



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, April 06, 2020 - 9:00a.m.

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

AGENDA

9:00 AM CONVENE, PRAYER, PLEDGE OF ALLEGIANCE

ITEM 1 Opening Remarks - Chairman's Update

ITEM 2 Public Comments – Email public comments to: dcboc@darenc.com

ITEM 3 **Consent Agenda** - Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Board in order to consider the item(s). Any item may be removed for discussion by the Board to hear the item presented and discussed.

1. Approval of Minutes (3/16/2020)
2. Proclamation - Child Abuse Prevention Month
3. Draft Flood Damage Prevention Ordinance and Zoning Amendments
4. Initial Resolution for Refunding of Certain Debt Issuances
5. MedCost Medical Insurance FY 2020-2021
6. COVID-19: Families First Coronavirus Response Act: Emergency Paid Sick Leave
Families First Coronavirus Response Act: Family and Medical Leave Expansion Act
7. Amendment to Oakley Collier Contract for the DHHS Project
8. DHHS Social Services Division - Energy Programs Budget Amendment
9. Budget Amendment - GHSP Grant
10. Dare County Tourism Board Request Consent Expenditure from
Short Term Restricted Fund Line Item 5160
11. Tax Collector's Report

ITEM 4 **Commissioners' Business & Manager's/Attorney's Business**

ADJOURN UNTIL 5:00 P.M. ON APRIL 20, 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 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



Consent Agenda

Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Board in order to consider the item(s). Any item may be removed for discussion by the Board to hear the item presented and discussed.

Description

1) Approval of Minutes (03.16.20); 2) Proclamation - Child Abuse Prevention Month; 3) Draft Flood Damage Prevention Ordinance & Zoning Amendments; 4) Initial Resolution for Refunding of Certain Debt Issuances; 5) MedCost Medical Insurance FY 2020-2021; 6) COVID-19: Families First Coronavirus Response Act: Emergency Paid Sick Leave and Family and Medical Leave Expansion Act; 7) Amendment to Oakley Collier Contract for the DHHS Project; 8) DHHS Soc. Services Div. - Energy Programs Budget Amendment; 9) Budget Amendment -GHSP Grant; 10) DC Tourism Board Request Consent Expenditure from Short Term Restricted Fund Line Item 5160; 11) Tax Collector's Report

Board Action Requested

Approval

Item Presenter

Robert Outten, County Manager



Approval of Minutes

Description

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

Board Action Requested

Approve Previous Minutes

Item Presenter

Robert Outten, County Manager



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., March 16, 2020

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman, Rob Ross, Steve House, Danny Couch and Ervin Bateman

Commissioners absent: Jim Tobin

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 C. Anby

A full and complete account of the entire Board of Commissioners meeting is archived on a video available for viewing on the Dare County website www.darenc.com.

At 5:00 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited George Lurie to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – 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:

- Chairman Woodard provided an update on the activation of the Control Group, which was typically used during storm situations. The Control Group, activated today at 8:00 a.m., consisted of: six local mayors, Commissioner Danny Couch (representing Hatteras Island), Chairman Robert Woodard, Sr., Superintendent Hallac, County Sheriff, County Manager/Attorney, and the Director of Health & Human Services. He shared the updated figures of the virus as of 8:00 a.m. Worldwide cases totaled 169,000 with 6,513 deaths. The virus had been found in 49 states with 3,602 cases in U.S., 66 deaths, 32 cases reported in North Carolina, no deaths and no cases in Dare County. The CDC ordered no more than fifty should gather in a group with no more than ten who are in the high risk bracket or over the age of sixty-five. All non-essential travel should be avoided. This afternoon the President had reduced the gathering recommendation to ten. A phone bank had been established in the County at 2:00 p.m. and would be staffed with nurses to answer questions. To answer concerns over groceries, Emergency Management Director, Drew Pearson, had confirmed stores would continue to get their products delivered on their normal schedule. The Chairman noted everyone should act respectfully and not overload on goods. The Control Group would meet daily and provide updates. Eleven

counties in North Carolina had issued an emergency declaration. The County had also issued a bulletin with recommendations on how citizens could protect themselves and how the situation was being monitored. Schools had been closed and there would be fifteen locations set up to serve breakfast and lunches for students. There would be computers offered to students. If they did not have internet service, Verizon would provide connection and the Community Foundation had graciously agreed to pick up the cost. Superintendent Hallac had reported the Interior Department had not yet given specific guidelines; however, he would follow up later. He had sent a request to have limited access to the Wright Memorial to reduce gatherings.

Dr. Sheila Davies provided an update on figures, which were already higher than earlier reported. She reported there were now 181,127 cases worldwide, 3,927 U.S. cases and 33 cases in North Carolina. There were still no cases in Dare County. The Joint Information Command Center had been activated and would be available Monday through Friday and would be staffed at all time with a nurse to answer medical questions.

She explained the first informational bulletin had been released today and they would continue with daily updated bulletins. The overall message was to continue remaining calm and use reliable information on the virus provided by the CDC, the North Carolina Department of Health and Human Services and the Dare County website. She stressed everyone should practice social distancing. Those who are sick should stay home and call their healthcare provider ahead of time if they thought they had virus symptoms. They would evaluate symptomatic patients whose conditions escalate and provide medical care. Testing would be provided as necessary and she thanked the many medical providers in the community who were all doing a great job. The hospital, EMS, Emergency Management and Public Relations were in great shape and were working together seamlessly to keep us informed and prepared.

Mr. Outten continued that Dr. Davies and her team had been working for weeks on this effort to implement actions within ever-changing recommendations. The State of Emergency had been issued, which limited meetings greater than 50 in concert with the Governor's Order and any exceptions were noted. All advisory board meetings would be cancelled unless modified or held online. IT was available to assist them with the County's goal to limit face-to-face contact. Many government services could be completed online and the community was encouraged to call before coming to any County office. All recreation centers would be closed together with the Baum, Fessenden and Dare Centers. The SOE (State of Emergency) could be referenced for complete details. Outdoor parks remained open but bathroom facilities were closed. Planning Board would be making arrangements to meet online if it was necessary. The water department would not disconnect water services at this time. Staff had been instructed to stay within the County, not attend meetings and to stay home if they were sick. Staff would be permitted to work from home and the implementation of flex scheduling would be used for some departments. Transportation services had been limited to critical medical needs and did not include dental and eye appointments which could be postponed. The County website was up to date and offered answers to frequently asked questions with links to the CDC and Health & Human Services.

Dorothy Hester confirmed the website was up to date with answers to frequently asked questions. As circumstances change, they would update and add to the website's information. The phone bank could be reached at 252-475-5008 to provide more citizen assistance and information. She thanked the team effort for their continued hard work to provide reliable information to the public.

Chairman Woodard reviewed the highlights and directives of the State of Emergency Declaration, as well as the guidelines of Bulletin #1. Both of these had been released earlier in the day and were available on the County's website in their entirety.

ITEM 2 – EMPLOYEE OF THE MONTH – March, 2020

Bethany Lusk was presented with the March Employee of the Month certificate by both Pat Irwin and Beulah Ashby. Ms. Lusk had worked for over a year as a senior customer service representative. She was quick to learn procedures and had become an asset to her department while exhibiting initiative with a focus on good customer service and excellent communication skills.

ITEM 3 – PUBLIC COMMENTS

At 5:49 p.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 comment was made in Manteo:

1. George Lurie spoke to the Board over concerns whether the Control Group had given consideration to the permission of allowing visitors to Dare County during this time of COVID-19 concerns. He likened the situation to how the County responded during storm situations.

Chairman Woodard responded there had been a lengthy discussion over the traveler situation. The Control Group was currently following the state and federal lead on the issue, and noted there were currently no bands on travel. The Control Group would continue to follow the guidelines as they met daily.

There were no comments made in Buxton.

The County Manager closed Public Comments at 5:54 pm.

ITEM 4 – DARE COUNTY VETERANS RESOURCES & JOB FAIR

Blake Salmon, Chairman of the Dare County Veteran's Advisory Board, provided a reminder and update via video link from Buxton on the Veterans Resources & Job Fair. The event was originally planned to take place on April 30, 2020, from 2-7:00 p.m. and hosted at the Dare County Center. Due to the new virus concerns, this event would be postponed, as attendance was expected to exceed the gathering number of fifty. A new date had not been set; however, it was expected to be rescheduled during the fall. The event would aid veterans in locating local employment opportunities and would also offer contacts for continued health and mental health assistance. The companies currently offering employment to veterans were listed on their website. Mr. Salmon thanked the many organizers and volunteers.

ITEM 5 – TRILLIUM HEALTH RESOURCES

Dave Peterson, Trillium Health Resources, Central Regional Director, presented the annual report on how Trillium continued to provide “well-being” to twenty-six counties and serve over 1.4 million through a provider network of approximately 500 health partners. He thanked Vice Chairman Overman and Commissioner Ross for serving on the regional advisory board. Trillium provided mental health, aid to those with developmental disabilities and substance abuse services to an area of counties covering twelve square miles. Over \$476 million was spent on services last year.

Mr. Peterson covered the Medicaid Transformation, which had been in progress for two years. This year the State Department of Health put out an RFP for private insurance companies to manage low to moderate risk individuals. The five companies awarded the contract were Amerihealth Caritas, Blue Cross Blue Shield of NC, United Healthcare of NC, WellCare of NC and Carolina Complete Health. Carolina Complete Health would only cover Regions 3, 4 and 5 (as noted on the presentation). The other companies would cover the entire State of North Carolina. The North Carolina Association of County Commissioners would send two representatives to meet regarding changes to the plan. Trillium’s representatives would be Vice-Chairman Overman and a Commissioner from Beaufort County. Under a new “Tailored Plan” Trillium would apply to continue serving the current areas with applications originally due by late 2020 and now due by April. The big difference in the application would be rather than Trillium managing just the mental health, developmental disabilities and substance abuse services for individuals in the areas noted, they would be taking care of the “whole person”, known as their “primary care”. Many of the private insurance company applications submitted were over 4,000 pages. Since the transition was not yet “live”, with approved budgets, Trillium would continue their current responsibilities in service. The Transition Team was focused on readiness. The Care Management staff would need to gain experience and knowledge on treating the whole person with health fairs and health eating classes in the counties, as they developed a new care model.

Mr. Peterson continued with an update of some of their projects, which included their Oxford Houses, food trucks, healthy eating classes (Eat the Rainbow) together with the development of a mobile app (CHAT) to deal with mental health crisis. They have also opened a Department of Social Services fourteen-day child respite facility. Other projects included Chalk About Mental Health, CIT classes for law enforcement and online training on a variety of topics for schools. Last year Trillium serviced 1,044 Dare County residents.

ITEM 6 – RESOLUTION – 2020 U.S. CENSUS (Att. #1)

Donna Creef and Dorothy Hester, as Co-Chairpersons of the Dare County’s Complete Count Committee, presented a resolution for Board consideration. April 1, 2020 begins the start of the nationwide census and the committee had engaged varied campaigns to publicize the census. The questionnaires could be completed either online, by phone or via mail. Dare County citizenry was encouraged to respond once they receive their census invitation.

MOTION

Vice-Chairman Overman motioned to adopt the resolution for March 29 - April 4, 2020 as “Dare Counts Week”.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 7 – AWARD OF FY2019-2020 EQUIPMENT FINANCING

Dave Clawson explained Finance had received seven responses for proposals for financing in the amount of \$2,025,943 with a three year term for the County to acquire vehicles and equipment, as approved in the 2019-2020 Operating Budget. Banc of America Public Capital Corp (BAPCC) had the lowest total cost proposal at a rate of 1.5663%.

MOTION

Commissioner House motioned to adopt the Resolution to award the three year financing to Banc of America Public Capital Corp (BAPCC) at a rate of 1.5663% and authorize the County Manager and staff to execute all necessary documents.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

With regard to the Animal Shelter Project, Mr. Clawson offered they had been through two rounds of bidding and their scope verification had been done with good responses. In an effort to bring down costs, Whiting Turner had noted a reduction in their fees. The Chairman of the SPCA indicated there would also be a fund raising effort to help cover the costs of furniture and other items for the project such as the stainless steel cages. All materials would have a sales tax charged and the County would file for reimbursement of those costs. He provided the GMP (guaranteed minimum price) Amendment change order.

MOTION

Commissioner Couch motioned to authorize the County Manager to execute the GMP Amendment change order No. 1 and adopt the Amendment to the Capital Project Ordinance with regard to the Animal Shelter.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – CONSENT AGENDA

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

MOTION

Commissioner House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (03.02.20) **(Att. # 2)**
- 2) Amendment to Capital Project Ordinance for Series 2018 LOBs & Nags Head Beach Nourishment
- 3) Authorization to Present Service Weapon to Retiring Deputy Sheriff

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 9 – BOARD APPOINTMENTS

- 1) Older Adult Services Advisory Council:

Commissioner Bateman motioned to appoint Apollonia (Bella) Reber to fill vacancy as Adult Services Representative.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 10 – 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 Ross

- Albemarle Commission meeting had previously been cancelled due to weather and the upcoming meeting would probably be cancelled to meeting restrictions.
- The Audit Committee met today to review the on-going results of the in-house audit. There were no substantial issues presented and they would continue to follow-up on adherence to County procedures.
- Last week, he had spent majority of the day in Hatteras with Chairman Woodard and Commissioner House and had interacted with students about managing budgets.
- Soundside Event Task Force meeting had been cancelled their meeting. There were still concerns to address regarding required number of parking spaces and wastewater treatment issues.

Commissioner House

- With regard to COVID-19, he responded to the question of whether the public would be notified of who had been tested and received positive test results. HIPAA (Health Insurance Portability and Accountability Act), which passed in 1996, protects the release of sensitive patient health information from being disclosed.
- He urged all mariners to keep an eye on their depth finders. The Merritt was in Wilmington for repairs and the Currituck was on its way to Wilmington from Ocean City. There was currently no update as to when the travel ban would be lifted.
- Today in history, the first military school was founded by Congress in 1796 to educate young men in the theory and practice of military science. The military academy of West Point in New York was built in 1780 and originally used as a fort.

Vice-Chairman Overman

- Ground breaking ceremony was celebrated for the Arts Council. He thanked Public Relations for the gold shovels provided for the event.
- He attended the Workforce Housing discussion on March 10, which was presented by Holtz Builders. Discussions regarding the processes for workforce housing would continue through the NCSOG.
- He offered his congratulations to Bethany Lusk, recipient of the Employee of the Month award.

Commissioner Bateman

- He remembered Shane Miles, who had passed away several weeks ago. Mr. Miles was a marathon runner with stage 4 liver, lung and colon cancer. He was generous and courageous.
- He attended a Town Hall meeting and one of the speakers, Paul Nagy, an addiction specialist from Duke University, spoke on substance abuse and medication assisted treatments. He was an inspirational speaker with different ways to approach the growing problem. He encouraged the Board to listen to his presentation, should he return to the area. Vice-Chairman Overman agreed with Commissioner Bateman’s assessment.

Commissioner Couch

- He acknowledged and applauded the cooperative spirit as the County continued to deal with the virus. The attitude of the employees, the professional community, individual citizens, school nurses and everyone involved exhibited a respectful and determined spirit.

MANAGER’S/ATTORNEY’S BUSINESS

Mr. Outten had no new business to add.

Dorothy Hester provided a short video which was a public service announcement concerning the Dare County scholarship program.

Dave Clawson noted they would have the Health and Human Services preconstruction 3-D drawings for review in approximately one month.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Bateman and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 6:55 p.m., the Board of Commissioners adjourned until 9:00 a.m., April 6, 2020.

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.), ordinances, resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk to the Board.



Proclamation - Child Abuse Prevention Month

Description

The Children & Youth Partnership for Dare County, in partnership with Dare County Health & Human Services, asks the Board of Commissioners to proclaim April as "Child Abuse Prevention Month".

Board Action Requested

Adopt Proclamation

Item Presenter

Sara Sampson and Leigh Bracy



Child Abuse Prevention Month, April 2020 Proclamation

WHEREAS, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

WHEREAS, all children deserve to have safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

NOW, THEREFORE, BE IT RESOLVED, the Dare County Board of Commissioners, do hereby proclaim April as **Child Abuse Prevention Month** in Dare County and call upon all citizens to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

This the 6th day of April, 2020.

SEAL

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



Draft Flood Damage Prevention Ordinance and Zoning Amendments

Description

The Dare County Flood Damage Prevention Ordinance (FDPO) has to be updated in conjunction with the pending adoption of the revised flood maps for Dare County. There are also several zoning districts that use base flood as the reference point for building height. These districts need to be amended to replace this terminology with new language since many properties no longer will be classified in a flood zone with an established base flood. A detailed staff report and the associated documents are attached. A public hearing on the amendments is needed before adoption. The new flood maps become effective June 19, 2020 so these ordinance amendments should be adopted to be effective on that same date.

Board Action Requested

Motion to schedule a public hearing -- I move that a public hearing on the revised FDPO and on the zoning amendments be scheduled for May 4, 2020 at 10:00 a.m.

Item Presenter

Donna Creef

STAFF REPORT -- REVISED FLOOD MAPS AND ASSOCIATED ORDINANCE CHANGES

Date: April 6, 2020

FROM: Donna Creef, Planning Director

The revised flood maps for Dare County are scheduled to become effective on June 19, 2020. The Dare County Flood Damage Prevention Ordinance (FDPO) needs to be updated in conjunction with the revised maps and several zoning districts need to be amended because they use the terminology of “base flood elevation” as reference for building heights.

Attached with this document is the draft FDPO with the revised language noted. The changes noted in green text are changes from the model ordinance provided by the State and the changes in purple text are changes made by staff. The Dare Planning staff and other local planners have spent months reviewing the model ordinance and have tried to maintain some consistency in how floodplain regulations are applied throughout Dare County. The basis for the FDPO is the federal code which establishes the federal floodplain management regulations therefore the FDPO has to be consistent with the federal code as part of our participation in the National Flood Insurance Program.

I have discussed the revised maps on numerous occasions highlighting the drastic changes in the flood zone designations throughout unincorporated Dare County. This memorandum will focus on the FDPO and zoning amendments under consideration as part of the map update process. Because of the substantial changes in the maps, a local elevation standard (LES) has been drafted and included as part of the revised FDPO. The LES will establish a regulatory flood elevation that applies to Shaded X and X zones. Freeboard requirements will still apply in the AE, AO and VE flood zones. To explain the LES in simple terms, any property identified on the revised flood maps as Shaded X or X zone will have regulations applied as if the property was classified as an AE zone. The LES establishes eight (8) feet as the regulatory flood protection elevation in the Shaded X and X zones. The reference level for the eight feet is the bottom of the lowest floor or attendant utilities for the structure meaning the bottom of the lowest floor must be elevated to eight feet or the utilities, if located below the floor, must be elevated to eight feet or higher. The attached matrix outlines the various components of floodplain management and how they will be applied in the Shaded X and X zones.

There are fifteen (15) zoning districts that use base flood as the reference point for building height. With so many properties being reclassified to Shaded X and X zone, these districts need to be amended to remove the reference to base flood. Four of these districts apply to Hatteras village and eleven zoning districts in Wanchese use base flood elevation as the building height reference point. It is important to note the actual building height limit in the districts is not being changed. The draft language is attached.

The Planning Board reviewed the draft FDPO and associated zoning amendments on several occasions. Two public meetings were held by the Planning Board in February. The Outer

Banks Homebuilders has been very involved in the development of the local elevation standard and the revised FDPO. To date, I have not heard any negative feedback from this organization, any individual contractor or any other individual. At their March 9, 2020 meeting the Planning Board recommended approval of the draft FDPO and the zoning amendments. A finding of consistency is attached with the staff report.

A public hearing on the revised flood maps, the draft FDPO, and the associated zoning amendments is necessary before adoption. The maps have been finalized by FEMA and cannot be changed at this point but the Board does need to formally adopt the maps, adopt updated FDPO and adopt the zoning amendments. Such a hearing could be held on April 20, 2020 or could be held at the May 4, 2020 meeting. I recommend a May 4 hearing in order to allow staff adequate time to set up procedures for the acceptance of public comments in light of the social distancing recommendations. I will also encourage the submission of comments by email as part of the hearing process. This still allows ample time before the maps become effective on June 19, 2020.

Green – changes/new language added to current ordinance

Purple – Dare and local additions

CHAPTER 151: FLOOD DAMAGE PREVENTION ORDINANCE

Section

General Provisions

- 151.01 Statutory authorization
- 151.02 Findings of fact
- 151.03 Statement of purpose
- 151.04 Objectives
- 151.05 Definitions
- 151.06 Applicability
- 151.07 Basis for establishing special flood hazards areas
- 151.08 Establishment of local elevation standard to serve as regulatory flood protection elevation in Shaded X and X zones
- 151.09 Compliance
- 151.10 Abrogation and greater restriction
- 151.11 Interpretation
- 151.12 Warning; disclaimer of liability
- 151.13 Penalties for violation

Administration

- 151.30 Establishment of floodplain development permits
- 151.31 Designation of Floodplain Administrator
- 151.32 Floodplain development application; permit and certification requirements
- 151.33 Duties and responsibilities of Floodplain Administrator
- 151.34 Corrective Procedures
- 151.35 Variance Procedures

Provisions for Flood Hazard Reduction

- 151.50 General standards
- 151.51 Specific standards
- 151.52 Standards for floodplains without established base flood elevations
- 151.53 Standards for riverine floodplains with BFE but without established floodways or non-encroachment areas
- 151.54 Floodways and non-encroachment areas
- 151.55 Coastal high hazard areas (Zones VE)
- 151.56 Standards for areas of shallow flooding (Zone AO)
- 151.57 Standards for areas of shallow flooding (Zone AH)

Legal Status Provisions

- 151.70 Effect on rights and liabilities under the existing flood damage prevention ordinance
- 151.71 Effect upon outstanding floodplain development permits
- 151.72 Severability
- 151.73 Effective date
- 151.74 Adoption certificate

GENERAL PROVISIONS

151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A, Article 7, 9 and 11 of Chapter 160D (Effective January 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of Dare County, North Carolina, does ordain as follows:

151.02 FINDINGS OF FACT.

- (A) The flood prone areas within the jurisdiction of Dare County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

151.03 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (A) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (D) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (E) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

151.04 OBJECTIVES.

The objectives of this ordinance are to:

- (A) Protect human life, safety, and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business losses and interruptions;

- (E) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (F) **Minimize damage to private and public property due to flooding;**
- (G) **Make flood insurance available to the community through the National Flood Insurance Program;**
- (H) **Maintain the natural and beneficial functions of floodplains;**
- (I) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (J) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area **or other areas vulnerable to flooding.**
- (K) **Mitigate flood risks in all areas of unincorporated Dare County by implementing local elevation standards for all Special Flood Hazards Areas and Shaded X and X zones.**

151.05 DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building. **For floodplain management purposes, accessory structures are considered structures used for parking and storage only. The definition used for floodplain management purposes may vary from similar definitions found in the Dare County Zoning Ordinance.**

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure.

~~***“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.***~~

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

AREA OF SHALLOW FLOODING. A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. See “Special Flood Hazard Area (SFHA)”.

BASE FLOOD. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area,” it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard,” establishes the “Regulatory Flood Protection Elevation”.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING. See “Structure”.

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

COASTAL AREA MANAGEMENT ACT (CAMA). North Carolina’s Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources’ (NCDENR’s) Division of Coastal Management (DCM).

COASTAL A ZONE (CAZ). An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA)).

COASTAL BARRIER RESOURCES SYSTEM (CBRS). Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

COASTAL HIGH HAZARD AREA. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.

DESIGN FLOOD. See “Regulatory Flood Protection Elevation”.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY. Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DISPOSAL. As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCLOSURE/ENCLOSED AREA. That portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid/solid walls and is located either partially or fully below the RFPE.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

EXISTING BUILDING AND EXISTING STRUCTURE. Any building and/or structure for which the “start of construction” commenced before October 1978.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before **October 6, 1978**.

FLOOD or **FLOODING**. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA. See "Floodplain".

FLOOD ZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMITS. Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL. Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY. The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FREEBOARD. The height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

HAZARDOUS WASTE MANAGEMENT FACILITY. As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE.

- 1) Any structure that is:
 - a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
 - b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
 - d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.
- 2) Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- 1) ***Letter of Map Amendment (LOMA):*** An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- 2) ***Letter of Map Revision (LOMR):*** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- 3) ***Letter of Map Revision Based on Fill (LOMR-F):*** A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- 4) ***Conditional Letter of Map Revision (CLOMR):*** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT DUTY TRUCK. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a

vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- 1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- 2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- 3) Available with special features enabling off-street or off-highway operation and use.

LIMIT OF MODERATE WAVE ACTION (LIMWA). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

LOCAL ELEVATION STANDARD. A locally adopted elevation level used as the Regulatory Flood Protection Elevation (RFPE) in Shaded X and X zones or used in conjunction with the BFE and freeboard standard to mitigate flood hazards in the AE, AO, VE zones as depicted on the FIRMs for Dare County.

LOWEST ADJACENT GRADE (LAG). The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP REPOSITORY. The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carries the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

MARKET VALUE. The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after October 6, 1978 and includes any subsequent improvements to such structures.

NON-CONVERSION AGREEMENT. A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed in the Dare County Register of Deeds.

NON-ENCROACHMENT AREA (NEA). The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

OTHERWISE PROTECTED AREA (OPA). See "Coastal Barrier Resources System (CBRS)".

POST-FIRM. Construction or other development for which the "start of construction" occurred on or after October 6, 1978, the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM. Construction or other development for which the "start of construction" occurred before October 6, 1978, the

effective date of the initial Flood Insurance Rate Map.

PRIMARY FRONTAL DUNE (PFD). A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope. This definition is used for floodplain management purposes and varies from the definition used in the NC Division of Coastal Management regulations.

PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure is above ground.

"PUBLIC SAFETY" AND/OR "NUISANCE." Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE (RV). A vehicle, which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck;
- 4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- 5) Is fully licensed and ready for highway use.

REFERENCE LEVEL. For structures within the Special Flood Hazard Areas designated as Zones AE and AO the reference level is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower, with only flood resistant materials located below the reference level. For structures within the Special Flood Hazard Areas designated as Zone VE, the reference level is the bottom of the lowest horizontal structural member of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower. For structures within Zones Shaded X or X, the reference level is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork whichever is lower with only flood resistant materials located below the reference level.

REGULATORY FLOOD PROTECTION ELEVATION. In Special Flood Hazard Areas means the "Base Flood Elevation" plus the "Freeboard" for those areas where base flood elevations have been determined on the FIRM; the base flood depth above the highest adjacent grade or local elevation standards for those areas identified as AO zones of the FIRM, or the local elevation standard for those areas identified as Shaded X or X zones on the FIRM.

For unincorporated Dare County the RFPE is as follows:

- 1) In VE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus 1 foot of freeboard.
- 2) In AE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus 3 feet of freeboard OR an elevation to or above 8 feet NAVD 1988, whichever elevation is greater.
- 3) In AO zones, the RFPE is the designated base flood depth on the effective FIRM above the highest natural adjacent grade plus 3 feet of freeboard OR an elevation to or above 8 feet NAVD 1988, whichever elevation is greatest.
- 4) In Shaded X and X zones, the RFPE is 8 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than 8 feet NAVD 1988.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SALVAGE YARD. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SAND DUNES. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SECONDARY STRUCTURE. A structure that features habitable conditioned space above the RFPE located on the same parcel as a primary use structure. A secondary structure is not an accessory structure as defined in this section.

SHADED X ZONE. Areas of moderate flood hazard shown on the FIRM and are the areas between the limits of the base flood and the 0.2% annual chance for flood. Also commonly referred to as the 500-year flood.

SHEAR WALL. Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).

SOLID WASTE DISPOSAL SITE. As defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The one-year period shall be based on the date a Certificate of Occupancy is issued for the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

TEMPERATURE CONTROLLED. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE. A grant of relief from the requirements of this ordinance.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE). The height, in relation to NAVD 1988 or approved datum that is applicable at time of construction, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X ZONE. The areas of minimal flood hazard shown on the FIRM which are areas outside of the Special Flood Hazards Areas and higher than the elevation of the 0.2% annual flood chance. Also referred to as Unshaded X zone.

151.06 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas within the jurisdiction of unincorporated Dare County.

151.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated **June 19, 2020** for **Dare** County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of **Dare County** are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

151.08 ESTABLISHMENT OF LOCAL ELEVATION STANDARD TO SERVE AS REGULATORY FLOOD PROTECTION ELEVATION IN SHADED X AND X ZONES.

A local elevation standard shall apply to any Shaded X and X zones as identified on the effective FIRMs for Dare County and shall serve as a regulatory flood protection level (RFPE) in Shaded X and X zones. These areas are vulnerable to flooding from storm surge, wind-driven tides and excessive rainfall associated with storm systems. These areas have flooded during past storm events and continue to remain at risk to flooding. Therefore, an elevation standard and other floodplain development components have been determined by Dare County to be appropriate for these Shaded X and X zone areas as defined in Section 151.05 *Definitions*. All development activities in any Shaded X or X zone shall conform to the provisions set forth in Section 151.30 to 151.35 *Administration* and Section 151.50 to 151.57 *Provisions for Flood Hazard Reduction* of this Chapter including a regulatory flood protection level of 8 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than 8 feet NAVD 1988.

151.09 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

151.10 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

151.11 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under State statutes.

151.12 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of **Dare County** or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

151.13 PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Dare County from taking such other lawful action as is necessary to prevent or remedy any violation.

ADMINISTRATION

151.30 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in ~~accordance with the provisions of Article 3, Section B of this ordinance~~ **any AE, AO, VE, Shaded X or X zone.**

151.31 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The **Planning Director or their designee**, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be

responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

151.32 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (A) *Application Requirements.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of ~~the any~~ Special Flood Hazard Area **or any Shaded X or X Zone** as delineated on the FIRM or other flood map as determined in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas* or Section 151.08 or a statement that the entire lot is within the Special Flood Hazard Area;
 - (c) Flood zone(s), **including any Shaded X or X zone**, designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones.*
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas*;
 - (e) The Base Flood Elevation (BFE) **and/or Regulatory Flood Protection Elevation** where provided as set forth in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones; Section 151.33 Duties and Responsibilities of the Floodplain Administrator*; or Section 151.53 *Standards for Floodplains Without Established Base Flood Elevations*;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (g) The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable; and
 - (h) **The certification of the plot plan by a registered land surveyor or professional engineer.**
 - (2) Proposed elevation, and method thereof, of all development including but not limited to:
 - (a) Elevation in relation to **NAVD 1988** of the proposed reference level (including basement) of all structures;
 - (b) Elevation in relation to NAVD 1988 or *approved datum that is applicable at time of construction*, to which any non-residential structure in Zones A, AE, AH, AO, A99, **Shaded X or X Zone** will be floodproofed; and
 - (c) Elevation in relation to **NAVD 1988** to which any proposed utility systems will be elevated or floodproofed.
 - (3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and

maintenance of floodproofing measures.

- (4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 151.51 (D)(4) *Provisions for Flood Hazard Reductions, Specific Standards, Elevated Buildings* when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99, **Shaded X or X Zone**.
 - (c) The following, in Coastal High Hazard Areas, in accordance with the provisions of Section 151.51 (D) (5) *Provisions for Flood Hazard Reductions, Specific Standards, Elevated Buildings* and Section 151.55 *Provisions for Flood Hazard Reductions, Coastal High Hazard Area (VE Zone)*.

1. V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs; in addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.

2. Plans for open wood latticework or insect screening, if applicable; and

3. Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the BFE or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

- (5) Usage details of any enclosed areas below the lowest floor.
- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 151.51 (F) and (G) *Provisions for Flood Hazard Reductions, Specific Standards*, of this ordinance are met.
- (9) A description of proposed watercourse alteration or relocation, when applicable, including engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (10) *In Shaded X and X zones, a survey prepared by a licensed North Carolina surveyor may be used to demonstrate the natural grades of the parcel relative to the RFPE of 8 feet.*

(B) *Permit Requirements.* The Floodplain Development Permit shall include, but not be limited to:

- (1) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (2) The **flood zone** determination for the proposed development in accordance with available data specified in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a*

Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones.

- (3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (4) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (5) All certification submittal requirements with timelines.
- (6) The flood openings requirements, if in Zones A, AE, AH, AO, A99, **Shaded X or X Zone.**
- (7) **Limitations of below RFPE enclosure uses -- parking, building access and limited storage only.**
- (8) **A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential damage.**
- (9) **A statement, if in Zone VE, that there shall be no fill used for structural support.**
- (10) **A statement that all materials below RFPE must be flood resistant materials.**

(C) *Certification Requirements.*

- (1) *Elevation Certificates for AE, AO, VE, Shaded X and X Zones.*
 - (a) **An under construction elevation certificate is required prior to completion of the framing inspection by Dare County. It shall be the duty of the permit holder to submit to the Floodplain Administrator or his or her designee, a certification of the under-construction elevation of the reference level in relation to mean sea level. The under construction certificate shall be submitted at the time a framing inspection is scheduled with the Dare County Building Inspection. The Floodplain Administrator or his or her designee shall review the certificate and report any deficiencies to the permit holder immediately and such deficiencies shall be corrected immediately prior to further work being permitted to proceed. Failure to submit the under-construction elevation certificate or failure to make required corrections shall be cause to issue a stop work order for the project.**
 - (b) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.
 - (c) **In Shaded X and X zones, the submission of the under construction elevation certificate and the finished construction elevation certificate may be waived if a survey of the parcel was used to certify the natural grade of the parcel was to or above 8 feet NAVD at the time of permit application. In lieu of the finished construction elevation certificate, an as-built survey of the parcel shall be submitted to certify the finished grade of the parcel is compliant with the RFPE or 8 feet NAVD or above.**

- (2) *Floodproofing Certificate*
- (a) **If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.**
- (b) **A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.**
- (3) If a manufactured home is placed within Zones A, AE, AH, AO, A99, **Shaded X and X zone** and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 151.51 (C) *Provisions for Flood Hazard Reduction, Specific Standards, Manufactured Homes*.
- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (5) *Certification Exemptions*. The following structures, if located within Zones A, AE, AH, AO, A99, **Shaded X and X zone** are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
- (a) Recreational Vehicles meeting requirements of Section 151.51 (F) *Provisions for Flood Hazard Reduction Specific Standards Recreational Vehicles*;
- (b) Temporary Structures meeting requirements of Section 151.51 (G) *Provisions for Flood Hazard Reduction, Specific Standards, Temporary Non-Residential Structures*; and
- (c) Accessory Structures that **are 150 square feet or less and** meeting requirements of Section 151.51 (H) *Provisions for Flood Hazard Reduction, Specific Standards, Accessory Structures*.
- (6) **A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the Floodplain Administrator said certification to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the**

structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.

- (7) A signed, completed non-conversion agreement (see Appendix A attached) is required prior to the issuance of a certificate of compliance/occupancy. This agreement shall be completed by the property owner of record (if different than the permit holder) and shall be recorded in the Dare County Register of Deeds. A copy of the recorded agreement shall be provided to the Dare County Building Inspector prior to the issuance of the certificate of occupancy. Failure to submit the certification shall be cause to withhold the issuance of a certificate of occupancy. This non-conversion agreement shall be required for all new construction and substantial improvements which feature an enclosure area below the RFPE and with walls greater than 4 feet in height that may be converted after occupancy of the structure.
- (8) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below RFPE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.
- (9) Acknowledgement forms attached to this ordinance for AE, AO, Shaded X and X zones (Appendix B) for VE zones (Appendix C) for construction shall be signed and completed by property owners at the time construction permits are issued by the Dare County building inspector. These acknowledgement forms indicate the specific flood zone designation for the subject property; outlines the construction standards for elevation of the structure to the regulatory flood elevation and explains the use restrictions associated with the property.

(D) Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, relocation, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the code enforcement official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

151.33 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (A) Review all floodplain development applications and issue permits for all proposed development to assure that the requirements of this ordinance have been satisfied.
- (B) Review all proposed development to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (C) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 151.54 Floodways *and Non-Encroachment Areas* are met.
- (F) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 151.32 (C) Certification *Requirements*.
- (G) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with the provisions of Section 151.32 (C) Certification *Requirements*.
- (H) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 151.32 (C) *Certification Requirements*.
- (I) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 151.32 (C) *Certification Requirements* and Section 151.51 (B) *Non-Residential Construction*.
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, **Shaded X or X zones** floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (K) When BFE data has not been provided in accordance with the provisions of Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones*, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Section 151.52 *Standards for Floodplains Without Established Flood Elevations* in order to administer the provisions of this ordinance.
- (L) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 151.07, *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones*, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (M) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (N) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (O) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or

repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- (P) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (Q) Make periodic inspections throughout the **AE, AO, VE, Shaded X and X zones** within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (R) Follow through with corrective procedures of Section 151.34 *Corrective Procedures*.
- (S) Review, provide input, and make recommendations for variance requests.
- (T) **Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.**
- (U) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

151.34 CORRECTIVE PROCEDURES.

- (A) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (B) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (1) That the building or property is in violation of the floodplain management regulations;
 - (2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (C) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than **180 calendar days**. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (D) Appeal: Any owner who has received an order to take corrective action may appeal the order to the **Dare County Board of Adjustments** by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten

(10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The **Dare County Board of Adjustments** shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

- (E) **Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.**

151.35 VARIANCE PROCEDURES.

These procedures apply in AE zones, AO zones, VE zones, Shaded X zones and X zones as depicted on the FIRMs for Dare County.

- (A) The **Dare County Board of Adjustment** as established by **Dare County**, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in ~~Chapter 7A~~ of the North Carolina General Statutes.
- (C) Variances may be issued for:
- (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (2) Functionally dependent facilities if determined to meet the definition as stated in Section 151.05 *Definitions* of this ordinance, provided provisions of Section 151.35 (I) *Variance Procedures* have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (3) Any other type of development provided it meets the requirements of this Section.
- (D) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (E) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (F) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the **RFPE** and the elevation to which the structure is to be built and that such construction below the **RFPE** increases risks to life and property, and that the issuance of a variance to construct a structure below the **RFPE** may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (H) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (I) Conditions for Variances:
- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances shall only be issued prior to development permit approval.
 - (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (J) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (3) The reference level of any structure is elevated or flood proofed to at least the Regulatory Flood Protection Elevation.
 - (4) The use complies with all other applicable federal, state and local laws.

- (5) **Dare County** has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

PROVISIONS FOR FLOOD HAZARD REDUCTION

151.50 GENERAL STANDARDS.

The following provisions are required **and shall apply in any AE, AO, AH, VE, Shaded X or X zone**:

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) **All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.**
 - (1) **Replacements that are part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.**
 - (2) **Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.**
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (I) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 151.33 (J) *Variance Procedures*. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or flood proofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 151.32 (C) *Certification Requirements*.
- (J) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

- (K) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (L) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (M) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (N) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (O) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest **RFPE** shall apply.

151.51 SPECIFIC STANDARDS.

The following provisions, in addition to the provisions of Section 151.50 *General Standards* are required **and shall apply in any AE, AO, AH, VE, Shaded X or X zone**

- (A) *Residential Construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 151.05 *Definitions* of this ordinance.
- (B) *Non-Residential Construction.* New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 151.05, *Definitions*, of this ordinance. Structures located in Zones A, AE, AH, AO, A99 **Shaded X and X zone** may be flood proofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the flood proofing elevation shall be in accordance with Section 151.56 *Standards for Areas of Shallow Flooding (Zone AO)*. A registered professional engineer or architect shall certify that the flood proofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 151.32 (C) *Certification Requirements*, along with the operational plan and the inspection and maintenance plan.
- (C) *Manufactured Homes.*
 - (1) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
 - (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (3) All enclosures or skirting below the lowest floor shall meet the requirements of Section 151.51 (D) *Elevated Buildings*.

- (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (D) *Elevated Buildings.* Fully **Enclosed area/enclosure as defined in Section 151.05 Definitions**, of new construction and substantially improved structures, which is below the lowest floor in **AE, AO, AH, Shaded X or X zones** or below the lowest horizontal structural member in VE zones:
 - (1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (2) Shall not be temperature-controlled or conditioned. Non-temperature controlled dehumidifiers may be used in enclosed areas and shall not result in the enclosed area being determined to be conditioned space.**
 - (3) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (4) Shall include, in Zones A, AE, AH, AO, A99, **Shaded X and X zones** flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding **or a minimum of one engineered inch for each square foot of enclosed area for an engineered opening.**
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
 - (5) Shall, in Coastal High Hazard Areas (Zone VE), either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
 - (a) Material shall consist of open wood or plastic lattice or insect screening; or
 - (b) Breakaway walls shall meet the following design specifications:
 1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot;

or

2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

- (6) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. This agreement shall be recorded with the Dare County Register of Deeds and shall transfer with the property in perpetuity. **This non-conversion agreement shall be required for all new construction and substantial improvements which feature an enclosure area below the RFPE and with walls greater than 4 feet in height that may be converted after occupancy of the structure.**

- (7) **Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.)**

(E) *Additions/Improvements/Conversions.*

(1) In AE, AO and VE Zones

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 1. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and **must not be any more non-conforming than the existing structure.**
 2. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway; both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 1. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1-year period begins on the date the Certificate of Occupancy is issued for the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial**

damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the community code enforcement official and that are the minimum necessary to assume safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(e) Areas in existing structures shall not be converted for use as conditioned; temperature controlled space unless the reference level is located to or above the RFPE.

(2) In Shaded X and X zones

(a) The substantial improvement/substantial damage definitions as established in Article 2, Definitions, do not apply to Shaded X and X zones.

(b) Laterals additions (increase in the footprint of the conditioned, temperature-controlled space) to existing structures shall have the reference level elevated to or above the RFPE that was applicable at the time of original construction of the structure.

(c) Remodeling or renovations of existing structures with the reference level located below the current applicable RFPE that do not increase the footprint of the structure may be authorized at the existing reference level or higher.

(d) Reconstruction of damaged portions of a structure may be authorized at the existing reference level or higher. However, if a structure is entirely demolished for whatever reason, the replacement structure shall be constructed to or above the RFPE.

(e) Structures that are relocated on the same site or to another site shall be elevated to or above the applicable RFPE of the lot or to or above the RFPE of the new site.

(f) Areas in existing structures shall not be converted for use as conditioned; temperature controlled space unless the reference level is located to or above the RFPE.

(F) *Recreational Vehicles.*

(1) Recreational vehicles shall either:

(a) Temporary Placement

1. Be on site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

(b) Permanent Placement. Recreational vehicles located in travel trailer parks authorized by Dare County that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(G) *Temporary Non-Residential Structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(H) *Accessory Structures.*

The following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas)
- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with the provisions of Section 151.50 (A) *General Standards*;
- (6) All service facilities such as electrical shall be installed in accordance with the provisions of Section 151. 50 (D) *General Standards*; and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 151.51 (D) (4) *Specific Standards, Flood Openings*. The Floodplain Administrator shall certify installation of required flood openings in compliance with the provisions of Section 151.51 (D) (4) *Specific Standards, Flood Openings*.

(8) Any accessory structure with a footprint of 150 square feet or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing requirements of Section 151.32 (C) (1) (a) *Certification Requirements* and Section 151. 51 (D) (4) *Flood Openings*.

(I) **Tanks.**

Gas and liquid storage tanks shall meet the following criteria:

- (1) **Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty; or
- (2) **Above-ground tanks, elevated.** Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall not be permitted in V or VE Zones. Above-ground tanks in flood hazard areas may be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area; or
- (3) **Above-ground tanks, not elevated.** Above-ground tanks in flood hazard areas may be located below the regulatory flood protection elevation provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy and lateral movement, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (4) **Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be located at or above the regulatory flood protection elevation or fitted with covers designed to prevent lateral movement, the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood.

151.52 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 151.07 where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Section 151.50 *General Standards*, shall apply:

- (A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (1) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or flood proofed in accordance with standards in Section 151.50 *General Standards* and Section 151.51 *Specific Standards*.
 - (2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 151.51 *Specific Standards* and Section 151.54, *Floodways and Non-Encroachment Areas*.
 - (3) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Section 151.07 *Basis for Establishing Special Flood Hazard Areas*, and utilized in implementing this ordinance.
 - (4) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level

shall be elevated or flood proofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Section 151.51 Specific *Standards* shall also apply.

151.53 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (A) Standards of Section 151.50 and 151.51 and
- (B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

151.54 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (B) If **Section 151.54 (A)** is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (C) Manufactured homes may be permitted provided the following provisions are met:
 - (1) The anchoring and the elevation standards of **Section 151.51 (C)**; and
 - (2) The encroachment standards of **Section 151.54 (A)**.

151.55 COASTAL HIGH HAZARD AREA (ZONE VE).

Coastal High Hazard Areas are Special Flood Hazard Areas established in Section 151.07, *Basis for Establishing Special Flood Hazard Areas* and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of Section 151.50 *General Standards* and Section 151.51 *Specific Standards*:

- (A) **All new construction and substantial improvements shall be located landward of the reach of mean high tide.**

- (B) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Flood proofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.
- (C) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
 - (1) Open wood or plastic latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the event of wave impact and in accordance with the provisions of **Section 151.51 (D) (5) Elevated Buildings**. Design plans shall be submitted in accordance with the provisions of **Section 151.32 (A) (4) (c) (1) Applications Requirements**; or
 - (2) Breakaway walls may be permitted provided they meet the criteria set forth in **Section 151.51 (D) (5) Elevated Buildings**. Design plans shall be submitted in accordance with the provisions of **Section 151.32 (A) (4) (c) (1) Application Requirements**.
- (D) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - (1) Water loading values used shall be those associated with the base flood.
 - (2) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.
- (E) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:**
 - (1) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and**
 - (2) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure (Note: The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard; and**
 - (3) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and**
 - (4) Pad thickness**
 - (a) Shall not exceed 4 inches; or**
 - (b) Be certified by a design professional that the design and method of construction to be used shall be compliant with the applicable criteria of this section.**
 - (5) The provisions above shall not apply to non-residential or multi-family construction that is designed by a professional engineer and constructed with self-supporting structural slabs capable of remaining intact and functional under base flood conditions, included expected erosion.**
- (F) For swimming pools and spas, the following is required:**
 - (1) Be designed to withstand all flood-related loads and load combinations.**
 - (a) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or**

independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

- (O) In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
 - (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.
- (P) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures in VE zones.

151.56 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 151.50 *General Standards* and Section 151.51 *Specific Standards* all new construction and substantial improvements shall meet the following requirements:

- (A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet plus a freeboard of 3 feet above the highest adjacent grade or to or above 8 feet NAVD 1988, whichever is the greater elevation.
- (B) Non-residential structures may, in lieu of elevation, be flood proofed to the same level as required in Article 5, Section I (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 151.50 (C) (1) and Section 151.51 (B) *Non-Residential Construction*.
- (C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

151.57 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, *Basis for Establishing Special Flood Hazard Areas*, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 151.50 *General Standards* and Section 151.51 *Specific Standards*, all new construction and substantial improvements shall meet the following requirements:

- (A) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

LEGAL STATUS PROVISIONS

151.70 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted **October 6, 1978** as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Dare County enacted on **October 6, 1978**, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Dare County is October 6, 1978.

151.71 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

151.72 SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

151.73 EFFECTIVE DATE.

This ordinance shall become effective June 19, 2020.

151.74 ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the governing body of Community Name, North Carolina, on the Day (number or text) day of Month, Year.

WITNESS my hand and the official seal of insert Name, Title, this the Day (number or text) day of Month, Year.

(Signature)

REGULATIONS for AE, AO and VE	
Freeboard in VE Zone	1 ft
Free obstruction in VE zone	NO
Freeboard in AE, AO, AH Zones	3 ft or up to 8 ft whichever is higher
Reference	level -- bottom of lowest floor with flood resistant materials below RL
Non-Conversion Agreements for Enclosures	Already in FDPO since 2014 for enclosures with walls 4 feet or higher.
SHADEDX AND X ZONE	
Local Elevation Standard	8 feet if natural grade is not at this level.
Use of flood vents	Flood vents will be required for enclosed areas below 8 feet.
Finished Construction elevation certificate	Yes unless natural grade is 8 feet or above
PAS (parking, access and storage) restrictions for enclosures below LES	these restrictions will apply to areas below 8 feet
Free of obstruction along oceanfront	No free of obstruction rules
Flood resistant materials in enclosure areas below RFPE	Flood resistant materials up to LES 8 feet
Conversions of enclosures	Not unless can be done in conformance with 8 feet LES
Remodeling of existing structure at same level of existing (no increase in footprint)	Can occur at exiting level of structure.
Laterals additions	Can occur at the same level of existing structure.
Apply SD/SI Regulations if structure is below LES	50% for improvements will not apply .
Reference level	bottom of lowest floor with flood resistant materials below RL

Zoning Districts Use of “Base Flood”

1. Section 22-22.3 R2-H MEDIUM DENSITY RESIDENTIAL DISTRICT FOR HATTERAS VILLAGE
2. Section 22-22.4 - R2-AH ALTERNATIVE MEDIUM DENSITY RESIDENTIAL DISTRICT (NO OCEAN OVERLAY)
3. Section 22-25.1 - C-2H GENERAL COMMERCIAL DISTRICT

Current Language

Height Limitation: 45 feet measured from the established ground elevation to the highest elevation of any feature of the primary structure or portion of the roof, excluding those architectural features known as cupolas and observation towers that meet the requirements of Section 22-29 (c) of this ordinance. Chimneys, lighting rods, weather vanes, wind gauges and other similar roof appurtenances shall not be considered the highest portion of the roof. For purposes of the section, established ground elevation is defined as the highest of (1) natural ground elevation or (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.

- a. Elective elevation option – For those structures that are constructed with the bottom of the floor joist located above the established **base flood**, one foot of building height may be added for each one foot increment increase in elevation above the established **base flood elevation**. However in no instance shall the overall building height exceed 52 feet to the highest elevation of any feature of the structure or portion of the roof. Any improvements located in the increased elevation area shall be subject to the restrictions of subsection (d) storage area detailed below.
- d. Storage area enclosures may be located below the established **base flood elevation** to a size that equals 25% of the square forage of the structure.....

Oceanfront overlay district – 52 feet to the highest elevation of any feature of the structure or portion of the roof measured from **base flood elevation**, from natural ground elevation if natural ground elevation exceeds the **base flood elevation**, or from unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.

Recommended Language for R2-H, R2-AH and C-2H

REVISED 2-7-2020 Height Limitation: 45 feet measured from the established ground elevation to the highest elevation of any feature of the primary structure or portion of the roof, excluding those architectural features known as cupolas and observation towers that meet the requirements of Section 22-29 (c) of this ordinance. The height shall be calculated from the approximate center of the structure. Chimneys, lighting rods, weather vanes, wind gauges and other similar roof appurtenances shall not be considered the highest portion of the roof. For purposes of the section, established ground elevation is defined as the highest of ~~(1) natural ground elevation or (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.~~ (1) natural ground elevation before any land disturbing activities or (2) unnatural ground elevation created by the placement of fill on a site on or

before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

a. Elective elevation option: For those structures that are constructed with the bottom of the floor joist located above ~~the established base flood 8 feet NAVD 1988~~, one foot of building height may be added for each one foot increment increase in elevation above ~~the established base flood elevation 8 feet NAVD 1988~~. However in no instance shall the overall building height exceed 52 feet to the highest elevation of any feature of the structure or portion of the roof. Any improvements located in the increased elevation area shall be subject to the restrictions of subsection (d) storage area detailed below.

REVISED 2-7-2020

d. For those structures with a storage area enclosure ~~may be located below the established base flood elevation 8 feet NAVD~~, the size of the enclosure area shall not exceed 25% of the square footage of the structure or 300 square feet, whichever measurement is less.

REVISED 2-7-2020 Ocean Overlay district: 52 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. For the purposes of this section natural grade is defined as the highest of (1) natural ground elevation before any land disturbing activities or; (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

Section 22-27.4 HOD-1 HEIGHT OVERLAY DISTRICT

Current Language

(c) Height Limitations for Hatteras village overlay district

52 feet to the highest elevation of any feature of the structure or portion of the roof measured from **base flood elevation**, from natural ground elevation if natural ground elevation exceeds **base flood elevation**, or from unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.

REVISED 2-7-2020 Ocean Overlay district: 52 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD (or applicable datum at time of construction) building height shall be measured from the highest adjacent grade to the proposed structural footprint. For the purposes of this section natural grade is defined as the highest of (1) natural ground elevation before any land disturbing activities or; (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

All of the Wanchese zoning districts listed below include the same building height language s

Section 22-27.7 - WANCHESE VILLAGE RESIDENTIAL ZONING DISTRICT (VR)

Section 22-27.8 WATERFRONT RESIDENTIAL ZONING DISTRICT 1 (WR-1)

Section 22-27.9 - BAUMTOWN TRADITIONAL ZONING DISTRICT (BT)

Section 22-27.10 -RESIDENTIAL BUSINESS ZONING DISTRICT 1 (RB)

Section 22-27.11-NEIGHBORHOOD COMMERCIAL ZONING DISTRICT 1 (NC)

Section 22-27.12-HISTORIC MILL LANDING MARINE DISTRICT (HML)

Section 22-27.13-WANCHESE VILLAGE COMMERCIAL ZONING (WVC)

Section 22-27.14-HARBOR ROAD MARINE COMMERCIAL (MC-2)

Section 22-27.15-WANCHESE WHARF MARINE COMMERCIAL ZONING DISTRICT (MC-1)

Section 22-27.16-HIGHWAY 345 BUSINESS DISTRICT (HWY 345)

Section 22-27.17 -WANCHESE SEAFOOD INDUSTRIAL PARK (WSIP)

Current Language

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 March 24, 2006.

Recommended Language for All Wanchese Zoning Districts

REVISED 2-8-2020 40 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. Natural grade for calculation of the 40 feet building limit is defined as (1) natural ground elevation before any land disturbing activities or (2) unnatural ground elevation created by the placement of fill on a site before March 24, 2006 or; (3) the re-grading of natural topographic conditions in preparation of construction activities. Overall height shall be measured from the approximate center of the structure to the highest elevation of the structure.

ZONING AMENDMENT CONSISTENCY DETERMINATION

On March 9, 2020, the Dare County Planning Board considered a revisions to the Dare County Flood Damage Prevention Ordinance (FDPO) and a series of amendments to the Dare County Zoning Ordinance in conjunction with new flood insurance rate maps (FIRMs) for Dare County. The FDPO is updated and revised each time new FIRMs are released. The zoning amendments affect fifteen zoning districts in Hatteras village and Wanchese village that use the terminology “base flood or base flood elevation” as a reference point for building height. The new FIRMs for Dare County significantly decrease the number of properties located in a flood zone with an established base flood elevation therefore revisions to the zoning districts were needed. The impacted zoning districts are:

Section 22-22.3 R2-H Medium Density Residential District for Hatteras Village
Section 22-22.4 - R2-AH Alternative Medium Density Residential District
Section 22-25.1 - C-2H General Commercial District
Section 22-27.4 HOD-1 Height Overlay District
Section 22-27.7 – VR -- Wanchese Village Residential District
Section 22-27.8 WR-1 Waterfront Residential District
Section 22-27.9 – BT Baumtown Traditional District
Section 22-27.10 –RB Residential Business District 1
Section 22-27.11-NC – Neighborhood Commercial District
Section 22-27.12- HML- Historic Mill Landing Marine District
Section 22-27.13-WVC --Wanchese Village Commercial District
Section 22-27.14-MC-2 Harbor Road Marine Commercial District
Section 22-27.15-MC-1 Wanchese Wharf Marine Commercial District
Section 22-27.16-H345 -Highway345 Business District (HWY 345)
Section 22-27.17 –WSIP --Wanchese Seafood Industrial Park

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:

Natural Hazards Policy NH #5

Dare County supports, as minimum standards, the administration and enforcement of all applicable floodplain management regulations and the National Flood Insurance Program. Dare County reserves the right to review, comment, advocate, or oppose

any proposed regulations or programs that may affect the National Flood Insurance Program or other flood hazard legislation.

Natural Hazards Policy NH#6

Dare County shall use construction standards, such as the elevation of buildings and the wind zone requirements for mobile homes and zoning regulations, such as the setbacks from water bodies and erosion-prone areas to mitigate the effects of high winds, storm surge, flooding, wave action, and erosion.

Based upon a review of the policies, the Dare County Planning Board finds revisions to the FDPO and the proposed zoning amendments to be consistent with the 2009 Dare County Land Use Plan since the amendments will facilitate the mitigation of flood hazard in unincorporated Dare County and to adjust the reference level for zoning districts to measure building height on properties classified as Shaded X or X zone on the FIRMs for Dare County. The Dare County Planning Board hereby recommends the adoption of the revised FDPO and the zoning text amendments be adopted.



Initial Resolution for Refunding of Certain Debt Issuances

Description

The initial Resolution is prepared by bond counsel to allow for the refunding of certain maturities of the 2012B, 2012C, 2012D, 2013A, 2014, and 2015 Limited Obligation Bonds. The Notice of Public Hearing is not finalized as of 3/25 but expected to be sent 3/26.

The current numbers run is included and anticipates only including the 2012D, 2013A, 2014, and 2015 LOBS in the refinancing. The Resolution will call for a public hearing on 4/20 and a final resolution will be adopted on 4/20. Bond counsel will recommend an alternate method for public comment prior to the public hearing such as email or the County's web page

Estimated savings as of 3/24 are \$1.45 million gross and \$1.352 million net present value.

Board Action Requested

Adopt the Resolution and set the Public Hearing for April 20.

Item Presenter

David Clawson, Finance Director

SOURCES AND USES OF FUNDS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Dated Date 05/13/2020
 Delivery Date 05/13/2020

Sources:	Limited Obligation Refunding Bonds, Series 2020 (Taxable)	Limited Obligation Refunding Bonds, Series 2020	Total
Bond Proceeds:			
Par Amount	21,350,000.00	3,650,000.00	25,000,000.00
	21,350,000.00	3,650,000.00	25,000,000.00
Uses:	Limited Obligation Refunding Bonds, Series 2020 (Taxable)	Limited Obligation Refunding Bonds, Series 2020	Total
Refunding Escrow Deposits:			
Cash Deposit	0.12	0.50	0.62
SLGS Purchases	21,175,867.00	3,616,965.00	24,792,832.00
	21,175,867.12	3,616,965.50	24,792,832.62
Delivery Date Expenses:			
Cost of Issuance	170,800.00	29,200.00	200,000.00
Other Uses of Funds:			
Additional Proceeds	3,332.88	3,834.50	7,167.38
	21,350,000.00	3,650,000.00	25,000,000.00

SUMMARY OF REFUNDING RESULTS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

	Limited Obligation Refunding Bonds, Series 2020 (Taxable)	Limited Obligation Refunding Bonds, Series 2020	Total
Dated Date	05/13/2020	05/13/2020	05/13/2020
Delivery Date	05/13/2020	05/13/2020	05/13/2020
Arbitrage Yield	1.722525%	1.722525%	1.722525%
Escrow Yield	0.325348%		0.324020%
Value of Negative Arbitrage	604,214.16	3,100.49	607,314.65
Bond Par Amount	21,350,000.00	3,650,000.00	25,000,000.00
True Interest Cost	1.800069%	1.250034%	1.722525%
Net Interest Cost	1.800000%	1.250000%	1.722810%
All-In TIC	1.953849%	1.407474%	1.876773%
Average Coupon	1.800000%	1.250000%	1.722810%
Average Life	5.558	5.308	5.521
Weighted Average Maturity	5.558	5.308	5.521
Par amount of refunded bonds	18,878,000.00	3,535,000.00	22,413,000.00
Average coupon of refunded bonds	4.860252%	2.660000%	4.538376%
Average life of refunded bonds	5.942	5.438	5.862
Remaining weighted average maturity of refunded bonds	5.917	5.438	5.843
PV of prior debt	22,604,468.02	3,748,111.99	26,352,580.01
Net PV Savings	1,171,007.92	188,739.47	1,359,747.39
Percentage savings of refunded bonds	6.203030%	5.339165%	6.066780%
Percentage savings of refunding bonds	5.484815%	5.170944%	5.438990%

SAVINGS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 05/13/2020 @ 1.7225247%
06/30/2020	523,140.50	501,496.25	21,644.25	21,625.70
06/30/2021	1,053,222.50	901,725.00	151,497.50	151,634.91
06/30/2022	1,057,158.50	903,415.00	153,743.50	151,254.85
06/30/2023	3,150,961.50	2,999,952.50	151,009.00	146,117.29
06/30/2024	3,890,014.50	3,738,600.00	151,414.50	145,143.01
06/30/2025	6,800,293.00	6,651,665.00	148,628.00	139,786.72
06/30/2026	3,688,602.50	3,542,397.50	146,205.00	134,530.93
06/30/2027	3,528,428.00	3,377,020.00	151,408.00	136,505.29
06/30/2028	2,519,035.50	2,393,430.00	125,605.50	111,362.84
06/30/2029	2,406,918.00	2,281,850.00	125,068.00	108,703.98
06/30/2030	210,834.00	86,530.00	124,304.00	105,914.49
	28,828,608.50	27,378,081.25	1,450,527.25	1,352,580.01

Savings Summary

PV of savings from cash flow	1,352,580.01
Plus: Refunding funds on hand	7,167.38
	1,359,747.39
Net PV Savings	1,359,747.39

SUMMARY OF BONDS REFUNDED

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Series 2012D Refunding Limited Obligation Bonds, 12D:					
BOND	06/01/2023	5.000%	2,095,000.00	06/01/2022	100.000
	06/01/2024	5.000%	2,090,000.00	06/01/2022	100.000
	06/01/2025	5.000%	2,090,000.00	06/01/2022	100.000
	06/01/2026	5.000%	2,090,000.00	06/01/2022	100.000
	06/01/2027	5.000%	2,085,000.00	06/01/2022	100.000
	06/01/2028	5.000%	2,085,000.00	06/01/2022	100.000
	06/01/2029	5.000%	2,085,000.00	06/01/2022	100.000
			14,620,000.00		
Refunding Limited Obligation Bonds, Series 2013A, 13:					
SERIAL	06/01/2025	5.000%	2,825,000.00	06/01/2023	100.000
Limited Obligation Bonds, Series 2014, 14:					
TM_2030	01/01/2024	3.350%	205,000.00	07/01/2022	100.000
	01/01/2025	3.350%	205,000.00	07/01/2022	100.000
	01/01/2026	3.350%	205,000.00	07/01/2022	100.000
	01/01/2027	3.350%	205,000.00	07/01/2022	100.000
	01/01/2028	3.350%	205,000.00	07/01/2022	100.000
	01/01/2029	3.350%	204,000.00	07/01/2022	100.000
	01/01/2030	3.350%	204,000.00	07/01/2022	100.000
			1,433,000.00		
Refunding Certificate of Participation, Series 2015, 15BQ_REF:					
TERM	06/01/2020	2.660%	40,000.00		
	06/01/2021	2.660%	40,000.00	06/01/2020	101.000
	06/01/2022	2.660%	45,000.00	06/01/2020	101.000
	06/01/2023	2.660%	45,000.00	06/01/2020	101.000
	06/01/2024	2.660%	690,000.00	06/01/2020	101.000
	06/01/2025	2.660%	905,000.00	06/01/2020	101.000
	06/01/2026	2.660%	895,000.00	06/01/2020	101.000
	06/01/2027	2.660%	875,000.00	06/01/2020	101.000
			3,535,000.00		
			22,413,000.00		

BOND SUMMARY STATISTICS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

	Limited Obligation Refunding Bonds, Series 2020 (Taxable)	Limited Obligation Refunding Bonds, Series 2020	Aggregate
Dated Date	05/13/2020	05/13/2020	05/13/2020
Delivery Date	05/13/2020	05/13/2020	05/13/2020
Last Maturity	06/01/2030	06/01/2027	06/01/2030
Arbitrage Yield	1.722525%	1.722525%	1.722525%
True Interest Cost (TIC)	1.800069%	1.250034%	1.722525%
All-In TIC	1.953849%	1.407474%	1.876773%
Average Coupon	1.800000%	1.250000%	1.722810%
Average Life (years)	5.558	5.308	5.521
Weighted Average Maturity (years)	5.558	5.308	5.521
Duration of Issue (years)	5.276	5.138	5.258
Par Amount	21,350,000.00	3,650,000.00	25,000,000.00
Bond Proceeds	21,350,000.00	3,650,000.00	25,000,000.00
Total Interest	2,135,925.00	242,156.25	2,378,081.25
Net Interest	2,135,925.00	242,156.25	2,378,081.25
Total Debt Service	23,485,925.00	3,892,156.25	27,378,081.25
Maximum Annual Debt Service	5,703,290.00	948,375.00	6,651,665.00
Average Annual Debt Service	2,336,907.96	552,078.90	2,724,187.19
Underwriter's Fees (per \$1000)			
Average Takedown			
Other Fee			
Total Underwriter's Discount			
Bid Price	100.000000	100.000000	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	Duration	PV of 1 bp change
Term Bond	25,000,000.00	100.000	1.723%	5.521	11/19/2025	5.256	30,414.00
	25,000,000.00			5.521			30,414.00

	TIC	All-In TIC	Arbitrage Yield
Par Value	25,000,000.00	25,000,000.00	25,000,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-200,000.00	
- Other Amounts			
Target Value	25,000,000.00	24,800,000.00	25,000,000.00
Target Date	05/13/2020	05/13/2020	05/13/2020
Yield	1.722525%	1.876773%	1.722525%

BOND DEBT SERVICE

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Dated Date 05/13/2020
 Delivery Date 05/13/2020

Period Ending	Principal	Coupon	Interest	Debt Service
06/30/2020	480,000	** %	21,496.25	501,496.25
06/30/2021	480,000	** %	421,725.00	901,725.00
06/30/2022	490,000	** %	413,415.00	903,415.00
06/30/2023	2,595,000	** %	404,952.50	2,999,952.50
06/30/2024	3,380,000	** %	358,600.00	3,738,600.00
06/30/2025	6,350,000	** %	301,665.00	6,651,665.00
06/30/2026	3,350,000	** %	192,397.50	3,542,397.50
06/30/2027	3,240,000	** %	137,020.00	3,377,020.00
06/30/2028	2,310,000	1.800%	83,430.00	2,393,430.00
06/30/2029	2,240,000	1.800%	41,850.00	2,281,850.00
06/30/2030	85,000	1.800%	1,530.00	86,530.00
	25,000,000		2,378,081.25	27,378,081.25

PRIOR BOND DEBT SERVICE

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Period Ending	Principal	Coupon	Interest	Debt Service
06/30/2020	40,000	2.660%	483,140.50	523,140.50
06/30/2021	40,000	2.660%	1,013,222.50	1,053,222.50
06/30/2022	45,000	2.660%	1,012,158.50	1,057,158.50
06/30/2023	2,140,000	** %	1,010,961.50	3,150,961.50
06/30/2024	2,985,000	** %	905,014.50	3,890,014.50
06/30/2025	6,025,000	** %	775,293.00	6,800,293.00
06/30/2026	3,190,000	** %	498,602.50	3,688,602.50
06/30/2027	3,165,000	** %	363,428.00	3,528,428.00
06/30/2028	2,290,000	** %	229,035.50	2,519,035.50
06/30/2029	2,289,000	** %	117,918.00	2,406,918.00
06/30/2030	204,000	3.350%	6,834.00	210,834.00
	22,413,000		6,415,608.50	28,828,608.50

ESCROW REQUIREMENTS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Period Ending	Principal	Interest	Principal Redeemed	Redemption Premium	Total
06/01/2020	40,000.00	483,140.50	3,495,000.00	34,950.00	4,053,090.50
07/01/2020		24,002.75			24,002.75
12/01/2020		436,125.00			436,125.00
01/01/2021		24,002.75			24,002.75
06/01/2021		436,125.00			436,125.00
07/01/2021		24,002.75			24,002.75
12/01/2021		436,125.00			436,125.00
01/01/2022		24,002.75			24,002.75
06/01/2022		436,125.00	14,620,000.00		15,056,125.00
07/01/2022		24,002.75	1,433,000.00		1,457,002.75
12/01/2022		70,625.00			70,625.00
06/01/2023		70,625.00	2,825,000.00		2,895,625.00
	40,000.00	2,488,904.25	22,373,000.00	34,950.00	24,936,854.25

ESCROW COST

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLGS	06/01/2020	4,076,433		4,076,433.00
SLGS	12/01/2020	402,556	0.070%	402,556.00
SLGS	01/01/2021	21,540	0.090%	21,540.00
SLGS	06/01/2021	405,855	0.180%	405,855.00
SLGS	07/01/2021	21,552	0.190%	21,552.00
SLGS	12/01/2021	406,220	0.270%	406,220.00
SLGS	01/01/2022	21,572	0.280%	21,572.00
SLGS	06/01/2022	15,026,768	0.320%	15,026,768.00
SLGS	07/01/2022	1,454,603	0.330%	1,454,603.00
SLGS	12/01/2022	65,311	0.340%	65,311.00
SLGS	06/01/2023	2,890,422	0.360%	2,890,422.00
24,792,832				24,792,832.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost
05/13/2020	24,792,832	0.62	24,792,832.62
	24,792,832	0.62	24,792,832.62

ESCROW DESCRIPTIONS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate	Max Rate	Total Cost
May 13, 2020:							
SLGS	Certificate	06/01/2020	06/01/2020	4,076,433			4,076,433.00
SLGS	Certificate	12/01/2020	12/01/2020	402,556	0.070%	0.070%	402,556.00
SLGS	Certificate	01/01/2021	01/01/2021	21,540	0.090%	0.090%	21,540.00
SLGS	Note	06/01/2021	12/01/2020	405,855	0.180%	0.180%	405,855.00
SLGS	Note	07/01/2021	07/01/2020	21,552	0.190%	0.190%	21,552.00
SLGS	Note	12/01/2021	12/01/2020	406,220	0.270%	0.270%	406,220.00
SLGS	Note	01/01/2022	07/01/2020	21,572	0.280%	0.280%	21,572.00
SLGS	Note	06/01/2022	12/01/2020	15,026,768	0.320%	0.320%	15,026,768.00
SLGS	Note	07/01/2022	07/01/2020	1,454,603	0.330%	0.330%	1,454,603.00
SLGS	Note	12/01/2022	12/01/2020	65,311	0.340%	0.340%	65,311.00
SLGS	Note	06/01/2023	12/01/2020	2,890,422	0.360%	0.360%	2,890,422.00
				24,792,832			24,792,832.00

SLGS Summary

SLGS Rates File	24MAR20
Total Certificates of Indebtedness	4,500,529.00
Total Notes	20,292,303.00
Total original SLGS	24,792,832.00

ESCROW STATISTICS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds
 Preliminary Analysis
 Taxable Adv. Refunding of Series 2012D, 2013A and 2014
 Tax-Exempt Current Refunding of Series 2015

Escrow	Total Escrow Cost	Modified Duration (years)	PV of 1 bp change	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Limited Obligation Refunding Bonds, Series 2020 (Taxable), Global Proceeds Escrow:								
	21,175,867.12	2.081	4,406.50	0.325348%	0.325334%	20,571,619.63	604,214.16	33.33
Limited Obligation Refunding Bonds, Series 2020, Global Proceeds Escrow:								
	3,616,965.50	0.050	18.08			3,613,865.01	3,100.49	
	24,792,832.62		4,424.59			24,185,484.64	607,314.65	33.33

Delivery date 05/13/2020
 Arbitrage yield 1.722525%
 Composite Modified Duration 1.785

BOND PRICING

County of Dare, North Carolina
 Limited Obligation Refunding Bonds, Series 2020 (Taxable)
 Taxable Advance Refunding

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Term Bond:					
	06/01/2020	400,000	1.800%	1.800%	100.000
	06/01/2021	420,000	1.800%	1.800%	100.000
	06/01/2022	425,000	1.800%	1.800%	100.000
	06/01/2023	2,530,000	1.800%	1.800%	100.000
	06/01/2024	2,670,000	1.800%	1.800%	100.000
	06/01/2025	5,435,000	1.800%	1.800%	100.000
	06/01/2026	2,455,000	1.800%	1.800%	100.000
	06/01/2027	2,380,000	1.800%	1.800%	100.000
	06/01/2028	2,310,000	1.800%	1.800%	100.000
	06/01/2029	2,240,000	1.800%	1.800%	100.000
	06/01/2030	85,000	1.800%	1.800%	100.000
	06/01/2035		1.800%	1.800%	100.000
		21,350,000			

Dated Date	05/13/2020	
Delivery Date	05/13/2020	
First Coupon	06/01/2020	
Par Amount	21,350,000.00	
Original Issue Discount		
Production	21,350,000.00	100.000000%
Underwriter's Discount		
Purchase Price	21,350,000.00	100.000000%
Accrued Interest		
Net Proceeds	21,350,000.00	

BOND SUMMARY STATISTICS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds, Series 2020 (Taxable)
 Taxable Advance Refunding

Dated Date	05/13/2020
Delivery Date	05/13/2020
Last Maturity	06/01/2030
Arbitrage Yield	1.722525%
True Interest Cost (TIC)	1.800069%
Net Interest Cost (NIC)	1.800000%
All-In TIC	1.953849%
Average Coupon	1.800000%
Average Life (years)	5.558
Weighted Average Maturity (years)	5.558
Duration of Issue (years)	5.276
Par Amount	21,350,000.00
Bond Proceeds	21,350,000.00
Total Interest	2,135,925.00
Net Interest	2,135,925.00
Total Debt Service	23,485,925.00
Maximum Annual Debt Service	5,703,290.00
Average Annual Debt Service	2,336,907.96
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	Duration	PV of 1 bp change
Term Bond	21,350,000.00	100.000	1.800%	5.558	12/03/2025	5.276	27,968.50
	21,350,000.00			5.558			27,968.50

	TIC	All-In TIC	Arbitrage Yield
Par Value	21,350,000.00	21,350,000.00	21,350,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-170,800.00	
- Other Amounts			
Target Value	21,350,000.00	21,179,200.00	21,350,000.00
Target Date	05/13/2020	05/13/2020	05/13/2020
Yield	1.800069%	1.953849%	1.722525%

BOND PRICING

County of Dare, North Carolina
 Limited Obligation Refunding Bonds, Series 2020
 Current Refunding of Series 2015 COPs

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Term Bond:					
	06/01/2020	80,000	1.250%	1.250%	100.000
	06/01/2021	60,000	1.250%	1.250%	100.000
	06/01/2022	65,000	1.250%	1.250%	100.000
	06/01/2023	65,000	1.250%	1.250%	100.000
	06/01/2024	710,000	1.250%	1.250%	100.000
	06/01/2025	915,000	1.250%	1.250%	100.000
	06/01/2026	895,000	1.250%	1.250%	100.000
	06/01/2027	860,000	1.250%	1.250%	100.000
		3,650,000			

Dated Date	05/13/2020	
Delivery Date	05/13/2020	
First Coupon	06/01/2020	
Par Amount	3,650,000.00	
Original Issue Discount		
Production	3,650,000.00	100.000000%
Underwriter's Discount		
Purchase Price	3,650,000.00	100.000000%
Accrued Interest		
Net Proceeds	3,650,000.00	

BOND SUMMARY STATISTICS

County of Dare, North Carolina
 Limited Obligation Refunding Bonds, Series 2020
 Current Refunding of Series 2015 COPs

Dated Date	05/13/2020
Delivery Date	05/13/2020
Last Maturity	06/01/2027
Arbitrage Yield	1.722525%
True Interest Cost (TIC)	1.250034%
Net Interest Cost (NIC)	1.250000%
All-In TIC	1.407474%
Average Coupon	1.250000%
Average Life (years)	5.308
Weighted Average Maturity (years)	5.308
Duration of Issue (years)	5.138
Par Amount	3,650,000.00
Bond Proceeds	3,650,000.00
Total Interest	242,156.25
Net Interest	242,156.25
Total Debt Service	3,892,156.25
Maximum Annual Debt Service	948,375.00
Average Annual Debt Service	552,078.90
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	Duration	PV of 1 bp change
Term Bond	3,650,000.00	100.000	1.250%	5.308	09/02/2025	5.138	2,445.50
	3,650,000.00			5.308			2,445.50

	TIC	All-In TIC	Arbitrage Yield
Par Value	3,650,000.00	3,650,000.00	3,650,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-29,200.00	
- Other Amounts			
Target Value	3,650,000.00	3,620,800.00	3,650,000.00
Target Date	05/13/2020	05/13/2020	05/13/2020
Yield	1.250034%	1.407474%	1.722525%

BUSINESS PROMOTIONAL MATERIAL DISCLAIMER

County of Dare, North Carolina
Limited Obligation Refunding Bonds
Preliminary Analysis
Taxable Adv. Refunding of Series 2012D, 2013A and 2014
Tax-Exempt Current Refunding of Series 2015

Business Promotional Material Disclaimer

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The information contained herein may include hypothetical interest rates or interest rate savings for a potential refunding. Interest rates used herein take into consideration conditions in today's market and other factual information such as credit rating, geographic location and market sector. Interest rates described herein should not be viewed as rates that Piper Sandler expects to achieve for you should we be selected to act as your underwriter or placement agent. Information about interest rates and terms for SLGs is based on current publically available information and treasury or agency rates for open-market escrows are based on current market interest rates for these types of credits and should not be seen as costs or rates that Piper Sandler could achieve for you should we be selected to act as your underwriter or placement agent. More particularized information and analysis may be provided after you have engaged Piper Sandler as an underwriter or placement agent or under certain other exceptions as describe in the Section 15B of the Exchange Act.

RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the County has previously executed and delivered an Installment Financing Contract dated as of September 1, 2012 (the "*2012C/D Contract*"), between the Dare County Public Facilities Corporation (the "*Corporation*") and the County, the proceeds of which were used to (1) finance the capital costs of the acquisition of a helicopter and cardiac monitoring equipment for use by the County's Emergency Medical Services, (2) refinance the County's installment payment obligations related to Certificates of Participation, Series 2004, the proceeds of which were used to finance (a) the acquisition, construction, equipping and furnishing of Manteo Middle, (b) the acquisition, construction, equipping and furnishing of Nags Head Elementary School and (c) the acquisition, construction and renovation of certain other school facilities, including Manteo Elementary School, Kitty Hawk Elementary School, Hatteras Secondary School and Manteo High School, and (3) refinance the County's installment payment obligations under an installment financing contract with RBC Bank, the proceeds of which were used to finance (a) the construction, equipping and furnishing a County Senior Center, (b) the construction and improvement of the College of the Albemarle, Roanoke Island Campus (previously part of Dare County Campus) (the "*Community College Project*") and (c) the acquisition of land for public beach access (each of the projects described above to be financed and refinanced with the proceeds of the 2012C/D Contract are referred to herein as the "*2012C/D Projects*");

WHEREAS, under an Indenture of Trust dated as of September 1, 2012 (the "*2012 Indenture*") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), the Corporation executed and delivered \$9,225,000 Limited Obligation Bonds, Series 2012C (the "*2012C Bonds*") and \$34,465,000 Refunding Limited Obligation Bond, Series 2012D (the "*2012D Bonds*"), each evidencing proportionate undivided interests in rights to receive certain revenues pursuant to the 2012C/D Contract, to assist the County in financing and refinancing the 2012C/D Projects;

WHEREAS, to secure its obligations under the 2012C/D Contract, the County executed and delivered a Deed of Trust, Security Agreement and Fixture Filing (the "*Deed of Trust*") related to the County's fee simple interest in the sites of Manteo Middle School, Nags Head Elementary School and the Community College Project and the improvements thereon;

WHEREAS, the County staff has reported to the Board of Commissioners (the "*Board*") that the County may be able to achieve debt service savings by refinancing all or a portion of the County's installment payment obligations under several prior installment contracts and the related limited obligation bonds and certificates of participation that financed and refinanced projects for the County (all of the projects to be refinanced are referred to herein as the "*Refinanced Projects*") as follows:

- (1) 2012C Bonds and 2012D Bonds;

(2) Refunding Limited Obligation Bonds, Series 2012B (the “2012B Bonds”), evidencing proportionate undivided interests in rights to receive revenues pursuant to the Installment Purchase Contract dated as of November 15, 2002, as amended by Amendment Number One to the Installment Purchase Contract dated as of February 1, 2013, each between the Corporation and the County, the proceeds of which were used to refinance prior installment payment obligations related to Certificates of Participation, Series 2001 and Certificates of Participation, Series 2002, the proceeds of which were used to finance (a) the construction and equipping of (1) a 14-unit T-hangar (Size 1), a three-unit executive hangar, a two-unit corporate hangar for aircraft storage only, and a transient hangar, with associated taxiways and driveways for each hangar to be located at the Dare County Regional Airport, (2) a new justice facility on Roanoke Island, and (3) an elementary school and (b) (1) the acquisition, construction and equipping of First Flight High School, (2) renovation, expansion and equipping of Manteo Elementary School, (3) renovation, expansion and equipping of First Flight Middle School, (4) construction of a solid waste transfer station and (5) other improvements to school facilities in the County;

(3) Refunding Limited Obligation Bonds, Series 2013A (the “2013A Bonds”), evidencing proportionate undivided interests in rights to receive certain revenues pursuant to the Installment Purchase Contract dated as of December 1, 2005, as amended by Amendment Number One to the Installment Purchase Contract dated as of February 1, 2013, each between the Corporation and the County, the proceeds of which were used to refinance prior installment payment obligations related to Certificates of Participation, Series 2005, the proceeds of which were used to finance acquiring, constructing, renovating, improving, equipping and furnishing certain school facilities in the County, including Manteo Elementary School, Kitty Hawk Elementary School, Hatteras Secondary School and Manteo High School;

(4) Limited Obligation Bond, Series 2014 (the “2014 Bond”), evidencing proportionate undivided interests in rights to receive certain revenues pursuant to Installment Purchase Contract dated as of November 15, 2002, as amended by Amendment Number One to the Installment Purchase Contract dated as of February 1, 2012 and by Amendment Number Two to the Installment Purchase Contract dated as of July 1, 2014, each between the Corporation and the County, the proceeds of which were used to finance an addition to Manteo Elementary School; and

(5) Refunding Certificate of Participation, Series 2015 (the “2015 Certificate”), evidencing a proportionate undivided interest in the right to receive revenues pursuant to an Installment Purchase Contract dated as of March 1, 2007, as amended by Amendment Number One to the Installment Purchase Contract dated as of July 1, 2015, each between the Corporation and the County, the proceeds of which were used to refinance prior installment payment obligations related to Certificates of Participation, Series 2007, the proceeds of which were used to finance (1) acquiring, constructing, equipping and furnishing a County Administrative Building, (2) acquiring certain real property in Kitty Hawk to be used for parks and recreation and the construction of improvements thereon and (3) constructing, equipping and furnishing a satellite County office facility on Hatteras Island;

WHEREAS, based on the foregoing, the Board determines that it is in the best interest of the County to proceed with the process to refinance all or a portion of the County’s installment payment obligations related to the 2012B Bonds, the 2012C Bonds, the 2012D Bonds, the 2013A Bonds, the 2014 Bond and the 2015 Certificate (collectively, the “*Refunded Obligations*”) to the extent the County can achieve debt service savings;

WHEREAS, the County will finance the refunding of the Refunded Obligations by entering into an amendment to the 2012C/D Contract with the Corporation (the “*Contract Amendment*”) which will be secured, together with the remaining installment payment obligations related to the 2012C Bonds and the 2012D Bonds, by the existing Deed of Trust;

WHEREAS, to assist the County in the proposed refinancing, the Corporation will execute and deliver additional bonds under the 2012C/D Indenture which will evidence proportionate undivided interests in rights to receive certain revenues pursuant to the 2012C/D Contract and will be parity obligations with any remaining outstanding 2012C Bonds and 2012D Bonds;

WHEREAS, the County hereby determines that the Refinanced Projects continue to be essential to the County's proper, efficient and economic operation and to the general health and welfare of its citizens; that the Refinanced Projects permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract Amendment to refinance the Refinanced Projects and refund the Refunded Obligations is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that entering into the Contract Amendment will allow the County to refinance the Refinanced Projects at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of refunding the Refunded Obligations in order to refinance the Refinanced Projects under the Contract Amendment is an amount not to exceed \$29,900,000 and that such amount exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of refinancing the Refinanced Projects pursuant to the Contract Amendment is expected to exceed the cost of refinancing the Refinanced Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of refinancing the Refinanced Projects pursuant to the Contract Amendment and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of refinancing the Refinanced Projects; and (3) revenues produced by the Refinanced Projects are insufficient to permit a revenue bond financing;

WHEREAS, the County does not anticipate any property tax increase to pay installment payments falling due with respect to the Contract Amendment;

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel, will render an opinion to the effect that entering into the Contract Amendment and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the 2012C/D Contract and the Contract Amendment, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the 2012C/D Contract and the Contract Amendment;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the County indicate that its debt management procedures and policies are good and have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, the County will hold a public hearing on entering into Contract Amendment, after publication of a notice with respect to such public hearing, on April 20, 2020 and approval of the LGC with respect to entering into the Contract Amendment must be received;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Authorization to Negotiate Contract Amendment.** That the County Manager and the Deputy County Manager, individually or collectively, with advice from bond counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County the Contract Amendment for a principal amount not to exceed \$29,900,000 to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina to refinance the Refinanced Project by refunding all or a portion of the Refunded Obligations to achieve debt service savings for the County.

Section 2. **Application to LGC.** That the Deputy County Manager or his designees are hereby directed to file with the LGC an application for its approval of the Contract Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC, and any such actions previously taken are hereby ratified,.

Section 3. **Direction to Retain Professionals.** That the Deputy County Manager is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, as bond counsel; DEC Associates, Inc., as financial advisor; Piper Sandler, as placement agent; and The Bank of New York Mellon Trust Company, N.A., as trustee and escrow agent. The Deputy County Manager is hereby authorized to retain such other professionals as he deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

Section 4. **Public Hearing.** That the Board will hold a public hearing related to entering into the Contract Amendment at its April 20, 2020 meeting and the Clerk to the Board is hereby directed to publish notice of such public hearing in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 5 **Repealer.** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. **Effective Date.** That this Resolution is effective on the date of its adoption.

Adopted this the 6th day of April, 2020.

Robert Woodard, Chairman

Attest:

Cheryl C. Anby, Clerk to the Board

COPY

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of the resolution entitled “**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**” duly adopted by the Board of Commissioners of the County of Dare, North Carolina, at a meeting held on the 6th day of April, 2020.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the ___ day of April, 2020.

[Seal]

COPY

Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina



NOTICE OF PUBLIC HEARING

The Board of Commissioners (the “Board”) of the County of Dare, North Carolina (the “County”) is considering entering into an amendment (the “Amendment”) to an existing installment financing contract (the “Contract”), in a principal amount not to exceed \$29,900,000, under which the County will make certain installment payments, in order to refinance all or a portion of certain projects undertaken by the County and the installment obligations related to the following:

(1) Limited Obligation Bonds Series 2012C and Refunding Limited Obligation Bonds, Series 2012D, the proceeds of which were used to (a) finance the acquisition of a helicopter and cardiac monitoring equipment for use by the County's Emergency Medical Services, (b) refinance the County's installment payment obligations related to Certificates of Participation, Series 2004, the proceeds of which were used to finance (i) the acquisition, construction, equipping and furnishing of Manteo Middle, (ii) the acquisition, construction, equipping and furnishing of Nags Head Elementary School and (iii) the acquisition, construction and renovation of certain other school facilities, including Manteo Elementary School, Kitty Hawk Elementary School, Hatteras Secondary School and Manteo High School, and (c) refinance the County's installment payment obligations under an installment financing contract with RBC Bank, the proceeds of which were used to finance (i) the construction, equipping and furnishing a County Senior Center, (ii) the construction and improvement of the College of the Albemarle, Roanoke Island Campus (the “Community College Project”) and (iii) the acquisition of land for public beach access;

(2) Refunding Limited Obligation Bonds, Series 2012B, the proceeds of which were used to finance (a) the construction and equipping of (i) a 14-unit T-hangar (Size 1), a three-unit executive hangar, a two-unit corporate hangar for aircraft storage only, and a transient hangar, with associated taxiways and driveways for each hangar to be located at the Dare County Regional Airport, (ii) a new justice facility on Roanoke Island, and (iii) an elementary school and (b)(i) the acquisition, construction and equipping of First Flight High School, (ii) renovation, expansion and equipping of Manteo Elementary School, (iii) renovation, expansion and equipping of First Flight Middle School, (iv) construction of a solid waste transfer station and (v) other improvements to school facilities in the County;

(3) Refunding Limited Obligation Bonds, Series 2013A, the proceeds of which were used to refinance prior installment payment obligations related to Certificates of Participation, Series 2005, the proceeds of which were used to finance acquiring, constructing, renovating, improving, equipping and furnishing certain school facilities in the County, including Manteo Elementary School, Kitty Hawk Elementary School, Hatteras Secondary School and Manteo High School;

(4) Limited Obligation Bond, Series 2014, the proceeds of which were used to finance an addition to Manteo Elementary School; and

(5) Refunding Certificate of Participation, Series 2015, the proceeds of which were used to refinance prior installment payment obligations related to Certificates of Participation, Series 2007, the proceeds of

which were used to finance (1) acquiring, constructing, equipping and furnishing a County Administrative Building, (2) acquiring certain real property in Kitty Hawk to be used for parks and recreation and the construction of improvements thereon and (3) constructing, equipping and furnishing a satellite County office facility on Hatteras Island.

To secure its obligations under the Contract, including the Amendment, the County has granted a deed of trust and security agreement (the “Deed of Trust”) under which the sites of Manteo Middle School, Nags Head Elementary School and the Community College Project are located, and the improvements thereon (the “Mortgaged Property”), have been mortgaged by the County to create a lien thereon for the benefit of the entities, or their assigns, providing the funds to the County under the Contract, including the Amendment. The Community College Project is located at 204 S. U.S. Highway 64 South Business, Manteo, North Carolina 27954. Manteo Middle School is located at 1000 N. U.S. Highway 64, Manteo, North Carolina 27954. Nags Head Elementary School is located at 3100 South Wrightsville Avenue, Manteo, North Carolina 27959.

The Contract and the Deed of Trust permit the County to enter into amendments to refinance projects and finance additional projects using the Mortgaged Property as collateral and the County may or may not grant additional collateral in connection with such amendments. On payment by the County of all installment payments due under the Contract and the Amendment, including any future amendments to finance or refinance projects, the Deed of Trust and any lien created thereunder will terminate and the County’s title to the Mortgaged Property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on April 20, 2020 at 5:00 p.m., or as soon thereafter as practicable, in the County Board of Commissioners’ Meeting Room, Administration Building, 954 Marshall C. Collins Drive, Manteo, North Carolina 27954, a public hearing will be conducted concerning the approval of the execution and delivery of the Amendment and the County’s refinancing of the projects thereby. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Amendment and the projects to be refinanced thereby. If you unable to attend the meeting in person you may leave comments through the County’s website at <https://www.darenc.com/departments/county-commissioners/meeting-information-calendar> and then select the April 20 meeting on the left side of the page or you can call 252-475-5731.

This 6th day of April, 2020
Robert Woodard, Sr., Chairman
Dare County Board of Commissioners



*MedCost Medical Insurance
FY 2020-2021*

Description

The FY 2020-2021 MedCost medical insurance rates are experiencing a 4.83% increase. All plans will remain the same with a Traditional PPO and High Deductible Health Plan paired with a Health Savings Account.

Board Action Requested

To approve the FY 2020-2021 MedCost medical insurance plans.

Item Presenter

Bobby Outten, County Manager/Attorney
Elizabeth Reilly, HR Director



COVID-19

***Families First Coronavirus Response Act: Emergency Paid Sick Leave
Families First Coronavirus Response Act: Family and Medical Leave Expansion Act***

Description

The US Department of Labor has implemented two policies under the Families First Coronavirus Response Act. Per regulations Dare County has to approve the two policies.

Board Action Requested

Approval of the new federal guidelines pertaining to Families First Coronavirus Response Act.

Item Presenter

Bobby Outten, County Manager/Attorney
Elizabeth Reilly, HR Director



FAMILIES FIRST COVID-19 CORONAVIRUS RESPONSE ACT: EMERGENCY PAID SICK LEAVE POLICY EFFECTIVE April 1, 2020

Dare County is taking proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the County's goal during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

Dare County is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

Per new federal legislation, Dare County will provide eligible employees with emergency paid sick leave under certain conditions.

Reason for Leave

You may take emergency paid sick leave if you are unable to work (or telework) because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19
2. You have been advised by your healthcare provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis
4. You are caring for someone who is subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their health care provider to self-quarantine for COVID-19 related reasons
5. You are caring for your son or daughter whose school or place of care is closed, or whose childcare provider is unavailable due to COVID-19 related reasons
6. You are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

Eligibility

- Healthcare and Emergency Responders which includes Sheriff, Detention, 911 Communications, EMS, Health, Emergency Management, Water, Sanitation/Recycling, Transfer/Landfill, Fleet Maintenance, Mosquito Control and/or others as deemed by the County Manager as necessary for services needed to limit the spread of COVID-19 are eligible for reasons 1, 2, and 3 only.
- All other employees (full-time and part-time) are eligible for all reasons.

Duration/Compensation

Employees are entitled to:

- **Full-time employees:** 75 hours or up to a maximum of 80 hours of pay at their regular pay rate. However, when caring for a family member (for reasons 4, 5, and 6 above), sick leave is paid at two-thirds the employee's regular rate.
- **Part-time employees:** Pay for the number of hours the employee works, on average, over a two-week period.

Paid leave under this policy is limited to \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, and 3 described above (generally, an employee's own illness or quarantine); and \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (care for others or school closures).

Leave Rules

- You may elect to use emergency paid sick leave before using any accrued paid leave.
- Emergency paid sick leave must be taken in full-day increments unless you are teleworking or caring for a child while school is out or child care is unavailable. Schedules must be mutually agreed upon by you, your department and Human Resources.
- No leave taken before April 1, 2020 may be credited against your emergency paid leave entitlement. In addition, emergency paid sick leave cannot be carried over after December 31, 2020.

Requesting Leave

If you need to take emergency paid sick leave, provide notice as soon as possible. Normal call-in procedures apply to all absences from work.

Retaliation

The County will not retaliate against employees who request or take leave in accordance with this policy.

Expiration

This policy expires on December 31, 2020.



FAMILIES FIRST COVID-19 CORONAVIRUS RESPONSE ACT: FAMILY AND MEDICAL LEAVE EXPANSION ACT (“EMERGENCY FMLA ACT”) POLICY EFFECTIVE April 1, 2020

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with expanded family and medical leave for specified reasons related to COVID-19.

Eligibility

- Healthcare and Emergency Responders which includes Sheriff, Detention, 911 Communications, EMS, Health, Emergency Management, Water, Sanitation/Recycling, Transfer/Landfill, Fleet Maintenance, Mosquito Control and/or others as deemed by the County Manager as necessary for services needed to limit the spread of COVID-19 are not eligible.
- All other employees (full-time and part-time) who have worked for Dare County for at least 30 days prior to the designated leave are eligible for Emergency Family and Medical Leave. Please note that this new act does not change the eligibility requirements for regular FMLA leave.

New FMLA Qualifying Reason: Lack of Child Care Due to COVID-19

The Emergency FMLA Act amends the Family and Medical Leave Act (FMLA) of 1993 by the following:

- Added a new qualifying reason that provides 12 weeks of leave when an employee is unable to work – either onsite or remotely - due to a need to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state, or local authority;
- A “childcare provider” under the Act is defined as one who provides childcare services and *receives compensation on a regular basis* for those services. It excludes the situation where a family member has been providing childcare and is no longer available.
- Leave taken under the Emergency FMLA Act is paid leave after a 10-day waiting period.
- After the 10-day period, the County is required to pay full-time employees no less than two-thirds the employee’s regular rate for the number of hours the employee would otherwise be normally scheduled. The new Act limits this pay entitlement to \$200 per day and up to \$10,000 per employee; employees who work a part-time or an irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking leave; employees who have worked for less than 6 months prior to leave are entitled to the employee’s reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.
- The regular rules under the FMLA will apply to job reinstatement. The County has the same obligation as under traditional FMLA to return any employee who has taken Emergency FMLA leave to the same or equivalent position upon the return to work.

Leave Rules

- Employees are still limited to a total of twelve weeks of FMLA leave within a 12-month period for all reasons combined.
- Employees who have already used up their FMLA allotment for the year are not entitled to emergency FMLA leave.
- As with regular FMLA leave, where the need for leave is foreseeable, employees must provide the County as much advance notice as practicable.
- Intermittent expanded family and medical leave is permitted only when you, your department and Human Resources mutually agree upon a schedule.

Requesting Leave

If you need to take emergency FMLA leave, provide notice as soon as possible. Normal call-in procedures apply to all absences from work.

Retaliation

The County will not retaliate against employees who request or take leave in accordance with this policy.

Expiration

Emergency FMLA leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020. In addition, emergency FMLA leave cannot be carried over after December 31, 2020.

Note

Provisions under the regular FMLA Act still apply and are available to employees that meet eligibility requirements as it pertains to protected leave because the employee needs to care for a spouse, child, or parent with a serious health condition, or because of the employees own serious medical condition.



Amendment to Oakley Collier Contract for the DHHS Project

Description

Attached is an amendment to the Oakley Collier architectural contract for the DHHS project for an increase of \$52,096. The amendment is for work not included in the original scope of the contract, for: designing a building & site solution for drainage issues to include site changes, underground piping, & sump pumps; a topographic survey for the drainage design; additional design for bid alternates for renovation spaces; design for data wiring replacement in spaces that are to be remodeled; and additional civil engineering for additional permitting work required by the State.

Also included in the attached amendment to the capital project ordinance is an estimate of \$5,000 for expenses as the original contract is plus expenses.

Board Action Requested

Approve amendment to the contract and authorize the Chairman to execute the same, and adopt the amendment to the capital project ordinance.

Item Presenter

David Clawson, Finance Director



AIA Document G802™ – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
Dare County DHHS Addition
Manteo, NC

AGREEMENT INFORMATION:
Date: 06/05/2019

AMENDMENT INFORMATION:
Amendment Number: 0001
Date: 03/11/2020

OWNER: *(name and address)*
Dare County
PO Box 1000
Manteo, NC 27954

ARCHITECT: *(name and address)*
Oakley Collier Architects, PA
109 Candlewood Rd
Rocky Mount, NC 27804

The Owner and Architect amend the Agreement as follows:

Additional scope of work was requested to be included in project. The work included: 1.) Reworking the existing grade and adding underground storm water piping as well as sump pump for water removal. 2.) Additional topographical survey for site continuation to allow for design of water removal. 3.) Additional Architectural add alternates for interior renovations that were not part of the original scope. 4.) Inclusion of data wiring in the new and renovated spaces, original scope provided boxes and raceways only.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:
The additional compensation requested is \$52,096.00

Schedule Adjustment:
No adjustment of time

SIGNATURES:

Oakley Collier Architects, PA
ARCHITECT *(Firm name)*

SIGNATURE

Timothy D. Oakley, Principal
PRINTED NAME AND TITLE

3/11/2020
DATE

Dare County
OWNER *(Firm name)*

SIGNATURE

Dustin Peele, Purchasing Agent
PRINTED NAME AND TITLE

3/11/2020
DATE

**County of Dare, North Carolina
Capital Project Ordinance
For Series 2020B 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 2020B Limited Obligation Bonds.

Section 1 This ordinance is to update the project budget for the Department of Health & Human Services project for an architectural contract amendment and architect expenses. This ordinance amends the capital project ordinance adopted 9/18/2017, and amended 8/6/2018, 1/22/2019, 2/4/2019, 6/3/2019, 6/17/2019, 7/15/2019, 7/16/2019, 8/5/2019, 12/2/2019, 12/16/2019, 1/21/2020, 2/4/2020, and 3/16/2020.

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

Section 3 The following appropriations are increased or (decreased) as indicated:

DHHS Project:		
Architect	615620-710900-60337	\$52,096
Architect expenses	615620-710912-60337	\$5,000

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

Debt proceeds S2020B LOBs	613090-470318-98726	\$57,096
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Section 5 After this amendment, the following amounts are budgeted for the S2020 LOBs to date:

COA	\$1,703,403	
Animal Shelter	\$6,596,988	
DHHS buildings	\$584,456	
Manteo property & renovations	\$781,959	
Buxton property	\$320,043	
EMS equipment 2020 CIP	\$1,498,316	
Total		\$11,485,165

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 6th day of April, 2020.

Chairman, Board of Commissioners

[SEAL]

Cheryl Anby, Clerk to the Board of Commissioners

Dare DHHS Project
Project Budget/Estimate

3/16/2020

<u>Source</u>	<u>Item</u>			
Oakley Collier Study	Construction	\$ 4,199,000		Bids to be opened 3/31
Oakley Collier Study	Construction contingency @ 5%	<u>209,950</u>		
			4,408,950	
AR Chesson	Stormwater drainage remediation		392,386	Chesson estimate
Contract	Architect	440,895		
Contract	Architect expenses	5,000		Estimate
Contract CO	Additional environmental permitting, scope changes for stormwater drainage, bid alternates	<u>52,096</u>		State required additional environmental work. Stormwater drainage not part of original contract
			497,991	
County	Construction testing	20,000		Need to update estimate
County	Owner costs	25,000		
County & OC	FF&E	129,378		Quote
County IT	Network wiring new and replacement	115,000		To move into GMP
County FM	Exterior door card readers	16,962		Quote for system same as existing County system
County	Permits & other	50,000		Need to get Town of Manteo fee amount
County	Owner's contingency	<u>100,000</u>		2.38% of construction
			456,340	
	Total		<u>\$ 5,755,667</u>	

Other Items to Consider or Verify:

County FM	Replace existing door hardware & lock	\$ 32,346		Included in construction? Can wait but should be done with project.
County FM	Replace existing door hardware & lock	\$ 32,346		Included in construction? Can wait but should be done with project.
County FM	Town of Manteo water/sewer impact fees	????????		Oakley Collier?Chesson to answer
County IT	Network wiring replacement	\$ 110,000		Areas with no renovations

	Account Number			Through	2/4/2020	3/16/2020	4/6/2020	Totals
Revenues								
Debt proceeds S2020 LOBS	613090	470318	98726	5,222,021	6,206,048	57,096	11,485,165	
OB SPCA Fundraising	613090	tbd	60339	-			-	
Expenditures								
COA Project								
Architect	615676	710900	60332	937,969			937,969	
Construction testing	615676	710911	60332	150,000			150,000	
Owner costs	615676	737002	60332	80,500			80,500	
Demolition & abatement	615676	737008	60332	400,000			400,000	
CMAR preconstruction service	615676	737500	60332	109,089			109,089	
Architect expenses	615675	710912	60332	10,000			10,000	
Fiber move & new install	615676	737526	60332	15,845			15,845	
								1,703,403
Animal Shelter								
Guaranteed Maximum Price	615550	737520	60339		5,872,839		5,872,839	
Architect	615550	710900	60339	230,980			230,980	
Construction testing	615550	710911	60339	14,800			14,800	
Architect additional services	615550	710912	60339	14,760			14,760	
Owner costs	615550	737002	60339	20,000	5,000		25,000	
Builders Risk	615550	735400	60339		15,000		15,000	
CMAR preconstruction service	615550	737500	60339	110,400	(110,400)		-	
FF&E and Owner Supplied	615550	737406	60339		206,023		206,023	
Fiber to building	615550	737570	60339		15,000		15,000	
Network wiring	615550	737409	60339		20,086		20,086	
Landscaping by owner	615550	tbd	60339		10,000		10,000	
Electric & other utilities	615550	737517	60339		30,000		30,000	
Sign	615550	tbd	60339		7,500		7,500	
Card readers & security system	615550	tbd	60339		15,000		15,000	
Permits & other	615550	737501	60339		10,000		10,000	
Owner's contingency	615550	750000	60339		110,000		110,000	
								6,596,988
DHHS Project								
Architect	615620	710900	60337	440,895		52,096	492,991	
Architect expenses	615620	710912	60337	-		5,000	5,000	
Construction testing	615620	710911	60337	20,000			20,000	
Owner costs	615620	737002	60337	25,000			25,000	
CMAR preconstruction service	615620	737500	60337	41,465			41,465	
								584,456
Manteo Property								
Land & building purchase	615490	737101	60340	712,338			712,338	
Renovations	615490	737006	60340	69,621			69,621	
								781,959
Buxton Property								
Land & building purchase	615490	737101	60341	320,043			320,043	
								320,043
CIP Equipment								
EMS MD Computers	615531	737437	60342	365,200			365,200	
Cardiac monitors	615531	737437	60344	1,133,116			1,133,116	
								1,498,316
				5,222,021	6,206,048	57,096	-	11,485,165
				-	-	-	-	



DHHS Social Services Division - Energy Programs Budget Amendment

Description

This is to budget the increased federal funding for the 100% federally funded Low Income Energy Assistance and Crisis Intervention Programs. There is no effect on county dollars.

Board Action Requested

Approve Amendment

Item Presenter

n/a

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019/2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<u>Department:</u>					
<u>Revenues:</u>					
St & Fed Aid - Admin	103026	423001		14,093	
 <u>Expenditures:</u>					
Low Income Energy Assistance	104611	580120		2,853	
Crisis Intervention	104611	580200		11,240	

Explanation:

This is to budget the increased federal funding for the 100% federally funded Low Income Energy Assistance and Crisis Intervention Programs. There is no effect on county dollars.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____

Allocation
Revised Budget92,187.00
89,334.00

h. BA

28,53.00

**DIVISION OF SOCIAL SERVICES****Low-Income Energy Assistance (LIEAP)**

FUNDING SOURCE: Federal Low Income Home Energy Assistance Funds

EFFECTIVE DATE: 12/01/2019

AUTHORIZATION NUMBER: 4

ALLOCATION PERIOD

FROM DECEMBER 2019 THRU MAY 2020 SERVICE MONTHS

FROM JANUARY 2020 THRU JUNE 2020 PAYMENT MONTHS

Co. No.	COUNTY	Initial (or Previous) Allocation Funding Authorization		Additional Allocation		Grand Total Allocation	
		Federal	Total	Federal	Total	Federal	Total
01	ALAMANCE	637,067.00	637,067.00	0.00	0.00	637,067.00	637,067.00
02	ALEXANDER	117,086.00	117,086.00	9,928.00	9,928.00	127,014.00	127,014.00
03	ALLEGHANY	55,094.00	55,094.00	1,986.00	1,986.00	57,080.00	57,080.00
04	ANSON	210,837.00	210,837.00	39,710.00	39,710.00	250,547.00	250,547.00
05	ASHE	121,168.00	121,168.00	7,942.00	7,942.00	129,110.00	129,110.00
06	AVERY	72,752.00	72,752.00	1,986.00	1,986.00	74,738.00	74,738.00
07	BEAUFORT	283,470.00	283,470.00	0.00	0.00	283,470.00	283,470.00
08	BERTIE	148,597.00	148,597.00	0.00	0.00	148,597.00	148,597.00
09	BLADEN	211,186.00	211,186.00	19,855.00	19,855.00	231,041.00	231,041.00
10	BRUNSWICK	433,776.00	433,776.00	0.00	0.00	433,776.00	433,776.00
11	BUNCOMBE	869,374.00	869,374.00	39,710.00	39,710.00	909,084.00	909,084.00
12	BURKE	376,319.00	376,319.00	19,855.00	19,855.00	396,174.00	396,174.00
13	CABARRUS	603,855.00	603,855.00	0.00	0.00	603,855.00	603,855.00
14	CALDWELL	365,870.00	365,870.00	5,967.00	5,967.00	371,837.00	371,837.00
15	CAMDEN	23,446.00	23,446.00	993.00	993.00	24,439.00	24,439.00
16	CARTERET	232,595.00	232,595.00	0.00	0.00	232,595.00	232,595.00
17	CASWELL	129,085.00	129,085.00	3,971.00	3,971.00	133,056.00	133,056.00
18	CATAWBA	475,439.00	475,439.00	-40,000.00	-40,000.00	435,439.00	435,439.00
19	CHATHAM	178,308.00	178,308.00	3,971.00	3,971.00	182,279.00	182,279.00
20	CHEROKEE	139,857.00	139,857.00	-57.00	-57.00	139,800.00	139,800.00
21	CHOWAN	78,359.00	78,359.00	3,971.00	3,971.00	82,330.00	82,330.00
22	CLAY	48,942.00	48,942.00	0.00	0.00	48,942.00	48,942.00
23	CLEVELAND	547,890.00	547,890.00	9,928.00	9,928.00	557,818.00	557,818.00
24	COLUMBUS	340,294.00	340,294.00	0.00	0.00	340,294.00	340,294.00
25	CRAVEN	418,256.00	418,256.00	0.00	0.00	418,256.00	418,256.00
26	CUMBERLAND	1,744,910.00	1,744,910.00	0.00	0.00	1,744,910.00	1,744,910.00
27	CURRITUCK	64,273.00	64,273.00	0.00	0.00	64,273.00	64,273.00
28	DARE	89,379.00	89,379.00	2,808.00	2,808.00	92,187.00	92,187.00
29	DAVIDSON	634,663.00	634,663.00	0.00	0.00	634,663.00	634,663.00
30	DAVIE	135,562.00	135,562.00	0.00	0.00	135,562.00	135,562.00
31	DUPLIN	297,240.00	297,240.00	9,928.00	9,928.00	307,168.00	307,168.00
32	DURHAM	1,210,732.00	1,210,732.00	0.00	0.00	1,210,732.00	1,210,732.00
33	EDGECOMBE	416,795.00	416,795.00	0.00	0.00	416,795.00	416,795.00
34	FORSYTH	1,587,027.00	1,587,027.00	19,855.00	19,855.00	1,606,882.00	1,606,882.00
35	FRANKLIN	240,431.00	240,431.00	9,928.00	9,928.00	250,359.00	250,359.00
36	GASTON	959,365.00	959,365.00	0.00	0.00	959,365.00	959,365.00
37	GATES	57,142.00	57,142.00	0.00	0.00	57,142.00	57,142.00
38	GRAHAM	45,788.00	45,788.00	5,958.00	5,958.00	51,746.00	51,746.00
39	GRANVILLE	201,405.00	201,405.00	3,971.00	3,971.00	205,376.00	205,376.00
40	GREENE	127,462.00	127,462.00	9,928.00	9,928.00	137,390.00	137,390.00
41	GUILFORD	2,229,395.00	2,229,395.00	0.00	0.00	2,229,395.00	2,229,395.00
42	HALIFAX	446,061.00	446,061.00	19,855.00	19,855.00	465,916.00	465,916.00
43	HARNETT	543,200.00	543,200.00	9,928.00	9,928.00	553,128.00	553,128.00
44	HAYWOOD	253,189.00	253,189.00	0.00	0.00	253,189.00	253,189.00
45	HENDERSON	316,474.00	316,474.00	0.00	0.00	316,474.00	316,474.00
46	HERTFORD	167,929.00	167,929.00	49,638.00	49,638.00	217,567.00	217,567.00
47	HOKE	246,477.00	246,477.00	1,986.00	1,986.00	248,463.00	248,463.00



DIVISION OF SOCIAL SERVICES

FUNDING SOURCE: CRISIS INTERVENTION PAYMENT

EFFECTIVE DATE: 07/01/2019

AUTHORIZATION NUMBER: 6

ALLOCATION PERIOD

FROM JUNE 2019 THRU MAY 2020 SERVICE MONTHS

FROM JULY 2019 THRU JUNE 2020 PAYMENT MONTHS

Allocation	95,858.00
Rev. Budget	84,618.00
	112,476.00
BA	11240.00

Co. No.	COUNTY	Initial Allocation		Additional Allocation		Grand Total Allocation	
		Federal	Total	Federal	Total	Federal	Total
01	ALAMANCE	637,067.00	637,067.00	0.00	0.00	637,067.00	637,067.00
02	ALEXANDER	119,936.00	119,936.00	14,986.00	0.00	134,922.00	134,922.00
03	ALLEGHANY	55,095.00	55,095.00	0.00	0.00	55,095.00	55,095.00
04	ANSON	248,826.00	248,826.00	59,944.00	0.00	308,770.00	308,770.00
05	ASHE	141,771.00	141,771.00	2,997.00	0.00	144,768.00	144,768.00
06	AVERY	94,971.00	94,971.00	0.00	0.00	94,971.00	94,971.00
07	BEAUFORT	283,470.00	283,470.00	0.00	0.00	283,470.00	283,470.00
08	BERTIE	155,723.00	155,723.00	0.00	0.00	155,723.00	155,723.00
09	BLADEN	206,425.00	206,425.00	0.00	0.00	206,425.00	206,425.00
10	BRUNSWICK	418,776.00	418,776.00	-25,000.00	0.00	393,776.00	393,776.00
11	BUNCOMBE	896,329.00	896,329.00	0.00	0.00	896,329.00	896,329.00
12	BURKE	430,228.00	430,228.00	0.00	0.00	430,228.00	430,228.00
13	CABARRUS	603,856.00	603,856.00	-35,000.00	0.00	568,856.00	568,856.00
14	CALDWELL	367,295.00	367,295.00	0.00	0.00	367,295.00	367,295.00
15	CAMDEN	23,446.00	23,446.00	1,873.00	0.00	25,319.00	25,319.00
16	CARTERET	232,595.00	232,595.00	0.00	0.00	232,595.00	232,595.00
17	CASWELL	124,324.00	124,324.00	0.00	0.00	124,324.00	124,324.00
18	CATAWBA	575,440.00	575,440.00	0.00	0.00	575,440.00	575,440.00
19	CHATHAM	197,641.00	197,641.00	0.00	0.00	197,641.00	197,641.00
20	CHEROKEE	105,096.00	105,096.00	-20,000.00	0.00	85,096.00	85,096.00
21	CHOWAN	78,359.00	78,359.00	0.00	0.00	78,359.00	78,359.00
22	CLAY	48,942.00	48,942.00	0.00	0.00	48,942.00	48,942.00
23	CLEVELAND	547,890.00	547,890.00	0.00	0.00	547,890.00	547,890.00
24	COLUMBUS	340,294.00	340,294.00	0.00	0.00	340,294.00	340,294.00
25	CRAVEN	418,257.00	418,257.00	0.00	0.00	418,257.00	418,257.00
26	CUMBERLAND	1,744,910.00	1,744,910.00	0.00	0.00	1,744,910.00	1,744,910.00
27	CURRITUCK	59,273.00	59,273.00	0.00	0.00	59,273.00	59,273.00
28	DARE	84,618.00	84,618.00	11,240.00	0.00	95,858.00	95,858.00
29	DAVIDSON	434,663.00	434,663.00	0.00	0.00	434,663.00	434,663.00
30	DAVIE	135,563.00	135,563.00	0.00	0.00	135,563.00	135,563.00
31	DUPLIN	292,479.00	292,479.00	0.00	0.00	292,479.00	292,479.00
32	DURHAM	1,110,732.00	1,110,732.00	0.00	0.00	1,110,732.00	1,110,732.00
33	EDGECOMBE	443,751.00	443,751.00	29,972.00	0.00	473,723.00	473,723.00
34	FORSYTH	1,587,027.00	1,587,027.00	0.00	0.00	1,587,027.00	1,587,027.00
35	FRANKLIN	281,636.00	281,636.00	18,733.00	0.00	300,369.00	300,369.00
36	GASTON	1,025,292.00	1,025,292.00	0.00	0.00	1,025,292.00	1,025,292.00
37	GATES	52,381.00	52,381.00	0.00	0.00	52,381.00	52,381.00
38	GRAHAM	48,190.00	48,190.00	7,493.00	0.00	55,683.00	55,683.00
39	GRANVILLE	201,405.00	201,405.00	-50,000.00	0.00	151,405.00	151,405.00
40	GREENE	127,462.00	127,462.00	6,369.00	0.00	133,831.00	133,831.00
41	GUILFORD	1,979,395.00	1,979,395.00	0.00	0.00	1,979,395.00	1,979,395.00
42	HALIFAX	530,017.00	530,017.00	37,465.00	0.00	567,482.00	567,482.00
43	HARNETT	543,201.00	543,201.00	0.00	0.00	543,201.00	543,201.00
44	HAYWOOD	248,427.00	248,427.00	1,499.00	0.00	249,926.00	249,926.00
45	HENDERSON	316,474.00	316,474.00	-45,000.00	0.00	271,474.00	271,474.00
46	HERTFORD	244,031.00	244,031.00	29,972.00	0.00	274,003.00	274,003.00
47	HOKE	255,027.00	255,027.00	0.00	0.00	255,027.00	255,027.00



Budget Amendment - GHSP Grant

Description

The Dare County Sheriff's Office requests the attached budget amendment for the NC GHSP seatbelt convincer and related.

Board Action Requested

Approval

Item Presenter

Sheriff J. D. "Doug" Doughtie

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019/2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<u>Department:</u>					
<u>Revenues:</u>					
Grant Proceeds - GHSP	103510	4422130	00037	45,000	
 <u>Expenditures:</u>					
Misc Equip. - GHSP PT-20-06-09	104510	513325	00037	2,800	
Travel - GHSP PT-20-06-09	104510	525100	00037	5,200	
Cap. Outlay PT-20-06-09	104510	537400	00037	37,000	

Explanation:

To budget grant proceeds and related expenditures for the GHSP grant award.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



*Dare County Tourism Board Request Consent
Expenditure from Short Term Restricted Fund Line Item 5160*

Description

Expenditure of \$50,000 for July 4th Fireworks Grant Awards:

Avon Property Owners Association \$11,838.00

Town of Kill Devil Hills \$12,831.00

Town of Manteo \$12,831.00

Town of Nags Head \$12,500.00

Board Action Requested

Consent for expenditures totaling \$50,000 for 4th of July Fireworks.

Item Presenter

Lee Nettles



Tax Collector's Report

Description

Feb 2020 Releases over \$100
Feb 2020 Refunds over \$100
Feb 2020 NCVTS Refunds over \$100

Board Action Requested

Approved

Item Presenter

Becky Huff, Tax Collector

Release Report for REAL ESTATE and PERSONAL PROPERTY

(Releases over (\$100.00))

MONTH: February

DATE RANGE: 2/1/2020 - 2/29/2020

SUBMITTED BY: Becky Huff

<u>Taxpayer Name</u>	<u>Parcel#</u>	<u>Bill Year</u>	<u>Reason</u>	<u>Released Value</u>	<u>Tax Released</u>
HOLT, LEE E	961922000	2018	Property not situs in Dare County	-15,268.00	-142.92
HOLT, LEE E	961922000	2019	Property not situs in Dare County	-15,251.00	-145.95
GILBIRD, DEREK ALAN	936263000	2019	Property not situs in Dare County	-21,000.00	-135.06
EZZO, MICHAEL JAMES	831234280	2019	Property sold in 2019	-15,475.00	-158.32
OCONELL, ANTHONY ANDREW	937327000	2019	Duplicate listing	-15,078.00	-102.26
SPECK, RONALD	937372000	2019	Duplicate listing	-18,818.00	-136.25
Total Tax Released:					-820.76

Refund Report for REAL ESTATE and PERSONAL PROPERTY

(Refunds over \$100.00)

MONTH: February **DATE RANGE:** 2/1/2020 - 2/29/2020 **SUBMITTED BY:** Becky Huff

<u>Taxpayer Name</u>	<u>Parcel</u>	<u>Bill Yr</u>	<u>Reason</u>	<u>Amount</u>
LITTLETON, ERIC L	000507111	2019	Overpayment	-541.00
OBX COTTAGES LLC	000727016	2019	Overpayment	-173.13
PERKINS, LISA C	001359000	2019	Overpayment	-140.20
PERKINS, LISA C	001359000	2019	Overpayment	-140.21
HICKLING, JEFFREY W	001858000	2019	Overpayment	-4,766.73
HAHNE, MARK D	002179000	2019	Overpayment	-1,311.09
NASH, HANNAH M	002614000	2019	Overpayment	-1,126.65
BYRD, JAMES L	006495000	2019	Overpayment	-669.30
HHR, LLC	007275000	2019	Overpayment	-4,611.95
SCHNEIDER, JOSEPH K	008164158	2019	Overpayment	-2,128.44
VENTURA, JOHNNY P	008259000	2019	Overpayment	-1,585.14
VOLK, BRIAN	009454000	2019	Overpayment	-3,119.86
SCOTT, JERELENE P	010001000	2019	Overpayment	-886.41
SCOTT, JERELENE P	010001000	2019	Overpayment	-443.20
BARRY, HOWARD SCOTT	010902000	2019	Overpayment	-3,162.89
LOUGHMILLER, JASON D	010936000	2019	Overpayment	-426.74
JAP ENTERPRISES, LLC	010937000	2019	Overpayment	-434.44
GUTMANN, JEFFREY W	012501000	2019	Overpayment	-1,896.13
GUTMANN, JEFFREY W	012554002	2019	Overpayment	-3,584.37
BELTRAMI, MARCO A	012848000	2019	Overpayment	-4,577.47
WALTERS, TAMMY E	014285002	2019	Overpayment	-376.63
INTILE, NANDI	014577000	2019	Overpayment	-191.22
BOEHMER, WILLIAM D	015843000	2019	Overpayment	-2,984.60
SHISLER, JOSEPH K JR	015918000	2019	Overpayment	-611.70
BAUM, CECELIA D	016537000	2019	Overpayment	-612.68
BAUM, CECELIA D	016537000	2019	Overpayment	-306.31
BELSCHES, LYNNE ANN MORIN	016551081	2019	Overpayment	-2,341.54
DANIELS, ROBERT J	016641000	2019	Overpayment	-928.65
SCHOMPert, CLIFFORD E	016642000	2019	Overpayment	-296.82
FARROW, DALE D	016800000	2019	Overpayment	-185.96
MEDLIN, TIMOTHY H TTEE	017354034	2019	Overpayment	-4,823.45
GROVER, LEVI K	017459000	2019	Overpayment	-1,507.53
GROVER, LEVI K	017459001	2019	Overpayment	-130.07
COLEMAN, RICHARD F	018767017	2019	Overpayment	-427.96
CULLEY, JOHN LUKE	019038000	2019	Overpayment	-790.43
KINZEL, FREDERICK WILLIAM	020904053	2019	Overpayment	-1,852.17
SHELLEY, PETER C R	020959000	2019	Overpayment	-2,609.58

Refund Report for REAL ESTATE and PERSONAL PROPERTY

(Refunds over \$100.00)

MONTH: February **DATE RANGE:** 2/1/2020 - 2/29/2020 **SUBMITTED BY:** Becky Huff

<u>Taxpayer Name</u>	<u>Parcel</u>	<u>Bill Yr</u>	<u>Reason</u>	<u>Amount</u>
DENTON, JEREMIAH A IV	021006000	2019	Overpayment	-2,012.04
CAPLIN, HAROLD H	021384000	2019	Overpayment	-1,060.19
CALLAWAY, MELODY C	023329020	2019	Overpayment	-1,608.45
SALA, BARBARA A DELLA	026379504	2019	Overpayment	-1,677.59
HUTCHERSON, CONSTANCE ELOUISE ESTATE	027504000	2019	Overpayment	-237.51
HEMKER, MICHAEL LEO	027566168	2019	Overpayment	-619.52
GALLIGAN, JOHN TIMOTHY	028462000	2019	Overpayment	-823.33
BYNUM, LUANN MONDLOCH	028557110	2019	Overpayment	-3,384.30
MCILYAR, ROBERT B TTEE	029291328	2019	Overpayment	-302.23
MARISA, KURT	029462000	2019	Overpayment	-4,951.03
ACME BOAT NC LLC	029991046	2019	Overpayment	-364.56
DOUGLAS, MICHAEL F. S. TTEE	030113000	2019	Overpayment	-4,477.81
MDH GLOBAL, LLC	7115	2019	Overpayment	<u>-125.25</u>
				-78,346.46



North Carolina Vehicle Tax System

FEB 2020 REFUNDS OVER \$100

NCVTS Pending Refund report

Report Date 3/5/2020

Payee Name	Address 1	Address 3	Bill #	Total Change			
ANGEL-FERNANDEZ, CARLOS	2109 BAY DR	KILL DEVIL HILLS, NC 27948	0040724375	(\$125.92)			
				(\$107.17)			
				\$233.09			
ATLANTIC MERCHANDISING CO	PO BOX 567	KITTY HAWK, NC 27949	0023850991	(\$68.35)			
				(\$43.62)			
				(\$5.82)			
				(\$17.45)			
\$135.24							
GARRISON, THOMAS ALLEN	PO BOX 1144	BUXTON, NC 27920	0047764578	(\$78.83)			
				(\$17.74)			
				(\$1.61)			
				(\$17.27)			
\$115.45							
HEPLER, JUANITA MIDGETTE	401 DEVON ST	MANTEO, NC 27954	0051120898	(\$202.94)	Juris	District Type	Net Change
				(\$159.76)	C99	COUNTY	(\$727.32)
				\$362.70	T07	CITY	(\$107.17)
MARTIN, TROY HARRIS	8400 NEW LONDON RD	MECHANICSVILLE, VA 23116	0049468974	(\$154.37)	T08	CITY	(\$43.62)
				(\$20.82)	T08BN	CITY	(\$5.82)
				(\$3.15)	T08MSD	CITY	(\$17.45)
				(\$33.83)	T10	CITY	(\$236.05)
				(\$26.97)	F02	FIRE	(\$17.74)
\$239.14	F06	FIRE	(\$20.82)				
SCARBOROUGH, FIELDS LEE SR	PO BOX 1691	MANTEO, NC 27954	0047232661	(\$96.91)	R01	FIRE	(\$4.76)
				(\$76.29)	S99	SPECIAL	(\$51.10)
				\$173.20	Y06	SPECIAL	(\$26.97)
TOTAL REFUNDS:				\$1258.82	TOTAL:		(\$1,258.82)



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