfront shoreline along Hatteras Island, a NPS Permit will be required. Special Use Permits are issued for activities that provide a benefit to an individual, group, or organization, and for activities that require the use of a



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

designated park location for a specific purpose and length of time. The NPS only permits activities which are appropriate to the purpose for which the park was established, and for activities which can be sustained without causing unacceptable impacts to park resources. The environmental documentation developed in support of the USACE IP will be submitted to the NPS along with a standard Special Use Permit application within 120 days following the second interagency scoping meeting.

Throughout the permitting process, APTIM proposes to participate in up to three (3) additional meetings with the various agencies/stakeholders coordinating the permit application's development and review. Additional coordination with resource agencies/stakeholders will be conducted via telephone and email correspondences as needed.

If following the interagency meeting the permitting approach described above requires modification, a change order will be prepared and presented to the COUNTY. Furthermore, in the event a state or federal agency solicits a Request for Additional Information (RAI) in response to the permit applications, an additional task order proposal will be submitted to COUNTY under a modified SOW.

***Environmental Documentation***

A Biological Assessment (BA) entitled "Use of Sidecast Dredges *Fry, Merritt, Schwezer*, and the Split-Hull Dredge *Currituck* in Coastal United States Waters" dated July 1998 was prepared by the USACE and provides relevant information. In addition, the Environmental Assessment (EA) prepared by the USACE entitled "Use of Government Plant to Dredge in Federally Authorized Navigation Projects in North Carolina", dated March 2004 and "Side Cast Maintenance Dredging of a Portion of Hatteras-to-Hatteras Inlet Channel, Pamlico Sound, North Carolina", dated November 2013 also provides relevant information. These, along with other environmental documents previously developed by the USACE will be utilized to support the development of the environmental documents needed for this proposed project.

At this time, it is envisioned that the development of additional environmental documents would be required to satisfy the National Environmental Protection Act (NEPA). These include the development of a new BA and Essential Fish Habitat (EFH) assessment to satisfy consultation under the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act, respectively. In addition, since it is anticipated that the nature of the proposed activities would result in a Finding of No Significant Impact (FONSI), an EA would be developed, using the above-mentioned documents for reference, to satisfy NEPA requirements. APTIM will propose these documentation approaches during the interagency pre-application meeting.

APTIM will acquire and evaluate available biological resource and human-interest factor data to determine the nature and extent of those resources that may be affected by project construction. This information will pertain to the nearshore marine, estuarine, and

**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

terrestrial habitats within and adjacent to the project areas. APTIM does not anticipate the need for field studies to collect any additional environmental data; therefore, this cost proposal does not reflect any additional field studies. If in the event it is determined that such studies are necessary, a change order will be requested within a separate SOW.

**TASK 4- GEOTECHNICAL SERVICES**

The proposed project aims to conduct maintenance dredging events within numerous federally authorized channels and boat basins, and has the potential to include other non-federally authorized channels. As previously stated, APTIM will coordinate with staff from the USACE Wilmington District to obtain existing boring data which will be used to characterize the material within these channels. This characterization will determine how the dredged material should be managed and stored/utilized. In addition to determining the limits of how the material can be used, this characterization will also assist with determining the volume of material that may be deemed compatible for beach placement in accordance with the State Sediment Criteria Rule (15A NCAC 07H .0312).

APTIM will use available data to develop a sediment analysis report to be submitted as part of the NEPA documentation and CAMA Major Permit application. This report will provide information on sediment characteristics within the identified channel to be maintained under the permit, including grain size, percent fines, and description of sediment. The report will also include project maps showing channel locations and sediment sample locations. If available, such parameters such as color, mineralogy, shell content, percent gravel, percent granular, etc. will also be included. The report will also clearly document the sources of the data. This report will be included as an appendix to both the NEPA Documentation and the CAMA Major Permit Application. APTIM will also provide the COUNTY with up to two (2) hardcopies and two (2) digital copies of the report. Furthermore, the sediment data will be available for inclusion into any subsequent construction plans and specifications to be developed for future construction projects not included as part of this proposal.

**ADDITIONAL SERVICES NOT INCLUDED:**

As previously stated, the goal of this scope of work is to obtain permits for 1) the dredging of the listed channels and 2) the establishment of sufficient dredge material management options to satisfy the long-term needs to maintain these channel projects. Furthermore, the COUNTY aims to identify strategic permit disposal options for additional channel maintenance projects based on the results of Tasks 1 and 2. Given the fact that the specific channels and dredge material management options have not yet been determined, and the fact that APTIM is not yet aware of the amount of data and documentation currently available through the USACE and other entities in regards to the characteristics of the material within these channels, additional services may be required to complete the permitting process.



**EXHIBIT A:  
SCOPE OF PROFESSIONAL SERVICES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE  
MATERIAL MANAGEMENT PERMITTING PROJECT**

The following list is not necessarily comprehensive, but rather, a list of possible additional services that may arise as project details are established:

- Development and submittal of an Erosion and Sediment Control Permit(s) to NCDEMLR;
- Additional environmental documentation (i.e. Environmental Impact Statement);
- Biological resource investigations;
- Analysis to determine safe use of dredge materials that may contain contaminants;
- Vibracore/Geo-Probe borings of channels and/or existing dredge material management facilities;
- Grab samples of potential disposal areas including beaches, shallow water areas proposed for island establishment, current dredge material management facilities;
- Sieve analysis of vibracore/Geo-probe boring samples and/or grab samples;
- Contaminant testing of sediment samples;
- Hydrographic/Topographic surveys of channels and proposed dredge material management facilities;
- Submerged cultural resource surveys;
- Detailed engineering design of dredge containment facilities that include such aspects as containment dikes, water control structures, dock or pier structures, etc.

The costs associated with completing the scope of work, as outlined above, for the Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project is predicated on the notion that APTIM will work concurrently to develop a similar set of deliverables to support channel maintenance and dredge material management permitting for the central portion of Dare County. Additional costs may be realized should these two efforts be conducted independently.

*The information contained in this proposal is confidential commercial information and shall not be used or disclosed, except for evaluation purposes, provided that if a contract is awarded to APTIM as a result of or in connection with the submission of this proposal, the requester shall have the right to use or disclose the data to the extent provided in the contract. This restriction does not limit the requester's right to use or disclose any technical data obtained from another source without restriction.*



**EXHIBIT B:  
 BREAKDOWN OF COSTS  
 DARE COUNTY, NORTH CAROLINA  
 SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
 MANAGEMENT PERMITTING PROJECT**

Table 1. Breakdown of the total cost of the environmental permitting, engineering design, and bidding assistance associated with the Southern Dare County Channel Maintenance and Dredge Material Permitting Project.

<b>TASK</b>	<b>DESCRIPTION</b>	<b>Cost</b>
1	Needs Assessment	\$14,335
2	Concept Alternative Development	\$36,810
3	Permitting and Environmental Documentation	\$104,200
4	Sediment Compatibility	\$8,445
<b>TOTAL:</b>		<b>\$163,790</b>

The costs associated with completing Tasks 1-4 is predicated on the notion that the APTIM will work concurrently to develop a similar set of deliverables to support channel maintenance and dredge material management permitting for the central portion of Dare County. Additional costs will be realized should these two efforts be conducted independently.

**EXHIBIT C:  
LIST OF DELIVERABLES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
MANAGEMENT PERMITTING PROJECT**

The following items have been identified as deliverables for the completion of this scope of work.

- Monthly Progress Reports;
- Needs Assessment – GIS Files;
- Concept Alternative Write Up;
- First Scoping Meeting Minutes;
- Second Scoping Meeting Minutes;
- NC Division of Coastal Management Major CAMA Permit and Dept. of the Army Individual Permit Applications;
- Sediment Analysis Report;

A detailed description and an individual schedule for each deliverable are provided below.

Monthly Progress Reports: APTIM will provide a 1-page summary of the project status via e-mail approximately every 30 days during the course of the anticipated 12-month contract period. The letter will describe activities completed throughout the month and update the anticipated schedule of milestones as appropriate.

Needs Assessment – GIS Files: APTIM will develop a geographic information system (GIS) that contains federal and non-federal maintained navigation channels within the project area. GIS files created and populated by APTIM will be provided to the County along with metadata. The channel files will include information on geographic locations of the channels, type of dredge used to maintain the channels, type of material historically removed from the channels, frequency/history of dredging and other information known about the type of material dredged from those channels. The dredge material management facilities files will also include geographic locations of the proposed facilities, current property owners, and estimated value. Barring any unforeseen circumstances, the GIS shapefiles and associated metadata will be provided within 150 days following written authorization to proceed.

Concept Alternative Development: APTIM will develop a conceptual plan for up to eight (8) dredge disposal sites with appropriate detail to allow for discussions with resource and permitting agencies to determine the feasibility from their perspectives. For each of the recommended dredge material management facilities, APTIM will provide to the COUNTY the following information:

- Estimated volume anticipated to be removed from the identified navigation channels over the next 20 years
- Location and description of the recommended dredge material placement facilities



**EXHIBIT C:  
LIST OF DELIVERABLES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
MANAGEMENT PERMITTING PROJECT**

- Cost associated with the design, permitting, and land acquisition for the recommended dredge material placement facilities
- Recommendations for cost-sharing partners
- A schedule for the design, permitting, and land acquisition required to develop the recommended dredge material placement facilities

A letter report will be prepared by APTIM to include this information and will be submitted to the COUNTY. Barring any unforeseen circumstances, the letter report detailing the alternatives developed by APTIM will be provided within 150 days following written authorization to proceed.

First Scoping Meeting: As part of Task 2, APTIM will convene a scoping meeting within 120 days following written authorization to proceed. The purpose of the meeting will be to identify concerns that state and federal resource and regulatory agencies may have regarding potential dredge material management facilities and to determine the most appropriate permitting approach and National Environmental Policy Act (NEPA) documentation requirements. APTIM will prepare and distribute meeting minutes to all participants including Dare County. Barring any unforeseen circumstances, the meeting minutes will be provided to participants within two (2) weeks following the meeting. These meeting minutes will also be archived as an appendix to the Dredge Material Management Plan.

Second Scoping Meeting: APTIM will utilize the information gleaned from the first scoping meeting to finalize Tasks 1 and Tasks 2. Upon finalization of Task 1 and Task 2, APTIM will develop draft a draft project narrative and project maps that will be presented at a second scoping meeting which will be held 90 days after the first scoping meeting. During this second scoping meeting, APTIM will also present a refined permitting approach and NEPA documentation requirements. Barring any unforeseen circumstances, the meeting minutes will be provided to participants within two (2) weeks following the meeting.

NC Division of Coastal Management Major CAMA Permit and Dept. of the Army Individual Permit Applications: The Scope of Professional Services includes the development and submittal of the complete Major CAMA permit and Dept. of the Army Individual permit applications directly to the NC Division of Coastal Management and US Army Corps of Engineers, respectively. Barring any unforeseen circumstances, these applications will be submitted to the appropriate agencies within 155 days following the conclusion of the Second Scoping Meeting.

Sediment Analysis Report: APTIM will develop a sediment analysis report to be submitted as part of the NEPA documentation and CAMA Major Permit application. The Sediment Analysis Report will be composed of a brief letter report describing sediment analysis methods, project setting maps showing the location of the sediment samples, and results of the sediment analysis. Barring

**EXHIBIT C:  
LIST OF DELIVERABLES  
DARE COUNTY, NORTH CAROLINA  
SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL  
MANAGEMENT PERMITTING PROJECT**

any unforeseen circumstances, the sediment analysis report will be provided within 150 days following written authorization to proceed.





*Request for Late Application for 2019 Property Tax Exemption or Exclusion*

**Description**

Please see the attached summary.

**Board Action Requested**

Approve or deny request for late application for exemption or exclusion. If late application is approved, approve or deny for 2019 property tax relief for Wanda M. Best.

**Item Presenter**

Maggie Dennis, Sr. Property Appraiser  
Hosea Wilson, Asst. Assessor

Item Summary: Request for Consideration of Late Applicant for 2019 Property Tax Exemption

The 2019 regular listing period ended February 17, 2019. After that date, the assessor does not have the authority to consider property tax exemption or exclusion application(s).

Under NCGS 102-282.1(a)1 Late Application, the Board has the authority to accept an untimely application exemption or exclusions filed after the close of the listing period. If the applicant can show good cause for failure to make a timely application (see attachments 2-4)

**N.C.G.S. 102-282.1(a)1 Late Application** - Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subsection applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

**The office received one late application for the Board's consideration.** The Board must first choose to accept or deny the late application and then choose to approve or deny the exemption or exclusion for the 2019 tax year. The pertinent statute and supporting documents are as follows:

1. Ms. Wanda Midgett Best, § 105-277.1. Elderly or disabled property tax homestead exclusion. (Attachment 5, pages 1-3). The application contains confidential information.

The Applicant meets the 2019 requirements for qualification for the property tax relief program administered by Dare County, had her application documentation been filed timely, they would have been approved.

**§ 105-277.1. Elderly or disabled property tax homestead exclusion.**

(a) Exclusion. – A permanent residence owned and occupied by a qualifying owner is designated a special class of property under Article V, Sec. 2(2) of the North Carolina Constitution and is taxable in accordance with this section. The amount of the appraised value of the residence equal to the exclusion amount is excluded from taxation. The exclusion amount is the greater of twenty five thousand dollars (\$25,000) or fifty percent (50%) of the appraised value of the residence. An owner who receives an exclusion under this section may not receive other property tax relief.

A qualifying owner is an owner who meets all of the following requirements as of January 1 preceding the taxable year for which the benefit is claimed:

(1) Is at least 65 years of age or totally and permanently disabled. NC General Statutes - Chapter 105 Article 12 14

(2) Has an income for the preceding calendar year of not more than the income eligibility limit.

(3) Is a North Carolina resident.

(a1) Temporary Absence. – An otherwise qualifying owner does not lose the benefit of this exclusion because of a temporary absence from his or her permanent residence for reasons of health, or because of an extended absence while confined to a rest home or nursing home, so long as the residence is unoccupied or occupied by the owner's spouse or other dependent.

(a2) Income Eligibility Limit. – For the taxable year beginning on July 1, 2008, the income eligibility limit is twenty-five thousand dollars (\$25,000). For taxable years beginning on or after July 1, 2009, the income eligibility limit is the amount for the preceding year, adjusted by the same percentage of this amount as the percentage of any cost-of-living adjustment made to the benefits under Titles II and XVI of the Social Security Act for the preceding calendar year, rounded to the nearest one hundred dollars (\$100.00). On or before July 1 of each year, the Department of Revenue must determine the income eligibility amount to be in effect for the taxable year beginning the following July 1 and must notify the assessor of each county of the amount to be in effect for that taxable year.

(b) Definitions. – The following definitions apply in this section:

(1) Code. – The Internal Revenue Code, as defined in G.S. 105-228.90.

(1a) Income. – All moneys received from every source other than gifts or inheritances received from a spouse, lineal ancestor, or lineal descendant. For married applicants residing with their spouses, the income of both spouses must be included, whether or not the property is in both names.



(1b) Owner. – A person who holds legal or equitable title, whether individually, as a tenant by the entirety, a joint tenant, or a tenant in common, or as the holder of a life estate or an estate for the life of another. A manufactured home jointly owned by husband and wife is considered property held by the entirety.

(2) Repealed by Session Laws 1993, c. 360, s. 1. (2a) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 982, s. 20.

(3) Permanent residence. – A person's legal residence. It includes the dwelling, the dwelling site, not to exceed one acre, and related improvements. The dwelling may be a single family residence, a unit in a multi-family residential complex, or a manufactured home.

(3a) Property tax relief. – The property tax homestead exclusion provided in this section, the property tax homestead circuit breaker provided in G.S. 105-277.1B, or the disabled veteran property tax homestead exclusion provided in G.S. 105-277.1C.

(4) Totally and permanently disabled. – A person is totally and permanently disabled if the person has a physical or mental impairment that substantially precludes him or her from obtaining gainful employment and appears reasonably certain to continue without substantial improvement throughout his or her life.

(c) Application. – An application for the exclusion provided by this section should be filed during the regular listing period, but may be filed and must be accepted at any time up to and through June 1 preceding the tax year for which the exclusion is claimed. When property is owned by two or more persons other than husband and wife and one or more of them qualifies for this exclusion, each owner must apply separately for his or her proportionate share of the exclusion.

(1) Elderly Applicants. – Persons 65 years of age or older may apply for this exclusion by entering the appropriate information on a form made available by the assessor under G.S. 105-282.1.

(2) Disabled Applicants. – Persons who are totally and permanently disabled may apply for this exclusion by (i) entering the appropriate information on a form made available by the assessor under G.S. 105-282.1 and (ii) furnishing acceptable proof of their disability. The proof must be in the form of a certificate from a physician licensed to practice medicine in North Carolina or from a governmental agency authorized to determine qualification for disability benefits. After a disabled applicant has qualified for this classification, the applicant is not required to furnish an additional certificate unless the applicant's disability is reduced to the extent that the applicant could no longer be certified for the taxation at reduced valuation.

(d) Ownership by Spouses. – A permanent residence owned and occupied by husband and wife is entitled to the full benefit of this exclusion notwithstanding that only one of them meets the age or disability requirements of this section.

(e) Other Multiple Owners. – This subsection applies to co-owners who are not husband and wife. Each co-owner of a permanent residence must apply separately for the exclusion allowed under this section.



When one or more co-owners of a permanent residence qualify for the exclusion allowed under this section and none of the co-owners qualifies for the exclusion allowed under G.S. 105-277.1C, each co-owner is entitled to the full amount of the exclusion allowed under this section. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate share of the valuation of the property, and the amount of the exclusion allowed to all the co-owners may not exceed the exclusion allowed under this section. When one or more co-owners of a permanent residence qualify for the exclusion allowed under this section and one or more of the co-owners qualify for the exclusion allowed under G.S. 105-277.1C, each co-owner who qualifies for the exclusion under this section is entitled to the full amount of the exclusion. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate share of the valuation of the property, and the amount of the exclusion allowed to all the co-owners may not exceed the greater of the exclusion allowed under this section and the exclusion allowed under G.S. 105-277.1C. (1971, c. 932, s. 1; 1973, c. 448, s. 1; 1975, c. 881, s. 2; 1977, c. 666, s. 1; NC General Statutes - Chapter 105 Article 12 16 1979, c. 356, s. 1; c. 846, s. 1; 1981, c. 54, s. 1; c. 1052, s. 1; 1985, c. 656, ss. 44, 45; 1985 (Reg. Sess., 1986), c. 982, ss. 19, 20; 1987, c. 45, s. 1; 1993, c. 360, s. 1; 1996, 2nd Ex. Sess., c. 18, s. 15.1(a); 2001-308, s. 1; 2007-484, s. 43.7T(a), (b); 2007-497, ss. 1.1, 2.1, 2.2; 2008-35, s. 3; 2008-107, s. 28.11(c)-(f), (i); 2009-445, s. 22(a).) § 105-277.1A: Repealed by Session Laws 2001-424, s. 34.15, as amended by Session Laws 2002-126, 30A.1, effective July 1, 2002.

# Application for Property Tax Relief

Elderly or Disabled Exclusion (G.S. 105-277.1),  
Disabled Veteran Exclusion (G.S. 105-277.1C), or  
Circuit Breaker Tax Deferment Program (G.S. 105-277.1B)

BY: [Signature]  
RECEIVED  
[Date]

County of Dare, NC

Year 2019

### Instructions

**Application Deadline:** This application must be filed by June 1st to be timely filed. You may submit additional information separately if needed.

**Where to Submit Application:** Submit this application to the county tax assessor where this property is located. County tax assessor addresses and telephone numbers can be found online at: <https://www.ncdor.gov/documents/north-carolina-county-assessors-list>. **DO NOT** submit this application to the North Carolina Department of Revenue.

- Office Use Only:

### Property ID Number

028496-001

Last Name of Applicant First Name Middle Name Date of Birth (MM-DD-YY)

Best Wanda Midgett [Redacted]

Last Name of Spouse First Name Middle Name Date of Birth (MM-DD-YY)

[Redacted] [Redacted] [Redacted] [Redacted]

### Residence Address

281 Bayview Dr

City State Zip Code

Stumpy Point NC 27978

### Mailing Address (if different from residence address)

[Redacted]

City State Zip Code

[Redacted] [Redacted] [Redacted]

### E-mail Address

[Redacted]

Home Telephone Number Work Telephone Number Ext. Cell Phone Number

[Redacted] [Redacted] [Redacted] [Redacted]

### Fill in applicable boxes:

Yes  No Is this property your permanent legal residence?

Addresses of secondary residences (if any):

[Redacted]

Yes  No If married, does your spouse live with you in the residence? If you answer **No**, provide your spouse's address.

Addresses of spouse:

N/A

Yes  No Are you or your spouse (if applicable) currently residing in a health care facility? If you answer **Yes**, fill in applicable circle

Applicant  Spouse and indicate current length of stay:

[Redacted]

Yes  No As of January 1, 2019 do you and your spouse (if applicable) own 100% interest in the property? If you answer **No**, list all owners and their ownership percentage (round to the nearest 0.1%):

Owner	[Redacted]	%	Owner	[Redacted]	%
Owner	[Redacted]	%	Owner	[Redacted]	%
Owner	[Redacted]	%	Owner	[Redacted]	%

Note: Separate applications are required for each owner that is claiming property tax relief. If husband and wife own the property, only one application is required.



**Part 1. Selecting the Program**

Each owner may receive benefit from only one of the three property tax relief programs, even though you may meet the requirements for more than one program.

However, it is possible that the tax rates or tax values may not be established until some time after the filing of this application. This can make it difficult for you to determine which program you prefer. The following procedures will help to resolve this situation.

**Applying for One Program**

If you know that you only wish to apply for one program, indicate only that program at the bottom of this section. The assessor will review your application and send you a notice of decision. The notice of decision will also explain the procedures to appeal if you do not agree with the decision of the assessor.

**Applying for More Than One Program**

Each owner is eligible to receive benefit from only one program. However, if you think you meet the requirements for more than one program but, as a result of the uncertainty of tax rates or values at the time of application, you are unable to make a decision on which one program you wish to choose, indicate all of the programs at the bottom of this section for which you wish to receive consideration. When the tax rates and values are determined, the assessor will review your application and will send you a letter notifying you of your options. If the letter indicates that you do not qualify or if you disagree with any decision in the letter, you may appeal. You must respond to the option letter within the specified time period or it will be assumed that you do not wish to participate in any of the property tax relief programs. In that case, you will be so notified and you will have the chance to appeal.

**Please read the descriptions and requirements of the three programs on the following pages and then select the program(s) for which you are applying:**

Fill in applicable circles:

You Must Complete:

- Elderly or Disabled Exclusion
- Disabled Veteran Exclusion
- Circuit Breaker Tax Deferment Program

- Parts 2, 5, 6
- Parts 3, 6
- Parts 4, 5, 6

If you select more than one program, please read ALL of the information on this page!

**Part 2. Elderly or Disabled Exclusion**

**Short Description:** This program excludes the greater of the first \$25,000 or 50% of the appraised value of the permanent residence of a qualifying owner. A qualifying owner must either be at least 65 years of age or be totally and permanently disabled. The owner cannot have an income amount for the previous year that exceeds the income eligibility limit for the current year, which for the 2019 tax year is \$30,200. See G.S. 105-277.1 for the full text of the statute.

**Multiple Owners:** Benefit limitations may apply when there are multiple owners. Each owner must file a separate application (other than husband and wife). Each eligible owner may receive benefits under either the Elderly or Disabled Exclusion or the Disabled Veteran Exclusion. The Circuit Breaker Property Tax Deferment cannot be combined with either of these two programs.

Fill in applicable boxes:

- Yes  No As of January 1, were either you or your spouse (if applicable) at least 65 years of age? If you answer Yes, you do not have to file Form AV-9A Certification of Disability.
- Yes  No As of January 1, were you and your spouse (if applicable) **both** less than 65 years of age and at least one of you was totally and permanently disabled? If you answer Yes, you must file Form AV-9A Certification of Disability.

- Requirements:
1. File Form AV-9A Certification of Disability if required above.
  2. Complete Part 5. Income Information.
  3. Complete Part 6. Affirmation and Signature.

**Financial Page Omitted for Security Purposes**



**Part 6. Affirmation and Signature**

**AFFIRMATION OF APPLICANT** – Under penalties prescribed by law, I hereby affirm that, to the best of my knowledge and belief, all information furnished by me in connection with this application is true and complete. Furthermore, I understand that if I participate in the Circuit Breaker Property Tax Deferment Program, liens for the deferred taxes will exist on my property, and that when a disqualifying event occurs, the taxes for the year of the disqualifying event will be fully taxed and the last three years of deferred taxes prior to the disqualifying event will become due and payable, with all applicable interest.

X Wanda Midgett Best Applicant's Name (please print)      X Wanda Midgett Best Applicant's Signature      X 11/5/19 Date

\_\_\_\_ Spouse's Name (please print)      \_\_\_\_\_ Spouse's Signature      \_\_\_\_\_ Date

Refer to the Instructions on Page 1 for filing information and filing location.\*

**Office Use Only**

Approved: Y / N



Elderly/Disabled

Disabled Veteran

Circuit Breaker:

4%

5%

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ By: \_\_\_\_\_ Comments: \_\_\_\_\_

AV-9A Received: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ NCDVA-9 Received: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

FITR Received: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Income: \$ \_\_\_\_\_

**\*All applications must be submitted by June 1 to be timely filed.**

**Late Applications:** Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the [due date] may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. **An untimely application for exemption or exclusion approved under this subsection applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.** [N.C.G.S. 105-282.1(a1)]

SON: Scott Best

12/04/2019

Maggie Dennis  
Dare County Justice Center  
962 Marshall C Collins Dr  
PO Box 1000 Manteo NC 27954

12/04/2019  
BY: MD

Dear Ms. Dennis,

Thank you for your kind assistance with my mother's (Wanda Midgett Best) tax issues. The past year has been difficult for mom since the death of her Husband (Roger Best) in October of 2018. Previously, my father had handled all of the tax issues and since his passing, my mother has been struggling just to cope with day-to-day living, much less managing financial issues. Her situation worsened to the point where I was appointed guardian of her estate last month.

Mom has frequently missed paying bills, has been incurring additional fees that she cannot really afford. She loses track of time and sometimes still believes that my father is alive despite his passing over a year ago. Since the tax exclusion was handled by my father in previous years, mother was unaware of the program. Even if she had been aware, I don't think that she would have been able to assemble the necessary forms and financial data to complete the request for the exclusion by the original deadline.

Thank you again so very much for your assistance. If the Board of Commissioners approves my mother to receive the tax exclusion, this would substantially ease her situation.

Sincerely,



Roger Scott Best  
2220 Cushendun Lane  
Garner, BC 27529  
(919) 270-0933

STATE OF NORTH CAROLINA

File No.

19-E-629

DARE County

In The General Court Of Justice  
Superior Court Division  
Before the Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Ward

Wanda Midgett Best

LETTERS OF APPOINTMENT  
LIMITED GUARDIAN OF THE ESTATE

G.S. 35A-1203, -1206, 1212, -1215; -1251

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons, and upon proper application, has appointed the person(s) named below as Limited Guardian(s) of the Estate of the ward named above and has ordered that these Letters of Appointment be issued.

Except as set forth below, the Limited Guardian of the Estate is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward.

The ward retains the following legal rights and privileges:

(Check all that apply)

- Handle amounts of money up to \$ 500.00  
Additional Specifications: To be disbursed via a pre-paid or capped debit card.
- Maintain personal property other than funds, stocks, bonds, sureties, etc.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding social, religious, and community activities.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding residential arrangements.  
Additional Specifications: \_\_\_\_\_
- Enter into contracts regarding health care, legal and other services.  
Additional Specifications: \_\_\_\_\_
- Consult with guardian regarding financial decisions.  
Additional Specifications: \_\_\_\_\_
- Other. Guardian of the Estate is to assist Ward with the payment of her monthly bills; management of her budget; and repairs to her home.  
Ward shall not enter into any financial contracts or obligations without the authority and consent of the Guardian of the Estate.

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Limited Guardian 1 Of The Estate Roger S. Best 2220 Cushendun Lane  Garner NC 27529	Date Of Qualification 11-21-2019
	Clerk Of Superior Court Dean M. Tolson  EX OFFICIO JUDGE OF PROBATE
Name And Address Of Limited Guardian 2 Of The Estate	Date Of Issuance 11-21-2019
	Signature <i>Robert Daniel</i> <input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.

AOC-E-417, Rev. 4/11  
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Dare County Tax Department  
 P.O. Box 1000  
 Manteo NC 27954-1000

**PROPERTY TAX BILL**

>>>>**IMPORTANT**>>>>

BEST, ROGER V  
 BEST, WANDA M  
 281 BAYVIEW DRIVE  
 STUMPY POINT NC 27978

[PLEASE CLICK HERE FOR IMPORTANT INFORMATION](#)

**DROP BOX NOW AVAILABLE**...located in front of the Dare County Justice Center, 962 Marshall C. Collins Dr., Manteo NC

Please Mail or Bring this stub when making payment to insure payment is credited to the correct account.  
 MAIL TO: The Tax Office Designated below.

PENALTIES ARE DETERMINED BY U.S. POSTAL POSTMARK.

Owner as of January 1: BEST, ROGER V

<b>Customer Number</b>	<b>District</b>	<b>Bill Number</b>
016000825	STUMPY POINT	39475
<b>Parcel Number</b>	<b>Billing Date</b>	<b>Tax Year</b>
028476001	07/26/2019	2019
		<b>Due Date</b>
		09/01/2019
		<b>Delinquent After</b>
		01/06/2020

Description of Property	% Rate	Tax Levied
<b>PIN#:</b> 976216-74-7604		
<b>Description:</b> LOT: BLK: SEC: SUBDIVISION - NONE	.470000	DARE CO \$803.55
<b>Street Address:</b> 281 BAYVIEW DR	.096200	ST PT FIRE \$164.47
<b>Real Property Value:</b> 169,700	.103000	SANITATION \$176.10
<b>Personal Property Value:</b> 1,268	.030800	ST PT CC \$52.66
<b>Exempt Value:</b> 0	.000000	\$0.00
<b>Total Taxable Value:</b> 170,968		\$0.00
	.000000	\$0.00
		LATE LIST: \$0.89
		<u>PAYMENT:</u> \$0.00
		<b>AMOUNT DUE: \$1,197.67</b>

Make Check Payable & Remit To: (include Parcel Number 028476001 on your check.)

**DARE COUNTY TAX COLLECTION**  
**PO BOX 538310**  
**ATLANTA, GA 30353-8310**

Questions: Direct all inquiries to (252)475-5952  
 Office Hours: 8:30 AM - 5:00 PM, Monday - Friday  
**Credit Card Payments:** Please note that all credit card payments made at the tax office will now be charged a 2% administration fee.  
 When calling please have your 9 DIGIT PARCEL NUMBER available.



*Release for Settlement of State Attorney Generals Lawsuit Versus UBS AG*

**Description**

Dare County executed two basis swaps and two swaptions with UBS AG in 2005. All were terminated in 2011 with debt service savings of \$1,277,565. Since that time two lawsuits were filed against UBS AG alleging manipulation of interbank offering rates and LIBOR which would have lowered counterparty's savings. The first lawsuit was a class action suit for which the County received \$20,089.

The attached release is for the settlement of a lawsuit brought by 41 State attorney generals against UBS AG. Dare County's share will be \$111,454.23 which the County would accept for releasing its ability to individually file suit against UBS AG.

The settlements bring the final debt service savings amount to \$1,409,108, a 10.3% increase.

**Board Action Requested**

Approve the attached Release and authorize the County Manager to execute.

**Item Presenter**

David Clawson, Finance Director



69368028

UBS SAG LIBOR  
c/o A.B. Data, Ltd.  
P.O. Box 173024  
Milwaukee, WI 53217

COUNTY OF DARE, NORTH CAROLINA  
DAVID CLAWSON, FINANCE DIRECTOR  
P.O. BOX 1000  
MANTEO, NC 27954

**YOUR SUBMISSION MUST BE POSTMARKED NO LATER THAN JANUARY 17, 2020**

**ELECTION AND RELEASE BY PARTICIPATING COUNTERPARTY**

This release executed this \_\_\_\_ day of \_\_\_\_, 20\_\_, by the Releasor (as defined below) in favor of the Releasee (as defined below).

**DEFINITIONS**

1. "Releasor" shall mean COUNTY OF DARE, NORTH CAROLINA and any of its divisions, affiliates, subsidiaries, groups, associates, general or limited partners or partnerships, predecessors, successors or assigns, including, without limitation, any of their respective present officers, trustees, employees, agents, attorneys, representatives and shareholders, affiliates, associates, general or limited partners or partnerships, heirs, executors, administrators, predecessors, successors, assigns or insurers acting on behalf of Releasor.
2. "Releasee" shall mean UBS AG and any and all of its parents, subsidiaries, divisions, groups, affiliates and partnerships, and any of their respective current or former officers, directors, employees and agents (collectively, "UBS").
3. "Relevant Conduct" shall mean (i) the conduct set forth in the Allegations in the Settlement Agreement and (ii) any and all conduct alleged or set forth in the CFTC Order and the DOJ Statement of Facts.
4. "Benchmark Interest Rate Financial Instrument" shall mean any and all financial instruments or transactions in which the interest rate, settlement amount, or any other payment term references LIBOR, including but not limited to interest rate swaps, forward rate agreements, futures, options, structured products, auction rate securities, collateralized debt obligations, fixed income instruments, floating-rate notes, mortgage-backed securities, and variable-rate bonds.
5. "CFTC Order" shall mean the settlement reached between UBS and the U.S. Commodity Futures Trading Commission ("CFTC"), which is memorialized in an order dated December 19, 2012.
6. "DOJ Statement of Facts" shall mean the facts set forth in Appendix A to UBS's Non-Prosecution Agreement with the U.S. Department of Justice dated December 18, 2012 and Exhibit 3 to UBS's Plea Agreement with the U.S. Department of Justice dated May 20, 2015.



7. "IBOR" shall mean all benchmark interest rates for which UBS served as a contributor, including, but not limited to, the United States Dollar London Interbank Offered Rate ("U.S. Dollar LIBOR"), Japanese Yen London Interbank Offered Rate ("Yen LIBOR"), Euroyen Tokyo Interbank Offered Rate ("Euroyen TIBOR"), Pound Sterling London Interbank Offered Rate ("Sterling LIBOR"), Swiss Franc London Interbank Offered Rate ("Swiss Franc LIBOR"), Euro Interbank Offered Rate ("Euribor"), Singapore Interbank Offered Rate ("SIBOR"), the Singapore Swap Offer Rate ("SOR"), and/or the Australian Bank Bill Swap Reference Rate ("BBSW").
8. "Settlement Agreement" shall mean the Settlement Agreement by and between UBS and the Attorneys General of the States and Commonwealths of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Washington, West Virginia, and Wisconsin and of all other states, territories and commonwealths who join the Settlement Agreement as provided for therein, dated December 21, 2018.
9. "Effective Date" shall mean the Effective Date of the Settlement Agreement.

#### RELEASE

10. In consideration of the receipt by Releasor of a restitution payment of \$111,454.23 in connection with one or more Benchmark Interest Rate Financial Instruments, payment of which is made by UBS in accordance with the terms of the Settlement Agreement, Releasor hereby releases Releasee from all civil claims, counterclaims, cross-claims, setoffs, civil causes of action of any type (whether common law, equitable, statutory, regulatory or administrative, class, individual or otherwise in nature, and whether reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured) and claims for damages, restitution, disgorgement, or rescission, and liabilities of any nature, including, but not limited to, costs, fines, debts, expenses, penalties and attorneys' fees, known or unknown, that it has against the Releasee, arising out of the Relevant Conduct, or any alleged misconduct with respect to other IBORs during the period of January 1, 2006 through December 31, 2010, including, but not limited to, any and all claims that have been or could be asserted in (a) any action that has been transferred to the U.S. District Court for the Southern District of New York for coordination or consolidation in *In re LIBOR-Based Financial Instruments Antitrust Litigation* (No. 11-md-2262); *Laydon v. Mizuho Bank, Ltd. et al.* (No. 12-cv-3419); *Sonterra Capital Master Fund Ltd. et al. v. UBS AG et al.* (No. 15-cv-05844); *Sullivan et al. v. Barclays PLC et al.* (No. 13-cv-2811); *Sonterra Capital Master Fund, Ltd. v. Barclays Bank Plc, et al.*, No. 15-cv-3538 (S.D.N.Y.); *Fund Liquidation Holdings LLC v. Citibank, N.A., et al.*, No. 16-cv-05263 (S.D.N.Y.) *Sonterra Capital Master Fund, Ltd. v. Credit Suisse Group AG, et al.*, No. 15-cv-871 (S.D.N.Y.); *Dennis v. JPMorgan Chase & Co., et al.*, No. 16-cv-6496 (S.D.N.Y.); or *7 West 57th Street Realty Company, LLC v. Citigroup, Inc.*, No. 13-cv-981 (S.D.N.Y.); (b) any action that is subsequently transferred to the U.S. District Court for the Southern District of New York for coordination with or consolidation in any of the actions set forth in subsection (a) of this paragraph; or (c) any other action wherever filed that asserts claims based on the Relevant Conduct.
11. Notwithstanding that the release described in Paragraph 10 above operates to extinguish any and all claims arising out of the Relevant Conduct, or any alleged misconduct with respect to other IBORs during the period of January 1, 2006 through December 31, 2010, the Releasee hereby agrees that, if the Releasor is a member of any settlement class set forth in a class action settlement agreement between UBS (including any affiliate of UBS) and plaintiffs in any of the actions enumerated in Paragraph 10 above that receives from the court with jurisdiction over the action either preliminary approval or final approval before the Effective Date (a "Class Settlement"), the release set forth in Paragraph 10 above

shall not prohibit the Releasor from making a claim to participate in the settlement fund established by that Class Settlement. For the avoidance of doubt, this paragraph shall not apply to any Releasor that opts out of any Class Settlement; should any Releasor opt out of any Class Settlement, the release described in Paragraph 10 shall be given full effect, which will extinguish the Releasor's claims relating to the Relevant Conduct, including those claims that were or could have been asserted in the action(s) to which the Class Settlement relates. Similarly, and also for avoidance of doubt, if a Class Settlement does not receive final approval from the court with jurisdiction over the action(s), the release described in Paragraph 10 shall be given full effect, which will extinguish all Releasors' claims relating to the Relevant Conduct, including those claims that were or could have been asserted in the action(s) to which the Class Settlement relates. However, the release described in Paragraph 10 does preclude Releasor from bringing suit or serving as a named plaintiff in a class action concerning the Relevant Conduct, or any alleged misconduct with respect to other IBORs during the period of January 1, 2006 through December 31, 2010.

12. The Releasor intends by this Release to settle with and release only Releasee and does not intend this Release to extend to, to release or otherwise to affect in any way any rights that the Releasor has or may have against any other party or entity whatsoever, other than Releasee.
13. The Releasor hereby waives any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law or foreign law, which is similar, comparable, or equivalent to California Civil Code Section 1542, which provides: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR." This provision shall not be deemed to turn a specific release into a general release.
14. The Releasor represents and warrants that the released claims have not been sold, assigned or hypothecated, in whole or in part.
15. The Releasor and Releasee understand and agree that this agreement and any disputes arising out of this agreement shall be governed by the laws of the State of New York without regard to its conflict of laws principles.

The Releasor and Releasee understand and agree that this agreement and any disputes arising out of this agreement shall be governed by the laws of the State of New York without regard to its conflict of laws principles.

By signing below, I am confirming that: (1) I have authority to act on behalf of the Eligible Counterparty; and (2) the Eligible Counterparty was the counterparty to each of the Benchmark Interest Rate Financial Instruments listed in Attachment A.

County of Dare, North Carolina  
Print of Type Name of Counterparty

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Robert L. Outten  
(Print your name here)

County Manager  
Title and Capacity of Person Signing

(252) 475-5000  
Telephone Number

outten@darenc.com  
Email Address

Mailing Address Information:

\_\_\_\_\_  
c/o (if different than Name of Counterparty listed above)

\_\_\_\_\_  
Attention

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code





69368028

**ATTACHMENT A**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
<u>Transaction Type</u>	<u>Date</u>	<u>Trade Number</u>	<u>Notional/Principal Amt.</u>	<u>CUSIP/Deal ID</u>
Swap	2005-07-19	37162171	\$ 16,850,000.00	
Swap	2005-07-19	37162155	\$ 20,075,000.00	



*Construction Manager At Risk Contract for College of the Albemarle Project*

**Description**

Attached are AIA form A133 (contract) and AIA form A201 (general conditions) for Barnhill Contracting Company. Staff has reviewed both and made changes to be consistent with the Animal Shelter and DHHS contracts recently approved. Also attached is an amendment to the the capital project budget for \$109,089 for the preconstruction services fee.

**Board Action Requested**

Approve contract and authorize the County Manager to execute. Adopt the amendment to the capital project ordinance.

**Item Presenter**

Bobby Outten, County Manager

**County of Dare, North Carolina  
Capital Project Ordinance  
For Series 2020 LOBs**

BE IT ORDAINED as authorized by the Board of Commissioners of the County of Dare, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted for the planned Series 2020 Limited Obligation Bonds.

Section 1 This ordinance is to establish a preconstruction services budget for the COA project per the Construction Manager At Risk contract. This ordinance amends the capital project ordinances adopted September 18, 2017, and amended August 6, 2018, January 22, 2019, February 4, 2019, June 3, 2019, June 17, 2019, July 15, 2019, July 16, 2019, August 5, 2019, and December 2, 2019.

Section 2 The following budget shall be conducted within the Capital Projects Fund (fund #61).

Section 3 The following amounts are additionally appropriated as indicated:

COA preconstruction services	615676-737500-60332	\$109,089
------------------------------	---------------------	-----------

Section 4 The following revenues are additionally anticipated to be available to complete the project as changed below:

Debt proceeds S2020 LOBs	613090-470318-98726	\$109,089
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Section 5 After this amendment, the following amounts are budgeted for the S2020 LOBs to date:

COA	\$1,328,849	
Animal Shelter	\$390,940	
DHHS buildings	\$527,360	
Manteo property & renovations	\$1,000,000	
Buxton property	\$325,000	
EMS equipment 2020 CIP	\$1,498,316	
Total		\$5,070,465

Section 6 The Finance Officer is directed to report the financial status of the project as a part of the normal ongoing financial reporting process.

Section 7 Copies of this capital project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to the Board of Commissioners.

Adopted this 16<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
Chairman, Board of Commissioners

[SEAL]

\_\_\_\_\_  
Cheryl Anby, Clerk to the Board of Commissioners





*UNC Chapel Hill School of Government  
Essential Housing Needs Pre-Development & Opportunity Site Identification*

**Description**

UNC School of Government, through their Development Finance Initiative (DFI), offers predevelopment partnerships to communities which evaluate opportunities to provide essential housing units affordable to various income levels. DFI has provided a two-phase proposal with scope of services, timeline and cost estimates.

**Board Action Requested**

None - Informational Presentation

**Item Presenter**

Robert Outten, County Manager

## MEMORANDUM

**To:** Robert L. Outten, County Manager, Dare County  
**From:** Marcia Perritt, Associate Director, Development Finance Initiative  
**Date:** November 25, 2019  
**Re:** Proposal to provide Opportunity Site Identification and Pre-Development Services to Dare County for Essential Housing Needs

### UNC-Chapel Hill Development Finance Initiative

The UNC Chapel Hill School of Government (SOG) established the Development Finance Initiative (DFI) in 2011 to assist North Carolina communities with achieving their community economic development goals. DFI partners with communities in North Carolina to attract private investment for transformative projects by providing specialized finance and real estate development expertise.

### Request for Technical Assistance

Dare County requested technical assistance from DFI in October 2019 in evaluating opportunities to increase its supply of essential housing, that is housing units affordable to its households at various income levels, and further its community economic development goals. To that end, DFI is able to provide Dare County with pre-development services that would ultimately result in the identification of private development partner(s) that would assist the County in fulfilling its essential housing needs.

### Scope of Services

DFI proposes to conduct this work in two phases. In Phase 1, DFI will carry out pre-development activities – parcel analysis, site analysis, and financial feasibility -- to identify and prioritize key development sites based on market needs and the County's public interests. Phase 1, which also includes a County-wide affordable housing needs assessment, is referred to as the Opportunity Site Identification process.

In Phase 2, the County will select **up to two sites**, and following the County obtaining site control of those sites (if necessary), DFI will assist the County in recruiting experienced private developers to execute the projects envisioned through Phase 1. DFI will also support Dare County in negotiating key deal points in development agreements with its selected partner(s).

The following Scope of Services outlines the Phase 1 and Phase 2 Pre-Development activities that DFI would conduct to support Dare County (the "Project Area"):

## **Phase 1: Pre-Development & Opportunity Site Identification**

1. Conduct a community scan, a review of current and historic plans, demographic data, documents, studies, research, development proposals, notes from public input sessions, and other materials relevant to the Scope and the Project Area;
2. Identify areas suitable for Low-Income Housing Tax Credit (LIHTC) development as defined by the NC Housing Finance Agency's Qualified Allocation Plan (QAP). LIHTC is the largest affordable housing finance program in the country, incentivizing the acquisition, construction and rehabilitation of private rental housing for low-to-moderate income households. Criteria for site suitability may include proximity to amenities such as a grocery store, pharmacy and shopping as well as the absence of incompatible uses and negative features that could impede a site's eligibility for key funding sources.
3. For targeted areas identified through the site suitability analysis, collect and analyze relevant data for a Parcel Analysis to understand current conditions (sales trends, vacancy, land use, ownership, and underutilization) and changes over time;
4. Conduct a housing needs assessment of Dare County to identify the scale of demand for specific housing types at various income levels. The assessment includes an evaluation of primary demand drivers such as growth and employment trends, as well as an in-depth analysis of the existing housing supply.
5. Establish guiding public interests for the Project Area in partnership with the County and key stakeholders;
6. Conduct a high-level site analysis, examining publicly available data regarding topography, hydrology, infrastructure, etc. to gain a general understanding of development opportunities and constraints within the Project Area;
7. Conduct a high-level financial analysis in order to make a general determination about the feasibility of essential housing development on the identified opportunity sites; and
8. Identify and prioritize key development opportunities (Opportunity Sites) based on the pre-development feasibility analysis and public interests and make recommendations related to those sites.

Within six months of the conclusion of Phase 1, County may select, for Phase 2 analysis, up to two sites over which the County has site control. Prior to DFI commencing Phase 2, the Agreement between DFI and the County shall be amended to identify the selected parcel(s) by parcel identification number.

## **Phase 2: Additional Site-Specific Pre-Development & Solicitation of Private Development Partners (Up to 2 Sites)**

9. Support staff in community engagement activities to solicit public input as it relates to the Opportunity Sites;



10. Perform site constraints analysis to determine what the site can actually support given topographical conditions and other limitations and to test fit potential development programs for the Project;
11. Conduct a financial feasibility analysis, preparing a financial model for development program (i.e., development budget, operating cash flows, sources of capital, etc.) for the Project to determine financial feasibility for private partners and scale of public investment, if necessary;
12. Evaluate options for financing and structuring public participation in development or redevelopment, if necessary, including use of development finance tools (tax credits, district designations, etc.);
13. Obtain Town approval of a feasible development program and a solicitation for development partners), and assist Town with developing criteria to inform Town's selection of eventual partner(s);
14. Actively market and discuss the solicitation with qualified development partners with the goal of receiving competitive proposals from qualified developers who are capable of accomplishing the Town's approved development program;
15. Support Town officials in development partner selection process by carrying out due diligence of potential partners, preparing investment summaries, and evaluating solicitation responses using Town's criteria;
16. Support the Town in negotiating deal points with the development partner selected to execute the approved development program pursuant to the solicitation. Deal points include development parameters for public-private partnerships and milestones, which are typically memorialized first in a non-binding memorandum before being finalized in a development agreement; and
17. Support the Town through the point that the above-referenced development partner closes on financing for the project, by regularly evaluating changes proposed by the development partner to pro forma financials and public participation options, in order to verify developer assumptions about revenues, development costs, operating expenses, and debt and equity structuring as market conditions evolve.

This Scope of Services does not include services that require a licensed broker or licensed attorney to perform. In addition, the scope does not include tasks associated with site planning expertise from architects or engineers, nor does it include site preparation expenses such as land survey, soil samples, and environmental testing (if such services are required, DFI will advise Town to obtain such services from third parties).

## **Deliverables**

Deliverables include presentations, summaries, and other documentation intended by DFI to be delivered to the County regarding the Scope of Services.

## **Timeline**

The timeline for completing Phase 1 is estimated to be 6 months, commencing upon execution of a Letter of Agreement. DFI intends to help the County attract private investment into the Project (Phase 2) as quickly as possible and in a way that maximizes overall value and serves the public interests.

## **Fee**

The County fee is \$93,800. **DFI is able to use funds from a partner organization that supports our technical assistance related to affordable housing in Tier 1 & 2 Counties to reduce the County fee to \$85,300.**

The County fee would cover only part of DFI's cost of services, with the balance being "at risk," to be paid as a fee from each successful project. DFI's pre-development services will not only assist the County in accomplishing its goals but will also benefit the ultimate private developer(s) by eliminating predevelopment work, risk and expense. In order to minimize the County's costs, we require the ultimate developer to pay for the value of that benefit in the customary way, as a portion of the developer's fees on the project(s). If the County is successful in executing a Development Services Agreement with a private partner, DFI will receive a Development Services Fee. This Development Services Fee paid by the private partner would be 1% of total project costs.

This arrangement benefits the County in several ways. It aligns DFI's interests with the County in terms of finding developer(s) for the Project to attract private investment. It also ensures the Project itself pays for a significant share of the County's costs associated with the pre-development work. And it gives the County ongoing support from DFI throughout negotiations with the developer(s) and during the full life span of development in the Project (i.e. DFI has "skin in the game"). There is no guarantee that a developer will be identified, so the consequences for DFI are clear—DFI will get the bulk of its fee only if there are developer(s) for the Project who successfully execute agreement(s) with the County.

Finally, DFI recognizes that affordable housing typically requires subsidy and that additional fees can be difficult for a project to manage, particularly for projects located in distressed areas in which incomes and area rents are already low compared to other areas of the State. Accordingly, in furtherance of DFI's charitable mission to provide education, to provide relief to the poor and

distressed, and to lessen the burdens of government, the 1% Development Services Fee to be paid by the private developer(s) will be discounted by a multiplier related to local rents.





*Consent Agenda*

**Description**

1. Approval of Minutes (12.02.19)
2. Health & Human Services - Public Health Division, Community Linkages to Care (CLC) for Overdose Prevention and Response Grant
3. Tax Collector's Report
4. NC Governor's Highway Safety Program Local Governmental Resolution
5. Retirement of Deputy Sheriff K-9 Diablo

**Board Action Requested**

Approval

**Item Presenter**

Robert Outten, County Manager



*Approval of Minutes*

**Description**

The Board of Commissioners will review and approve their previous Minutes, which follow this page.

**Board Action Requested**

Approve Previous Minutes

**Item Presenter**

Robert Outten, County Manager



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., December 2, 2019**

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

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten  
Deputy County Manager/Finance Director, David Clawson  
Master Public Information Officer, Dorothy Hester  
Clerk to the Board, Cheryl Anby

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](http://www.darenc.com).

Chairman Woodard called the regularly scheduled meeting with appropriate prior public notice having been given to order at 9:00 a.m. He invited Rev. Keith Day to share a prayer and afterward led the Pledge of Allegiance to the flag.

#### **ITEM 1 – HOLIDAY MUSIC: FIRST FLIGHT HIGH SCHOOL CHOIR**

The First Flight High School Choir, under the direction of John Buford, performed several musical selections and passed out candy canes as a gift of holiday music which was enjoyed by everyone at the meeting.

#### **ITEM 2 – ELECTION OF A CHAIRMAN (Att. #1)**

Chery C. Anby, Clerk to the Board, conducted the election. She explained that no second would be necessary for a nomination and four votes would be required to win the election.

##### **NOMINATION**

Commissioner Bateman nominated Commissioner Woodard for Chairman.  
There were no other nominations.

VOTE: AYES – six votes by a show of hands.

Commissioner Woodard was elected Chairman by unanimous vote.

#### **ITEM 3 – ELECTION OF VICE CHAIRMAN (Att. #2)**

Chairman Woodard conducted the election of Vice Chairman.

##### **NOMINATION**

Commissioner Ross nominated Commissioner Overman for Vice Chairman.  
There were no other nominations.

VOTE: AYES - six votes by a show of hands.

Commissioner Overman was elected Vice Chairman by unanimous vote.

#### **ITEM 4 – OPENING REMARKS – CHAIRMAN’S UPDATE**

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website:

He presented a Certificate of Appreciation to the Beasley Family of Collington, in recognition of their forty-eight years of commitment to the commercial fishing industry and heritage in the Outer Banks, as well as for their service to the citizens of Dare County with Billy’s Seafood. Billy and Judy Beasley have continued to put healthy Outer Banks seafood on tables since 1971.

#### **ITEM 5 – PRESENTATION OF COUNTY SERVICE PINS - DECEMBER**

- 1) Wilma Parks received a 20-year pin from Sally Laws

#### **ITEM 6 – EMPLOYEE OF THE MONTH – DECEMBER, 2019**

Jodi Wyant, Public Health Nurse Supervisor, received the Employee of the Month award from Debbie Dutton who described her as someone who remains consistent in her demeanor while she directs her staff with inspiration and support. She relates praise and empathy while she provides encouragement to her team. As a Dare County employee for sixteen years, she demonstrates a true passion for school health and is a wonderful role model.

#### **ITEM 7 – PUBLIC COMMENTS**

At 9:25 a.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which can be viewed in their entirety in a video on the County website:

*The following comments were made in Manteo:*

1. Jesse Davis, a Manteo resident, spoke to advocate for the development of mountain bike trails in Dare County. He provided a proposal of four possible locations for the trails: the Bowsertown lot, near the water treatment plant in Manteo, as well as two parcels owned by Dare County: the old landfill/water tower site and the California boat launch. He explained these types of trails utilize a small space, are relatively inexpensive and would be an added amenity to the area’s residents and visitors.
2. Shannon Brooks, on behalf the North Carolina Cooperative Extension office, thanked the Board for their approval of the budgeted line item which will allow them to purchase a new van for use by 4-H Youth Development and other County youth activities.
3. Doug Brindley asked for the Board’s support as a new representative from the Outer Banks Association of Realtors to be considered for appointment to the Tourism Board in January. He explained he has thirty years of experience in rentals and it ready to help Dare County “put heads in beds”.

*There were no comments made in Buxton:*

The County Manager closed Public Comments at 9:41 a.m.



**ITEM 8 – DARE COUNTY MOTORCYCLE TOY RUN**

Terry Gray, Shane Baum, Sam Ballard and other members of the Dare County Motor Sports Charity Group, presented an annual report and noted recent partnerships had made the events successful. They thanked their sponsors and supporters, which included Jonny Waters for their theme song, Garage Band Charities and Vertigo Tattoo. They announced the CAT 5 Jeepers had recently partnered with them to increase exposure and success for their fund-raising events. Their collected funds should total more than \$42,000.00 in 2019, which would be a 300% increase from their first year's efforts. The group also offers three scholarships. The Toy Run had 119 bikes this past year with 42 Jeeps. Appreciation awards were presented to Dare County Sheriff's office for their continued support. The group also donated \$16,500.00 to Dare Services.

**ITEM 9 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING**

The Certificate of Excellence in Financial Reporting was awarded to Dare County for its comprehensive annual financial report (CAFR) by the Government Financial Officers Association of the United States and Canada. The County has received this award for twenty-eight consecutive years. Finance Director, David Clawson, accepted the plaque on behalf of the County. Sally DeFosse, Assistant Finance Director, primarily responsible for preparation of the award-winning CAFR, was absent from the presentation.

**ITEM 10 – REPORT ON THE MONITOR NATIONAL MARINE SANCTUARY**

Superintendent David Alberg, gave the Board an update on the activity at the Monitor National Marine Sanctuary. A 1975 National Marine Fisheries regulation prohibiting all types of fishing within the sanctuary should soon be repealed in the spring or early summer, as it was outdated and served no purpose. Bottom trawling restrictions would remain. On August 12-26, 2020 there would be a live broadcast from the Monitor wreck site and a few World War II sites. The public would be able to access the information from the internet, libraries, aquariums, and other venues to make these historical sites interactively accessible to everyone. The Sanctuary continues to work with Clay Tideman and Cape Hatteras principal, Beth Rook, with their school-wide recycling program. On Veterans Day, NOAA dedicated the first national marine sanctuary to be created in twenty years at Mallows Bay in the Potomac. The eighteen square mile area, known as the "ghost fleet", had 100 World War I vessels now sunk which provided an amazing kayaking area and created an ecosystem unique to the country.

**ITEM 11 – DC DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC HEALTH DIVISION, PRESENTATION OF THE 2019 COMMUNITY HEALTH NEEDS ASSESSMENT**

Dr. Sheila Davies, together with Kelly Nettnin, Public Information Officer, provided the highlights from the 2019 Community Health Needs Assessment. Ms. Nettnin explained the methodology behind what went into the assessment, such as primary data (what they heard from residents and focus groups) and secondary data from the CDC and NC Center for Health Statistics. This provided information for identifying health priorities. Ms. Nettnin reviewed demographics for the County, which included birth rate, education, as well as race. Based upon current information, priorities for the County are mental health, substance abuse and transportation issues. Along with prevention and the further need for education in these areas, she reported that 17.2% of Dare County residents report overcrowding, high housing

costs and lacking kitchen or plumbing facilities to be problematic. Healthy Carolinians of the Outer Banks have organized several task forces to address these watch list concerns, as they continue to update strategies, increase public awareness and chart the course for a healthy community. Commissioner Ross asked about how to get “upstream” on substance abuse; and Dr. Davies and Ms. Nettrin explained there were new initiatives being launched in schools to curb this multi-faceted problem and the stigma associated with substance abuse.

**ITEM 12 – DARE COUNTY TOURISM BOARD REQUEST CONSENT EXPENDITURE FROM SHORT TERM UNAPPROPRIATED LINE ITEM 4999 (Att. # 3)**

Mr. Nettles, from the County’s Tourism Board, requested the Board approve the award of \$851,002.00 to Chicamacomico Historical Assoc.-(\$48,000.00), Dare County Arts Council-(\$90,950.00), Frisco Native American Museum-(\$25,750.00), Town of Duck- (\$147,806.00) for pedestrian improvements, the Town of Kill Devil Hills-(\$55,618.00) for Phase II sidewalks/paths, the Town of Manteo-(\$221,885.00) for Phase 1 parking and park area and the Town of Southern Shores-(\$260,993.00) for 5-foot path along South Dogwood Trail.

**MOTION**

Commissioner Ross motioned to consent to the expenditures totaling \$851,002.00 for Tourism Impact Grant Awards from the Short Term Unappropriated Line Item 4999. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – TEXT AMENDMENT TO THE HIGHWAY 345 ZONING DISTRICT, (Att. #4)**

Noah Gillam, Asst. Planning Director, provided the background for the request originated by Dare Pits, LLC to amend the Highway 345 Zoning District to allow for commercial storage yards as a permitted use. The Dare Pits property was previously used as a site for temporary construction offices and storage for the contractors during bridge replacement. The Dare County Planning Board reviewed the text amendment at their November 2019 meeting and found the proposed amendment to be consistent with the 2009 Dare County Land Use Plan and recommend a public hearing be scheduled for the December 16, 2019 Board meeting.

**MOTION**

Vice-Chairman Overman motioned to schedule a Public Hearing on December 16, 2019, at 5:30 p.m. on this item.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – ADOPTION OF THE 2020 SCHEDULES, STANDARDS, AND RULES FOR REAL PROPERTY APPRAISAL, (Att. #5)**

The Schedules, Standards, and Rules for Real Property Appraisal to be used for the 2020 countywide property revaluation effective January 1, 2020 were submitted to the Board on November 4, 2019; and a Public Hearing was held on November 18, 2019. The Schedules are open for examination at the following locations: Dare County Justice Center, The Fessenden Center and online at [www.darenc.com](http://www.darenc.com).

**MOTION**

Vice-Chairman Overman motioned to adopt the 2020 Schedules, Standards, and Rules for Real Property Appraisal.

Commissioner Tobin and House seconded the motion.

VOTE: AYES unanimous

## **ITEM 15 – CONSENT AGENDA**

The Manager announced the items as they were visually displayed in the meeting room.

### **MOTION**

Commissioner Couch motioned to approve the Consent Agenda:

- 1) Approval of Minutes (11.18.19) **(Att. # 6)**
- 2) Budget Amendment for Beach Nourishment Fund
- 3) Water Department Budget Amendment
- 4) Worxtime Contract
- 5) Road Request – Sherwood Drive, Manteo **(Att. #7)**

Commissioner House seconded the motion.

VOTE: AYES unanimous

The County Manager explained NCDOT, under a new ruling, has begun requiring all resolutions over a year old be re-adopted, as some roads had taken longer to become eligible under their program.

### **MOTION**

Vice-Chairman Overman motioned to allow the Clerk to provide re-adopted resolutions to NCDOT, as requested from time to time by their office.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**RECESS at 10:34 a.m. – RECONVENE at 10:41 a.m.**

## **ITEM 16 – PRESENTATION OF FY2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT (AUDIT REPORT)**

Finance Director, David Clawson, advised the CAFR had been sent to the State Treasurer's office. Bob Taylor, Partner with Potter & Company, provided highlights of their independent auditor's report which presented no exceptions. He noted in the Management's Discussion and Analysis, the benchmark for the County's unassigned fund balance (equity) was 27% which exceeded the target of 19-21%. The self-insurance fund currently reflected no deficit and Mr. Clawson later explained it had made another year's improvement to \$1.4 million. In conclusion he explained there were reconciliation statements within the CAFR that convert from the budget base (the traditional fund balance) to the full accrual to show the County's financial position. Mr. Clawson continued the presentation and noted the County had received over \$4.7 million in Federal awards and over \$1.2 million in State awards. Revenues from occupancy taxes, local and state taxes along with land transfer taxes increased, while factoring in a week of Hurricane Florence losses. Personal property and motor vehicle values also increased. The receipt of Tyrrell and Hyde County's E911 fund balances (as part of the regional consolidation) produced a total balance in the E911 fund of \$1,134,435. The NC 911 Board policy would recalculate additional E911 operating funds once the balance is reduced to a 20% of operational revenue. Mr. Clawson also reported the debt service percent of expenditures was down to an improved 15.52%, which rating agencies review. The County Manager added the excellent report was certainly a proud result of the hard-working efforts of the Finance Department's staff. He also mentioned the importance of the bond ratings but emphasized the positive feedback from the review of the financial experts who confirm Dare County's financial picture is positive.

### **ITEM 17 – CONSTRUCTION MANAGER AT RISK CONTRACT FOR DHHS PROJECT**

County Manager presented the contract awarded to AR Chesson Construction Company, as construction manager at risk, for the Department of Health and Human Services project.

#### **MOTION**

Commissioner Tobin motioned to approve the AR Chesson Construction Co. as the construction manager at risk for the Department of Health and Human Services project.

Commissioner House and Bateman seconded the motion.

VOTE: AYES unanimous

### **ITEM 18 – BOARD APPOINTMENTS**

#### 1) Board of Equalization and Review

Commissioner Couch motioned to reappoint Nelson V. “Skip” Jones, Jonathan Waddill, Jeffrey Scott, Terry Gore and Charles Evans for another term.

Commissioner House seconded the motion.

VOTE: AYES unanimous

#### 2) Special Motor Vehicle Valuation Review Board

Commissioner House motioned to reappoint Danny Couch, Dock Sawyer and David Light for another term.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

#### 3) Upcoming Board Appointments

The upcoming Board appointments for January, February and March, 2020 were announced.

### **ITEM 19 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment:

#### Commissioner House

- Thanked the Board for their support and recognition of the Beasley family.
- He noted today in history that Henry Ford officially introduced the Model A.

#### Vice-Chairman Overman

- He offered congratulations to Wilma Parks on receiving her twenty-year service pin and to Jodi Wyant on being awarded the Employee of the month for December.

#### Commissioner Bateman

- Thanked the Liberty Christian Church for serving more than 1200 meals, as well as going to Ocracoke to cook turkeys for the residents there
- Reminder that this Friday would be “Room at the Inn” at Sugar Creek. This fund raiser benefits and supports the Outer Banks homeless.
- Acknowledged the Beasley family who has shipped area seafood everywhere in spite of difficulties and struggles.
- Enjoyed Thanksgiving while bringing meals to area EMS stations, fire departments and to many who were working during the holiday.



Commissioner Couch

- Congratulated Billy's Seafood as a successful small business. The Beasleys helped him learn the attention to details were important to a successful business.
- Acknowledged the last week of fishing in Hatteras was good with favorable weather.
- Noted his encouragement and appreciation in the County's continued efforts to improve public relation communications concerning the area's flooding issues.

Commissioner Tobin

- Performed a tour of Spring Harbor and Peak Resources with Bonnie Bennett. This was her last step prior to consideration for appointment to the Nursing Home Community Advisory Council. Her recommendation for appointment could be expected later this month.
- A recent conference call meeting on the dredge design changes went well. The Oregon Inlet Task Force met, reviewed and approved a resolution regarding the vessel's proprietary plans, which would go to the Task Force for final approval. The bidding process could begin soon with the delivery of a completed dredge anticipated in 2022.

Commissioner Ross

- He would be attending the Tourism Board Task Force meeting to begin discussions on the event site in Nags Head.
- Reported and reminded that although a Medicaid transformation was taking place statewide, in North Carolina it had been stopped due to the budget stalemate with the state legislature and governor.
- Referenced the Dare County Community Health Needs Assessment and asked the County Manager if more could be done concerning the underlying causes for an 85% increase in the County's suicide rate since the last assessment.

**MANAGER'S/ATTORNEY'S BUSINESS**

No additional business was presented by the County Manager.

Dorothy Hester: Reminded the Board the Governor's Volunteer Service Award was accepting nominations through January 8, 2020. Nominees could be individuals, a business, group or a paid director of volunteers to recognize their contribution to the community.

David Clawson: Reminded the Board he would be meeting with FEMA to review the survey on the Buxton beach nourishment.

At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

**MOTION**

Commissioner House motioned to adjourn the meeting.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 11:40 a.m., the Board of Commissioners adjourned until 5:00 p.m., December 16, 2019.

Respectfully submitted,

[SEAL]

By: \_\_\_\_\_  
Cheryl C. Anby, Clerk to the Board

APPROVED: By: \_\_\_\_\_  
Robert Woodard, Sr., Chairman  
Dare County Board of Commissioners

**Note:** Copies of attachments (Att.), resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk to the Board. Some agenda items were handled out of sequential order to accommodate the time specific for presentations. Attempts have been made to accurately reflect the spelling of each name as spoken at the podium or based on the legibility of the sign-in sheet.



*Health & Human Services-Public Health Division  
Community Linkages to Care (CLC) for Overdose Prevention and Response Grant*

**Description**

The Public Health Division has received a grant from the NC Division of Public Health for Community Linkages for Care for Overdose Prevention & Response. The purpose of this grant is to reduce overdose deaths by supporting individuals who use substances in their efforts to exercise safe use practices and take steps towards recovery, connect justice-involved individuals to care and respond to overdose reversals within 72 hours. Currently, there is only one outreach worker on this team who is directly involved with the individuals who are receiving services from the response team. The majority of the funds we are seeking will be used to hire and subcontract peer support specialists with shared lived experiences as outreach workers to expand the Saving Lives Response Team services.

**Board Action Requested**

Approve Budget Ammendment

**Item Presenter**

N/A

# DARE COUNTY

## BUDGET AMENDMENT

F/Y 2019-2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		

<b>Department:</b>
Human Services-Public Health

Revenues:

State/Federal-DPH CLC for OD Prevention	103027	424207	56007	\$50,000
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Expenditures:

Salaries - CLC	104600	500200	56007	\$29,648
FICA - CLC	104600	500300	56007	\$2,268
Retirement - CLC	104600	500400	56007	\$2,674
Health Ins - CLC	104600	500500	56007	\$3,778
Contract Services - CLC	104600	510700	56007	\$6,000
Telephone/Postage - CLC	104600	511100	56007	\$270
Operating - CLC	104600	513400	56007	\$3,662
Travel - CLC	104600	525100	56007	\$1,700

Explanation:

DPH grant funding to cover partial salary/benefits for current Health Ed Specialist, hire and cover 100% salary/benefits for a Peer Support Specialist, contracted Peer Support Specialists, cell phone cost, laptop cost, materials & supplies, and travel, training and registration costs.

Grant period I of IV: 12/01/19 - 05/30/20. This grant is due to continue through 08/30/22.

**Approved by:**

Board of Commissioners: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager: \_\_\_\_\_

Date: \_\_\_\_\_

(sign in red)

*Finance only:*

Date entered: \_\_\_\_\_ Entered by: \_\_\_\_\_ Reference number: \_\_\_\_\_



# Division of Public Health

## Agreement Addendum

### FY 19-20

Dare County Department of Health & Human  
Services — Public Health Division

CDI / Injury and Violence Prevention Branch

**Local Health Department Legal Name**

**DPH Section / Branch Name**

491 CLC Core Strategies: Community Linkages to  
Care for Overdose Prevention and Response

MegAnn Smith, 919-707-5244  
megann.smith@dhhs.nc.gov

**Activity Number and Description**

**DPH Program Contact**

(name, phone number, and email)

12/01/2019 – 05/31/2020

**Service Period**

**DPH Program Signature**

**Date**

(only required for a negotiable agreement addendum)

01/01/2020 – 06/30/2020

**Payment Period**

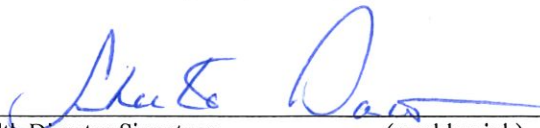
- Original Agreement Addendum**  
 **Agreement Addendum Revision #** \_\_\_\_\_

**I. Background:**

Since 1999, the number of medication and drug poisoning deaths in North Carolina (NC) has increased by more than 580%, from 363 to 2,474 in 2017. Additionally, in 2017, there were nearly 12,000 hospitalizations and over 25,000 emergency department visits related to medication and drug poisoning. Historically, prescription opioids have been a major driver of this crisis. However, illicit drugs are contributing to this problem in increasing numbers. Heroin or other synthetic narcotics (like fentanyl) were involved in nearly 80% of unintentional opioid deaths in 2017. The number of overdose deaths involving stimulants (cocaine, psychostimulants like methamphetamine) is also on the rise.

The Injury and Violence Prevention (IVP) Branch under the NC Division of Public Health (DPH), Chronic Disease and Injury (CDI) Section works to identify, implement, and support evidence-based and emerging prevention and response strategies in injury and violence, including drug poisoning and overdose.

In 2019, North Carolina was awarded Centers for Disease Control and Prevention (CDC) funding via the *Injury Prevention and Control Research and State and Community Based Programs - Overdose Data to Action* grant. This grant enabled the IVP Branch to release a Request for Applications (RFA) entitled *Community Linkages to Care for Overdose Prevention and Response for Local Health Departments and Districts*. This initiative enables those local health departments and districts in NC selected by the IVP Branch from the RFA responses to implement community-based strategies to prevent fatal and non-fatal opioid overdoses, increase access and linkages to care services for the most vulnerable populations, and build local capacity to respond to the overdose crisis in NC. The three approved core strategies are to



Health Director Signature (use blue ink)

Date 11/25/19

Local Health Department to complete: (If follow-up information is needed by DPH)	LHD program contact name: <u>Roxana Ballinger</u>	
	Phone number with area code: <u>252-475-5619</u>	
	Email address: <u>Roxana.Ballinger@darenc.com</u>	

**Signature on this page signifies you have read and accepted all pages of this document.**

(1) develop or expand one or more syringe exchange programs; (2) connect justice-involved persons to care; and (3) establish post-overdose response teams.

## II. **Purpose:**

This Agreement Addendum enables the Local Health Department to implement its approved core strategy or strategies for community-based programs to prevent fatal and non-fatal opioid overdoses, increase access and linkages to care services for the most vulnerable populations, and build local capacity to respond to the overdose crisis in North Carolina.

## III. **Scope of Work and Deliverables:**

The Local Health Department shall:

1. **Staff:** By January 17, 2020, designate one qualified staff member to carry out all duties outlined in this Agreement Addendum and inform the DPH Program Contact via email. The Local Health Director is responsible for notifying DPH Program Contact within 30 days when this position is filled, including providing the person's name and contact information, and for providing a notice within 30 days if this position is vacated.
2. **Perform an evaluation of community activities for overdose prevention:** Compile the county or district evaluation data for end-of-Service Period reporting and provide these data reports to DPH. The Local Health Department shall provide data via an online survey administered by DPH on drug overdose strategies implemented in its community.
3. **Implement the strategy or strategies proposed its RFA response and accepted by the IVP Branch in November 2019.** The following is the complete list of strategies presented in IVP's RFA:
  - a. **Develop or expand one or more syringe exchange programs (SEPs)** through a host organization that has experience working with people directly impacted by drug use. This organization may be a community-based non-profit organization, a faith-based organization, another local health department, a human services department, a pharmacy, or other entity with relevant experience. All new SEPs must collaborate on program development and implementation with an active, registered SEP. (A list of SEPs in North Carolina is available at <https://www.ncdhhs.gov/divisions/public-health/north-carolina-safer-syringe-initiative/syringe-exchange-programs-north>.) The following list of activities are supported in this Agreement Addendum:
    - i. Develop internal capacity to deliver SEP services:
      1. Hire SEP staff, peers/outreach workers, administrative personnel, case managers, and other roles to support program services and operations.
      2. Train SEP staff and participants in first aid, CPR, wound care, safer use practices, rapid testing for communicable/blood-borne diseases, and related harm reduction and disease prevention practices.
      3. Purchase eligible SEP and wound care supplies, such as biohazard disposal containers, safer use supplies, alcohol swabs, gauze, bandages, hygiene products, barrier methods for sexual health, bags, and food (but **not** medications, syringes, hypodermic needles, cookers, or fentanyl test strips). Other forms of drug checking supplies or tools for the purpose of harm reduction and overdose prevention, such as mass spectrometers, are allowed.
      4. Develop comprehensive support programs within the SEP, such as harm reduction-based support groups, peer navigation to identify participant needs and enroll in local services accordingly, and other methods to ensure connection to appropriate care services.

- ii. **Build an extensive referral network:**
    - 1. Develop processes and infrastructure to provide all required and recommended SEP services under North Carolina law (G.S. 90-113.27), including naloxone access and hepatitis/HIV testing services.
    - 2. Develop processes and infrastructure to provide additional referral services, such as connections to treatment providers, housing, transportation, employment, recovery, and related care services.
  - b. **Connect justice-involved persons to care**, including harm reduction, social/health services, treatment, and recovery services. The following list of activities are supported in this Agreement Addendum:
    - i. Educate incarcerated people and their loved ones on harm reduction strategies before release, including but not limited to training on overdose prevention planning and on overdose recognition and response with naloxone.
    - ii. Develop a program for take-home naloxone distribution for people upon release.
    - iii. Establish reentry programs to link or refer people to care services once released from incarceration and provide care service referrals, focusing on individuals with substance use disorder.
    - iv. Develop a comprehensive medication-assisted treatment (MAT) or medications for opioid use disorder (MOUD) program in the jail/detention center setting.
  - c. **Establish post-overdose response teams** led by Emergency Medical Services (EMS) and/or a community-based organization with experience working with people directly impacted by drug use to prevent repeat overdose and connect those who have had a non-fatal overdose to harm reduction, social and health services, treatment and recovery supports, including housing or employment. The following list of activities are supported in this Agreement Addendum:
    - i. Engage people with lived experience, those in recovery, and other harm reduction specialists in the planning, implementation, and evaluation of the post-overdose response team program.
    - ii. Develop a referral list to include:
      - 1. Harm reduction organizations including syringe exchange programs,
      - 2. Social/health services including housing, employment, and transportation, and
      - 3. Treatment and recovery supports.
    - iii. Define roles and responsibilities for each member of the post-overdose response team.
    - iv. Determine a process to share information on overdose patients with the outreach staff.
    - v. Develop a clear process to follow-up with patients who have experienced an overdose, including initial response and frequency of additional outreach.
4. **Uphold the following performance standards:**
- a. Obtain written preapproval on language for all materials intended for the public (digital or printed) by submitting the materials to DPH for **at least a two-week review** before publication to ensure non-stigmatizing messaging and consistent messaging across local health departments and districts participating in Activity 491.
  - b. Ensure that all activities are evidence-based, culturally sensitive, and at an appropriate academic level to accommodate stakeholders of varying harm reduction and overdose prevention backgrounds.

- c. Ensure that all trainings are conducted by appropriately trained individuals with experience in harm reduction principles, community outreach, and naloxone administration.
- d. Administer pre-test and post-test evaluation surveys to training and presentation participants to assess knowledge gains and effectiveness of trainings or presentations.

**IV. Performance Measures/Reporting Requirements:**

The Local Health Department shall:

**1. Performance Measures:**

- a. Hire and train at least one designated staff person to implement the strategy or strategies proposed its RFA response and accepted by the IVP Branch in November 2019 within the first three months of the Service Period.
- b. Compile a list of at least five community resources including project partners, treatment providers, social service providers (e.g. transportation, housing, vocational, food), and harm reduction services by the end of the Service Period.
- c. Create a project description to be used either internally or externally to explain the strategy or strategies within the first five months of the Service Period. This messaging should include a brief description of the program, the key partners involved, and the intended outcomes.

**2. Reporting Requirements:**

- a. No later than June 30, 2020, provide to the DPH Program Contact an end-of-Service Period (December 1, 2019 through May 31, 2020) performance measure activity report on all deliverables. The report will include the following components:
  - i. Summary of implemented activities, accomplishments, and work to prevent fatal and non-fatal opioid overdoses and build local capacity to respond to the overdose crisis in North Carolina;
  - ii. List of engaged partners for each major activity with key collaborations highlighted;
  - iii. Details of how priority populations, such as those with lived experience, those directly impacted by drug use, and people who currently use drugs, have been engaged in the planning, implementation, and evaluation of activities to reduce overdose;
  - iv. Completed data for metrics specific to the chosen strategy or strategies;
  - v. Summary of lessons learned, including a description of challenges, methods for overcoming challenges, and any potential barriers that are anticipated;
  - vi. Summary of sustainability efforts or plans to continue the work as outlined;
  - vii. Developed or adopted policies, protocols, educational materials, presentations, training materials, and related outputs as attachments to demonstrate evidence of implemented activities;
  - viii. List of outcomes associated with activities and outputs, to date, and/or expected outcomes from said activities related to these efforts.

**V. Performance Monitoring and Quality Assurance:**

DPH shall maintain contact via email and telephone to monitor programmatic and fiscal performance. The DPH Program Contact will monitor the performance based on information contained in project reports, including supporting evidence such as summaries, methods descriptions, sign-in sheets, examples of completed activities, sample policies or educational materials. The DPH Program Contact



will follow up with the Local Health Department via email or phone as needed for consultation and project improvement.

If the Local Health Department is deemed out of compliance, the DPH Program Contact shall make every effort to work with the Local Health Department to produce a corrective action plan. The Local Health Department shall report evaluation data to DPH in accordance with the timeframes and quality standards outlined. Failure to comply with the requirements listed above may result in a decrease in funding or removal from consideration for future funding for related activities.

#### VI. Funding Guidelines or Restrictions:

1. Requirements for pass-through entities: In compliance with 2 CFR §200.331 – *Requirements for pass-through entities*, the Division of Public Health provides Federal Award Reporting Supplements to the Local Health Department receiving federally funded Agreement Addenda.
  - a. Definition: A Supplement discloses the required elements of a single federal award. Supplements address elements of federal funding sources only; state funding elements will not be included in the Supplement. Agreement Addenda (AAs) funded by more than one federal award will receive a disclosure Supplement for each federal award.
  - b. Frequency: Supplements will be generated as the Division of Public Health receives information for federal grants. Supplements will be issued to the Local Health Department throughout the state fiscal year. For federally funded AAs, Supplements will accompany the original AA. If AAs are revised and if the revision affects federal funds, the AA Revisions will include Supplements. Supplements can also be sent to the Local Health Department even if no change is needed to the AA. In those instances, the Supplements will be sent to provide newly received federal grant information for funds already allocated in the existing AA.
2. Funds may **not** be used for:
  - a. Syringes, hypodermic needles, cookers, fentanyl test strips, or medications including naloxone.
  - b. Clinical care or any direct medical service.
  - c. Prescription drug take-back programs including medication drop-boxes, take-back events, or disposal of medications.
  - d. Purchasing vehicles or paying down existing mortgages and/or other loans.
  - e. Capital expenses, new construction or renovation of facilities, or equipment.
  - f. Any type of research.
  - g. Match funding on other federal awards or duplicate expenses covered by other federal sources.
  - h. Lobbying (publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body).
3. Funds may be used for:
  - a. Full-time salaries, stipends, and other wages for program staff and other supporting positions, such as peers, outreach workers, linkage-to-care navigators, case managers, administrators, contractors, and volunteers.
  - b. Costs associated with program implementation, linkage to care, and participant engagement, such as offering phone cards, cell phones, start-up expenses, application fees, and related expenses.
  - c. Renting equipment, such as leasing vehicles, for mobile outreach and delivery of services and mileage reimbursement.
  - d. Transportation-related needs through items such as bus vouchers, ride share services, cab gift cards, or other partnerships to support linkages to care.

- e. Housing-related needs, such as short-term move-in deposit, rental, or utility assistance for those who use drugs, are in recovery, or are transitioning from residential treatment or incarceration.
- f. Syringe exchange program care supplies, such as alcohol swabs, gauze, band aids, hygiene products, bags, and food. Other forms of drug checking supplies or tools, such as mass spectrometers, for the purpose of harm reduction and overdose prevention are allowed.
- g. Training and technical assistance for harm reduction skills and expertise.
- h. Attending trainings and conferences related to program implementation.
- i. Subcontracts, developing memoranda of understanding, or utilizing another form of demonstrated commitment with partners for technical assistance, trainings, or direct support.

**FY20 Activity:** 491 CLC Core Strategies: Community Linkages to Care for Overdose Prevention and Response

**Supplement 1**

Supplement reason:  In AA+BE or AA+BE Rev -OR-  -

CFDA #: 93.136 Federal award date: 8/12/19 Is award R&D? no FAIN: NU17CE925024 Total amount of fed awd: \$ 7,003,731

CFDA name: Public Health Emergency Response: Cooperative Agreement for Emergency Response: Public Health Crisis Response  
 Fed award project description: North Carolina's Cooperative Agreement for Emergency Response: Public Health Crisis Response  
 Fed awarding agency: DHHS, Centers for Disease Control and Prevention Federal award indirect cost rate: n/a %

Subrecipient	Subrecipient DUNS	Fed funds for This Supplement	Total of All Fed Funds for This Activity	Subrecipient	Subrecipient DUNS	Fed funds for This Supplement	Total of All Fed Funds for This Activity
Alamance	965194483	\$49,050	\$49,050	Jackson	019728518	=	=
Albemarle	130537822	\$50,000	\$50,000	Johnston	097599104	=	=
Alexander	030495105	=	=	Jones	095116935	=	=
Anson	847163029	=	=	Lee	067439703	=	=
Appalachian	780131541	\$50,000	\$50,000	Lenoir	042789748	=	=
Beaufort	091567776	=	=	Lincoln	086869336	=	=
Bladen	084171628	=	=	Macon	070626825	=	=
Brunswick	091571349	=	=	Madison	831052873	=	=
Buncombe	879203560	\$50,000	\$50,000	MTW	087204173	\$48,501	\$48,501
Burke	883321205	=	=	Mecklenburg	074498353	\$50,000	\$50,000
Cabarrus	143408289	\$50,000	\$50,000	Montgomery	025384603	=	=
Caldwell	948113402	=	=	Moore	050988146	=	=
Carteret	058735804	=	=	Nash	050425677	=	=
Caswell	077846053	=	=	New Hanover	040029563	=	=
Catawba	083677138	\$44,595	\$44,595	Northampton	097594477	=	=
Chatham	131356607	=	=	Onslow	172663270	=	=
Cherokee	130705072	=	=	Orange	139209659	=	=
Clay	145058231	\$49,632	\$49,632	Pamlico	097600456	=	=
Cleveland	879924850	=	=	Pender	100955413	=	=
Columbus	040040016	=	=	Person	091563718	=	=
Craven	091564294	=	=	Pitt	080889694	\$50,000	\$50,000
Cumberland	123914376	=	=	Randolph	027873132	=	=
Dare	082358631	\$50,000	\$50,000	Richmond	070621339	=	=
Davidson	077839744	=	=	Robeson	082367871	=	=
Davie	076526651	\$50,000	\$50,000	Rockingham	077847143	=	=
Duplin	095124798	=	=	Rowan	074494014	=	=
Durham	088564075	\$50,000	\$50,000	RPM	782359004	=	=
Edgecombe	093125375	=	=	Sampson	825573975	=	=
Forsyth	105316439	\$50,000	\$50,000	Scotland	091564146	=	=
Franklin	084168632	=	=	Stanly	131060829	\$49,998	\$49,998
Gaston	071062186	=	=	Stokes	085442705	=	=
Graham	020952383	=	=	Surry	077821858	\$32,159	\$32,159
Granville-Vance	063347626	\$50,000	\$50,000	Swain	146437553	=	=
Greene	091564591	=	=	Toe River	113345201	=	=
Guilford	071563613	\$49,999	\$49,999	Transylvania	030494215	=	=
Halifax	014305957	=	=	Union	079051637	=	=
Harnett	091565986	=	=	Wake	019625961	\$49,566	\$49,566
Haywood	070620232	\$47,000	\$47,000	Warren	030239953	=	=
Henderson	085021470	\$49,992	\$49,992	Wayne	040036170	=	=
Hoke	091563643	\$50,000	\$50,000	Wilkes	067439950	=	=
Hyde	832526243	=	=	Wilson	075585695	=	=
Iredell	074504507	\$49,973	\$49,973	Yadkin	089910624	=	=

DPH-Aid-To-Counties For Fiscal Year: 19/20

Budgetary Estimate Number : 0

Activity 491	AA	1175 852A DH	Proposed Total	New Total
Service Period		12/01-05/31		
Payment Period		01/01-06/30		
01 Alamance	* 0	49,050	49,050	49,050
D1 Albemarle	* 0	50,000	50,000	50,000
02 Alexander		0	0	0
04 Anson		0	0	0
D2 Appalachian	* 0	50,000	50,000	50,000
07 Beaufort		0	0	0
09 Bladen		0	0	0
10 Brunswick		0	0	0
11 Buncombe	* 0	50,000	50,000	50,000
12 Burke		0	0	0
13 Cabarrus	* 0	50,000	50,000	50,000
14 Caldwell		0	0	0
16 Carteret		0	0	0
17 Caswell		0	0	0
18 Catawba	* 0	44,595	44,595	44,595
19 Chatham		0	0	0
20 Cherokee		0	0	0
22 Clay	* 0	49,632	49,632	49,632
23 Cleveland		0	0	0
24 Columbus		0	0	0
25 Craven		0	0	0
26 Cumberland		0	0	0
28 Dare	* 0	50,000	50,000	50,000
29 Davidson		0	0	0
30 Davie	* 0	50,000	50,000	50,000
31 Duplin		0	0	0
32 Durham	* 0	50,000	50,000	50,000
33 Edgecombe		0	0	0
D7 Foothills		0	0	0
34 Forsyth	* 0	50,000	50,000	50,000
35 Franklin		0	0	0
36 Gaston		0	0	0
38 Graham		0	0	0
D3 Gran-Vance	* 0	50,000	50,000	50,000
40 Greene		0	0	0
41 Gullford	* 0	49,999	49,999	49,999
42 Halifax		0	0	0
43 Harnett		0	0	0
44 Haywood	* 0	47,000	47,000	47,000
45 Henderson	* 0	49,992	49,992	49,992
46 Hertford		0	0	0
47 Hoke	* 0	50,000	50,000	50,000
48 Hyde		0	0	0
49 Iredell	* 0	49,973	49,973	49,973
50 Jackson		0	0	0



51 Johnston			0	0	0
52 Jones			0	0	0
53 Lee			0	0	0
54 Lenoir			0	0	0
55 Lincoln			0	0	0
56 Macon			0	0	0
57 Madison			0	0	0
D4 M-T-W	*	0	48,501	48,501	48,501
60 Mecklenburg	*	0	50,000	50,000	50,000
62 Montgomery			0	0	0
63 Moore			0	0	0
64 Nash			0	0	0
65 New Hanover			0	0	0
66 Northampton			0	0	0
67 Onslow			0	0	0
68 Orange			0	0	0
69 Pamlico			0	0	0
71 Pender			0	0	0
73 Person			0	0	0
74 Pitt	*	0	50,000	50,000	50,000
75 Polk			0	0	0
76 Randolph			0	0	0
77 Richmond			0	0	0
78 Robeson			0	0	0
79 Rockingham			0	0	0
80 Rowan			0	0	0
D5 R-P-M			0	0	0
82 Sampson			0	0	0
83 Scotland			0	0	0
84 Stanly	*	0	49,998	49,998	49,998
85 Stokes			0	0	0
86 Surry	*	0	32,159	32,159	32,159
87 Swain			0	0	0
D6 Toe River			0	0	0
88 Transylvania			0	0	0
90 Union			0	0	0
92 Wake	*	0	49,566	49,566	49,566
93 Warren			0	0	0
96 Wayne			0	0	0
97 Wilkes			0	0	0
98 Wilson			0	0	0
99 Yadkin			0	0	0
Totals			1,120,465	1,120,465	1,120,465

Sign and Date - DPH Program Administrator <i>[Signature]</i> 11/22/19	Sign and Date - DPH Section Chief <i>[Signature]</i> 11/22/19
Sign and Date - DPH Contracts Office <i>[Signature]</i> 11/22/19	Sign and Date - DPH Budget Officer <i>[Signature]</i> 11/22/19

*Cat* 11/22/2019



*Tax Collector's Report*

**Description**

Nov 2019 Discoveries over \$100  
Nov 2019 Releases over \$100  
Nov 2019 Refunds over \$100  
Nov 2019 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: November      DATE RANGE: 11/1/2019 - 11/30/2019      SUBMITTED BY: Becky Huff**

<b>Taxpayer Name</b>	<b>Parcel</b>	<b>Bill Yr</b>	<b>Value Discovered</b>	<b>Tax Discovered</b>
ALVAREZ, HUMBERTO GONZALEZ	023030011	2019	\$ 75,100.00	\$ 462.99
MANN, HARRY C	017543002	2019	\$ 8,000.00	\$ 356.90
STATE EMPLOYEES CREDIT UNION	975075000	2019	\$ 81.00	\$ 180.46
MANN, HARRY C	937746000	2019	<u>\$ 13,740.00</u>	<u>\$ 750.78</u>
			<b>\$ 96,921.00</b>	<b>\$ 1,751.13</b>

# Release Report for REAL ESTATE and PERSONAL PROPERTY

(Releases over (\$100.00) )

**MONTH: November**

**DATE RANGE: 11/1/2019 - 11/30/2019**

**SUBMITTED BY: Becky Huff**

Taxpayer Name	Parcel #	Bill Yr	Reason	Value Released	Tax Released
COLONY TIRE CORPORATION	984238000	2019	Taxpayer submitted wrong asset list	-146,675.00	<b>-904.25</b>
ML MARINA LLC	031195015	2019	Appeal Value Change	-17,900.00	<b>-150.36</b>
ML MARINA LLC	031195017	2019	Appeal Value Change	-64,661.00	<b>-543.16</b>
ML MARINA LLC	031195018	2019	Appeal Value Change	-52,861.00	<b>-444.04</b>
ML MARINA LLC	031195019	2019	Appeal Value Change	-61,361.00	<b>-515.44</b>
ML MARINA LLC	031195020	2019	Appeal Value Change	-50,961.00	<b>-428.08</b>
ML MARINA LLC	031195021	2019	Appeal Value Change	-61,261.00	<b>-514.60</b>
ML MARINA LLC	031195022	2019	Appeal Value Change	-50,561.00	<b>-424.72</b>
ML MARINA LLC	031195023	2019	Appeal Value Change	-55,261.00	<b>-464.20</b>
ML MARINA LLC	031195024	2019	Appeal Value Change	-62,361.00	<b>-523.84</b>
ML MARINA LLC	031195025	2019	Appeal Value Change	-54,561.00	<b>-458.32</b>
ML MARINA LLC	031195026	2019	Appeal Value Change	-54,661.00	<b>-459.16</b>
ML MARINA LLC	031195027	2019	Appeal Value Change	-63,561.00	<b>-533.92</b>
ML MARINA LLC	031195028	2019	Appeal Value Change	-55,461.00	<b>-465.88</b>
ML MARINA LLC	031195029	2019	Appeal Value Change	-17,461.00	<b>-146.68</b>
ML MARINA LLC	031195031	2019	Appeal Value Change	-28,500.00	<b>-239.40</b>
ML MARINA LLC	031195032	2019	Appeal Value Change	-29,200.00	<b>-245.28</b>



## Release Report for REAL ESTATE and PERSONAL PROPERTY

(Releases over (\$100.00) )

**MONTH:** November

**DATE RANGE:** 11/1/2019 - 11/30/2019

**SUBMITTED BY:** Becky Huff

Taxpayer Name	Parcel #	Bill Yr	Reason	Value Released	Tax Released
ML MARINA LLC	031195033	2019	Appeal Value Change	-30,200.00	<b>-253.68</b>
ML MARINA LLC	031195034	2019	Appeal Value Change	-28,600.00	<b>-240.24</b>
ML MARINA LLC	031195035	2019	Appeal Value Change	-29,900.00	<b>-251.16</b>
ML MARINA LLC	031195036	2019	Appeal Value Change	-30,400.00	<b>-255.36</b>
ML MARINA LLC	031195037	2019	Appeal Value Change	-29,500.00	<b>-247.80</b>
ML MARINA LLC	031195038	2019	Appeal Value Change	-30,000.00	<b>-252.00</b>
ML MARINA LLC	031195039	2019	Appeal Value Change	-30,000.00	<b>-252.00</b>
ML MARINA LLC	031195040	2019	Appeal Value Change	-28,800.00	<b>-241.92</b>
ML MARINA LLC	031195041	2019	Appeal Value Change	-29,000.00	<b>-243.60</b>
ML MARINA LLC	031195042	2019	Appeal Value Change	-37,500.00	<b>-315.00</b>
ML MARINA LLC	031195043	2019	Appeal Value Change	-39,400.00	<b>-330.96</b>
ML MARINA LLC	031195044	2019	Appeal Value Change	-36,800.00	<b>-309.12</b>
ML MARINA LLC	031195045	2019	Appeal Value Change	-49,500.00	<b>-415.80</b>
ML MARINA LLC	031195046	2019	Appeal Value Change	-39,500.00	<b>-331.80</b>
ML MARINA LLC	031195047	2019	Appeal Value Change	-43,100.00	<b>-362.04</b>
ML MARINA LLC	031195048	2019	Appeal Value Change	-23,300.00	<b>-195.72</b>
ML MARINA LLC	031195049	2019	Appeal Value Change	-27,400.00	<b>-230.16</b>
ML MARINA LLC	031195050	2019	Appeal Value Change	-41,000.00	<b>-344.40</b>

## Release Report for REAL ESTATE and PERSONAL PROPERTY

(Releases over (\$100.00) )

**MONTH:** November

**DATE RANGE:** 11/1/2019 - 11/30/2019

**SUBMITTED BY:** Becky Huff

Taxpayer Name	Parcel #	Bill Yr	Reason	Value Released	Tax Released
ML MARINA LLC	031195051	2019	Appeal Value Change	-27,700.00	-232.68
ML MARINA LLC	031195052	2019	Appeal Value Change	-27,300.00	-229.32
ML MARINA LLC	031195053	2019	Appeal Value Change	-26,600.00	-223.44
ML MARINA LLC	031195054	2019	Appeal Value Change	-26,700.00	-224.28
ML MARINA LLC	031195055	2019	Appeal Value Change	-21,600.00	-181.44
ML MARINA LLC	031195056	2019	Appeal Value Change	-27,400.00	-230.16
ML MARINA LLC	031195057	2019	Appeal Value Change	-25,000.00	-210.00
ML MARINA LLC	031195058	2019	Appeal Value Change	-29,900.00	-251.16
ML MARINA LLC	031195059	2019	Appeal Value Change	-27,600.00	-231.84
ML MARINA LLC	031195060	2019	Appeal Value Change	-33,800.00	-283.92
BURTON, JAMES N	023030001	2019	Personal Prop listed in error	-49,900.00	-307.63
BERGER, RONALD M	027496024	2019	Situs in Maryland	-169,000.00	-1,470.30
EURE, HUGH L. JR.	936681000	2019	Situs in Virginia	-28,130.00	-244.73
FENOFF, NICOLE	962923000	2019	Board of E&R Release	-405,000.00	-2,604.55
<b>Total Tax Released:</b>					<b>-19,459.54</b>

**Refund Report for REAL ESTATE and PERSONAL PROPERTY**

*(Refunds over \$100.00 )*

**MONTH: November**

**Date Range: 11/1/2019 - 11/30/2019**

**SUBMITTED BY: Becky Huff**

<b>Taxpayer Name</b>	<b>Bill Yr</b>	<b>Reason</b>	<b>Refund Amount</b>
MILLER, ERIC J	2016	Overpayment of Occ/F&B Taxes	\$ (544.84)
MILLER, ERIC J	2016	Overpayment of Occ/F&B Taxes	\$ (146.48)
MILLER, ERIC J	2016	Overpayment of Occ/F&B Taxes	\$ (131.48)
MILLER, ERIC J	2016	Overpayment of Occ/F&B Taxes	\$ (187.02)
MILLER, ERIC J	2017	Overpayment of Occ/F&B Taxes	\$ (155.57)
MILLER, ERIC J	2017	Overpayment of Occ/F&B Taxes	\$ (223.93)
MILLER, ERIC J	2017	Overpayment of Occ/F&B Taxes	\$ (590.98)
BROWN, ERNEST T	2018	Overpayment of Occ/F&B Taxes	\$ (100.51)
NORTH BEACH CAMPGROUND	2018	Overpayment of Occ/F&B Taxes	\$ (181.42)
WASABI	2018	Overpayment of Occ/F&B Taxes	\$ (120.00)
BRUMET, STEVEN T.	2018	Overpayment of Occ/F&B Taxes	\$ (108.23)
OKLESHEN, MEGAN M.	2018	Overpayment of Occ/F&B Taxes	\$ (657.37)
HATTERAS SOL WATERSIDE GRILL	2018	Overpayment of Occ/F&B Taxes	\$ (123.58)
KILL DEVIL HILLS PROPERTIES, LLC	2019	Overpayment of Occ/F&B Taxes	\$ (101.82)
OBX GREAT ESCAPES LLC	2019	Overpayment of Occ/F&B Taxes	\$ (150.34)
MCKENNA, JAMES F	2019	Overpayment of Occ/F&B Taxes	\$ (285.14)
BOOM INC	2019	Overpayment of Occ/F&B Taxes	\$ (147.51)
BROWN, ERNEST T	2019	Overpayment of Occ/F&B Taxes	\$ (117.00)
			<b>\$ (4,073.22)</b>



# North Carolina Vehicle Tax System

NOV 2019 >\$100

## NCVTS Pending Refund report

Report Date 12/3/2019

Payee Name	Address 1	Address 3	Bill #	Interest Change	Total Change
BOYLE, DELCROSS H	616 PINECLIFFE DR	CHESAPEAKE, VA 23322	0046414512	\$0.00	(\$115.37)
				\$0.00	(\$34.14)
				\$0.00	(\$25.28)
				Refund	<b>\$174.79</b>
FITZ, ALLEN LOUIS	6490 BOB WHITE DR	WARRENTON, VA 20187	0037867140	\$0.00	(\$71.21)
				\$0.00	(\$46.51)
				Refund	<b>\$117.72</b>
KESSLER, GARY PHILIP	411 DAVINCI LN	KITTY HAWK, NC 27949	0046375469	\$0.00	(\$109.95)
				\$0.00	(\$70.18)
				\$0.00	(\$9.36)
				Refund	<b>\$189.49</b>
STAGER, BOBBIE JEANNE	95 POTESKEET TRL	SOUTHERN SHORES, NC 27949	0046229679	\$0.00	(\$68.55)
				\$0.00	(\$32.09)
				Refund	<b>\$100.64</b>
				<b>Refund Total</b>	<b>\$582.64</b>

Tax Jurisdiction	District Type	Net Change
C99	COUNTY	(\$365.08)
T08	CITY	(\$70.18)
T08BN	CITY	(\$9.36)
T14	CITY	(\$46.51)
T20	CITY	(\$32.09)
F50	FIRE	(\$34.14)
S99	SPECIAL	(\$25.28)
<b>Total</b>		<b>(\$582.64)</b>





*North Carolina Governor's Highway Safety Program  
Local Governmental Resolution*

**Description**

The Dare County Sheriff's Office requested, and the Board approved and adopted, resolutions to comply with the award requirements on October 7, 2019 in the amount of \$20,000.0 and on October 21, 2019 in the amount of \$25,000.00. The DC Sheriff's Office has been requested to consolidate the resolutions for a total prescribed funding of \$45,000.00.

**Board Action Requested**

Approval - adoption of one resolution totaling \$45,000.00

**Item Presenter**

Sheriff J. D. "Doug" Doughtie

North Carolina Governor's Highway Safety Program  
**LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the Dare County Sheriff's Office (herein called the "Agency")  
(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Dare County Board of Commissioners  
(The Governing Body of the Agency)  
\_\_\_\_\_ (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN  
(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,

THIS 16th DAY OF December, 20 19, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 45,000.00 to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.00 as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by \_\_\_\_\_  
(Chairperson/Mayor)

ATTESTED BY \_\_\_\_\_  
(Clerk)

**SEAL**

DATE 12/16/2019

*Attachment # 6*

Supporting material  
for this agenda item is on file  
in the office of the Clerk  
to the Board of Commissioners



*North Carolina Governor's Highway Safety Program (GHSP)  
Local Governmental Resolution*

**Description**

The Dare County Sheriff's Office requests the attached resolution to comply with the award requirements.

**Board Action Requested**

Approval

**Item Presenter**

Sheriff J. D. "Doug" Doughtie

*10/7/19 Resolution Approved  
Cheryl C. Anky, Clerk to the  
Board.*



19-10-38

Resolution

North Carolina Governor's Highway Safety Program  
**LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the Dare County Sheriff's Office (herein called the "Agency")  
(The Applicant Agency)  
has completed an application contract for traffic safety funding; and that Dare County Board of Commissioners  
(The Governing Body of the Agency)  
\_\_\_\_\_ (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN  
(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,

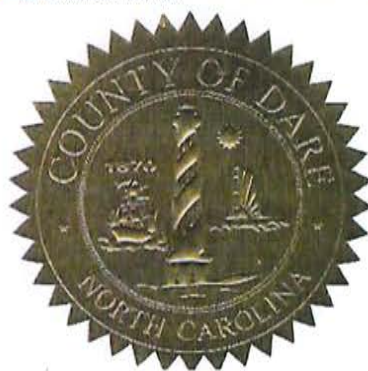
THIS 07th DAY OF October, 20 19, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal  
funding in the amount of \$ 20,000.00 to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.00 as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other  
appropriate persons to furnish such information, data, documents and reports as required by the contract, if  
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by [Signature]  
(Chairperson/Mayor)

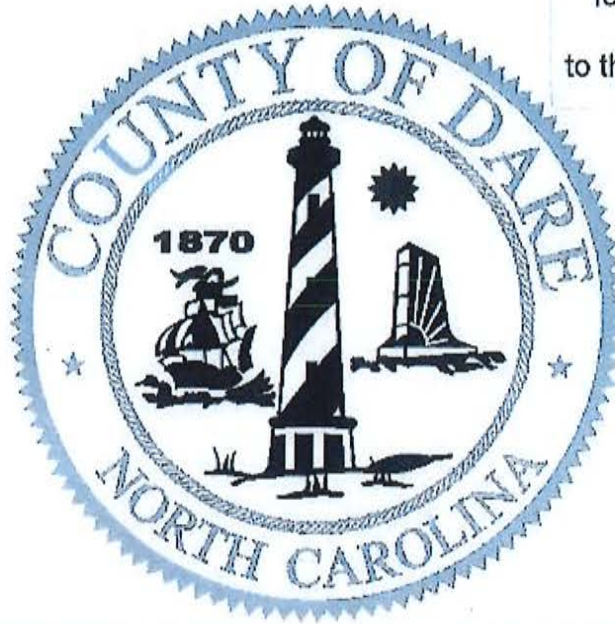
ATTESTED BY [Signature]  
(Clerk)

DATE 10/17/2019





Supporting material  
for this agenda item is on file  
in the office of the Clerk  
to the Board of Commissioners



*North Carolina Governor's Highway Safety Program (GHSP)  
Local Government Resolution*

**Description**

The Dare County Sheriff's Office requests the attached resolution to comply with the award requirements of a new seat belt convincer for the area GHSP Coordinator.

**Board Action Requested**

Approval

**Item Presenter**

Sheriff J. D. "Doug" Doughtie

10/21/19

Approved.

Cheryl C. Ambler, Clerk to the Board

# North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Dare County Sheriff's Office (herein called the "Agency")  
(The Applicant Agency)  
has completed an application contract for traffic safety funding; and that Dare County Board of Commissioners  
(The Governing Body of the Agency)  
(herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN  
(Governing Body)  
MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,  
THIS 21st DAY OF October, 20 2019, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal  
funding in the amount of \$ 25,000.00 to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.00 as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other  
appropriate persons to furnish such information, data, documents and reports as required by the contract, if  
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by [Signature]  
(Chairperson/Mayor)

ATTESTED BY [Signature]  
(Clerk)

DATE 10/21/2019





*Retirement of Deputy Sheriff K-9 Diablo*

**Description**

The Dare County Sheriff's Office requests to retire K-9 Diablo after ten (10) years of service to his handler, Deputy Sheriff Sergeant Shaun Barrera, for one (1) U. S. dollar.

**Board Action Requested**

Approval

**Item Presenter**

Sheriff J. D. "Doug' Doughtie



*Board Appointments*

**Description**

The following Boards and Committees have appointments or reappointments this month.

1. Dare County Transportation Advisory Board
2. Dare County Joint Community Advisory Committee

**Board Action Requested**

Take Appropriate Action

**Item Presenter**

Robert Outten, County Manager





*Dare County Transportation Advisory Board*

**Description**

See Attached Summary

**Board Action Requested**

Take Appropriate Action

**Item Presenter**

Robert Outten, County Manager

December, 2019

**DARE COUNTY TRANSPORTATION ADVISORY BOARD**  
(Four Year Term)

The DC Transportation Advisory Board recommends:

**Appointing George Carver, Jr. to fill one of the Public Business Section vacancies**  
**They will make recommendations to fill other vacancies at a later date.**

Applications have been received from:  
Kathryn Fagan  
George Carver, Jr.

Other Members: See attached list

**DARE COUNTY TRANSPORTATION ADVISORY BOARD**

(Staggered Terms/Four Year Term)

**The Dare County Transportation System is required by the State's Community Transportation Program to have a local Transportation Advisory Board. This Board is expected to maintain a minimum level of coordinated transportation service and to maintain ongoing communications as a means of seeking public involvement and ongoing administrative oversight.**

<b><u>MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>	<b><u>ACTION</u></b>
Brandi Bohanan P.O. Box 1000 Manteo, NC 27954 475-5635 Older Adult Services (Government Sector)	6-2022	Apptd. 6/06 Reapptd. 6/10,14,18
Chuck Lycett P.O. Box 1000 Manteo, NC 27954 475-5526 Health & Human Services (Government Sector)	6-2022	Apptd. 6-98 Reapptd. 7/02,06,10,14, 18
Vacant (Public Business Sector)		
Kenny Kee 1101 E.R. Daniels Rd. Wanchese, NC 27981 480-3500 Dare County Career Center (Government Sector)	6-2022	Apptd. 6-04 Reapptd.6-06,10,14,18
Mayte Hernandez-Beacham 233 Broadbay Drive Kill Devil Hills, NC 27948 252-441-1694 Ethnic Minority Rep (Human Services Sector)	10-2023	Apptd. 10/19
Nessie Siler 146 Airport Rd. Manteo, NC 27954 473-3376 User with a Disability (Public/Business Sector)	6-2022	Apptd. 6-14 Reapptd. 6/18
Ginny Zdanski P.O. Box 175 Manteo, NC 27954 473-6316 Human Service Agency (Human Services Sector)	6-2020	Apptd. 11-16

Eric Spears filled unexpired term of Donnie Just 7/01.  
Kermit Skinner filled unexpired term of the late Curtis Creech 6/02.  
DCBC eliminated seat for Cancer Support Group 7/1/02.  
Jody Crosswhite filled unexpired term of Trish Blackmon 12/02.  
Comm. Cheryl Byrd appointed to fill unexpired term of outgoing Comm. Geneva Perry 2/03.  
Margie Midgett appointed to fill unexpired term of Dell Collins 3/03.  
Doug Seay replaced Jeff Tack (OB Visitor Bureau) 6/03.  
Sandy Morrison apptd. to fill unexpired term of David Hoare 6/03.  
Pete Groom replaced Alex Risser 6/04.  
Pat Morrissey replaced Kermit Skinner, 6/04.  
Kenny Kee replaced Jimmy Perry 6/04.  
Megan Gregory replaced David Quidley 1/05.  
Robert Woodard apptd. to fill unexpired term of Doug Seay 2/05.  
Amy Etheridge apptd. to fill unexpired term of Kim Bailey 2/05.  
Ben Sproul apptd. to fill vacant OB Rest. Asso. seat 4/05.  
Andy Szakos filled unexpired term of Sandy Morrison 3/06.  
Michelle Pharr filled unexpired term of Bob Woodard 3/06.  
Tim Shearin filled unexpired term of Pat Morrissey 4/06.  
David Kleinschuster apptd. To fill unexpired term of Amy Etheridge 6/06.  
Comm. Jack Shea apptd. to fill unexpired term of Cheryl Byrd 1/07.  
Amy Montgomery filled unexpired term of Gina Scarborough 9/11.  
Kristen Parrino filled vacant Hatteras Island seat 4/15.  
Apptd. Ginny Zdanski to fill vacant Public Human Service Agency seat 11/16.  
Apptd. Mandy Earnst to fill Human Services Sector seat 10/17  
Alex Chandler appointed to replace John Winston, Jr. 6/18  
Chuck Lycett replaced Jay Burrus who retired 9/18  
Jim Tobin replaced Jack Shea 1/19  
Mandy Earnst removed from list, never attended meetings per Don Cabana 1/19  
Mayte Hernandez-Beacham apptd. 10/19; Maria Heifferon resigned 10/19

**REVISED 12/19**



### 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:

1<sup>st</sup> choice Health and Human Services Board

2<sup>nd</sup> choice Youth Council

3<sup>rd</sup> choice Transportation Advisory Board

Name George Carter Jr

Address 110 Scarborough St

City/State/Zip Manteo NC 27954

Email Address DareminorityCoalition@gmail.com

Telephone Home: 305-8671

Business: 564-5140

Resident of Dare County:  yes  no

Occupation: Business owner / Cook / Construction

Business Address: Manteo, NC 27954 ; Nags Head  
5000 S. Croatan Hwy

Educational background:  
3yrs North Carolina Central Un. 1yr Piedmont Co. College  
1yr CCA Manteo Grad. 98

Business and civic experience and skills:  
Owner of George's Dome Home Inc.; Hosted  
Meet the Candidates w/ Dare Minority Coalition Inc.  
Oct. 18 2018

Other Boards/Committees/Commissions on which you presently serve:


Executive Director of Dare Minority Coalition Inc  
Founder ; Owner of George's Dome Homes Inc

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
<u>Betty Selby</u>	<u>Bus. &amp; Operation manager</u>	<u>Agona St.</u>	<u>480-8888 ext. 1916</u>
<u>Lendell Ferguson</u>	<u>Ret. Marine Vet.</u>	<u>Sir Walter Raleigh St.</u>	<u>619-076</u>
<u>L'Tanya Murray</u>	<u>Principle</u>	<u>Raleigh Wood Dr</u>	<u>423-1104</u>

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: 1/24/19 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: 1/24/19

APPLICATION FOR APPOINTMENT TO  
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

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Advisory Board or Committee interested in:

1<sup>st</sup> choice Library Board

2<sup>nd</sup> choice Transportation

3<sup>rd</sup> choice \_\_\_\_\_

Name Kathryn Fagan

Address 115 Airport Rd. PO Box 44 (mailing)

City/State/Zip Manteo, NC 27954

Email Address kpfagan45@gmail.com

Telephone Home: 2529470211

Business: \_\_\_\_\_

Resident of Dare County:  yes  no

Occupation: Attorney

Business Address: \_\_\_\_\_

Educational background:

Bachelor of Arts

Juris Doctorate

Business and civic experience and skills:

Various Bar activities, League of Women voters, on the Board of Governors

for the Elizabethan Gardens, Representing business clients such as hotels.



Other Boards/Committees/Commissions on which you presently serve:

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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
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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: \_\_\_\_\_ Signature of applicant: \_\_\_\_\_

FOR OFFICE USE ONLY:

Date received: 4-8-19





*Dare County Joint Community Advisory Committee*

**Description**

See Attached Summary

**Board Action Requested**

Take Appropriate Action

**Item Presenter**

Robert Outten, County Manager

December 2019

**BOARD APPOINTMENT**

**DARE COUNTY JOINT COMMUNITY ADVISORY COMMITTEE**

**(NURSING HOME COMMUNITY ADVISORY COUNCIL)**

(Three Year Term)

The Dare County Joint Community Advisory Committee (Nursing Home Community Advisory Council) serves as an advocate through monitoring of care and resolution of grievances of nursing home patients or their families. The Council meets when needed.

The Council has two vacancies:

Amber Jennings and Bonnie Bennett have completed the Community Advisory Committee training required by G.S. 131D-32

They are both recommended for appointment for a one year term.

Other Members:  
See attached list



CAMDEN

CHOWAN

CURRITUCK

DARE

GATES

HYDE

PASQUOTANK

PERQUIMANS

TYRRELL

WASHINGTON

COLUMBIA

CRESWELL

DUCK

EDENTON

ELIZABETH CITY

GATESVILLE

HERTFORD

KILL DEVIL HILLS

KITTY HAWK

MANTEO

NAGS HEAD

PLYMOUTH

ROPER

SOUTHERN SHORES

WINFALL

November 4, 2019

Dear Commissioners,

On October 24, 2019, **Amber Jennings** completed the Community Advisory Committee training required by G.S. 131D-32 and has been designated by the Office of the State Ombudsman to serve as a member of the **Dare County Joint Community Advisory Committee**.

I would like to recommend that this individual be appointed by your Board **for a one year term.**

**Amber Jennings**  
**203 W Blue Jay Street**  
**Nags Head, NC 27959**

If you have questions regarding this appointment, please feel free to contact me at (252) 426-8244 or [jwilson@accog.org](mailto:jwilson@accog.org). Thank you in advance for your consideration.

Sincerely,

Jasmine Wilson  
Aging Program & Contract Specialist  
CAC Program Assistant

APPLICATION FOR APPOINTMENT TO  
DARE COUNTY ADVISORY BOARDS AND COMMITTEES

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Advisory Board or Committee interested in:

1<sup>st</sup> choice Nursing Home Community Advisory Council

2<sup>nd</sup> choice Older Adult Services Advisory Council

3<sup>rd</sup> choice Health and Human Services Board

4<sup>th</sup> choice: Juvenile Crime Prevention Council

Name Amber Jennings

Address 106 E. Swan Court

City/State/Zip Hill Devil Mills, NC

Email Address anharrison1229@yahoo.com

Telephone Home: 252-661-3207

Business: \_\_\_\_\_

Resident of Dare County:  yes  no

Occupation: Probation/Parole Officer

Business Address: 407 N. Hwy 64/264 Manteo, NC 27954

Educational background:

Bachelors Degree - Campbell University

Masters Degree - in progress - Penn State University

Business and civic experience and skills:

\_\_\_\_\_  
\_\_\_\_\_



Other Boards/Committees/Commissions on which you presently serve:


Previous President of Camden County Community  
Advisory Committee for Nursing and Adult Care Homes

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
Brandi Jordan	Albermarle Commission Ombudsman	Camden, NC	252-340-9004
Jasmine			252-722-2714
Angela Wood	Deputy Clerk of Superior Court	Stoney Hollow Rd Camden, NC	252-312-7961

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: 8-13-19 Signature of applicant: 

FOR OFFICE USE ONLY:

Date received: \_\_\_\_\_



CAMDEN

CHOWAN

CURRITUCK

DARE

GATES

HYDE

PASQUOTANK

PERQUIMANS

TYRRELL

WASHINGTON

COLUMBIA

CRESWELL

DUCK

EDENTON

ELIZABETH CITY

GATESVILLE

HERTFORD

KILL DEVIL HILLS

KITTY HAWK

MANTEO

NAGS HEAD

PLYMOUTH

ROPER

SOUTHERN SHORES

WINFALL

December 6, 2019

Dear Commissioners,

On November 24, 2019, **Bonnie Bennett** completed the Community Advisory Committee training required by G.S. 131D-32 and has been designated by the Office of the State Ombudsman to serve as a member of the **Dare County Joint Community Advisory Committee**.

I would like to recommend that this individual be appointed by your Board for a one year term.

**Bonnie Bennett**  
**120 Prince Charles Court**  
**Kill Devil Hills, NC 27948**

If you have questions regarding this appointment, please feel free to contact me at (252) 426-8244 or [jwilson@accog.org](mailto:jwilson@accog.org). Thank you in advance for your consideration.

Sincerely,

Jasmine Wilson  
Aging Program & Contract Specialist  
CAC Program Assistant

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 Cheryl Anby, P.O. Box 1000, Manteo, N.C. 27954 or fax it to her at 473-1817, or send it by email to cheryl.anby@darenc.com

Advisory Board or Committee interested in:

1<sup>st</sup> choice Nursing Home Community Advisory Council

2<sup>nd</sup> choice \_\_\_\_\_

3<sup>rd</sup> choice \_\_\_\_\_

Name Bonnie J. Bennett

Address 120 Prince Charles Ct.

City/State/Zip Kill Devil Hills, NC 27948

Email Address beachbonnie120@live.com

Telephone Home: 252-216-8260

Business: None

Resident of Dare County:  yes  no

Occupation: Previous Program Coordinator Friends of Youth  
owner Beach Bonnie Pools/Spas

Business Address: \_\_\_\_\_

Educational background:

High School Graduate

Various Cont ED Courses -

Business and civic experience and skills:

Previous work with 50+ 60 plus Business sponsors 28.5 yrs.

Previous radio & Civic Group presentations - 28.5 yrs.  
(Interviews)



Other Boards/Committees/Commissions on which you presently serve:

Key leader KAWMC - Kitchen Committee - KAWMC  
member - Altar Guild - KAWMC  
Liaison on Saving Lives TASK FORCE through KAWMC - starting Sept 19

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
<u>Dr. Richard Martin</u>	<u>Private Practice</u>	<u>25 Weir Ct. Mico</u>	<u>252-202-7634</u>
<u>Tim White</u>	<u>Director Public Services</u>	<u>Seakwood</u>	<u>252-475-4606</u>
<u>Ralph Baxton</u>	<u>Retired Business owner</u>	<u>Villa Dunes Dr.</u>	<u>252-207-5810</u>

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: 8/30/19 Signature of applicant: Amie McDonald

FOR OFFICE USE ONLY:

Date received: \_\_\_\_\_



**DARE COUNTY JOINT COMMUNITY ADVISORY COMMITTEE**  
**(Nursing Home Community Advisory Council)**  
 (One Year Term, Three Year if reappointed)

Dare County Joint Community Advisory Committee (Nursing Home Community Advisory Council) was established to maintain the intent of the Nursing Home and Adult Care Home Resident Bill of Rights within nursing homes and adult care homes across the state. The Committee promotes community involvement and cooperation to ensure quality of care for older adults. The Committee is responsible for advising the County Commissioners of the general conditions that exist in Dare County's long term care facilities.

<u>MEMBER</u>	<u>TERM EXPIRATION</u>	<u>ACTION</u>
Jim Tobin ( <b>Ex-Officio</b> ) 6951 Pecan Lane PO Box 243 Manns Harbor, NC 27953 Jim.tobin@darenc.com 216-7732	1-21	Apptd 6-17 Reapptd. 1-18
Mary F. Pendill 129 Dogwood Circle Manteo, NC 27954 obxmamap@hotmail.com 252-473-3589 (home) 252-423-0757 (cell)	9-22	Apptd. 9-18 Reapptd. 9-19
Mary Jernigan P.O. Box 345 Kill Devil Hills, NC 27948 252-305-1005	1-22	Apptd. 1-16 Reapptd. 1-19
Pamela "Susie" Walters 415 W. Raceview Court PO Box 1075 Nags Head, NC 27959 <a href="mailto:pswalters@earthlink.net">pswalters@earthlink.net</a> 252-441-9218 – home 252-207-5846 - business	9-22	Apptd. 9-18 Reapptd. 9-19

Vacancy

Vacancy

**NOTES:**

**MEETING INFO:** Quarterly, 10:00 a.m. at the Baum Center

**MEMBERS COMPENSATED:** No

**WHEN APPOINTMENTS ARE MADE:**

NOTIFY: Brandi Jordan, Regional LTC Ombudsman  
The Albemarle Commission

P.O. Box 646, Hertford, NC 27944  
252-426-5753, ext. 225  
252-426-8482 (fax)

**The Nursing Home Community Advisory Committee acts as a liaison between the Albemarle Commission and Peak Resources Nursing Home.**

Marjorie Lane, Ombudsman of the Albemarle Commission called to ask for a copy of Mr. Russell Langley's letter of resignation from the Nursing Home Advisory Committee. Ms. Lane said that by law only five members from Dare County should be on the Board. She recommended not replacing Mr. Langley since there were five members after his resignation. She also advised that law provides that one of the members is to be an individual recommended by the Nursing Home. She asked that the next time a term is due to expire, this slot be filled by such a person.

Dorothy Meers replaced Polly Bernd 9/90.  
Dawn Gibbs replaced Alice Basnight 4/91.  
Roy Riddick appointed to fill unexpired term of Emma Cannady. He can only be appointed for 1 year since this is his first appointment. His term will expire 1/94.  
Liz Ann Creef appointed to fill seat left vacant by Dorothy Meers 1/95. Ms. Creef's term will expire 9/95.  
Liz Ann Creef reappointed in 9/95 but later declined. Mary Hall appointed to fill her unexpired term 11/95.  
Helen Beshens replaced Dawn Gibbs 1/97.  
Lib Fearing replaced Dawn Gibbs 1/97.  
Comm. Hassell replaced Roy Riddick. Her term will expire 1/97.  
Louise Gray replaced Katherine McKimmey on 3/97.  
Lovey Moore replaced Helen Beshens 6/97. Mrs. Beshens could not serve due to a family member being a resident at Britthaven.  
Eleanor Meekins replaced Lib Fearing 6/97. Mrs. Fearing could not serve due to a family member being a resident of Britthaven.  
Comm. Anna Sadler replaced Shirley Hassell 1/99.  
Mary Conway replaced Lovie Moore 12/00.  
Renee Cahoon filled unexpired term of Anna Sadler 1/01.  
Joann Williams replaced Louise Gray 3/01.  
Peggy Thank filled unexpired term of Mary Hall 5/01.  
Lib Fearing apptd. to fill unexpired term of Joann Williams 9/03.  
Kaye White apptd. to fill unexpired term of Renee Cahoon 9/03. Renee Cahoon can only serve as an ex-officio member and not as an active voting member of the board according to NCGS.  
Dell Collins replaced Mary Conway 1/05.  
Gail Sonesso replaced Patricia Schwartz 1/05.  
Virginia Tillett replaced Renee Cahoon 1/05.  
Cyrithia Kalongi replaced Dell Collins 1/06.  
Frank Hester filled unexpired term of Peggy Thank 5/07.  
Jackie Wenberg replaced Gail Sonesso 2/08.  
Steve Jennette filled unexpired term of Jackie Wenberg 11/08.  
Appollonia (Bella) Reber filled unexpired term of Frank Hester 9/09.  
Phelpie Edmondson filled unexpired term of Steve Jennette 9/09.  
Roger Barnett appointed to fill unexpired term of Phelpie Edmondson 4/10.  
Janet Jordan replaced Kaye White 1/11.  
Laurie Worsley apptd. to fill vacancy left by Lib Fearing 6/11.  
Anita Edwards apptd. To fill unexpired term of Laurie Worsley who could not continue to serve due to a conflict 8/11.  
Comm. Wally Overman filled unexpired term of Virginia Tillett 10/13.  
Linda Putnam appointed to fill unexpired term of Appollonia Reber 10/14.

Margarette Umphlett replaced Wally Overman 1/15.

Mary Jernigan replaced Roger Barnett 1/16.

Melissa McCarter filled unexpired term of Janet Jordan 7/16.

Diannalea Knight filled unexpired term of Anita Edwards 12/16.

Jim Tobin filled unexpired term of Margarette Umphlett 6/17

On February 19, 2018 Cyrithia Kalonji and Diannalea Knight were removed from the Committee after Dare County received official notification from the State of North Carolina that they were not eligible for continued service based upon not completing the training requirements that are mandated by the NC General Statutes;

On March 5, 2018 the Board recommended that the applications of Richard Burris and Susie Walters be forwarded to the Ombudsman to undergo training required by the NC General Statutes prior to their names being submitted to the Board of Commissioners at a future date for formal appointment to the committee

Pamela "Susie" Walters appointed by DCBC – 9/18

Mary F. Pendill appointed by DCBC – 9/18

Melissa McCarter resigned 8/19

Mary F. Pendill and Pamela Walters reapptd. 9/19

**REVISED 12/19**



*Commissioners' Business & Manager's/Attorney's Business*

**Description**

Remarks and items to be presented by Commissioners and the County Manager.

**Board Action Requested**

Consider items presented

**Item Presenter**

Robert Outten, County Manager