



## AGENDA

**TOWN OF NAGS HEAD BOARD OF COMMISSIONERS  
NAGS HEAD MUNICIPAL COMPLEX - BOARD ROOM  
WEDNESDAY, JULY 3, 2024, 9:00 A.M.**

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**A. CALL TO ORDER / MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE**

**B. ADOPTION OF AGENDA**

**C. RECOGNITION**

1. Recognition

NEW EMPLOYEE - Public Services - Facilities Maintenance Technician Kevin

McFarland - June 17, 2024

NEW EMPLOYEE - Public Services - Sanitation Equipment Operator Donnie Brown -

June 24, 2024

RECOGNITION - Town Engineer David Ryan awarded the American Society of Civil Engineers' Coasts, Oceans, Ports and Rivers Institute

- 2024 Orville T. Magoon Sustainable Coasts Award

Documents:

[7 C RECOGNITION SUMMARY.PDF](#)

**D. PUBLIC COMMENT**

**E. CONSENT AGENDA**

1. Consideration Of Budget Amendment #1 To FY 24/25 Budget

Documents:

[7 E1 BUD AMEND TO FY 24-25 SUMMARY.PDF](#)

[7 E1 BUD AMEND TO FY 24-25 WORKSHEET.PDF](#)

2. Consideration Of Tax Adjustment Report

Documents:

[7 E2 TAX ADJ REPORT SUMMARY.PDF](#)

[7 E2 TAX ADJ MSD REPORT.PDF](#)

[7 E2 TAX ADJ TOWN-WIDE REPORT.PDF](#)

3. Consideration Of Order To Collect Taxes

Documents:

[7 E3 ORDER TO COLLECT TAXES SUMMARY.PDF](#)  
[7 E3 ORDER TO COLLECT TAXES NOTICE.PDF](#)

4. Consideration Of Business License/Registration Fee Debt Release/Write-Offs

Documents:

[7 E4 BUS LIC AND REGIS FEE DEBT RELEASE SUMMARY.PDF](#)  
[7 E4 BUS LIC AND REGIS FEE DEBT RELEASE MEMO.PDF](#)

5. Approval Of Minutes

Documents:

[7 E5 MINUTES SUMMARY.PDF](#)  
[7 E5 MINUTES JUN 5 2024 BOC MINS.PDF](#)

6. Consideration Of Modifications To Consolidated Fee Schedule

Documents:

[7 E6 CFS MODIFICATION SUMMARY.PDF](#)  
[7 E6 CFS POLICE DEPT MEMO.PDF](#)  
[7 E6 CFS MODIFICATION AFFECTED PAGES.PDF](#)

7. Consideration Of Reimbursement Resolution For Workforce Housing  
and Town Campus Master Plan - Phase 1 (Fitness Facility)

Documents:

[7 E7 REIMB OR HOUSING FITNESS FACILITY SUMMARY.PDF](#)  
[7 E7 REIMB OR HOUSING FITNESS FACILITY RES.PDF](#)

8. Consideration Of Resolution Authorizing Higher Federal Micro-Purchase Thresholds

Documents:

[7 E8 MICRO PURCHASE THRESHOLDS SUMMARY.PDF](#)  
[7 E8 MICRO PURCHASE THRESHOLDS RES.PDF](#)

9. Consideration Of Interlocal Agreement With Dare County/Municipalities  
re: connection to Motorola FLEX Public Safety Software System

Documents:

[7 E9 MOTOROLA FLEX INTERLOCAL AGREE SUMMARY.PDF](#)  
[7 E9 MOTOROLA FLEX INTERLOCAL AGREEMENT - DC.PDF](#)

10. Consideration Of Amendment To MOU Between Town Of Nags Head  
and Town of Kill Devil Hills for shared Eighth Street Beach Access maintenance

Documents:

[7 E10 KDH NH EIGHTH ST RENEWAL SUMMARY.PDF](#)  
[7 E10 KDH NH EIGHTH ST ACCESS ADDENDUM.PDF](#)



11. Consideration Of Resolution Authorizing The Town Manager To Execute a contract on behalf of the Town with the State for a Coastal Storm Damage Mitigation Grant

Documents:

[7 E11 CSDM GRANT SUMMARY.PDF](#)  
[7 E11 CSDM GRANT RES.PDF](#)

#### **F. PUBLIC HEARINGS**

1. Public Hearing To Consider NC Public Beach And Coastal Waterfront Access Grant Application

Documents:

[7 F1 PH JUNE ST ACCESS COASTAL WATERFRONT GRANT SUMMARY.PDF](#)  
[7 F1 PH JUNE ST ACCESS COASTAL WATERFRONT GRANT APP.PDF](#)  
[7 F1 PH JUNE ST ACCESS COASTAL WATERFRONT GRANT PN.PDF](#)

#### **G. REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR**

1. Update From Planning Director

Documents:

[7 G1 PLANNING DIRECTOR SUMMARY.PDF](#)  
[7 G1 PLANNING DIRECTOR REPORT.PDF](#)

2. Discussion Of Accessory Dwelling Units (ADU)

Documents:

[7 G2 ADU DISCUSSION SUMMARY.PDF](#)

3. Modification To Site Plan Submitted By House Engineering, P.C. For Construction Of a four-story, 90-unit Hotel (Inn at Whalebone). The property is zoned SPD-C, Village Hotel is located within the Hotel Overlay District at 6632 W Pheasant Avenue - approved at October 2023 Board meeting

Documents:

[7 G3 WHALEBONE SITE PLAN SUMMARY.PDF](#)  
[7 G3 WHALEBONE SITE PLAN MEMO.PDF](#)

#### **H. OLD BUSINESS TABLED FROM PREVIOUS MEETINGS**

1. From May 1st Board Meeting - Discussion/Review Of Multi-Use Path Pavement Markings

Documents:

[7 H1 MUP SIGNAGE REQUEST SUMMARY.PDF](#)

2. From Feb 7th Board Meeting – Consideration Of Approval  
for Beach Nourishment Master Plan

Documents:

[7 H2 BEACH NOURISHMENT MASTER PLAN SUMMARY.PDF](#)

**I. NEW BUSINESS**

1. Committee Reports

Documents:

[7 I1 COMMITTEE REPORTS SUMMARY.PDF](#)

2. Consideration Of Amendment To Traffic Control Map Re: Bonnett Street And Wrightsville  
Avenue

Documents:

[7 I2 TCM - BONNETT-WRIGHTSVILLE NP-TAZ SUMMARY.PDF](#)

[7 I2 TCM - BONNETT-WRIGHTSVILLE NP-TAZ MEMO.PDF](#)

[7 I2 TCM - BONNETT-WRIGHTSVILLE NP-TAZ MAP.PDF](#)

[7 I2 TCM BONNETT-WRIGHTSVILLE NP-TAZ ORD.PDF](#)

**J. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

**K. ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

1. Update On Construction Of The Public Services Facility

Documents:

[7 K1 TM PUBLIC SVCS FACILITY UPDATE SUMMARY.PDF](#)

2. Town Projects - Year In Review

Documents:

[7 K2 TM PROJECTS IN REVIEW SUMMARY.PDF](#)

**L. BOARD OF COMMISSIONERS AGENDA**

1. Comr. Kevin Brinkley - Discussion Of High-Flying Kites On The Beach

Documents:

[7 L1 COMR BRINKLEY KITES ON BEACH SUMMARY.PDF](#)

[7 L1 COMR BRINKLEY KITES ON BEACH EMAILS.PDF](#)

**M. MAYOR'S AGENDA**

**N. CLOSED SESSIONS**

1. Request For Closed Session To Confer With The Board

re: matters related to attorney/client privilege, to include use of Town site at 105 W Seachase Drive, and to preserve that privilege, pursuant to GS 143-318.11(a)(3) and to discuss possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5)

Documents:

[7 N1 RCS ATTORNEY-CLIENT AND PROPERTY SUMMARY.PDF](#)

**O. OTHER BUSINESS**

**P. ADJOURNMENT**

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**5401 S. Croatan Hwy, Nags Head, NC 27959  
252-441-5508**

# Agenda Item Summary Sheet



Item No: C  
Meeting Date: July 3, 2024

**Item Title:** Recognition

**Item Summary:**

Recognition at the July 3<sup>rd</sup> Board of Commissioners meeting includes the following:

NEW EMPLOYEE – Public Services – Facilities Maintenance Technician Kevin McFarland – June 17, 2024

NEW EMPLOYEE – Public Services - Sanitation Equipment Operator Donnie Brown – June 24, 2024

RECOGNITION – Town Engineer David Ryan awarded the American Society of Civil Engineers' Coasts, Oceans, Ports and Rivers Institute - 2024 Orville T. Magoon Sustainable Coasts Award

Number of Attachments: 0

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**Specific Action Requested:**

Provided for Board recognition.

Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

Welcome and Congratulations!

Signature: Andy Garman

Date: June 26, 2024



## Agenda Item Summary Sheet

Item No: **E-1**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of Budget Amendment #1 to FY 24/25 Budget

**Item Summary:**

Attached please find Budget Amendment #1 to the FY 24/25 Budget which is provided for Board review and approval at the July 3<sup>rd</sup> Board of Commissioners meeting. Budget Amendment #1 is in accordance with the FY 24/25 Budget Ordinance, adopted at the June 5, 2024 meeting.

Number of Attachments: 1

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**Specific Action Requested:**

Request Board approval of attached Budget Amendment #1.

Submitted By: Administrative Services

Date: June 26, 2024

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**Finance Officer Comment:**

Request Board approval of attached Budget Amendment #1.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I concur with staff's request.

Signature: Andy Garman

Date: June 26, 2024



BUDGET AMENDMENT REQUEST  
FY 2024-2025

BUDGET AMENDMENT NO. 1  
Amendment 1.1  
USE OF FUNDS

SOURCE OF FUNDS

| CODE          | ACCOUNT                                               | AMOUNT        |  | CODE          | ACCOUNT                                                                  | AMOUNT        |
|---------------|-------------------------------------------------------|---------------|--|---------------|--------------------------------------------------------------------------|---------------|
| 10-434000     | <b>General Fund Revenues</b><br>CAMA Grant            | 89,313.00     |  | 10-499000     | <b>General Fund Revenues</b><br>Appropriated Fund Balance                | 111,334.00    |
| 10-430400     | Visitors Bureau Grant                                 | 60,477.00     |  |               | <b>General Fund Expenditures Facilities Maintenance</b>                  |               |
|               |                                                       |               |  | 530-577350    | Capital Outlay Improvements                                              | 38,456.00     |
| 10-430400     | <b>General Fund Revenues</b><br>Visitors Bureau Grant | 112,000.00    |  | 490-577350    | <b>General Fund Expenditures-Planning</b><br>Capital Outlay Improvements | 112,000.00    |
| TOTAL CHARGES |                                                       | \$ 261,790.00 |  | TOTAL CREDITS |                                                                          | \$ 261,790.00 |

JUSTIFICATION

Rebudget grants and capital projects in FY 24/25.  
Governor Street walkover and Whalebone Park restrooms.

ADMINISTRATIVE SERVICES 6/27/2024  
RECOMMENDED BY DATE

APPROVED BY BOC: DATE

POSTED TO GENERAL LEDGER:

INITIALS



## Agenda Item Summary Sheet

Item No: **E-2**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of Tax Adjustment Reports

**Item Summary:**

Attached please find the list of adjustments to the 2023 Tax Levy (per information received from Dare County) for the monthly Property and MSD valuations.

These reports are submitted for your approval at the July 3<sup>rd</sup> Board of Commissioners meeting.

Number of Attachments: 2

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**Specific Action Requested:**

Tax reports provided for Board review and approval.

Submitted By: Linda Bittner, Tax Collector

Date: June 26, 2024

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**Finance Officer Comment:**

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I concur with staff.

Signature: Andy Garman

Date: June 26, 2024

**Town of Nags Head, North Carolina**  
**Schedule of Ad Valorem 2023-2024 Taxes Receivable**  
**2023 Tax Levy As of June 26, 2024 for the July 3, 2024 BOC Mtg**

|                                                                           | BEACH NOURISHMENT DISTRICT |                     |                     |                                               |                                 |
|---------------------------------------------------------------------------|----------------------------|---------------------|---------------------|-----------------------------------------------|---------------------------------|
|                                                                           | MSD<br>Valuation           | Rate                | Total<br>Levy       | MSD Excluding<br>Registered<br>Motor Vehicles | Registered<br>Motor<br>Vehicles |
| <b>Original MSD Levy:</b>                                                 |                            |                     |                     |                                               |                                 |
| MSD Beach Nourishment at Current 2023 Dist 1 Rate                         | 578,093,598                | 0.00143             | 826,674.06          | 826,674.06                                    |                                 |
| MSD Beach Nourishment at current 2023 Dist 2 Rate                         | 473,945,007                | 0.00143             | 677,741.67          | 677,741.67                                    |                                 |
| MSD Beach Nourishment at Current 2023 Dist 3 Rate                         | 1,053,729,707              | 0.00005             | 52,687.93           | 52,687.93                                     |                                 |
| MSD Beach Nourishment at Current 2023 Dist 4 Rate                         | 665,352,580                | 0.00010             | 66,535.07           | 66,535.07                                     |                                 |
| MSD Beach Nourishment at Current 2023 Dist 6 Rate                         | 374,308,126                | 0.00005             | 18,716.25           | 18,716.25                                     |                                 |
| Registered Motor Vehicles at Current 2023 Dist 1 Rate                     | 1,644,947                  | 0.00143             | 2,352.30            |                                               | 2,352.30                        |
| Registered Motor Vehicles at Current 2023 Dist 2 Rate                     | 1,939,243                  | 0.00143             | 2,773.14            |                                               | 2,773.14                        |
| Registered Motor Vehicles at Current 2023 Dist 3 Rate                     | 5,421,212                  | 0.00005             | 271.07              |                                               | 271.07                          |
| Registered Motor Vehicles at Current 2023 Dist 4 Rate                     | 4,468,605                  | 0.00010             | 446.91              |                                               | 446.91                          |
| Registered Motor Vehicles at Current 2023 Dist 5 Rate                     | 417,625                    | 0.00000             | 0.00                |                                               | 0.00                            |
| Registered Motor Vehicles at Current 2023 Dist 6 Rate                     | 3,439,622                  | 0.00005             | 168.93              |                                               | 168.93                          |
| Registered Motor Vehicles at 2022 Dist 1 Rate                             | 272,667                    | 0.00143             | 389.90              |                                               | 389.90                          |
| Registered Motor Vehicles at 2022 Dist 2 Rate                             | 354,796                    | 0.00143             | 507.37              |                                               | 507.37                          |
| Registered Motor Vehicles at 2022 Dist 3 Rate                             | 1,312,015                  | 0.00005             | 65.65               |                                               | 65.65                           |
| Registered Motor Vehicles at 2022 Dist 4 Rate                             | 899,152                    | 0.00010             | 89.99               |                                               | 89.99                           |
| Registered Motor Vehicles at 2022 Dist 5 Rate                             | 59,870                     | 0.00000             | 0.00                |                                               | 0.00                            |
| Registered Motor Vehicles at 2022 Dist 6 Rate                             | 1,159,114                  | 0.00005             | 58.00               |                                               | 58.00                           |
| Registered Motor Vehicles at 2021 rate                                    | 22,000                     | 0.00143             | 5.28                |                                               | 5.28                            |
| Penalties                                                                 |                            |                     | 0.00                |                                               |                                 |
| <b>Total</b>                                                              | <b>3,166,839,886</b>       |                     | <b>1,649,483.52</b> | <b>1,642,354.98</b>                           | <b>7,128.54</b>                 |
| <b>Discoveries &amp; Adjustments:</b>                                     |                            |                     |                     |                                               |                                 |
| Current year discoveries & adjustments                                    | 8,221                      |                     | 7.64                | 7.64                                          |                                 |
| <b>Total</b>                                                              | <b>8,221</b>               |                     | <b>7.64</b>         | <b>7.64</b>                                   |                                 |
| <b>Releases &amp; Adjustments:</b>                                        |                            |                     |                     |                                               |                                 |
| DMV Current year valuation adjustments                                    | 0                          |                     | 0.00                | 0.00                                          | 0.00                            |
| DMV Current year tax releases                                             | 0                          |                     | (0.12)              | 0.00                                          | (0.12)                          |
| Real/Personal Current year releases & adjustments<br>and circuit breakers | 127,576                    |                     | (102.61)            | (102.61)                                      | Dist.3&6                        |
| <b>Total</b>                                                              | <b>127,576</b>             |                     | <b>(102.73)</b>     | <b>(102.61)</b>                               | <b>(0.12)</b>                   |
| <b>Write-offs (under \$1.00) or Adjustments:</b>                          |                            |                     | 0.00                | 0.00                                          |                                 |
| <b>Total MSD Valuation</b>                                                | <b>3,166,975,682</b>       |                     |                     |                                               |                                 |
| <b>Net levy</b>                                                           |                            | <b>1,649,388.43</b> |                     | <b>1,642,260.01</b>                           | <b>7,128.42</b>                 |
| <b>TOTAL UNCOLLECTED MSD AS OF 06/26/24:</b>                              |                            | <b>(10.00)</b>      |                     | <b>(10.00)</b>                                | <b>0.00</b>                     |
| <b>CURRENT YEAR MSD COLLECTED:</b>                                        |                            | <b>1,649,378.43</b> |                     | <b>1,642,250.01</b>                           | <b>7,128.42</b>                 |
| <b>CURRENT MSD COLLECTION PERCENTAGE:</b>                                 |                            | <b>99.999%</b>      |                     | <b>99.999%</b>                                | <b>100.000%</b>                 |



**Town of Nags Head, North Carolina**  
**Schedule of Ad Valorem 2023-2024 Taxes Receivable**  
**2023 Tax Levy As of June 26, 2024 for the July 3, 2024 BOC Mtg**

|                                                   | Town-Wide Tax        |                      |                      | Total Levy                                   |                           |
|---------------------------------------------------|----------------------|----------------------|----------------------|----------------------------------------------|---------------------------|
|                                                   | Property Valuation   | Rate                 | Total Levy           | Property Excluding Registered Motor Vehicles | Registered Motor Vehicles |
| <b>Original levy:</b>                             |                      |                      |                      |                                              |                           |
| Property taxed at current 2023 rate               | 3,057,530,927        | 0.003300             | 10,089,869.38        | 10,089,869.38                                |                           |
| Registered Motor Vehicles at current 2023 rate    | 44,921,573           | 0.003300             | 148,224.45           |                                              | 148,224.45                |
| Registered Motor Vehicles at 2022 year's rate     | 13,000,156           | 0.002875             | 37,375.45            |                                              | 37,375.45                 |
| Registered Motor Vehicles at 2021 year's rate     | 102,612              | 0.002875             | 295.01               |                                              | 295.01                    |
| Penalties                                         | 0                    |                      | 7,355.82             | 7,355.82                                     |                           |
| <b>Total</b>                                      | <b>3,115,555,268</b> |                      | <b>10,283,120.11</b> | <b>10,097,225.20</b>                         | <b>185,894.91</b>         |
| <b>Discoveries &amp; Adjustments:</b>             |                      |                      |                      |                                              |                           |
| Current year discoveries & adjustments tax        | 1,837,704            |                      | 5,032.44             | 5,032.44                                     |                           |
| Town wide beach nourishment tax                   |                      |                      | 463.16               | 463.16                                       |                           |
| Corporate Utilities discoveries & tax             | 22,654,828           |                      | 69,097.22            | 69,097.22                                    |                           |
| Corporate Utilities town wide beach nourishment   |                      |                      | 5,663.71             | 5,663.71                                     |                           |
| Penalty Discoveries                               |                      |                      | 1,746.31             | 1,746.31                                     |                           |
| <b>Total</b>                                      | <b>24,492,532.00</b> |                      | <b>82,002.84</b>     | <b>82,002.84</b>                             |                           |
| <b>Releases &amp; Adjustments:</b>                |                      |                      |                      |                                              |                           |
| Current year releases/adjustments/circuit breaker | (2,053,128)          |                      | (7,629.60)           | (6,754.59)                                   | (875.01)                  |
| Town wide beach nourishment/circuit breaker       |                      |                      | (472.60)             | (472.60)                                     |                           |
| Penalty Releases                                  |                      |                      | (1,453.65)           | (1,453.65)                                   |                           |
| <b>Total</b>                                      | <b>(2,053,128)</b>   |                      | <b>(9,555.85)</b>    | <b>(8,680.84)</b>                            | <b>(875.01)</b>           |
| <b>Write-offs (under \$1.00) or Adjustments:</b>  |                      |                      | (4.13)               | (4.13)                                       |                           |
| <b>Total Property Valuation</b>                   | <b>3,137,994,672</b> |                      |                      |                                              |                           |
| <b>Net levy</b>                                   |                      | <b>10,355,562.97</b> |                      | <b>10,170,543.07</b>                         | <b>185,019.90</b>         |
| Uncollected Taxes & Penalties                     |                      | (2,197.43)           |                      | (2,197.43)                                   | 0.00                      |
| Uncollected Town Wide Beach Nourishment           |                      | (172.39)             |                      | (172.39)                                     | 0.00                      |
| <b>TOTAL UNCOLLECTED TAXES AS OF 06/26/24:</b>    |                      | <b>(2,369.82)</b>    |                      | <b>(2,369.82)</b>                            | <b>0.00</b>               |
| <b>CURRENT YEAR TAXES COLLECTED:</b>              |                      | <b>10,353,193.15</b> |                      | <b>10,168,173.25</b>                         | <b>185,019.90</b>         |
| <b>CURRENT LEVY COLLECTION PERCENTAGE:</b>        |                      | <b>99.977%</b>       |                      | <b>99.977%</b>                               | <b>100.000%</b>           |



## Agenda Item Summary Sheet

Item No: **E-3**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of Order to Collect Taxes

**Item Summary:**

Attached please find the Order to Collect Taxes for Board consideration. This direction is given to the Tax Collector each year.

Number of Attachments: 1

**Specific Action Requested:**

Provided for Board consideration on July 3<sup>rd</sup>.

Submitted By: Administration

Date: June 26, 2024

**Finance Officer Comment:**

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

I concur with staff.

Signature: Andy Garman

Date: June 26, 2024

**Benjamin Cahoon**  
Mayor

**Michael Siers**  
Mayor Pro Tem

**Andy Garman**  
Town Manager



**Town of Nags Head**

Post Office Box 99  
Nags Head, NC 27959  
Telephone 252-441-5508  
Fax 252-441-0776  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**Kevin Brinkley**  
Commissioner

**Bob Sanders**  
Commissioner

**Megan Lambert**  
Commissioner

**ORDER TO TAX COLLECTOR**

State of North Carolina / Town of Nags Head

To the Tax Collector of the Town of Nags Head:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth for the tax year 2024 plus all delinquent taxes from tax years 2015 to 2023. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Nags Head, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 3rd day of July 2024.

Attest

\_\_\_\_\_  
Town Clerk, Town of Nags Head

\_\_\_\_\_  
Mayor, Town of Nags Head



## Agenda Item Summary Sheet

Item No: **E-4**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of Business License and Registration Fee debt release

**Item Summary:**

Attached please find a list of businesses for license/registration fee release as well as a memo from Tax Collector Linda Bittner. This report is provided for the Board's information and is in accordance with Town Code Sec. 12-33 Releases (below).

Sec. 12-33 - Releases. If it is determined that upon the issuance date of a renewal license or registration the business has been discontinued, the finance director may release a tax of less than \$100.00. The tax collector shall annually report to the board of commissioners releases made pursuant to this section and the tax collector's annual report shall be recorded in the minutes of the board of commissioners. This report will be included with the annual request to the board to write off uncollectible accounts pursuant to section 12-32.

Number of Attachments: 1

**Specific Action Requested:**

Provided for Board information for those businesses more than three years in debt. The total amount for release is \$575.

Submitted By: Linda Bittner, Tax Collector

Date: June 26, 2024

**Finance Officer Comment:**

Every effort has been made to collect this debt; I concur with the Tax Collector's request to release this debt in the amount of \$575.

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

I concur with staff.

Signature: Andy Garman

Date: June 26, 2024



**Administrative Services**  
Finance

**Town of Nags Head**

Post Office Box 99  
Nags Head, North Carolina 27959  
Telephone 252-441-5508  
Fax 252-441-4680  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**Amy Miller**  
Finance Officer

To: Mayor and Commissioners  
From: Linda Bittner, Tax Collector  
Date: July 3, 2024  
Subject: Business License and Registration Fee Debt Owed More Than Three Years

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As per section 12-33 of the Town of Nags Head Code of Ordinances (copy attached), the current outstanding balance that was released for businesses that were no longer active in the Town of Nags Head for the year 2021 is as follows (list of businesses attached):

|                                          |           |
|------------------------------------------|-----------|
| 2021 Business Licenses/Registration Fees | \$ 575.00 |
|------------------------------------------|-----------|

## Sec. 12-32. - Collection of deficiency or delinquent taxes.

- (a) The tax collector may use any of the following methods to collect a deficiency or delinquent taxes:
  - (1) A civil penalty with subsection 1-6(c);
  - (2) Equitable relief in accordance with subsection 1-6(d);
  - (3) The remedies of levy and sale and attachment and garnishment, in accordance with G.S. 160A-207;
  - (4) The remedies of levy and sale of real and personal property of the taxpayer within the town in accordance with the provisions of G.S. 105-109.
- (b) Any person who commences or continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of five percent each 30 days, imposed by G.S. 105-109.
- (c) Any business/privilege license or registration invoice older than three years, regarding a business that the town no longer regards as active, may be removed from the list of receivable accounts in the town's financial statement. At least annually, the tax collector will present the board of commissioners with a list of uncollectible accounts, requesting the board's approval for a formal write-off of such accounts. The town will use all available means to collect these accounts to include but not be limited to: bank attachment and payroll garnishment where applicable, debt set-off, etc.

(Ord. No. 15-07-025, Pt. I, 7-1-2015; Ord. No. 16-07-018, Pt. I, 7-6-2016; Ord. No. 18-11-016, Pt. I, 11-7-2018)

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## Sec. 12-33. - Releases

If it is determined that upon the issuance date of a renewal license or registration the business has been discontinued, the finance director may release a tax of less than \$100.00. The tax collector shall annually report to the board of commissioners releases made pursuant to this section and the tax collector's annual report shall be recorded in the minutes of the board of commissioners. This report will be included with the annual request to the board to write off uncollectible accounts pursuant to section 12-32.

(Ord. No. 15-07-025, Pt. I, 7-1-2015; Ord. No. 16-07-018, Pt. I, 7-6-2016; Ord. No. 18-11-016, Pt. II, 11-7-2018)



## 2021 BUSINESS REGISTRATIONS RELEASED

| Customer # | Customer Name                      | Property ID | Property Location       | Category | Bill Year | Bill # | Billings |
|------------|------------------------------------|-------------|-------------------------|----------|-----------|--------|----------|
| 30341      | ABODE RESTORATION                  | ABODE200    | 152 THE DOGWOODS        | 55       | 2021      | 2404   | \$25.00  |
| 20836      | AFFORDABLE FRAMING, LLC            | AFFOR200    | 503 S CROATAN HWY, STE  | 55       | 2021      | 2410   | \$25.00  |
| 20450      | AMERICAN HOME IMPROVEMENTS & ROOFI | AMERI200    | 171 S SPOT ROAD         | 55       | 2021      | 2423   | \$25.00  |
| 10087      | ATLANTIC CARPET CLEANING OBX       | ATLAN020    | 5138 THE WOODS RD       | 55       | 2021      | 2431   | \$25.00  |
| 21108      | BISTRAM CONTRACTING INC            | BISTR200    | 5129 LULLABY LANE       | 55       | 2021      | 2460   | \$25.00  |
| 30166      | BROWN, CAMERON                     | BROWN201    | 2011 PHOEBUS ST         | 55       | 2021      | 2479   | \$25.00  |
| 10255      | CLARK, LEE                         | CLARK040    | 4802 PALMER DR          | 55       | 2021      | 2506   | \$25.00  |
| 30364      | CLARK, CRAIG                       | CLARK200    | 119 MICHAEL ST          | 55       | 2021      | 2505   | \$25.00  |
| 30340      | DESTRO, RUSSELL                    | DESTRO200   | 200 E BONNETT STREET    | 55       | 2021      | 2547   | \$25.00  |
| 20180      | HERBIN, KEVIN                      | HERBIN200   | 205 ATLAS STREET        | 55       | 2021      | 2634   | \$25.00  |
| 10581      | FCX PERFORMANCE                    | INSTR010    | 10525 GRANITE ST C      | 55       | 2021      | 2581   | \$25.00  |
| 20730      | JOHNSON HOME SERVICES              | JOHNS201    | 504 HOLLY ST            | 55       | 2021      | 2669   | \$25.00  |
| 21036      | MCANDREWS, DENNIS                  | MCAND200    | 510 LOBLOLLY CT         | 55       | 2021      | 2703   | \$25.00  |
| 10793      | NORMAL MAINTENANCE                 | NORMA010    | 326 TERN COURT KDH NC   | 55       | 2021      | 2746   | \$25.00  |
| 30151      | OBX DECK AND FENCE                 | OBXDE200    | 24 EIGHTH AVE           | 55       | 2021      | 2754   | \$25.00  |
| 10895      | PEG LEG PETE'S                     | PEGLE010    | 3009 S WRIGHTSVILLE AVE | 55       | 2021      | 2813   | \$25.00  |
| 20115      | RADEGAST PAINTING AND OBX COATING  | RADEG200    | 408 HOLLY STREET        | 55       | 2021      | 2836   | \$25.00  |
| 20149      | RINALDI CONSTRUCTION               | RINAL200    | 300 SUFFOLK STREET      | 55       | 2021      | 2853   | \$25.00  |
| 30474      | ROANOKE CARE & REPAIR LLC          | ROANO201    | 105 LIBBS WAY           | 55       | 2021      | 2855   | \$25.00  |
| 30158      | RR&R CONSTRUCTION                  | RR&RC200    | 503 BURNS DR            | 55       | 2021      | 2860   | \$25.00  |
| 11144      | SYSCO FOOD SERVICES OF HAMPTON     | SYSCO010    | 7000 HARBOUR VIEW BLV   | 55       | 2021      | 2921   | \$25.00  |
| 11168      | THREE SEAS, INC.                   | THREE010    | 355 SIR CHANDLER DR     | 55       | 2021      | 2942   | \$25.00  |
| 21013      | TRUE TRIM                          | TRUET200    | 3049 MAIN STREET EXT    | 55       | 2021      | 2956   | \$25.00  |

\$575.00



## Agenda Item Summary Sheet

Item No: **E-5**  
Meeting Date: **July 3, 2024**

**Item Title:** Approval of minutes from Board of Commissioners meetings/workshops

**Item Summary:**

Attached for Board review and approval are the following DRAFT Board of Commissioners meeting minutes:

June 5, 2024 Regular Board of Commissioners meeting

Number of Attachments: 1

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**Specific Action Requested:**

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk

Date: June 26, 2024

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**Finance Officer Comment:**

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

N/A

Signature: Andy Garman

Date: June 26, 2024





***DRAFT* MINUTES  
TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, JUNE 5, 2024**

The Nags Head Board of Commissioners met at the Board Room located at 5401 S Croatan Highway, Nags Head, North Carolina on Wednesday, June 5, 2024 at 9:00 a.m. for a Regular Meeting.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Kevin Brinkley; Comr. Bob Sanders; and Comr. Megan Lambert

Board members Absent: None

Others present: Town Manager Andy Garman; Attorney John Leidy; Amy Miller; Kelly Wyatt; David Ryan; Perry Hale; Randy Wells; Chad Motz; Nancy Carawan; Joe Costello; Lily Nieberding; Greg Daisey; Kevin Goudy; Linda Bittner; Brittany Phillips; Roberta Thuman; Bob Muller; Carole Muller; Gary Gray; Wally Gray; Terry Gray; Anna Sadler; Meade Gwinn; Megan Vaughan; Jim Morris; Ann-Cabell Baum; and Town Clerk Carolyn F. Morris

**CALL TO ORDER**

Mayor Cahoon called the meeting to order at 9 a.m. He recognized former Nags Head Comr. Anna Sadler, former Nags Head Mayor Bob Muller, and Kill Devil Hills Comr. Terry Gray in the audience. A moment of silence was followed by the Pledge of Allegiance.

**ADOPTION OF AGENDA**

MOTION: Mayor Pro Tem Siers made a motion to approve the June 5<sup>th</sup> agenda as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

**RECOGNITION**

**INTRODUCTION OF LIFEGUARDS**

Ocean Rescue Director Chad Motz introduced the 2024 summer season lifeguards via video presentation. Each lifeguard introduced themselves; the video was well received by Board members as well as the audience. Board members thanked Director Motz for the presentation and wished for a safe summer season.

NEW EMPLOYEE - Public Services Director Nancy Carawan introduced new Sanitation Equipment Operator Kevin Goudy who was welcomed by the Board to Town employment.

NEW EMPLOYEE - Planning Director Kelly Wyatt introduced new Planner Greg Daisey who was welcomed by the Board to Town employment.

TWENTY YEARS – Planning Director Kelly Wyatt recognized Permitting Coordinator Lily Nieberding who was congratulated by the Board for twenty years of service.

PRESENTATION – Finance Officer/Dep Town Manager Amy Miller introduced Tax Collector Linda Bittner who was recognized as having recently been awarded Outstanding Tax Collector of 2024 by the NC Tax Collectors' Association. She was congratulated by the Board on this award which was noted is usually awarded to counties and not towns.

## **PRESENTATION – 2024 Town Lightkeeper and Nags Head Awards**

### 2024 Town Lightkeeper

Mayor Cahoon summarized the history behind the Lightkeeper award – he then recognized Bob Muller as the 2024 Town Lightkeeper who joined the list of Town Lightkeepers which began in 2000 with Carl Nunemaker.

Mayor Cahoon spoke the following about the Nags Head Lightkeeper and Mr. Bob Muller:

"The Nags Head Lightkeeper award was developed to honor persons who have shaped the image and direction of Nags Head, making significant contributions to the Town through their time, actions, talents, and dedication. Nominees are to be outstanding individuals who have been involved in community service such as boards, commissions, task forces, agencies, volunteer organizations or community groups (formal and informal, of all kinds) and shall have demonstrated a sustained commitment to our community. They are to be perceived by the citizens of Nags Head as leaders who may have been active in local, county, or state government. Nominees may have served to influence decision-making on issues and may demonstrate, through their civic involvement, how the quality of life in their community has been enhanced. They may also have been engaged in the arts or commerce in such a way that they have elevated the profile of Nags Head. Or they may have been involved in the development of events (festivals, parades, shows, etc.) which celebrate the town.

'This year's nominee is all of these things and more. Their service on this Board and leadership of the Town is noteworthy, and many citizens still look to them for leadership. Long since out of office, they continue to serve our community in a myriad of ways, with enhancement of the community always on their mind, expressed in their phone calls, correspondence, appearances, and across various forms of media. And their service to the visual, literary, and performing arts is virtually equal to their service to the town.

'Dedicated to environmental protection, our nominee played a central role in creating the Town's Todd D. Krafft Septic Health Initiative, chairing the Town's first Septic Health Initiative Task Force. In 2005 he was inducted into the Steve Steinbeck Onsite Water Protection Hall of Fame which recognizes a select group of individuals who have upon their own initiative performed above and beyond normal expectations.

'Bob Muller graduated from the Westtown School in Westtown, PA with a Bachelors Degree in Political Economics from Williams College in 1973. He and his wife moved to Nags Head in 1977 and are long time residents of Nags Head Cove. As we all know, he was long time Postmaster and as some will remember, a part-time DJ. Prior to becoming a Nags Head Commissioner, and later the Town's mayor from 2001 – 2005, Bob served on our Planning Board and Board of Adjustment. And he has served or continues to serve numerous community organizations over the last 37 or so years including the Don & Catherine Bryan Cultural Series, the Outer Banks Community Foundation, the Outer Banks Community Development Corporation, the Nature

Conservancy at Nags Head Woods, the Friends of Jockey's Ridge, the Duke University Nonprofit Management Program, the Policy Committees for the North Carolina League of Municipalities, and the Nags Head Firemen's Relief Fund Board.

'The Nags Head 2024 Lightkeeper is the honorable Bob Muller, who is here with his wife to accept the award.'

Board members congratulated Mr. Muller and then participated in a photo with him and his wife Carole.

#### 2024 Nags Header

Mayor Cahoon summarized the history behind the Nags Header award – he then awarded Lillie Daniels "Doll" Gray the 2024 Nags Header award who joined the list of those who have received the award which began in 2005 with Nellie Myrtle Midgette Pridgen.

Mayor Cahoon spoke the following about the Nags Header Award and Ms. Doll Gray:

'The Nags Header award recognizes a special individual, since deceased, who contributed over a period of years to the development of the Town. Nominations may include former residents of the town as well as non-resident business owners who have helped shape the image and direction of the Town of Nags Head. Lillie Daniels "Doll" Gray was such a person. Ms. Gray died on August 6, 2023 at the age of 94. A true local Banker, with deep roots, she was born Lillie Daniels, in Wanchese. She was the great-granddaughter of Peter Gallop, the longest-serving lightkeeper of the Bodie Island Lighthouse.

'Ms. Doll was one-time owner-operator of a crab house near the Manteo bridge, and later the owner of Snow Bird Drive-In, which is still in operation today. She was very active in her community, serving for 17 years as Nags Head Postmaster. For a time, on her watch, just about every newborn in Nags Head was weighed at the Nags Head Post Office.

'She continued to serve her community, being elected to the Nags Head Board of Commissioners from 1989 to 1997 and serving a stint as Mayor Pro Tem. In 2007, Doll received the Nags Head Lightkeeper Award. Ms. Doll was a founding member of the Ark Church, where she faithfully attended until her illness no longer allowed.

'The nomination form for this award repeatedly cites her profound knowledge of all things Nags Head, her willingness to share her knowledge (about seafood, postal operations, Nags Head history, and many other topics) and her ever-present smile and pleasant disposition.

'As a Nags Head Commissioner, I understand that Doll Gray was from time to time a stabilizing voice of reason. When Board actions might have taken a precipitous turn, it was Ms. Doll who favored patience and a wait and see attitude. As a Mayor, I would have appreciated that!

'As I suspect her sons, her boys, might also attest, she was an old-school fiscal conservative. Her first two years on the Board, she voted against the budget. Not for a specified reason, just "nay". My suspicion is that whatever good she thought government might do, it was hard to vote to spend that much money.

'But it is thanks to Commissioner Doll Gray that Nags Head has fireworks on the Fourth of July. One year during her first term, the July meeting fell after July 4<sup>th</sup>. Ms. Doll said that she had really enjoyed the Manteo fireworks, and that Nags Head should have a show. The Board fell in behind her, and \$20,000 was allocated. The following July Police Chief Charlie Cameron hired Boom-Boom Zambelli, and the rest is history.

'This year the Nags Header award, which recognizes deceased individuals who have shaped the culture of Nags Head since its incorporation in 1961, honors Lillie Daniels "Doll" Gray. Her "boys", Wally, Terry, and Gary, are here to accept the award on behalf of their mother.'

Board members participated in a photo with Doll Gray's sons, Wally, Terry, and Gary who accepted the award on their mother's behalf.

## **PUBLIC COMMENT**

Town Attorney John Leidy opened Public Comment at 9:33 a.m.

### **PUBLIC COMMENT – ANN CABELL-BAUM**

Ann Cabell-Baum stated that she was one of Carolista Baum's children who ran home to tell her mother that a bulldozer operator was behind the sand dunes – that began the movement to save Jockey's Ridge from development for everyone to enjoy; next summer Jockey's Ridge State Park celebrates its 50<sup>th</sup> birthday with a four-day celebration; she asked the Board to save the dates of June 5 – 8, 2025 and to please participate and to continue to support efforts to keep the park and to save the sand dunes.

### **PUBLIC COMMENT – BOB MULLER**

Bob Muller displayed an image on the screen of a silk screen done in the 1973-1974 timeframe which now hangs in the Mayor's office – this was the first piece of art added to the Town's art collection; it was given to the Town to show its support of Jockey's Ridge State Park; they were told at that time that Jockey's Ridge would never be a state park; a celebration of the park's anniversary, which opened up in 1975, is scheduled for June of 2025; he asked the Board to support the 50<sup>th</sup> celebration with a financial allocation and participation in the events.

### **PUBLIC COMMENT – ANNA SADLER**

Anna Sadler stated that in 1968 it was an awesome sight to see the sand dunes from her oceanfront house; Carolista Baum should be thanked and celebrated for what she did to save the dunes which became Jockey's Ridge State Park. She also wanted to thank Town staff, specifically the Public Works Dept as they go above and beyond in their jobs; she noted that from October to the end of April if you put out your debris in the right-of-way, the Town will pick it up. Other areas do not do this and she is thankful that Nags Head does; this year the Town went an additional month picking up debris.

There being no one else present who wished to speak, Attorney Leidy concluded Public Comment at 9:43 a.m.

Mayor Cahoon thanked Ms. Sadler for her kind words of the Public Works Dept.

## **CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Consideration of Budget Amendment #12 to FY 23/24 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- (May 1, 2024 Regular Session; May 21, 2024 Recessed Session; May 21, 2024 Budget Workshop)
- Annual write-off of uncollectible water accounts
- Request approval of Moffat & Nichol and McKim & Creed proposals to conduct annual beach monitoring survey and analysis
- Consideration of Personnel Policy update
- Consideration of change order for dune grass planting as part of Coastal Storm Damage Mitigation Grant
- Request for Public Hearing to consider NC Public Beach and Coastal Waterfront Access grant application

MOTION: Mayor Pro Tem Siers made a motion to approve the Consent Agenda as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

Budget Amendment #12, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

The Tax Adjustment Report, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

Annual write-off of uncollectible water accounts - The agenda summary sheet re: the annual write-off, as approved, read in part as follows:

"There are no water account write-offs for FY23/24. In the past 12 months (5/26/23 - 5/25/24) the total water utility sales were \$4,099,874.31"

The Moffat & Nichol and McKim & Creed proposals to conduct annual beach monitoring survey and analysis, as approved, read in part as follows:

"Annually, the Town subcontracts surveying and engineering services to perform an annual beach condition survey and engineering data analysis in accordance with the Town's Beach Monitoring & Maintenance Plan. The survey scope of work includes the base project data acquisition of 126 profiles in conjunction with additional transect information data acquisition north of the project area, south of the project area and within reaches 3 and 4. The additional data acquisition was authorized to be added to the work plan in June 2020.

'A fee proposal in the amount of **\$69,000** has been submitted by McKim & Creed to complete the base bid work in addition to options 1, 2, and 3. The fees have increased by \$2,750.00 from FY 23/24. Field data acquired by McKim & Creed will be provided to the coastal engineer, Moffat & Nichol, and will be analyzed to review annual shoreline changes, annual volume changes, project performance, background erosion rates, dune behavior and evaluation of long-term trends. This information will be synthesized into a report format and submitted to the Town by mid-September.

'A fee proposal, Task 17.1, in the amount of **\$63,485** for the monitoring and analysis has been submitted by Moffat & Nichol to analyze the annual survey data and report preparation. The fee for task 17.1 has increased by \$6,366 from FY 23/24. Optional Tasks 17.2 and 17.3 have been included in the fee proposal and will only be authorized by the Town in the case of a federally declared storm event.

'Staff recommends acceptance of the total scope of work presented in the McKim & Creed fee proposal and acceptance of Task Order 17.1 of the Moffat & Nichol Proposal. If the Board of Commissioners is in agreement with the staff recommendation, a motion will be in order to authorize the Town Manager to execute contracts for McKim & Creed, Town of Nags Head Beach Monitoring Surveys, Summer 2024 and the Moffat & Nichol Town of Nags Head 2024 Beach Monitoring and Analysis, Task 17.1."

The Personnel Policy update from the agenda summary sheet, as approved, read in part as follows:

"Staff recommends updating the Limitation to the Employment of Relatives policy that allows the town manager to make an exception to this policy in unique circumstances. For example, this revision would allow the town manager to approve members of the same family to work in the same department under limited circumstances. For example, this would include family members working in an intermittent/part-time position (approximately

1-2 days month) in the fire department, or to be hired seasonally as Ocean Guards. Under no circumstances would this create a situation where a family member would be supervising another family member.

'The revised narrative, as approved, read in part as follows:

'Section 9. Limitation of Employment of Relatives

A. The members of an immediate family shall not be employed in the same department at the same time. Neither shall two (2) members of an immediate family be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.

B. Immediate family is defined for the purpose of this section as spouse, mother, father, guardian/ward, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named, or a significant other living as a part of the same household.

C. In unique cases, the town manager may provide an exception to this policy. Circumstances for this special approval may include seasonal or temporary employment, or a work schedule that is part-time and intermittent. Approval from the town manager must be obtained prior to an offer of employment in these cases."

The summary sheet re: the change order for dune grass plantings, as approved, read in part as follows:

"Consideration of change order for dune grass plantings as part of the Coastal Storm Damage Mitigation Grant

'In October 2022, the Town was awarded a \$300,000 grant from the Coastal Storm Damage Mitigation Fund for the installation of dune plantings along the oceanfront. Awards from the Coastal Storm Damage Mitigation Fund support beach nourishment, dune restoration, and other remediation and stabilization projects. Matching funds are required for a project total of \$600,000.

'Earlier this year, \$348,140 of the \$600,000 project budget was expended for the installation of 1,300,000 of American Beachgrass sprigs. This work was performed by Carolina Landscaping.

'This request is to complete the remaining balance of plantings with the installation of approximately 150,000 Sea Oat sprigs. The cost of this scope of work is \$245,000. The different variety of plant species provides a more stable dune profile and more closely resembles a natural dune habitat.

'The remaining balance of funds will go towards project-related engineering costs.

'This request is to modify the existing agreement amount with Carolina Landscaping for the installation of 150,000 Sea Oat sprigs.

'Staff requests Board of Commissioners consideration to authorize the Town Manager to amend the existing agreement with Carolina Landscaping in the amount of \$245,000 for the installation of 150,000 Sea Oat sprigs."

The Request for Public Hearing, as approved, read in part as follows:

"Staff is requesting to apply for a NC Public Beach and Coastal Waterfront Access grant for improvements to the June Street Public Beach Access in South Nags Head. Attached please find a grant pre-application prepared by Planning staff which was submitted earlier this year. The Town has now been invited to submit a final grant application for this project. A brief description of the proposed improvements are as follows:

- The Town proposes to construct a new ADA-accessible elevated dune crossover. The six-foot-wide

wooden structure will be approximately 1,650 square feet long and require about three switchbacks. The new walkover will contain handrails. In conjunction with the new walkover, a sixteen-foot octagonal gazebo, new shower station and platform and new solar powered lamp post will be constructed. The existing porta-john wooden enclosure and trash wooden enclosure will be removed, and new enclosures will be constructed.

'Request a Public Hearing be scheduled for the July 3<sup>rd</sup> Board of Commissioners meeting in accordance with CAMA rules."

## **PUBLIC HEARINGS**

Public Hearing to consider citizen comment on the Town Manager's proposed operating budget for July 1, 2024 – June 30, 2025, proposed CIP requests for FY 24/25 through FY 28/29, and updated Consolidated Fee Schedule

Consideration of adoption of:

- a. Pay Plan
- b. Organizational Chart
- c. Capital Improvement Program (CIP) requests
- d. Consolidated Fee Schedule
- e. FY 24/25 Budget Ordinance
- f. Amended Capital Investment Fund Policy

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, May 22, 2024 and on Wednesday, May 29, 2024 as required by law.

Attorney John Leidy opened the Public Hearing at 9:44 a.m.

Town Manager Garman described the budget workshops and pre-budget workshops that took place to align Board members with the manager's budget which was presented to the Board at the May 1<sup>st</sup> Regular Meeting. There have been no changes. Manager Garman thanked staff for all they did, especially Finance Officer Amy Miller.

Board members thanked Town staff for their work on preparation of the budget.

There being no one present who wished to speak, Attorney Leidy concluded the Public Hearing at 9:47 a.m.

MOTION: Mayor Pro Tem Siers made a motion to approve the Pay Plan as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

MOTON: Comr. Brinkley made a motion to approve the Organizational Chart as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Mayor Pro Tem Siers made a motion to approve the Capital Improvement Plan requests as presented. The motion was seconded by Comr. Brinkley which passed unanimously.

MOTION: Comr. Brinkley made a motion to approve the Consolidated Fee Schedule as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Mayor Pro Tem Siers made a motion to adopt the FY 24/25 Budget Ordinance as presented. The motion was seconded by Comr. Brinkley which passed unanimously.



MOTION: Comr. Brinkley made a motion to approve the Capital Investment Fund Policy as presented. The motion was seconded by Comr. Sanders which passed unanimously.

The Pay Plan, Organizational Chart, Capital Improvement Plan (CIP) requests, Consolidated Fee Schedule (CFS), and Capital Investment Fund Policy, as approved, are on file in the Town Clerk's Office.

The FY 24/25 Budget Ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

#### Public Hearing to consider text amendment to prohibit driving or parking on residential septic systems

Attorney John Leidy opened the Public Hearing at 9:49 a.m. to consider a text amendment to prohibit driving or parking on residential septic systems.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, May 22, 2024 and on Wednesday, May 29, 2024 as required by law.

Dep Planning Director Joe Costello summarized his report which read in part as follows:

"Included for the Board of Commissioners consideration is a text amendment to the Unified Development Ordinance which, if adopted, would expressly prohibit parking on designated septic area for residential properties within the Town. This ordinance amendment was generated following discussions with the Septic Health Advisory Committee (SHAC) and has been revised to minimize unnecessary impacts on property owners who would not/do not have issues with parking on their septic systems. Instead, it provides a mechanism of enforcement for those properties who are identified to be in violation of this ordinance. Should staff become aware of any violations either through complaints received or proactive monitoring by town staff, a Notice of Violation will be issued to the property as required in Section 1.10, Violation of UDO Regulations. If applicable, this notice will also be provided to the rental agency managing the property. This Notice of Violation will outline the required remedy, including the installation of a physical barrier to prevent any future violations of the ordinance.

'During the evaluation and issuance of permits for residential development with potential for excessive or overflow parking, staff will recommend installation of a physical barrier from the outset.

'The Planning Department will prioritize outreach and education on the importance of protecting and maintaining septic systems. If the ordinance is adopted, we will make notable efforts to inform property owners, contractors, rental management companies, and other relevant parties and organizations about this new ordinance prior to issuing any Notice of Violation.

'The staff reports from the Planning Boards February 20th and April 16th meetings are included below for the Board of Commissioners review.

#### 'POLICY CONSIDERATIONS

The 2017 Comprehensive Land Use Plan provides the following policies and actions which should guide the Town's zoning and development actions:

'LU-1 – Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by: Development of low density and intensity served primarily with on-site wastewater systems.



'LU-12 – Utilize on-site wastewater systems as the preferred method of wastewater treatment as long as they remain viable to effectively treat effluent and protect water quality.

'NR-16 – Minimize impacts of future sea level rise. NR-16e – Maintain and expand the Septic Health Initiative by providing government assistance for septic retrofits, assisting homeowners in maintaining their septic systems, conducting more groundwater sampling, securing wells for sampling, developing partnerships to assist with the peer review of existing data, transition to a mandatory septic inspection program with incentives and mapping of groundwater.

'NR-24 – Preserve, protect, and improve water quality and natural estuarine functions to ensure public health, protection of natural resources and habitats, and recreational use.

'NR-25 – Increase public understanding of the relationship between water quality, ecosystem health, and human health advisories relating to water quality.

#### 'PLANNING BOARD RECOMMENDATION

At their April 16, 2024, meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendment as presented.

'If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Town's adopted Comprehensive Land Use Plan requirements (attached)."

Mayor Cahoon confirmed with Mr. Costello that the proposed ordinance does not preclude parking in designated repair areas as necessary.

Board members spoke in support of the proposal; Comr. Brinkley noted that the proposal originated from the Septic Health Committee.

Bob Muller, Nags Head resident, spoke stating that the proposed ordinance is another piece of the Septic Health Initiative that goes back 25 years; this is another way to take care of the Town's infrastructure and he encouraged its adoption; he thanked the Board for their consideration on behalf of the entire Septic Health Committee.

MOTION: Comr. Lambert made a motion to adopt the ordinance prohibiting driving or parking on residential septic areas as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "D".

#### Public Hearing to consider text amendment submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow LED, digital displays for Fueling Stations

Attorney John Leidy opened the Public Hearing at 9:53 a.m. to consider a text amendment submitted by Jordan Harrell of Jernigan Oil Company, Inc. to allow LED, digital displays for fueling stations.

Notice of the Public Hearing was published in the *Coastland Times* on Wednesday, May 22, 2024 and on Wednesday, May 29, 2024 as required by law.

Planning Director Kelly Wyatt summarized her report which read in part as follows:

"Jordan Harrell of Jernigan Oil Company, Inc. has submitted a request to amend the Unified Development

Ordinance to allow digital, LED signage for displaying fuel prices at gas stations within the Town. Mr. Harrell has noted that the primary reason for this request is to enhance the safety of staff and customers. With advancements in technology and LED price signs, you can remotely change price signs, eliminating the need for employees to manually change fuel prices using a pole suction cup in the parking lot, which can be hazardous during busy times. In addition, the high winds in this area frequently damage signs and dislodge the plastic digit replacements.

'Currently Section 10.22.6.17 of the Unified Development Ordinance states, "LED and digital signs are prohibited".

'Pursuant to Appendix A, of the Unified Development Ordinance, the definition of "digital sign" is as follows:

'Sign, digital means any sign featuring electronic display or moving images created by incandescent, LCD, plasma, LED or projected images for any purposes other than traffic control devices. This definition is intended to include any sign containing incandescent lights or exposed light bulbs used as a message or reader board, or to project images. This definition does not include LED technology used only for the purpose of illuminating a structural sign face.

'The language of Section 10.22.6.17 and the definition of digital sign were adopted on January 4, 2012. At their November 15, 2011 meeting, the Planning Board reviewed various documents and put forward a recommended ordinance for a complete prohibition of all digital and LED signage. The staff report and minutes associated with this meeting are included for the Planning Board's consideration. It is noted that fuel price displays were specifically mentioned, and not all members were opposed to digital signage for this purpose, provided it was regulated appropriately. The Board of Commissioners first discussed this proposed amendment at their December 7, 2011, meeting before voting to adopt the proposed prohibition on digital and LED signage at their January 4, 2012, meeting. Minutes from both the December 2011 and January 2012 Board of Commissioners meetings are attached. The primary concern appears to be potential proliferation of signage, especially those that flash, rotate, move, or are animated. There were aesthetic concerns regarding whether this type of signage maintains the town's visual appeal and character, contributes to light pollution, affects night sky visibility, and potentially distracts drivers. At their meeting on March 19, 2024, the Planning Board reviewed and recommended the adoption of proposed text amendments to the UDO that would permit the use of LED digital signage exclusively for displaying fuel prices, provided certain supplemental regulations are met.

'Following the Planning Board's March 19th meeting, the Town's attorney expressed concerns after reviewing the amendments, particularly in light of the Supreme Court decision in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). This ruling has significantly influenced how local governments regulate signage, emphasizing the need for content-neutral sign codes that do not favor one type of speech over another. In response to this decision, the Town previously undertook a comprehensive revision of its sign regulations. An article from the North Carolina School of Government has been included in your packet for further information on this case.

Attorney Leidy noted that the Town's current prohibition on LED and digital signs is a valid content-neutral regulation of speech, as it does not differentiate based on the content of the speech. However, creating an exemption specifically for fuel price displays would likely introduce content-based discrimination, as it would allow certain messages while continuing to restrict others conveyed through LED and digital signs. Such an amendment could lead to First Amendment challenges from those still restricted by the ordinance, with the exemption for fuel price signs potentially serving as evidence of content-based regulation.

'In light of these concerns, staff, in consultation with the attorney and the applicant, has proposed an alternative approach. The revised ordinance language would incorporate the LED digital display standards into the use regulations for fueling stations within Section 7.20 of the UDO. These standards would govern the maximum dimensions of the display, the number of character panels, and the frequency of rotation. Based upon

information provided by the applicant, the minimum display area needed for the use of 16-inch digits is approximately 42-inches x 19-inches. This allows for three characters/digits and a panel for the fraction which is commonly used. In applying this restriction, staff believes that it meets the needs of the applicant while maintaining content neutrality. It is important to note that this provision would technically allow a gas station to display a word within the four panels blocks, or an image. Although staff believe this is unlikely, it is worth mentioning. Additionally, the proposed amendment would restrict the display within this designated area from changing more than once in a 24-hour period.

'As previously mentioned by staff, the town has valid concerns about signs with rotating, flashing, moving, or alternating lights. However, it may be worth revisiting the possibility of allowing digital signs exclusively for fuel price displays. Although we cannot specify that the display area is solely for gas price digits, we have proposed a set of narrow restrictions, expecting that they will primarily be used for fuel pricing. With the recommended supplemental standards, staff believes the proposal is generally consistent with the Town's adopted Comprehensive Plan, however Policy LU-19 does state that the Town will not permit signs that are digital.

#### 'POLICY CONSIDERATIONS

LU-1 – Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:

- A visible dark sky night maintained by lighting that is minimal and carefully designed.
- Commercial development that serves the needs of residents and visitors but respects the goals of the community related to design and appearance.

'LU-16 – Preserve the dark sky night through implementation and enforcement of quality lighting fixtures and codes, dark sky education, and citizen support.

'LU-18 – Encourage signage designed to serve the needs of residents and visitors but respects the goals of the community related to design and appearance.

'LU-18a – Develop appropriate freestanding sign standards based on the desired character of each area, particularly along roadway corridors.

'LU-18b – Ensure that future revisions to signage regulation remain content neutral.

'LU-19 – Support signage that provides adequate communication but does not dominate the landscape. The town will not permit signs or attention getting devices that flash, spin, rotate, blink, or are digital. Signs shall not be directed to or face the ocean beach or sound waters.

#### 'PLANNING BOARD RECOMMENDATION

At their April 16, 2024, meeting the Planning Board voted 5-1 to recommend adoption of the text amendment as proposed and requested that staff provide additional restriction on lighting levels for the digital characters. Gary Ferguson cast the Nay vote stating a concern that if gas stations are allowed to have digital signs other businesses will likely follow.

'Following their request for additional information concerning lighting levels for the digital characters, staff prepared and presented a presentation to the Planning Board at their May 21, 2024 meeting. Staff outlined how most jurisdictions regulate LED digital sign brightness/illuminance using units of measurements called "footcandles" or "nits".

'A footcandle is a measure of illuminance onto a surface, whereas a nit measures illuminance from a luminous source, perpendicular to the rays of the source. While a nit is the scientific manner of measuring light energy being emitted from an internally illuminated sign, it does not factor into ambient light and how the human eye

sees illuminance from a point at a certain distance. For this reason, measuring illuminance by footcandles is typically the more restrictive and preferred by regulatory agencies. Staff relied heavily on a document produced by the Outdoor Advertising Association of America (OAAA) and has included this for the Board's consideration.

'The Outdoor Advertising Association of America recommends that digital signs not exceed 0.3 footcandles above ambient lighting as a standard. At their May 21, 2024 meeting the Planning Board voted 5 – 1 to include this language as a regulatory measure regarding increased illuminance from the digital characters themselves. To apply this, any fueling station wishing to install LED Digital characters will be required to coordinate with staff to conduct illuminance measurements at specific times of the day, under various daytime and nighttime conditions with the digital display off to record the ambient light as a baseline measurement of the surrounding light without the digital signs influence. When the digital display is then turned on, staff will need to conduct the same illuminance measurements at the same or similar times of the day, under the same or similar conditions to ensure that illuminance levels are no greater than 0.3 footcandles higher at the same fixed locations.

'Additionally, staff would note that any fueling station must adhere to the minimum and maximum photometric requirements as already set forth in Section 10.37 of the UDO, Parking Lot Lighting Standards with a maximum maintained footcandle of 10.0 fc and a minimum footcandle of 0.7 fc.

#### 'STAFF ANALYSIS & RECOMMENDATION

The Town of Nags Head has long expressed legitimate concerns regarding any type of digital, led signage that employs rotating, flashing, moving, or alternating lighting. Should the Board of Commissioners desire to revisit or reconsider the allowance of digital signs for fuel price displays only, staff would submit that with proposed content-neutral regulations regarding the size, number of characters, frequency of rotation, and brightness, the proposed amendment is likely consistent with the Town's adopted Comprehensive Plan.

'If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Town's adopted Comprehensive Land Use Plan requirements."

Applicant Michael Harrell of Jernigan Oil Company spoke; he thanked the Board for consideration of the ordinance; he expressed his appreciation of Ms. Wyatt and staff's research on this issue; he wants the change because of numerous issues with maintaining the change of the signage displaying gasoline prices manually.

There being no one else present who wished to speak, Attorney Leidy concluded the Public Hearing at 10:07 a.m.

MOTION: Comr. Brinkley made a motion to adopt the ordinance to allow LED, digital displays for fueling stations as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "E".

## **REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR**

### Update from Planning Director

Planning Director Kelly Wyatt summarized her monthly report which read in part as follows:

"This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on June 5th, 2024.

#### 'Monthly Activity Report

Attached for the Board's review is the Planning and Development Monthly Report for March 2024. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Wednesday, May 1st - Board of Commissioners Meeting
- Tuesday, May 7th – Technical Review Committee Meeting
- Wednesday, May 8th – Committee for Art and Culture Meeting
- Thursday, May 9th – Board of Adjustment Meeting (no hearings)
- Saturday, May 11th – Artrageous Kids Art Festival 10am – 2pm @ Dowdy Park
- Wednesday, May 15th – Board of Commissioners mid-month meeting
- Tuesday, May 21st – Planning Board Meeting
- Friday, May 24th – Multi-Family Housing Working Group Meeting

#### 'Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, May 21, 2024. There were no action items for consideration. As previously requested by the Planning Board, staff provided a brief presentation on the lighting associated with LED, digital displays, and mechanisms to measure the illuminance of digital characters while taking into consideration ambient light (lighting from other nearby sources). Additionally, staff provided information on the Community Rating System (CRS) Program and discussion of the upcoming verification visit.

'The Planning Board's next meeting is scheduled for Tuesday, June 18th, 2024. Currently, the agenda is expected to include consideration of a Site Plan Amendment (3rd Submittal) for Inn at Whalebone, 87-unit Hotel on Lakeside Street for major deviations to the site plan as well as a request to consider amending or eliminating a condition imposed on the previous Site Plan Approval as it pertains to the expansion of W. Lakeside Street.

#### 'Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in May 2024.

#### 'Additional Updates

- DWMP/Septic Health Advisory Committee – The proposed amendments to the Unified Development Ordinance prohibiting parking on septic areas, which was generated by discussions held by the SHAC, will be on the Board of Commissioners agenda for Public Hearing at their June 5, 2024 meeting. Continuing the implementation of the recommendations of the Decentralized Wastewater Management Plan, staff are in the process of purchasing four (4) additional water quality monitoring loggers and a GPS unit to begin recording and mapping locations of existing septic systems within the town. The next meeting of the Septic Health Advisory Committee will be held in July 2024.

- Estuarine Shoreline Management Plan – Staff has prepared a pre-proposal for a grant from the National Fish and Wildlife Foundations National Coastal Resilience Fund. This grant is for the design of the Villa Dunes and Soundside Road pilot sites. We are waiting to find out if we will be invited to submit a full proposal. Additionally, staff recently submitted a grant request for NC Resilient Coastal Communities Program (RCCP) 2024-25 application, Phase 3 for a living shoreline project.

- Electric Vehicle Action Plan – Public Services staff were able to locate and mark the outer periphery of the geothermal lines and wells along the southern portion of the parking area at Town Hall. Staff met with Daniel

Parsons of LoWire Technologies and will move forward with verifying the depth of the geothermal lines before continuing with the installation of the two-Level II EV Chargers.

- Sand Relocation and Dune Management Cost Share Program – Following the close of the Sand Relocation program on April 30, 2024, we issued a total of 131 relocation authorization letters. As of May 29, 2024, \$385,000 of the \$400,000 allocated to the Dune Management Cost Share Program has been used. Environmental Planner Conner Twiddy and Code Enforcement Officer Ed Snyder have conducted final inspections of all sand relocation projects this season, identifying only a few sites that require further attention. We are currently awaiting the necessary paperwork from 55 citizens, who were approved for the Dune Management Cost Share funds, to process their reimbursements before the end of June.

- Public Beach and Coastal Waterfront Access Grant Program – Staff has been informed that the pre-application to the NC Public Beach and Coastal Waterfront Access Program has been selected to submit a Final Application for improvements to the June Street Beach Access. The deadline for final application submission is August 2nd, 2024. Item E-8 on Board of Commissioners June 5th meeting Consent Agenda is a Request for Public Hearing to consider the Final Grant Application.

- Outer Banks Regional Hazard Mitigation Plan Update – The Hazard Mitigation Planning Committee, comprised of representatives from Dare County EM, Dare County staff, staff from each town and members of the public from each community are in the process of updating the Outer Banks Regional Hazard Mitigation Plan.

'As part of the Town's continued participation in the Community Rating System ("CRS") Program, the Town is required to provide updates on the actions contained in the Hazard Mitigation Plan. Staff has provided a memo and spreadsheet outlining updates to the action plan for the Board of Commissioners review. Staff is providing this to the Board of Commissioners and the community for informational purposes.

- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture – Summertime events are starting up. For the month of June, the Town will be hosting the following:

- Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
- Fitness Fridays, Friday mornings 7:30 – 8:15am, beginning June 21st.

- Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.

- Black Pearl on June 19th – local band

- Uphill on June 26th – local band

- Dowdy Park Farmers Markets, Thursdays 9am – 1pm: June 13th, 20th & 27th.

- Movie at the Park, Friday June 7th at 8:00pm at Dowdy Park.

'Event Coordinator Paige Griffin will be releasing the vendor map for the upcoming Dowdy Park Farmers Markets soon, and notes that there has been a great response to Tuesday morning Yoga. Art & Culture Committee Member Molly Vaughan is coordinating with the Manteo High School Honors Art students for a crosswalk art project after the summer season. Below are two sketches of potential designs:

'Upcoming Meetings and Other Dates

- Tuesday, June 4th – Technical Review Committee Meeting (Inn at Whalebone)
- Wednesday, June 5th - Board of Commissioners Meeting
- Thursday, June 6th – CRS Users Group Meeting, Elevation Certificate Training
- Wednesday, June 12th – Committee for Art and Culture Meeting
- Wednesday, June 12th – Eastern Carolina Council Resource Roundtable
- Thursday, June 13th – Board of Adjustment Meeting (no hearings)
- Tuesday, June 18th – Planning Board Meeting
- Wednesday, June 19th – Board of Commissioners mid-month meeting



- Dowdy Park Farmers Market – Thursday, June 13th, 20th, and 27th.
- Dowdy Park Summer Concert Series – Wednesday, June 19th and June 26th”

Board members thanked Ms. Wyatt for her and her staff’s hard work.

## **OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS**

### From March 6<sup>th</sup> Board meeting – Report from Multi-Family Ordinance Working Group

Town Manager Andy Garman summarized his memo which read in part as follows:

“At the Board’s March regular meeting, the Board requested that the Town establish a working group to review and make recommendations on a draft Multi-Family Housing Ordinance. This ordinance was originally drafted by the Planning Board and a public hearing was held in February.

‘The charge for the working group is as follows:

- To consider the draft multi-family ordinance written by the Planning Board.
- To preserve the intent of the ordinance, to protect the character of Nags Head, and to provide new alternatives for workforce/long-term housing without increasing the stock of short-term rentals.
- To evaluate conditions/standards which would render such projects unfeasible due to financing, construction, configuration, or management.
- To suggest additional measures that would achieve the aforementioned goals.

‘Over the course of four meetings, the working group has now developed a recommendation for review by the Board of Commissioners. This includes changes to the ordinance drafted by the Planning Board as well as several other suggestions. Information about the working group including agendas and minutes from its meetings can be found here: <https://www.nagsheadnc.gov/1108/Multi-Family-Working-Group>.

‘At the upcoming meeting, staff will present the recommendations from the working group. Attached is a copy of a draft multi-family housing ordinance which includes the original Planning Board recommendation as well as modifications proposed by the working group. Where the Multi-Family Housing Working Group recommended different ordinance language than the Planning Board, staff has color coded the language as follows:

- Multi-Family Housing Working Group Recommended language is shown in RED.
- Planning Board Recommended language is shown in BLUE.
- Proposed language that is unchanged is shown in regular black type.

‘It should be noted that the ordinance will need to be reviewed by the Planning Board before it comes back to the Board of Commissioners for a public hearing and adoption.”

Manager Garman’s slides are attached to and made a part of these minutes as shown in Addendum “F”.

Board members provided their comments:

Comr. Brinkley reported that the working group had enlightening conversations and every member brought something to the table - he appreciated participation by the diverse group of members. The proposed ordinance

has not sold the Town out on its values; what is presented allows some room for the developer to do some workforce housing.

Comr. Lambert thanked staff as well as the Planning Board; she is looking forward to the Planning Board's review of the ordinance.

Comr. Sanders questioned the recommendation of allowing a 500 square foot unit; Manager Garman stated that the working group looked at what has been developed in various communities/cities such as Raleigh for workforce housing; it was agreed that allowing smaller units is commonplace and will help reduce development costs which should improve the likelihood of a project.

Mayor Cahoon agreed that 500 square foot is feasible; 400 square foot is very tight/cramped. This process with the working group has worked – he thanked everyone for their work on this project; he feels that this is Nags Head's best offer; it's a good offer and is consistent with the Town's vision and interest in doing something for workforce housing.

Mayor Pro Tem Siers felt that the proposed ordinance is a good combination.

It was Board consensus to move forward to the Planning Board with the proposed Multi-Family Work Force Housing ordinance as presented.

## **NEW BUSINESS**

### Committee Reports

Comr. Brinkley – Jennette's Pier Advisory Committee met last week; 7,500 students from 88 field trips have visited the park so far this spring; a full time Wildlife Stranding Director is now on staff; Wildlife friendly lighting is to be installed within the next month; The Research Building at the end of the pier is getting a new roof to allow for additional research equipment; a new deck is in the design phase; Wind turbines possibly in six months.

Mayor Pro Tem Siers – The second meeting of the Dare County Workforce Housing Task Force is this Friday; in response to Mayor Cahoon, Mayor Pro Tem Siers said that the Event Site Soundside boardwalk is in a new design phase.

Comr. Lambert – nothing new from the Government Access Channel Committee; Mayor Cahoon mentioned that this committee continues to produce high quality work.

### Consideration of Disaster Debris Removal and Monitoring Contract Renewals

Town Engineer David Ryan summarized his agenda summary sheet which read in part as follows:

"Annually, the Town enters into pre-positioned agreements for Disaster Debris Removal Services in addition to Debris Monitoring Services. Existing agreements are active for DRC Emergency Services for debris removal services and with DebrisTech, LLC for debris monitoring services. Each of the agreements is for an initial one-year term with the option to extend the agreement annually for up to a three-year period. The DRC Emergency Services agreement has been providing services for the past 2 years with the DebrisTech, LLC completing its first year of services.

'Services by each of the providers have been found to be satisfactory.



'Staff recommends renewal of the DRC Emergency Services and DebrisTech, LLC agreements for FY 24/25. No changes in the terms of the agreement are proposed. If the Board of Commissioners is in agreement with the staff recommendation, a motion will be in order to authorize the Town Manager to execute the renewal agreement with DRC Emergency Services for debris removal services and with DebrisTech, LLC for debris monitoring services."

MOTION: Comr. Brinkley made a motion to approve the renewal agreements for Disaster Debris Removal and Monitoring as presented. The motion was seconded by Mayor Pro Tem Siers. Mayor Cahoon accepted an amendment to the motion to authorize the Town Manager to execute the renewal agreements with DRC Emergency Services and with DebrisTech, LLC.

CONTINUATION OF MOTION: The motion, as amended, passed unanimously.

## **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

### Town Manager Garman - Update on construction of the Public Services Facility

Town Engineer David Ryan summarized the latest on the new Public Services Facility: he thanked Police Officer Greg South for providing drone photos displaying the overall progress on the administration site this past month. This site will be where the ribbon cutting takes place later today.

The Water Distribution building is next up for occupation and is expected the week of May 17<sup>th</sup> – the contractor has been working through some issues. The Equipment building has not had a lot of progress because the main focus has been on the Water Distribution building.

### Town Manager Garman - Discussion of process for neighborhoods to request traffic calming devices

Town Engineer David Ryan summarized his agenda summary sheet which read in part as follows:

"Over the recent months, Town staff has received numerous requests for the implementation of traffic calming devices in several of the west side neighborhoods. The traffic calming measures placed on Soundside Rd. are often cited as the preferred measure to be adapted for the requested locations.

'Prior to the implementation of the Soundside Rd., several different actions were taken to include meetings with neighborhood stakeholders in conjunction with an engineering traffic study to determine the speed and volume of vehicular traffic along the area of concern and the appropriateness of traffic calming measures. Considering the steps taken in the process, it may be beneficial to adapt a similar strategy for current and future requests.

'For discussion purposes, staff has prepared a conceptual level flowchart of a traffic calming process that combines past practices with strategies employed by other North Carolina communities.

'Staff will provide supplemental information related to managing traffic calming requests and welcomes Board of Commissioners feedback for the development of a more formalized process."

Engineer Ryan presented an overview of a framework for traffic calming measures based on what other municipalities have done. He requested Board direction. He presented the slides which are attached to and made a part of these minutes as shown in Addendum "G".

Comr. Lambert agreed to the process and would like to see it move forward.

Mayor Pro Tem Siers said that he would tend to listen to staff on this issue.

Comr. Brinkley said that you can't go strictly off of data – community input is needed; there could be a different path to follow if just relying on data; if community supports it, all Town streets should be included but he questioned how would community support be gauged in that respect; he thanked staff for all the information provided.

Comr. Sanders agreed with comments made by Board members and liked the direction provided by staff.

Mayor Cahoon provided his comments stating that he feels the measures should apply to all Town streets; speed signs do help slow people down and he likes the feedback provided from them; he would like to see more electronics being used than speed cushions. He stated that there is a small median pavement lane in an old neighborhood in Durham which is very effective and more decorative than speed cushions. It has to be verified that trash trucks, emergency vehicles, etc. can get around them; he would like to see this type of lane tried out in one of our neighborhoods to see the response.

Engineer Ryan agreed with Mayor Cahoon stating that while there are some limitations in the Town, he would like to explore the functionality of a small median pavement lane which would be more esthetically pleasing.

#### Town Manager Garman - Update on 2024 Town Fireworks display

Deputy Fire Chief Shane Hite summarized the upcoming 2024 Town Fireworks display; Zambelli is again conducting the fireworks scheduled for July 4<sup>th</sup> at 9:25 p.m. at the Nags Head Fishing Pier. They are expected to last around 20 minutes. The rain date is July 5<sup>th</sup> at the same time.

### **BOARD OF COMMISSIONERS AGENDA**

#### Comr. Bob Sanders – Consideration of donation to Jockey's Ridge State Park 50<sup>th</sup> Anniversary Celebration - Consideration of proposed Budget Amendment

Comr. Sanders is a member of the Jockey's Ridge State Park's 50<sup>th</sup> Anniversary Committee; he asked the Board for consideration of a donation to the 50<sup>th</sup> Anniversary events which are scheduled to take place June 2025. He noted that a budget amendment while less than \$15,000 would authorize a donation of \$15,000 to the events.

Mayor Cahoon said that it is relevant to note that the Town has a long history of supporting Jockey's Ridge State Park going back to the beginning of the park and the Town has made contributions to the Park in the past.

MOTION: Comr. Brinkley made a motion to authorize a \$15,000 contribution to the Jockey's Ridge State Park 50<sup>th</sup> Anniversary celebration and to approve the Budget Amendment as presented. The motion was seconded by Comr. Lambert which passed unanimously.

Comr. Sanders said that the committee is meeting this afternoon and he will be happy to report on today's Board actions.

Comr. Kevin Brinkley – Discussion of Jockey’s Ridge State Park Soundside Access

Comr. Brinkley said that he was contacted by a resident of Soundside Road – the new sign at the Soundside Road Jockey’s Ridge State Park Access did not include the Town’s information. He questioned the status of the Memorandum of Understanding. Residents do not want the Town to abandon them on this issue. It was noted that nothing has been done at the Park at the local level and he suggested reaching out to the State level. It was Board consensus to move this issue/MOU forward by contacting the Director of State Parks, Brian Strong.

Comr. Megan Lambert – Thank you to Fire and Police

Comr. Lambert thanked the Town’s Fire and Police Depts - as well as those who assisted - during the horrific accident that took place on US 158 this week. It was an awful accident and it generated a lot of concern on social media; by all accounts staff handled and coordinated the rescues/traffic direction in an exemplary manner. This was very much appreciated by everyone.

**CLOSED SESSIONS**

MOTION: Mayor Cahoon made a motion to enter Closed Session to consider a personnel issue pursuant to GS 143-318.11(a)(6) and to discuss the possible acquisition of real property located at 4222 S Croatan Highway pursuant to GS 143-318.11(a)(5). The motion was seconded by Comr. Brinkley which passed unanimously. The time was 11:20 a.m.

**OPEN SESSION**

The Board re-entered Open Session at 11:59 a.m. Attorney Leidy reported that during Closed Session the Board did discuss a personnel issue and a potential property acquisition and some actions were taken but are not to be disclosed at this time.

**ADJOURNMENT**

Mayor Cahoon verified that there was no other business needing to take place today.

MOTION: Mayor Cahoon made a motion to recess to the ribbon cutting at the new Public Services Facility at 12:30 p.m. today. The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 12:01 p.m.

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

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

Mayor: \_\_\_\_\_  
Benjamin Cahoon



## Agenda Item Summary Sheet

Item No: **E-6**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of modifications to the Consolidated Fee Schedule

**Item Summary:**

Request approval of listed modifications to the Consolidated Fee Schedule:

- *\$17.50 plus tax - Dowdy Park T-shirt*

The cost of the Town's Dowdy Park T-shirt is being requested for reduction from \$25 to \$17.50 to facilitate additional sales.

- *No Charge – For accident/investigative reports to those involved in crashes or crimes in the Town*

The Police Department is requesting a change in the language of the Consolidated Fee Schedule pertaining to "Copies of Accident Reports" and "Copies of Investigative Reports". The department does not charge victims or others involved in vehicle crashes or crimes within the town. We would request the language read "Copies of Accident Reports" (non-victim / involved others) and "Copies of Investigative Reports" (non-victim / involved others) to be placed under the Police Department section of the Fee Schedule.

A copy of the two affected pages from the Fee Schedule as well as the Police Dept memo are attached.

Number of Attachments: 2

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**Specific Action Requested:**

Provided for Board review and approval.

Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I concur with the request.

Signature: Andy Garman

Date: June 26, 2024



# *Nags Head Police Department*

5401 S. Croatan Hwy.  
Post Office Box 99  
Nags Head, North Carolina 27959  
Telephone (252) 441-6386  
Fax (252) 441-7335  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**Perry Hale**  
Chief of Police

**Chris Montgomery**  
Deputy Chief of Police

*Service - Professionalism - Integrity - Strength*

## MEMORANDUM

**TO:** Andy Garman, Town Manager  
**FROM:** P. Hale, Chief of Police  
**DATE:** June 24, 2024  
**RE:** Consolidated Fee Schedule Language Change

The Police Department is requesting a change in the language of the Consolidated Fee Schedule pertaining to "Copies of Accident Reports" and "Copies of Investigative Reports". The department does not charge individuals involved in crashes or victims of crimes within the town for copies of reports.

We would request the language read "Copies of Accident Reports" (non-victim / involved others) and "Copies of Investigative Reports" (non-victim / involved others) to be placed under the Police Department section of the Fee Schedule.

## Administrative Services (cont.)

### Applications

|                                       |                                 |       |
|---------------------------------------|---------------------------------|-------|
| <b>Massage Therapy Business</b>       | Application                     | \$150 |
| Zoning Permit Business Establishment  | Business Location               | \$50  |
| Zoning Permit Business Owner/Operator | Business Owner/Operator         | \$50  |
| Business Registration                 | w/verification of State license | N/C   |

### Vehicle for Hire (business)

|                      |                                      |        |
|----------------------|--------------------------------------|--------|
| Taxicab or Limousine | Application                          | \$50   |
| Driver permit        | Application includes fingerprint fee | \$90   |
|                      | Driver permit annual renewal         | \$7.50 |

### Dowdy Park

|                                                  |                                                                         |               |
|--------------------------------------------------|-------------------------------------------------------------------------|---------------|
| Sponsorship                                      | Movie & licensure (includes set up/tear down; equipment; popcorn treat) | \$650         |
| Music in the Park                                | Includes fee for band and professional sound                            |               |
|                                                  | Level I                                                                 | \$1,100       |
|                                                  | Level II                                                                | \$1,500       |
|                                                  | Level III                                                               | \$2,000       |
| T-shirts                                         |                                                                         | \$17.50 + tax |
| General donations accepted for Dowdy Park events |                                                                         |               |
| Farmers Market Membership Fee                    | <u>Annual</u>                                                           | \$240         |
| Farmers Market Drop-In Fee                       | Per market date                                                         | \$25          |
| Holiday Market                                   | Per market date                                                         | \$25          |
| Winter Market                                    | Per market date                                                         | \$25          |
| Family Fun Night                                 | Per event date                                                          | \$25          |

### Police Department

|                                                                  |                             |                              |
|------------------------------------------------------------------|-----------------------------|------------------------------|
| Town Ordinance Violation                                         |                             | \$50                         |
| Permit 24-hr parking at beach accesses for fishing Sep 1 - Feb 1 |                             | \$25                         |
| Copies of Accident Reports (non-victim/involved others)          |                             | \$5                          |
| Copies of Investigative Reports (non-victim/involved others)     |                             | \$5 or 0.15/pg.<br>< 33 pgs. |
| Off-Duty Security Vehicle Use                                    |                             | \$19.75 per day              |
| Fingerprint charges                                              |                             | \$5/set                      |
| Use of public building                                           | Refundable clean-up deposit | \$50                         |

**Civil Penalties** as listed below: **\$50 each**

### Traffic Violations **\$50 each**

|                |                                                               |
|----------------|---------------------------------------------------------------|
| Section 42-41  | Failure to obey traffic control devices                       |
| Section 42-92  | Prohibited riding coasters, roller skates, or similar devices |
| Section 42-92  | Motorized vehicles prohibited on multi-use/pedestrian path    |
| Section 42-132 | Obstructing passage of other vehicles                         |
| Section 42-138 | Prohibited parking in certain places                          |

### Police Department (cont.)

|                |                                              |
|----------------|----------------------------------------------|
| Section 42-139 | Parking in front of driveway or fire hydrant |
| Section 42-140 | Parking in Fire Lane                         |
| Section 42-141 | Parking on certain streets                   |

### Taxi Cab Violations **\$50 each**

|               |                                     |
|---------------|-------------------------------------|
| Section 46-8  | Exceed maximum number of passengers |
| Section 46-9  | Failure to properly mark taxi cab   |
| Section 46-11 | Failure to post rates and fares     |
| Section 46-13 | Failure to maintain daily manifest  |



## Agenda Item Summary Sheet

Item No: **E-7**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of reimbursement resolution for Workforce Housing and Town Campus Master Plan – Phase 1 (Fitness Facility)

**Item Summary:**

Attached please find a reimbursement resolution for the Board's consideration on July 3<sup>rd</sup>. The two projects that the Town will reimburse itself from the General Fund are as follows:

- Ocean Rescue/Workforce housing (located at 425 W Health Center Drive); and
- Phase I of a Town Hall Campus Master Plan (Fitness Center – location to be determined)

Request Board adoption of attached resolution declaring the intention to reimburse the cost of these expenditures.

Number of Attachments: 1

**Specific Action Requested:**

Resolution provided for Board review and approval.

Submitted By: Finance Officer Amy Miller

Date: June 26, 2024

**Finance Officer Comment:**

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

I concur with staff.

Signature: Andy Garman

Date: June 26, 2024





**REIMBURSEMENT RESOLUTION – FISCAL YEAR 2024-2025  
OF THE TOWN OF NAGS HEAD  
DECLARING THE INTENTION TO REIMBURSE  
THE COST OF CERTAIN EXPENDITURES**

**WHEREAS,** The Town Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore Town funds when the Town makes capital expenditures prior to closing on installment financing.

**BE IT HEREBY RESOLVED** by the Board of Commissioners of the Town of Nags Head, North Carolina as follows:

**Section 1.** The projects are the financing of building construction and associated professional costs (including but not limited to design, engineering, surveying, etc.) for projects identified in the fiscal year 2024/2025 adopted budget:

- Ocean Rescue/Workforce housing (located at 425 W Health Center Drive in Nags Head); and
- Phase I of a Town Hall Campus Master Plan (Fitness Center-Nags Head address to be determined)

**Section 2.** The projects are to be financed. The currently expected type of financing (which is subject to change) is an installment finance contract(s). The currently expected maximum amount to be financed for the projects is \$2,500,000.

**Section 3.** The Town presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the Town from the General Fund within 60 days of adoption of this Resolution from a portion of the financing proceeds.

**Section 4.** This Resolution shall become effective immediately upon the date of its adoption.

This the 3rd day of July 2024.

\_\_\_\_\_  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk



# Agenda Item Summary Sheet

Item No: **E-8**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of resolution authorizing higher federal micro-purchase thresholds

**Item Summary:**

The micro-purchase threshold regulation suggests that a unit of local government in North Carolina may raise its micro-purchase threshold via annual self-certification to \$30,000 for the purchase of "apparatus, supplies, materials, or equipment" or the purchase of "construction or repair work", and to \$50,000 for service contracts other than those subject to the Mini-Brooks Act.

The Town of Nags Head is eligible to raise the micro-purchase thresholds to the levels identified below, which are consistent with North Carolina law:

\$30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and

\$30,000, for the purchase of "construction or repair work"; and

\$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and

\$50,000, for the purchase of services subject to the Mini-Brooks Act (Article 3D of Chapter 143), but only where the unit of local government exercises, in writing, an exemption to the Mini-Brooks Act for a particular project pursuant to G.S. 143-64.32. Where the unit does not exercise an exemption to the Mini-Brooks Act for a particular project, the micro-purchase threshold shall be \$10,000 (as adjusted periodically for inflation pursuant to 48 CFR Subpart 2.1).

This regulation allows the Town to align its federal micro-purchases subject to Uniform Guidance (\$10,000 threshold) with the informal purchase thresholds consistent with North Carolina law and the Town of Nags Head purchasing and bid requirements policy.

This will make conformity standards clear and consistent in working with projects at any funding level (local, state, or federal).

Number of Attachments: 1

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**Specific Action Requested:**

Request Board adoption of attached resolution.

Submitted By: Administrative Services

Date: June 26, 2024

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**Finance Officer Comment:**

Adoption of attached resolution would raise micro-purchase thresholds to be consistent with NC law.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I concur with staff's request.

Signature: Andy Garman

Date: June 26, 2024



## **RESOLUTION AUTHORIZING INCREASE IN MICRO-PURCHASING THRESHOLD**

**WHEREAS**, from time to time, the Town of Nags Head purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

**WHEREAS**, the Town of Nags Head's procurement of such goods and services is subject to the Town of Nags Head's purchasing and bid requirements policy, as most recently amended on September 8, 2023; and

**WHEREAS**, the Town of Nags Head is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

**WHEREAS**, G.S. 143-129(a) and G.S. 143-131(a) require the Town of Nags Head to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than \$30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to \$30,000; and

**WHEREAS**, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and

**WHEREAS**, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

**WHEREAS**, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the Board of Commissioners of the Town of Nags Head now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD:**

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Town of Nags Head hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
- B. \$30,000, for the purchase of "construction or repair work"; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2025, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the Town of Nags Head receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

4. The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Adopted this the 3rd day of July 2024.

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Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

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Carolyn F. Morris, Town Clerk



## Agenda Item Summary Sheet

Item No: **E-9**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of Interlocal Agreement with Dare County/Municipalities re: connection to Motorola FLEX Public Safety Software System

**Item Summary:**

Attached please find the Interlocal Agreement between Dare County and the local towns for use of the Motorola Flex Public Safety Software System – maintained in the Dare County Sheriff's Office. The original agreement was approved by the Board in April 2022 – the attached agreement has been updated to include superusers and details concerning the sharing of information.

Duck Police Chief Jeff Ackerman notes that the Dare County Board of Commissioners approved and executed the agreement on June 3, 2024; it is being requested that this updated agreement be reviewed and approved by the local governing bodies of all six municipalities (the "Connected Sites").

Police Chief Perry Hale is available to answer any questions.

Number of Attachments: 1

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**Specific Action Requested:**

Request that the Board provide authorization for the Town Manager to sign the attached interlocal agreement. This agreement updates the agreement from 2022.

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Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

No fiscal changes are being proposed.

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Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

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Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I concur with staff's request.

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Signature: Andy Garman

Date: June 26, 2024

**NORTH CAROLINA  
DARE COUNTY**

**INTERLOCAL AGREEMENT**

This INTERLOCAL AGREEMENT entered by and between Dare County and Town of Southern Shores, Town of Nags Head, Town of Kitty Hawk, Town of Kill Devil Hills, Town of Duck, and Town of Manteo, hereinafter referred to individually as a "party" and collectively as "the parties," is executed pursuant to all applicable governing laws of the State of North Carolina. The parties acknowledge they have read and understand the terms and conditions contained herein. This Agreement sets forth provisions identifying the distribution of responsibilities, system management, and software services pertaining to the Motorola FLEX public safety software system. Each party does agree as follows:

**1.0 DEFINITIONS**

**PARTIES:** The entities directly associated with the Motorola FLEX public safety software system, which include Dare County and the Town of Southern Shores, Town of Nags Head, Town of Kitty Hawk, Town of Kill Devil Hills, Town of Duck, and Town of Manteo.

**SERVER SITE:** The Dare County Sheriff's Office will herein be referred to as the Server Site. As such, the dedicated server(s) for the software applications will be maintained and stored at the Server Site and its associated facilities.

**CONNECTED SITES:** Town of Southern Shores Police Department, Town of Nags Head Police Department, Town of Kitty Hawk Police Department, Town of Kill Devil Hills Police Department, Town of Duck Police Department, and Town of Manteo Police Department will herein be referred to as the Connected Sites. As a shared entity utilizing the server(s) at the Dare County Communication Center, the software owned and operated by the Connected Sites will use the server(s) at the Server Site.

**MOTOROLA FLEX SYSTEM:** All references to the system, software, Motorola FLEX, Motorola FLEX system, or Motorola FLEX public safety system software refer to any version or parts of the public safety software applications provided by Motorola, Inc.

**AUTHORIZED INDIVIDUAL:** An Authorized Individual is one who has been given a unique username and password login to the Motorola FLEX System. Each Authorized Individual must be a current Employee In Good Standing, as defined below, of Dare County, Town of Southern Shores, Town of Nags Head, Town of Kitty Hawk, Town of Kill Devil Hills, Town of Duck, or Town of Manteo, or an authorized IT Contractor in Good Standing designated by the Server Site, or a Connected Site, to assist or perform maintenance on the Motorola FLEX public safety software system at the Server Site or a Connected Site.

**HIGH PRIORITY ISSUE:** Issues that are critically impacting the Motorola FLEX public safety software system and the job performance of multiple users.

**MEDIUM PRIORITY ISSUE:** Issues that are impacting the Motorola FLEX public safety software system and the job performance of at least one user.

**LOW PRIORITY ISSUE:** Issues that are impacting the Motorola FLEX public safety software system but have a minimal impact on the job performance of users.

**EMPLOYEE IN GOOD STANDING:** An employee of one of the parties who has not been terminated for any reason; has not been relieved of duty pursuant to a criminal or administrative investigation; has not had his or her access to the Motorola FLEX public safety system software revoked or terminated for any reason; and has not been charged with a felony offense, or a misdemeanor offense listed in the most recent publication of the North Carolina Criminal Justice Education & Training Standards Commission/North Carolina Sheriffs' Education and Training Standards Commission Class B Misdemeanor Manual.

**IT CONTRACTOR IN GOOD STANDING:** An employee of an IT company that is under a current contract to provide IT services and assistance to Dare County, Town of Southern Shores, Town of Nags Head, Town of Kitty Hawk, Town of Kill Devil Hills, Town of Duck, or Town of Manteo; and who has not had his or her contract to provide such services and assistance terminated directly or indirectly for any reason; and who has not been charged with a felony offense, or a misdemeanor offense listed in the most recent publication of the North Carolina Criminal Justice Education & Training Standards Commission/North Carolina Sheriffs' Education and Training Standards Commission Class B Misdemeanor Manual; has been fingerprinted and remains in full compliance with all FBI Criminal Justice Information Services (CJIS) and NC SBI Division of Criminal Information (DCI) requirements.

**SYSTEM APPLICATIONS ADMINISTRATOR:** Often referred to as a "Super User," is a user of the Motorola FLEX public safety system software who has been given the ability to access all programs in the Motorola FLEX public safety software system and has "Administration Mode" privileges. Further, a Super User can view all partitions, and can access, add, modify, and delete all records on the Motorola FLEX public safety system software. System Applications Administrators are responsible for adding all new Authorized Individuals, Agency Administrators, and System Applications Administrators to the system. Only employees of the Server Site who are assigned to administer the Motorola FLEX public safety software system and who are sworn law enforcement officers or who have a need to assist in administering the Motorola FLEX public safety system software may possess System Applications Administrator rights.

**AGENCY ADMINISTRATOR:** Appointed by the Agency Head at each Connected Site, Agency Administrators have the ability to access the programs the employing Connected Site has purchased within the Motorola FLEX public safety software system, and the data specific to the Agency Administrator's employing Connected Site. Agency Administrators can also view partitions for the applicable Connected Site; access, add, modify, and delete records for the applicable Connected Site; make administrative changes to program settings for the applicable Connected Site; and have full authorization to modify, and delete their Connected Site's own Authorized Individuals' and Agency Administrators' access, rights, or privileges within the Motorola FLEX public safety software system. Each Agency Head shall have Agency Administrator privileges.

**AGENCY HEAD:** The chief of police at each Connected Site and the Sheriff at the Server Site.

## **2.0 DATA ENTRY AND USE**

### **2.1 STANDARDS COMMITTEE**

A Standards Committee will be established. The Standards Committee will be chaired by the Dare County Sheriff's Office Director of Communications and will include one member from each Connected Site, who is appointed by the chief of police from each Connected Site. Each appointee should be an Agency Administrator for their respective agency.

The Standards Committee shall initially meet within thirty (30) days after the execution of this Agreement and shall thereafter meet at least monthly to address issues arising with regard to: this Agreement; the Motorola FLEX public safety software system; policies, standards, and changes to the use of the Motorola FLEX public safety software system; or any other issue properly before the Standards Committee. At their initial meeting, the Standards Committee shall establish regular dates and times for its monthly meetings, and procedural rules for its meetings. The Server Site shall be responsible for scheduling the initial meeting of the Standards Committee with the Agency Heads or, if appointed, the Standards Committee member.

The Standards Committee shall also schedule special meetings upon the written request of any member of the Standards Committee or Agency Head, which special meetings may be to address any item set forth in the paragraph above.

Each member of the Standards Committee shall have one vote, with a simple majority needed, when voting to approve or disapprove standards and proposed changes to the Motorola FLEX public safety software system.

Members of the Standards Committee will also serve as the primary point of contact for communication regarding the Motorola FLEX public safety software system, between the Server Site and the Connected Site. Troubleshooting requests will be made electronically using a tracked system. Members of the Standards Committee should receive regular communication from the Server Site regarding the Motorola FLEX public safety software system.

The Standards Committee shall be responsible for making all decisions regarding standards, substantive changes, and policies regarding the Motorola FLEX public safety software system and its design and usage but shall not be responsible for the daily oversight of the said system.

The Server Site will make decisions, without a vote by the Standards Committee, regarding the standards and changes to the Motorola FLEX CAD and Jail modules.

## **2.2 DATA ENTRY STANDARDS**

Terms of consistency are to include consistent vocabulary and references throughout the Motorola FLEX System as well as definitions for all code tables throughout the system.

## **2.3 GEOBASE SETUP AND ONGOING MAINTENANCE**

It will be the responsibility of the Server Site to develop, update, and maintain all GeoBase files for all parties, including street center lines, partial layers, police zones, and common place names. The Connected Sites will have full authorization to work collaboratively with the Server Site to define these specifications for system users, and the Server Site shall update the GeoBase files based on input from the Connected Sites.



## 2.4 DATA SHARING

The Server Site shall allow the Connected Site to maintain separate records and data specific to each party's Motorola FLEX public safety software system. Each party will have access to computer programs and stored data within the Motorola FLEX public safety software system. Access to the Connected Site's data will be established and directed by the Server Site with the Connected Site's participation and approval. Data entered into the system by any party becomes a part of the server database and will be subject to maintenance or archival procedures as determined by the Server Site, the Standards Committee, or as required by law.

Any Connected Site may partition data applicable to its GeoBase files or entered into the Motorola FLEX public safety software system by its own Authorized Individuals or Agency Administrators into the Motorola FLEX public safety software system, so that no other Connected Site may access that partitioned data ("Partitioned Data"). Each party shall have access to data entered into the Motorola FLEX public safety software system by another party unless that data is Partitioned Data.

## 2.5 USE OF DATA

No party will sell, give, loan, lease or otherwise transfer title, possession, or allow access or use of any of the data or screens by any person, firm, corporation, or association, other than the party's respective Authorized Individuals, Agency Administrators, or System Applications Administrators, without prior written approval from all parties. Each party acknowledges and agrees that any party may deny the aforementioned acts to be undertaken by the other party.

Dissemination of data or information is the responsibility of each party and shall be consistent with the provisions of this Agreement. Each party shall ensure that its Authorized Individuals, Agency Administrators, and System Applications Administrators, as applicable, do not disclose data obtained through the Motorola FLEX public safety software system except as permitted by this Agreement or as required by law.

## 2.6 NON-PUBLIC RECORDS

Pursuant to NCGS Sections 132-1.4 and 132-1.4A, records entered into the Motorola FLEX public safety software system may not be subject to disclosure pursuant to the North Carolina Public Records Act, NCGS Section 132-1 et seq. Thus, before any records entered into the Motorola FLEX public safety software system is treated as a public records subject to disclosure under NCGS Sections 132-1 et seq., the party proposing to disclose the records as public records shall make a determination as to whether the records are exempt from such disclosure pursuant to NCGS Sections 132-1.4 and 132-1.4A and shall share its determination with the other parties before any data is disclosed as public records.

## 2.7 SYSTEM USE

The Motorola FLEX public safety software system is intended for use by the Server Site and Connected Site's public safety employees only, and then only to the extent that the public safety employees are Authorized Individuals, Agency Administrators, or System Applications Administrators.

Use of the Motorola FLEX public safety software system shall be in compliance with U.S. Department of Justice, Federal Bureau of Investigations, Criminal Justice Information Security Policy, and NC State Bureau of Investigation Policy.

### **3.0 SECURITY**

Extent of access shall conform to the regulations set forth in applicable federal, state, and local law.

#### **3.1 SECURED SYSTEM ACCESS**

Access to the Motorola FLEX public safety software system will only be allowed through a virtual private network (VPN) established and maintained by Dare County.

#### **3.2 AUTHORIZED INDIVIDUAL USERS**

Subject to the limitations provided in this Agreement, each Connected Site will have full authorization to add, modify, and delete that Connected Site's own Authorized Individuals and Agency Administrators' access, rights, or privileges within the Motorola FLEX public safety software system.

The Server Site will not add, modify, or delete any access, rights, or privileges of an Authorized Individual or Agency Administrator employed by a Connected Site within the Motorola FLEX public safety software system without written consent from the applicable Connected Site.

#### **3.3 USER PERMISSIONS**

Each user of the Motorola FLEX public safety software system shall have a unique user account with a unique password, thereby identifying the user's identity and the user's access authority as an Authorized Individual, Agency Administrator, or System Applications Administrator.

Authorized individual permissions shall include, as appropriate, system rights of the user, accessibility to specific modules and applications, ability to view, modify, delete, and print any aspect of the Motorola FLEX public safety software system as defined by approved permissions for each Authorized Individual user.

A user's account will provide a method of accounting for access to information.

Sharing of accounts within a Connected Site is expressly prohibited.

#### **3.4 SECURITY PRIVILEGES**

Connected Sites reserve the right to make decisions and establish all security privileges pertaining to the Connected Site's data stored within the Motorola FLEX public safety software system.

#### **3.5 SECURITY AND INTEGRITY**

The Server Site's network shall remain, and the Server Site shall ensure that its network remains protected from internet threats with firewall security to prevent unauthorized access via the internet or internally. The Connected Site is responsible for securing its own organization's computer resources against all unauthorized access.

By the tenth 10th day of each month, the Server Site shall provide each Agency Head with a full audit report for the month just ended that shows: all authorized users of the Motorola FLEX public safety software system; whether each such user is an Authorized Individual, Agency Administrator, or Systems Applications Administrator; which of the applicable Connected Site's files were accessed by each user of the Motorola FLEX public safety software system; and when such files were accessed. Any such report shall also be provided by the Server Site for any specified period upon at least five (5) days prior request from an Agency Head requesting the report and applicable period for which the report shall be provided.

#### **4.0 SYSTEM ADMINISTRATION**

The Server site will only allow personnel employed by the Server Site who are assigned to administer the Motorola FLEX public safety software system to possess System Applications Administrator rights. The Server Site shall enact internal policy that prohibits System Applications Administrators from disseminating information protected by law or manipulating or altering, in any way, data within the Motorola FLEX system without the consent of the Standards Committee. The Server Site shall provide each Agency Head with a copy of their internal policy within 90- days of the date this agreement is executed.

By majority vote of the Standards Committee, an Authorized Individual employed by a Connected Site may be granted System Applications Administrator rights. If an Authorized Individual is granted these rights, the employing Connected Site shall enact internal policy that prohibits the System Applications Administrator from disseminating information protected by law or manipulating or altering, in any way, data within the Motorola FLEX system without the consent of the Standards Committee. The Connected Site shall provide the Server Site and each Agency Head with a copy of their internal policy within 90 days of the date an Authorized Individual employed by that Connected Site is granted System Applications Administrator rights.

Each Connected Site is entitled to two Agency Administrators, in addition to its Agency Head, who will have full system access to administer the modules and features specific to the Connected Site's Motorola FLEX public safety software system. Each Agency Administrator will have full access and authorization to add, modify, and delete any data or information from the areas within the Motorola FLEX public safety software system that are specific to the Connected Site that employees the Agency Administrator.

#### **5.0 EQUIPMENT & CONNECTIVITY**

##### **5.1 EQUIPMENT AT THE SERVER SITE**

The Server Site, at its own cost and expense, shall maintain the network, server(s), firewall, backup devices, etc. that run and house the data applicable to the Motorola FLEX public safety software system.

## 5.2 SERVER CONNECTIVITY

Each party is responsible for maintaining its own internet connectivity to the Server Site.

## 5.3 HARDWARE MAINTENANCE

The Server Site shall, at its own cost and expense, maintain a maintenance contract, with all hardware vendors at all times, including backup generator(s) or reserved power supplies, for all hardware that supports the Motorola FLEX public safety software system. The Server Site shall renew these hardware contracts as necessary with all involved entities.

## 5.4 MINIMUM END-USER HARDWARE SPECIFICATIONS

Computers (laptops or PCs) with access to the Motorola FLEX public safety software system that are owned, leased, or otherwise under the control of each Connected Site, will meet or exceed the "minimum hardware specifications" established by Motorola, Inc. for the Motorola FLEX public safety software system.

Each party will be responsible to maintain its own end-user hardware.

## 5.5 ACCESS TO MOTOROLA FLEX SYSTEM PUBLIC SAFETY SOFTWARE SYSTEM

The Server Site will do everything within reason to ensure that the Connected Sites are able to access to the Motorola FLEX public safety software system 24x7x365. Should availability to the Motorola FLEX public safety software system be disrupted or terminated for any reason whatsoever, the Server Site will immediately notify the Connected Sites of the lapse in system access.

Each party is responsible for its own access to the server. Should access to the server lapse for a party, the individual party is responsible to work with appropriate parties to restore system access as soon as possible, and to further provide notification to the other parties when system availability is restored.

## 5.6 MOTOROLA FLEX SYSTEM PUBLIC SAFETY SOFTWARE SYSTEM NETWORK AVAILABILITY

The Motorola FLEX public safety software system availability objective is 95% 24x7x365.

## 5.7 MOTOROLA FLEX SYSTEM PUBLIC SAFETY SOFTWARE SYSTEM NETWORK MAINTENANCE

The Motorola FLEX public safety software system and the Server Site network will be available as set forth in this section with the following exceptions:

### 5.7.1 SCHEDULED PREVENTATIVE MAINTENANCE

The Server Site reserves the right to schedule preventative maintenance on all systems. Preventative maintenance will be scheduled on a normal cadence. The Server Site will provide the Connected Sites with a minimum of two weeks' notice, via electronic mail, before preventative maintenance is performed. The Server Site will attempt to minimize the

impacts to the Connected Sites while preventative maintenance is being performed.

All parties agree and acknowledge that scheduled preventative maintenance may result in loss of service to the Motorola FLEX public safety software system for a period of time.

#### 5.7.2 SOFTWARE AND HARDWARE UPGRADES OR MODIFICATIONS

If upgrades, additional modules, or new hardware are determined necessary and acceptable by all parties, the Server Site will determine the most appropriate time for scheduled modifications to minimize the impact to all parties.

Software and hardware upgrades or modifications differ from normally scheduled maintenance, in that the Motorola FLEX public safety software system may be unavailable for duration of the upgrade, which conceivably may be 24-hours or longer.

The Server Site will provide the Connected Sites with a minimum of one month's notice, via electronic mail, before software or hardware upgrades or modifications are performed. The Server Site will attempt to minimize the impacts to the Connected Sites while software or hardware upgrades or modifications are being performed.

#### 5.7.3 EMERGENCY MAINTENANCE

The Server Site will coordinate emergency maintenance with the Connected Sites whenever necessary and possible.

### 5.8 SERVER SITE INFORMATION TECHNOLOGY SUPPORT

The Server Site's Information Technology Department will provide 24x7x365 support for system servers that support the Motorola FLEX public safety software system.

For Low Priority Issues, the Connected Site's designated Standards Committee Member should submit a service ticket to the Server Site's Information Technology Department via the Server Site's automated ticketing system. The Server Site shall use its best efforts to resolve any Low Priority Issues within 72 (seventy-two) hours after being informed of such issue.

For High priority issues that arise during business hours, Connected Site's supervisors should contact the Dare County Sheriff's Office Communications Director by telephone. The Server Site shall use its best efforts to resolve any High Priority Issues within 8 (eight) hours after being informed of such issue. The Server Site shall use its best efforts to resolve any High Priority Issue within 24 (twenty-four) hours after being informed of such issue.

For High priority issues that arise outside business hours, Connected Site's supervisors should call the 9-1-1 Communication Center at 252-473-3444 and report the issue to the on-duty supervisor. The on-duty supervisor will make the appropriate notification to the on-call System Applications Administrator from the Server Site's Information Technology Department.

#### 5.8.1 SERVICE TICKETING

The Server Site will use an automated ticketing system to accept, process, assign a priority level (i.e., Low, Medium, or High) and log the resolution of Motorola FLEX public safety software system issues, regardless of whether such issues are reported by email the Server Sites automated ticketing system or telephone, as set forth in Section 5.8, above. When a support ticket is entered, the automated ticketing system will route the service ticket to the Dare County Sheriff's Office Director of Communications, Agency Heads, Agency Administrators, and the system administrators assigned to administer the Motorola FLEX public safety software system. The Server Site shall also ensure that all Agency Administrators and the Standards Committee shall also receive confirmation of the issue submission and an explanation of the service ticket resolution.

#### 5.9 MOTOROLA INFORMATION TECHNOLOGY SUPPORT

The Server Site will ensure that Agency Heads, Agency Administrators, and the IT Contractor in Good Standing at each Connected Site are authorized to contact Motorola technical support via telephone or online portal to obtain technical support related to the functionality of programs and modules within the Motorola FLEX public safety software system.

#### 5.10 CONFIGURATION MANAGEMENT

All configuration changes to the Motorola FLEX public safety software system will be made by the Server Site in coordination with the Connected Sites.

Requests for configuration changes to the Motorola FLEX public safety software system from the Connected Sites may come from the Connected Site's designated Standards Committee Member, or the Agency Administrator.

The Server Site shall not to perform any configuration changes to the Motorola FLEX public safety software system server(s), with the exception of configuration changes to the Motorola FLEX CAD or Jail modules, the without majority consent from the Standards Committee.

If a change is a Motorola FLEX public safety system software or hardware upgrade, modification, or configuration affecting all parties, refer to subsection 5.7.2 for the notification requirement.

Connected Sites shall not perform any configuration changes to the Server Site's hardware.

#### 5.11 DISASTER RECOVERY, BACKUP, & ARCHIVING

The Server Site's is responsible for ensuring full nightly backups are completed successfully. In addition to nightly backups, the Server Site will ensure that disaster recovery procedures are in place and current in order to accommodate system failures, infrastructure failures, etc. so that the Motorola FLEX public safety software system will be accessible from the secondary data center.

The Server Site shall enact an internal data breach policy and an IT disaster recovery plan. The Server Site shall provide each Agency Head with copies of these documents within 90-days of the date this Agreement is executed.

The Server Site, in cooperation with all Connected Sites, shall coordinate and execute a planned

fail-over to the secondary data center on a quarterly basis. The Server Site shall provide to Agency Heads, in writing, documentation of the testing and the outcome of said testing.

## **6.0 TERMS OF CONTRACT**

### **6.1 TERMINATION OF MOTOROLA FLEX LICENSE OR SUPPORT AGREEMENT**

If any party should terminate its Motorola FLEX public safety software system license or support contract with Motorola Inc., the party will provide written notice to the other parties at least 30 days prior to the contract's termination. Upon such termination, said party shall no longer be a party to this Agreement, but this Agreement shall remain in full force and effect as to the other parties.

Any party may terminate its status as a party to this Agreement upon at least sixty (60) days written notice to the other parties. Upon such termination, said party shall no longer be a party to this Agreement, but this Agreement shall remain in full force and effect as to the other parties.

The party maintaining the license or support contract with Motorola FLEX reserves the right to keep its own license and/or support contract with the vendor as well as all system data belonging to the party.

At such time as the Motorola FLEX public safety system software is no longer used by the parties and is replaced with any other software, Dare County, at its own expense, shall be responsible for migrating all data from the Motorola FLEX public safety system software to the new software.

### **6.2 TERMINATION OF INTERLOCAL AGREEMENT BETWEEN SERVER SITE AND CONNECTED SITE**

This Agreement may be terminated upon mutual agreement of all parties by providing written notice of such termination. Termination will be effective on the date stated in the notice so long as the notice is properly given at least 120 days prior to such date. This Agreement may be immediately terminated without notice upon an event of default. Should an event of default occur, there will be 10 business days allowed for the defaulting party to remedy the situation prior to Agreement termination. Events of default include but are not limited to the following:

- a) One party uses data or gives someone access to data from the Motorola FLEX public safety system software in a manner that is inconsistent with this Agreement.
- b) Unauthorized copying of data entered into the Motorola FLEX public safety system software.
- c) The Agreement is determined to be in conflict with Federal or state law, or Town resolutions, or ordinances which are in effect at the time of this Agreement or may be imposed in the future and such conflict cannot be remedied by the Standards Committee.
- d) One party sells, gives, leases, or loans access to the screens of the data contained in the Motorola FLEX public safety system software to any person other than an Authorized Individuals, Agency Administrators, and System Applications Administrators without the express written approval of the other parties.
- e) One party allows access to the screens of the data contained in the Motorola FLEX public safety system software to be used as a list of individuals for commercial purposes.
- f) One party allows the connection, directly or indirectly, of a computer network that can access the Motorola FLEX public safety system software when the connecting person or entity is outside of the Server Site's or the Connected Site's control.

### **6.3 DATA MIGRATION**

Upon the termination of this Agreement as to any one or all of the parties, each party whose status as a party to this Agreement is being terminated shall have the right, within 120 days after said termination, to have its data migrated from the Motorola FLEX public safety system software that is governed by this Agreement to the terminated party's own software system. Dare County and the Server Site shall assist and cooperate, at their own cost, with this data migration.

### **6.4 LIMITATION OF LIABILITY**

The information supplied by the Server Site or by any Connected Site described herein is provided on an "as is" basis "with all faults."

The obligations of each party and the rights and remedies of each party set forth in this Agreement are exclusive and in substitution for all the warranties, obligations, and liabilities of the applicable party.

All concerns will be brought forth to the Standards Committee and if required, escalated to the appropriate governing authority. If any legal action is required it will be resolved, if possible, through North Carolina mediation rules. The parties would be responsible for their own costs and split any mediation fees equally.

### **6.5 REPLACEMENT OF PRIOR INTERLOCAL AGREEMENTS**

Dare County and the Town of Duck entered into a certain Interlocal Agreement on or about Dec. 19, 2022 regarding the Motorola FLEX public safety software project (the "Duck Agreement"). Dare County and the Town of Southern Shores entered into a certain Interlocal Agreement on or about Dec. 19, 2022 regarding the Motorola FLEX public safety software project (the "Southern Shores Agreement"). Dare County and the Town of Nags Head entered into a certain Interlocal Agreement on or about Dec. 19, 2022 regarding the Motorola FLEX public safety software project (the "Nags Head Agreement"). Dare County and the Town of Kitty Hawk entered into a certain Interlocal Agreement on or about Dec. 20, 2022 regarding the Motorola FLEX public safety software project (the "Kitty Hawk Agreement"). Dare County and the Town of Kill Devil Hills entered into a certain Interlocal Agreement on or about Dec. 20, 2022 regarding the Motorola FLEX public safety software project (the "Kill Devil Hills Agreement"). Dare County and the Town of Manteo entered into a certain Interlocal Agreement regarding the Motorola FLEX public safety software project (the "Manteo Agreement"). This Agreement is intended to, and shall, replace the Duck Agreement, Southern Shores Agreement, Nags Head Agreement, Kitty Hawk Agreement, Kill Devil Hills Agreement, and Manteo Agreement (collectively, the "Prior Agreements"). Upon the execution of this Agreement by all parties, the Prior Agreements shall become null and void and of no force or effect and shall be replaced in their entirety by this Agreement.

### **7.0 ACCEPTANCE**

The governing boards of Dare County and the Town of Southern Shores, Town of Nags Head, Town of Kitty Hawk, Town of Kill Devil Hills, Town of Duck, and Town of Manteo hereby mutually acknowledge and accept the terms and conditions of this Agreement.



Dare County:   
By: \_\_\_\_\_  
Name: Robert L. Outten  
Title: County Manager / Attorney  
Date: 6/3/24

Town of Southern Shores:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Duck:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Manteo:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Nags Head:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Kitty Hawk:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Kill Devil Hills

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

[signatures continued on the following pages]

The undersigned hereby agrees to become bound by, and by its signature shall become bound by, the provisions of the Agreement applicable to the Server Site and the Dare County Sherriff's Office.

Dare County Sherriff's Office:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Each of the undersigned hereby agrees to become bound by, and by its signature shall become bound by, the provisions of the Agreement applicable to it as a Connected Site and as an Agency Head.

Town of Southern Shores Police Department:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Duck Police Department:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Town of Manteo Police Department:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

[signatures continued on the following page]

**Town of Nags Head Police Department:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Town of Kity Hawk Police Department:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Town of Kill Devil Hills Police Department:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



## Agenda Item Summary Sheet

Item No: **E-10**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of amendment to MOU between Town of Nags Head and Town of Kill Devil Hills for shared Eighth Street Beach Access maintenance

**Item Summary:**

The current 3-year agreement between Nags Head and Kill Devil Hills for operation and maintenance of the Eighth St. Beach Access expires on June 30, 2024. An addendum extending the agreement is attached. The MOU provides for the operation, repairs, and improvements to the ocean access that is owned by both towns along the centerline of the right-of-way. The MOU provides for overall management of the site to be the responsibility of the Town of Nags Head with reimbursement for joint costs from Kill Devil Hills.

The agreement has been reviewed and approved at the staff level by both towns; the agreement would be for three years - July 1, 2024 - June 30, 2027.

Number of Attachments: 1

**Specific Action Requested:**

Request Board review and approval of attached agreement with the Town of Kill Devil Hills to extend for another three years the maintenance of the Eighth Street Beach Access.

Submitted By: Administration

Date: June 27, 2024

**Finance Officer Comment:**

No fiscal changes are being proposed.

Signature: Amy Miller

Date: June 27, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 27, 2024

**Town Manager Comment and/or Recommendation:**

I concur with the contract amendment which is provided for your consideration. The Kill Devil Hills Town Board approved the amendment at their meeting on Wednesday, June 26<sup>th</sup>.

Signature: Andy Garman

Date: June 27, 2024

**EXTENSION TO MEMORANDUM OF UNDERSTANDING**

**KILL DEVIL HILLS / NAGS HEAD EIGHTH STREET OCEAN ACCESS**

**OPERATION PLAN**

This ADDENDUM is attached to and made a part of the Memorandum of Understanding (“MOU”) entered between the Town of Kill Devil Hills and the Town of Nags Head on May 26, 2021. For valuable consideration, the receipt and legal sufficiency of which are acknowledged, the parties to the MOU agree as follows:

- A. The parties to this addendum entered into the MOU to establish a joint operation plan for that certain public ocean access located within the corporate districts of each Town.
- B. The MOU was entered into in accordance with the requirements of North Carolina Law.
- C. The original term of the MOU was for a three-year period of time beginning on July 1, 2021 and running through June 30, 2024.
- D. The express provisions of the MOU state that, upon mutual agreement of the parties, the term of the MOU may be extended for additional three-year periods.
- E. It is acknowledged by the parties that the Boards of Commissioners for the Towns of Kill Devil Hills and Nags Head have expressed their consent to this extension through vote on the same at a regularly scheduled public meeting, along with issuing authority to their respective Town Managers to execute this Addendum of Extension.
- F. By signature of parties below, the Agreement is hereby extended for a period of three (3) years, running from July 1, 2024, through June 30, 2027.
- G. The remaining terms of the Agreement shall remain unaltered and in full force and effect.

TOWN OF KILL DEVIL HILLS

TOWN OF NAGS HEAD

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

By: Debora P. Díaz, Town Manager

By: Andy Garman, Town Manager

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

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



## Agenda Item Summary Sheet

Item No: **E-11**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of resolution authorizing the Town Manager to execute a contract on behalf of the Town with the State for the Coastal Storm Damage Mitigation Grant

**Item Summary:**

Attached please find a resolution authorizing the Town Manager to execute a contract with the State for a Coastal Storm Damage Mitigation (CSDM) Grant for the Board's consideration on July 3<sup>rd</sup>.

This request is for State grant assistance to oversee the engineering design, permitting coordination, and construction documentation preparation for the Town's next Beach Nourishment Project. Funding has been awarded and this is a prerequisite for the Town to execute a grant contract.

Number of Attachments: 1

**Specific Action Requested:**

Request Board review and adoption of attached resolution.

Submitted By: Administration

Date: June 26, 2024

**Finance Officer Comment:**

Currently there is sufficient funding in the Beach Nourishment Capital Project Fund to cover the 50% local match of \$301,000.

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

I concur with staff's request.

Signature: Andy Garman

Date: June 26, 2024



**RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE  
A CONTRACT ON BEHALF OF THE TOWN OF NAGS HEAD  
WITH THE STATE OF NORTH CAROLINA  
FOR A COASTAL STORM DAMAGE MITIGATION GRANT**

**WHEREAS**, the Town of Nags Head is planning for the next large-scale sand nourishment project to mitigate risk of damage from coastal storm effects; and

**WHEREAS**, the Town is requesting grant funds encompassing planning, design and permitting for the placement of beach-quality sand along a ten-mile stretch of oceanfront; and

**WHEREAS**, the maintenance and restoration of Nags Head beaches is essential to the economy of Dare County and the Town of Nags Head; and

**WHEREAS**, the Town provides an integrated approach to implementation of beach management, maintenance, and restoration projects; and

**WHEREAS**, Financial assistance for the Town of Nags Head has been tentatively approved by the State for overseeing the engineering design, permitting coordination and construction document preparation for the next beach nourishment project.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD:**

1. That the Board of Commissioners requests the State of North Carolina to provide financial assistance to the Town of Nags Head in the amount of \$301,000 or 50% of nonstate project costs, whichever is the lesser amount.
2. The Board assumes full obligation for payment of the balance of the project cost (or non-state portion).
3. The Town will obtain all necessary state and federal environmental permits associated with the project and will assure compliance with permit conditions for safe and proper final construction in accordance with approved plans and specifications.
4. The Town will obtain appropriate easements, rights-of-way or suitable spoil disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
5. The Board has complied and will comply with all applicable laws governing the project and the award of contracts and the expenditure of public funds by local governments.
6. The Town of Nags Head accepts responsibility for operation and long-term maintenance of the completed project in providing for continued beach management and restoration and assures that the project is open for use by the public on an equal basis with limited restrictions.
7. The Town holds the State harmless for any damage that may result from the project.

8. The Town Manager, or in absence designee, of the Town of Nags Head is hereby authorized, individually, and collectively, to execute a contract on behalf of the Town of Nags Head with the State of North Carolina for a grant to aid in the projects described above.
9. That the Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the grant contract.

Adopted this the 3rd day of July 2024.

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Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

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Carolyn F. Morris, Town Clerk





# Agenda Item Summary Sheet

Item No: **F-1**  
Meeting Date: **July 3, 2024**

**Item Title:** Public Hearing to consider NC Public Beach and Coastal Waterfront Access grant application

**Item Summary:**

Staff would like to apply for a NC Public Beach and Coastal Waterfront Access grant for improvements to the June Street Public Beach Access in S Nags Head. Attached please find a grant pre-application prepared by Planning staff. A brief description of the proposed improvements are as follows:

- The Town proposes to construct a new ADA-accessible elevated dune crossover. The six-foot-wide wooden structure will be approximately 1,650 square feet long and require about three switchbacks. The new walkover will contain handrails. In conjunction with the new walkover, a sixteen-foot octagonal gazebo, new shower station and platform and new solar powered lamp post will be constructed. The existing porta-john wooden enclosure and trash wooden enclosure will be removed, and new enclosures added.

Number of Attachments: 2

**Specific Action Requested:**

Conduct the Public Hearing for the proposed grant application.

Submitted By: Planning and Development

Date: June 25, 2024

**Finance Officer Comment:**

No unbudgeted fiscal impact.

Signature: Amy Miller

Date: June 25, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 25, 2024

**Town Manager Comment and/or Recommendation:**

This project has been budgeted with grant funds in the FY 24/25 budget. This implements plans for beach access improvements for the coming year.

Signature: Andy Garman

Date: June 25, 2024

North Carolina  
Public Beach and Waterfront Access Grant Program  
2024-25 Pre-Application

**The Town of Nags Head**  
**June Street Public Beach Access Improvements**



April 4, 2024

The Town of Nags Head June Street Public Beach Access

**1. Site location maps:** Provide a regional location map and a detailed vicinity map (street map) showing the location of the proposed project. Include a north arrow, and legible street names.

*See Attachment 1.*

**2. Site description:** Provide a description of the site where the project will be located, including natural features and existing improvements. Also include NC Division of Water Resources [Surface Water Classification\(s\)](#).

*The June Street Neighborhood Beach Access is currently a developed site with an improved dune crossing that provides access to the oceanfront. The site is accessible from a paved drive aisle and contains a 14-stall parking area comprised of concrete grid pavers (Turfstone). The site also contains two ADA parking spaces. The ADA parking spaces have appropriate and compliant signage and striping. Other site elements include a porta-john and enclosure, trash receptacle and enclosure, red mailbox, dedication post to Todd Krafft, shower station, lamp post, dog bag station and bike rack. The site topography slopes gently from west to east, from an elevation of 3' msl at S. Old Oregon Inlet Rd. (SR 1243), to approximately 15' msl along the crest of the improved walkway through the frontal dune system and then, with moderate slopes, transitions back towards sea level to the Atlantic Ocean. The primary dunes are heavily vegetated with native grasses along both sides of the walkway. The vegetation becomes sparser towards the crest and the oceanward side of the dune. The Atlantic Ocean is the nearest surface water with a classification designation of SB, recreational.*

**3. National Flood Insurance Program Floodways & Non-encroachment Areas:** Indicate if the project site or improvements are located in [Floodway or Non-encroachment area](#) per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.

N/A

**4. Project description: Site improvements projects:** Provide a description of the access facilities to be built, including information on features, materials, and proximity to [closest/other access sites](#).

*The Town proposes to construct a new ADA-accessible elevated dune crossover. The six-foot-wide wooden structure will be approximately 1,650 square feet long and require about three switchbacks. The new walkover will contain handrails. In conjunction with the new walkover, a sixteen-foot octagonal gazebo, new shower station and platform and new solar powered lamp post will be constructed. The bike rack, dog bag station, custom bench, dedication to Todd Krafft and the red mailbox will remain in their existing locations. The existing porta-john wooden enclosure and trash wooden enclosure will be removed, and new enclosures will be constructed.*

*The site is located approximately .6 of a mile south of the extremely popular Outer Banks Fishing Pier and Fish Heads Bar and Grill in south Nags Head. There are other beach accesses both to the north, approximately .21 mile, and to the south, approximately .15 mile. The June Street beach access is located within close proximity to single-family homes, townhomes, cottage courts, and vacation rentals.*

**5. Project justification: Explain why the project is needed and how it will benefit your community.**

*The June Street public access walkover was originally constructed via a CAMA access grant awarded in 2006-2007. The original structure was comprised of an elevated dune walkover structure. However, since this original grant, the walkover has fallen into disrepair. Although advertised as an ADA accessible beach access, many of the boards have weathered and are sticking up or uneven. The disrepair of the facility makes access a challenge for those pushing strollers and for disabled individuals, despite having ADA compliant parking in good condition.*

*The proposed construction of an ADA accessible boardwalk is critical to providing adequate facilities for visitors and citizens in this popular segment of beach. The new boardwalk will allow people of all abilities and ages to gain access more easily and safely to the public beach through the use of a beach wheelchair, available in the Town with a reservation at the nearby fire station. Additionally, the new shower station and platform will provide a much-improved opportunity for visitors to rinse sand off themselves, their pets, and belongings. The gazebo will provide an elevated area for sitting, picnicking, and resting with picturesque views of the shoreline and protection from sun, wind and sand. There isn't another public beach access nearby with a gazebo and ADA accessibility, providing a much-needed amenity for residents and visitors looking for some refuge or alternate beach experience.*

**6. List the types and sources of utilities proposed; and identify associated costs on Project Budget (pg. 3). Note above ground utilities must be identified.**

*There is an existing rinse-off station and lamp post. Both will be renovated through this project to include a new solar powered street-light and upfitted shower station. A water tap is already available on site.*

**7. Project site plan: Provide a to-scale site plan showing property lines (label existing uses on adjacent lots), proposed site improvements, existing facilities, and significant natural features.**

- Include a legend, north arrow and graphic scale.
- Improvements shown as an overlay on aerial photos also may be submitted.
- Provide to-scale building elevations and floor plans as applicable.

*See Attachments 2 and 3.*

**8. Pre-project tasks: Identify tasks that must be completed prior to starting the project.**

*N/A*

**9. Permits: List all necessary permits and/or certifications.**

- CAMA Minor Permit
- Zoning Permit
- Floodplain Review
- Land Disturbance Permit

- *Building Permit*

**10. ADA Transition Plan: Is this project site identified in your community's ADA Transition Plan? If yes, provide a brief description of the improvements identified in the plan and outline how this project addresses them.**

*N/A*

**11. ADA requirements: Does this project meet ADA requirements? If yes, describe the handicapped accessible features of this project. If no, describe why a handicapped accessible facility is impracticable and outline how handicapped accessibility needs are met within the area. See Designing Facilities for ADA in the application packet.**

*Yes, this project will be designed to meet ADA requirements. The parking lot already has existing ADA parking spaces and will provide connecting at-grade access to the proposed wooden dune walkover, which will be 6' in width. Three switchbacks will ensure that crossover meets required ADA running slope and cross slope requirements. The walkover will also have handrails, further ensuring an ADA compliant public access site.*

**12. Exceeding ADA requirements: Does this project exceed ADA requirements? If yes, describe the handicapped accessible features that exceed ADA requirements. See Designing Facilities for ADA in the application packet.**

*In the Access Board's document, "Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas," clear width's for walkover structures are required to be a minimum of sixty inches and sections that are not removable can be reduced to a minimum of forty-eight inches at dune crossings. The Town is proposing seventy-two inches of clear width for the entirety of the dune cross over in addition to the provision of handrails. Beach wheelchairs are also available 365 days per year by reservation at the Nags Head Fire Station 16.*

**13. Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan? If yes, provide a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.**

*Yes, this project is high local priority as represented in the following:*

***The 2022 Town of Nags Head Comprehensive and CAMA Land Use Plan***

*The Town of Nags Head Comprehensive Plan was developed with community input. The vision recognizes that, "a high-quality beach experience is fundamental to protecting and promoting our small-town character." Further, "ensuring access to a well-protected natural coastal environment" is a fundamental part of our legacy and quality of life.*

*The 2022 Comprehensive Plan describes the South Nags Head Character Area, "All development and redevelopment should connect to both existing and planned recreational improvements such as multi use paths, beach accesses, and parks". Access to the beach is central to the character of South Nags Head.*

## NORTH CAROLINA PUBLIC BEACH AND WATERFRONT ACCESS PROGRAM

N. C. Division of Coastal Management

*As part of the community engagement process, residents were asked to indicate the most positive changes in the community in the last five years. Participants indicated that beach access was one of the most positive changes in the community.*

*In section 3.63 of the Comprehensive Plan, Subsection E: Public Access and the Beach states:*

*Improving handicap access is an important concern at the town's public beach accesses. In addition to handicap access, the town has beach wheelchairs that are available for public use. In addition, the plan contains the following policies that speak to the importance of access to the beach in Nags Head.*

*The town should work to offer greater ADA accessibility at existing facilities.*

- *PR-3 Expand and develop public access to ocean and estuarine shorelines that accommodate different user types, age groups, and needs.*
- *NR-19 Provide substantial opportunity for the public to access the beach. This includes beach accesses with adequate parking at regular intervals for the length of the town with accessible facilities.*

**14. Is this project reflected in other policy documents or ordinances? If yes, provide a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.**

*Yes, this project is also reflected in the following documents:*

***Town of Nags Head Capital Improvement Plan (CIP)*** *The adopted CIP for fiscal year 2024/25 identifies, prioritizes, and funds the construction of an accessible public beach access at June Street. Construction of this beach access would complete the goal of CIP. The development of the improved ADA accessible walkover will improve upon the level of service that previously existed.*

***The Town of Nags Head Parks and Recreation Plan*** *Core Values (Live, Visit, Play, Thrive) all share a common thread of access and protection of the Town's abundant natural resources, including the beach. Public access to the beaches for residents and visitors promotes a healthier lifestyle and connects people with each other and the environment, improving the overall quality of life. Many of the residential lots in the Town do not have beach front access, and without public access points, would not have a way to access the beach.*

*The goals, objectives, and actions of this plan were developed from community input gained through a series of surveys and community meetings. One of the top responses received from that citizen input effort was increased access to the beach and enhancement of existing beach accesses with restrooms, showers, and other amenities. The Town is committed to maintaining beach access for both residents and visitors.*

NORTH CAROLINA PUBLIC BEACH AND WATERFRONT ACCESS PROGRAM

N. C. Division of Coastal Management

**15. Previous grants: List Access Grants previously received from DCM at this site by year. Use the DCM [map of past grants awarded](#).**

A previous access grant was received for the June Street Public Beach Access in 2006-2007. The grant included installation of a paved parking lot with approximately fourteen (14) spaces, including handicapped accessible parking spaces, installation of a water tap and shower, a bike rack, lighting, landscaping, and a sandblasted sign.

**16. User fees: Is a user fee charged at this site? Do you charge user fees at any other DCM funded sites? If yes to either of these questions, provide the most recent annual accounting report as required by [15A NCAC 07M .310\(d\)](#).**

N/A

**17. Proposed Summary Budget**

|                                                                                                              | <b>Grant Assistance Requested</b> | <b>Local Cash Contribution</b> | <b>Local In-Kind Contribution</b> | <b>TOTAL</b> |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------|-----------------------------------|--------------|
| <b>Land Acquisition Costs:</b>                                                                               | NA                                | NA                             | NA                                | NA           |
| <i>Subtotal</i>                                                                                              | \$0.00                            | \$0.00                         | \$0.00                            | \$0.00       |
| <b>Permit and Design Fees:</b>                                                                               |                                   |                                |                                   |              |
| <i>Permits</i>                                                                                               | \$0.00                            | \$0.00                         | \$800.00                          | \$800.00     |
| <i>Design</i>                                                                                                | \$0.00                            | \$0.00                         | \$8,000.00                        | \$8,000.00   |
| <i>Survey</i>                                                                                                | \$0.00                            | \$2,200.00                     | \$0.00                            | \$2,200.00   |
| <i>Subtotal</i>                                                                                              | \$0.00                            | \$2,200.00                     | \$8,800.00                        | \$11,000.00  |
| <b>Demolition and Site Prep:</b>                                                                             |                                   |                                |                                   |              |
| <i>Site Prep (erosion control and grading )</i>                                                              | \$4,000.00                        | \$0.00                         | \$0.00                            | \$4,000.00   |
| <i>Demolition/removal of walkover, porta john enclosure, trash can enclosure, shower station, lamp post.</i> | \$10,000.00                       | \$0.00                         | \$0.00                            | \$10,000.00  |
| <i>Subtotal</i>                                                                                              | \$14,000.00                       | \$0.00                         | \$0.00                            | \$14,000.00  |
| <b>Site Improvement Costs:</b>                                                                               |                                   |                                |                                   |              |
| <i>Materials</i>                                                                                             |                                   |                                |                                   |              |
| <i>1650 sf of 6' wide wood dune walkover</i>                                                                 | \$80,000.00                       | \$20,000.00                    | \$0.00                            | \$100,000.00 |
| <i>Site improvements: 16' octagonal gazebo</i>                                                               | \$9,000.00                        | \$3,000.00                     | \$0.00                            | \$12,000.00  |

NORTH CAROLINA PUBLIC BEACH AND WATERFRONT ACCESS PROGRAM

N. C. Division of Coastal Management

|                                                                                                              |              |             |            |              |
|--------------------------------------------------------------------------------------------------------------|--------------|-------------|------------|--------------|
| <i>Site improvements: shower station, solar powered lamp post, porta-john enclosure, trash can enclosure</i> | \$3,487.50   | \$1,162.50  | \$0.00     | \$4,650.00   |
| <i>Subtotal</i>                                                                                              | \$92,487.50  | \$24,162.50 | \$0.00     | \$116,650.00 |
| <b>Site Improvement Costs:</b>                                                                               |              |             |            |              |
| <i>Labor</i>                                                                                                 |              |             |            |              |
| <i>6' wide wood dune walkover</i>                                                                            | \$82,000     | \$28,000.00 | \$0.00     | \$110,000.00 |
| <i>Site improvements: 16' octagonal gazebo</i>                                                               | \$11,250     | \$3,750.00  | \$0.00     | \$15,000.00  |
| <i>Site improvements: shower station, solar powered lamp post, porta-john enclosure, trash can enclosure</i> | \$3,112.50   | \$1,037.50  | \$0.00     | \$4,150.00   |
| <i>Subtotal</i>                                                                                              | \$96,362.50  | \$32,787.50 | \$0.00     | \$129,150.00 |
|                                                                                                              |              |             |            |              |
| <b>Local Admin Costs:</b>                                                                                    | \$0.00       | \$0.00      | \$0.00     | \$0.00       |
| <i>5 % Project Contingency</i>                                                                               | \$4,818.13   | \$1,639.38  | \$0.00     | \$6,457.50   |
| <b>TOTAL BUDGET</b>                                                                                          | \$207,668.13 | \$60,789.38 | \$8,800.00 | \$277,257.50 |





## NORTH CAROLINA PUBLIC BEACH AND WATERFRONT ACCESS PROGRAM PRE-APPLICATION 2024-2025

Local Government: \_\_\_\_\_ Federal ID Number: 56- \_\_\_\_\_

Project Name: \_\_\_\_\_

Brief Project Description:

|                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Local Government Project Administrator</b><br>Name: _____<br>Title: _____<br>Address: _____<br>City, State, Zip: _____<br>Telephone: _____<br>Email: _____                                                                          | <b>Project Type (choose one):</b><br><br>Land Acquisition<br><br>Site Improvement<br><br>Site Maintenance                                                                                                                                                                                                                                                                                                   |
| <b>Costs rounded to nearest dollar:</b><br>Grant funds requested: \$ _____.00<br><br>Local government's matching funds: \$ _____.00<br>Cash Match: \$ _____.00<br>In-kind Match: \$ _____.00<br><br>Total cost of project: \$ _____.00 | <b>Site Control (check all that apply):</b><br><br>Owned by local government<br><br>To be obtained with this land acquisition project<br><br>Land acquired under an approved waiver.<br>Expiration date: _____.<br><br>Leased by applicant for 25 years or more<br><br>Easement by applicant for 25 years or more<br><br>Owned by other State, Federal, or government agency with a<br>Joint Use Agreement. |

### LOCAL GOVERNMENT REPRESENTATIVE SIGNATURE

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
*Joe Costello*  
Signature

**Provide the following ATTACHMENTS and NARRATIVE:**

- 1. Site location maps:** Provide a regional location map and a detailed vicinity map (street map) showing the location of the proposed project. Include a north arrow, and legible street names.
- 2. Site description:** Provide a description of the site where the project will be located, including natural features and existing improvements. Also include NC Division of Water Resources [Surface Water Classification\(s\)](#).
- 3. National Flood Insurance Program Floodways & Non-encroachment Areas:** Indicate if the project site or improvements are located in [Floodway or Non-encroachment area](#) per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.
- 4. Project description:**
  - a. **Land acquisition projects:** Provide an exhibit or boundary survey indicating land area, an estimated cost of the property, and basis for the estimate. An overlay on aerial photos may be submitted. Indicate if the property would be acquired in phases.
    - i. The community has five years to begin developing beach and water access facilities on an acquired site. Describe how the public will be able to use the site until improved access facilities are in place.
  - b. **Site improvements projects:** Provide a description of the access facilities to be built, including information on features, materials, and proximity to [closest/other access sites](#).
  - c. **Maintenance of a previously funded site projects:** describe the repair and maintenance being proposed. Describe why repairs and maintenance are needed at this site.
- 5. Project justification:** Explain why the project is needed and how it will benefit your community.
- 6. List the types and sources of utilities proposed; and identify associated costs on Project Budget (pg. 3). Note above ground utilities must be identified.**
- 7. Project site plan:** Provide a to-scale site plan showing property lines (label existing uses on adjacent lots), proposed site improvements, existing facilities, and significant natural features.
  - Include a legend, north arrow and graphic scale.
  - Improvements shown as an overlay on aerial photos also may be submitted.
  - Provide to-scale building elevations and floor plans as applicable.
- 8. Pre-project tasks:** Identify tasks that must be completed prior to starting the project.
- 9. Permits:** List all necessary permits and/or certifications.

- 10. ADA Transition Plan:** Is this project site identified in your community's ADA Transition Plan? If yes, provide a brief description of the improvements identified in the plan and outline how this project addresses them.
- 11. ADA requirements:** Does this project meet ADA requirements? If yes, describe the handicapped accessible features of this project. If no, describe why a handicapped accessible facility is impracticable and outline how handicapped accessibility needs are met within the area. See Designing Facilities for ADA in the application packet.
- 12. Exceeding ADA requirements:** Does this project exceed ADA requirements? If yes, describe the handicapped accessible features that exceed ADA requirements. See Designing Facilities for ADA in the application packet.
- 13. Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan?** If yes, provide a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.
- 14. Is this project reflected in other policy documents or ordinances?** If yes, provide a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.
- 15. Previous grants:** List Access Grants previously received from DCM at this site by year. Use the DCM [map of past grants awarded](#).
- 16. User fees: Is a user fee charged at this site?** Do you charge user fees at any other DCM funded sites? If yes to either of these questions, provide the most recent annual accounting report as required by [15A NCAC 07M .310\(d\)](#).

# Project Budget

This form must be completed and included with your application. Round project costs to the dollar.

If available, attach a detailed breakdown of the cost assumptions upon which the Project Budget is based. Proposals that include this information increase their likelihood of funding.

| Project Elements                  | Grant | Cash Match | In Kind | Total |
|-----------------------------------|-------|------------|---------|-------|
| Land Acquisition Costs            |       |            |         |       |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
| Permit and Design Fees            |       |            |         |       |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
| Site Improvement Costs: Materials |       |            |         |       |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
| Site Improvement Costs: Labor     |       |            |         |       |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
| Local Administrative Costs        |       |            |         |       |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |
|                                   | \$    | \$         | \$      | \$    |

|                   |    |    |    |    |
|-------------------|----|----|----|----|
| Totals            | \$ | \$ | \$ | \$ |
| Match Percentages | %  | %  | %  | %  |

# Proposed Local Match

Local Government: \_\_\_\_\_ Project Name: \_\_\_\_\_

**Instructions:** Use the form below to show the sources of your matching funds. Indicate if these funds are currently available or are the funds yet to be approved. If funds are yet to be approved, list the date for approval. If applicable, provide additional narrative related to in-kind match and/or state/federal funds.

Applicants are encouraged to include their local contribution in their budget.

| Source of Matching Funds |                 |                |                           |
|--------------------------|-----------------|----------------|---------------------------|
| Type of Matching Funds   | Amount of Funds | Funding Source | Availability (Month/Year) |
|                          | \$              |                |                           |
|                          | \$              |                |                           |
|                          | \$              |                |                           |
|                          | \$              |                |                           |
|                          | \$              |                |                           |
| Total Matching Funds:    | \$              |                |                           |

## Additional Narrative:

Provide narrative explaining the relevance of proposed in-kind match to the project.

If other state and/or federal funds are to be used as local match, indicate the specific project elements that will qualify for joint funding. How viable is the project if complementary funding from another program is not secured?





## June Street Vicinity Map Attachment 1



0.5

Miles



June Street Public Beach Access



# June Street Beach Access Existing Conditions

## Attachment 2

Zoning: R2 Medium-Density Residential  
Existing Use: Residential Townhouse

porta john, trash receptacle, lamp post,  
dog pickup station, shower station/water tap,  
custom bench, red mailbox/dedication

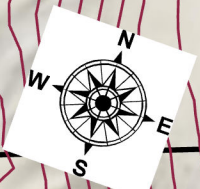
Existing Parking to Remain

bike rack

Zoning: R2 Medium-Density Residential  
Existing Use: Single Family Residential

### Legend

- Existing Site Elements
- June Street Beach Access Property Boundary
- 1 Foot Contours
- Parcels

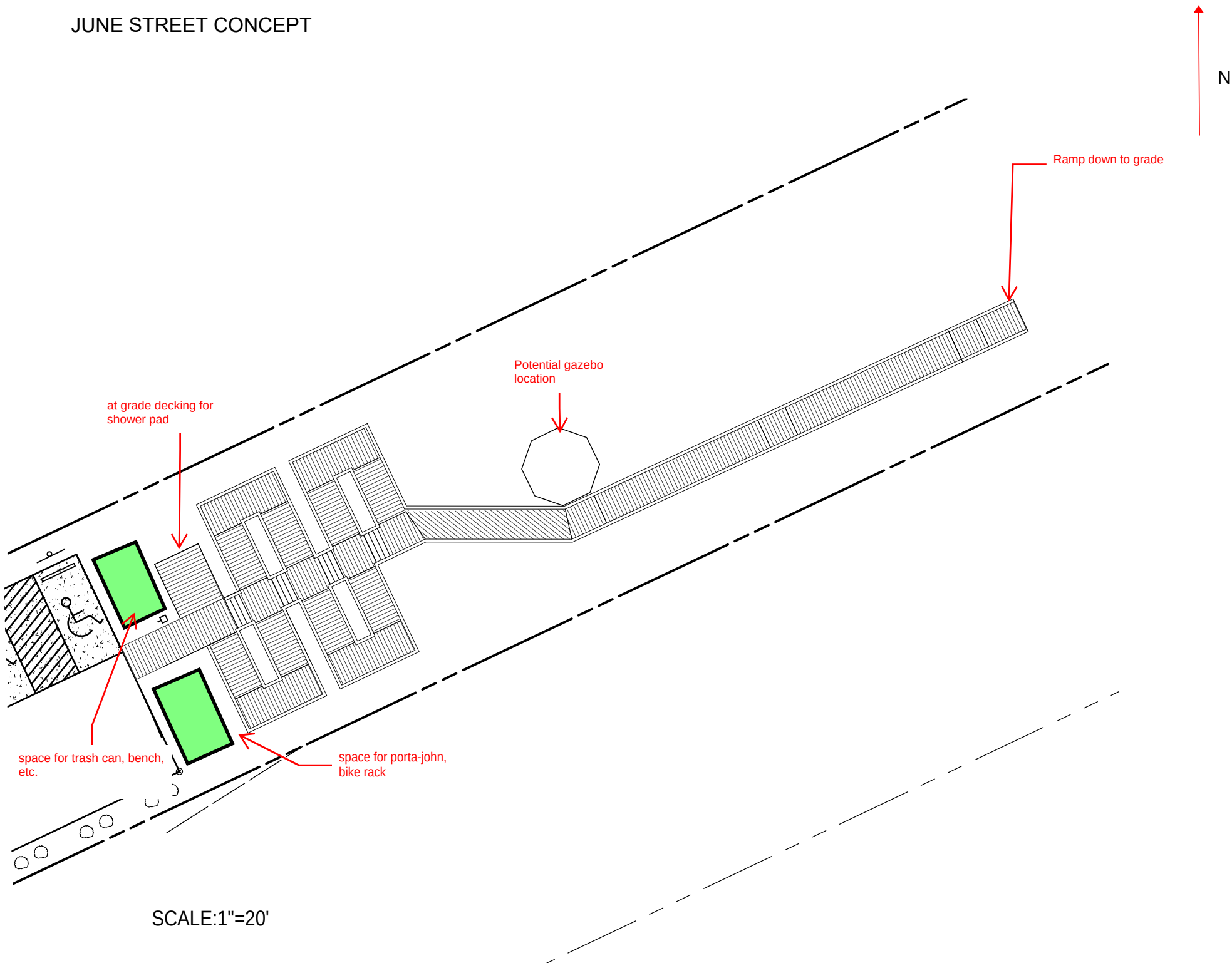


Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTiger



ATTACHMENT 3

JUNE STREET CONCEPT





**Benjamin Cahoon**  
Mayor

**Michael Siers**  
Mayor Pro Tem

**Andy Garman**  
Town Manager



**Town of Nags Head**  
Post Office Box 99  
Nags Head, NC 27959  
Telephone 252-441-5508  
Fax 252-441-0776  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**Kevin Brinkley**  
Commissioner

**Bob Sanders**  
Commissioner

**Megan Lambert**  
Commissioner

## **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Nags Head Board of Commissioners will conduct a public hearing on **Wednesday, July 3, 2024** beginning at 9:00 am in the Board Room of the Municipal Complex, 5401 S Croatan Highway, Nags Head, NC to consider and take action upon the following request:

Public Hearing to consider a North Carolina Public Beach and Coastal Waterfront Access  
Grant Application

A copy of the application request will be available for public inspection at the Nags Head Planning and Development Department and the Office of the Town Clerk, Town Municipal Complex, 5401 S. Croatan Hwy, Nags Head, NC 27959, telephone (252) 441-5508 during normal business hours.

As a result of this hearing, substantial changes may be made in the proposal as advertised to reflect objections, debate and discussion at the hearing. Any person desiring to be heard on the proposal as stated above should appear at the time and place specified above.

This is the 17<sup>th</sup> day of June 2024.

Kelly Wyatt  
Planning Director

*For publication in the Coastland Times on Wednesday, June 19<sup>th</sup> and on Wednesday, June 26<sup>th</sup> 2024.  
Please use Nags Head logo and legal print.*



## Agenda Item Summary Sheet

Item No: **G-1**

Meeting Date: **July 3, 2024**

**Item Title:** Update from Planning Director

**Item Summary:**

Please find attached a monthly update, with attachments, from Planning Director Kelly Wyatt.

Number of Attachments: 1

**Specific Action Requested:**

Provided for Board information and update.

Submitted By: Planning and Development

Date: June 26, 2024

**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: June 26, 2024



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## MEMORANDUM

### Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Kelly Wyatt, Planning Director  
Joe Costello, Deputy Planning Director

Date: June 28, 2024

Subject: Planning and Development Director's Report (G-1)

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This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on July 3<sup>rd</sup>, 2024.

#### Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for May 2024*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month of June:

- Tuesday, June 4<sup>th</sup> – Technical Review Committee Meeting (Inn at Whalebone)
- Wednesday, June 5<sup>th</sup> - Board of Commissioners Meeting
- Thursday, June 6<sup>th</sup> – CRS Users Group Meeting, Elevation Certificate Training
- Wednesday, June 12<sup>th</sup> – Committee for Art and Culture Meeting
- Wednesday, June 12<sup>th</sup> – Eastern Carolina Council Resource Roundtable
- Thursday, June 13<sup>th</sup> – Board of Adjustment Meeting (no hearings)
- Tuesday, June 18<sup>th</sup> – Planning Board Meeting
- Wednesday, June 19<sup>th</sup> – Board of Commissioners mid-month meeting
- Dowdy Park Farmers Market – Thursday, June 13<sup>th</sup>, 20<sup>th</sup>, and 27<sup>th</sup>.
- Dowdy Park Summer Concert Series – Wednesday, June 19<sup>th</sup> and June 26<sup>th</sup>

#### Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, June 18, 2024. The following items were heard:

- Consideration of a Site Plan Amendment for construction of an 87-unit Hotel (Inn at Whalebone) including a request to eliminate or modify the condition of the October 4, 2023 Board of Commissioners approval that the existing Lakeside Street roadway be expanded to accommodate three lanes of traffic. The Planning Board voted 4 to 3 to recommend approval of the site plan amendments and the modification proposed by the Town Engineer as it pertains to the Lakeside Street expansion.
- Consideration of a Sketch Plan Review application for construction of a 2,279 square foot stand-alone restaurant at 7100 S. Croatan Highway (Outlets Nags Head). The Planning Board did not have any significant questions or concerns with the proposal at this time.
- Consideration of various amendments to the Unified Development Ordinance as it pertains to

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the use of multi-family dwelling developments. Staff provided a brief presentation to the Planning Board and noted that they would return at their July meeting presenting the ordinance revisions in their final format for the Planning Board's formal recommendation.

- Planning staff requested that the Planning Board consider initiating a text amendment to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District to facilitate the construction of lifeguard housing at 425 W. Health Center Drive, Nags Head. The Planning Board voted unanimously to initiate the necessary text amendments.

The Planning Board's next meeting is scheduled for Tuesday, July 16<sup>th</sup>, 2024. Currently, the agenda is expected to include consideration of a text amendment request from Anlauf Engineering PLLC on behalf of the Ark Church to modify the definition of "Religious Complex" to allow for a single-family residence of church staff in addition to the already allowed parsonage. Additionally, the agenda is anticipated to include consideration of various text amendments to the SED-80, Special Environmental District to permit the construction of a dormitory for housing Town of Nags Head lifeguard staff.

### **Board of Adjustment – Recent and Pending Applications**

There were no items for the Board of Adjustments consideration in June 2024.

### **Additional Updates**

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee is scheduled to meet on Thursday, July 25<sup>th</sup>. To advance the recommendations of the Decentralized Wastewater Management Plan four (4) additional water quality monitoring loggers have been purchased, and the department has recently received the GPS unit needed to begin mapping locations of existing septic systems within the Town.
- **Estuarine Shoreline Management Plan** – Unfortunately, the town was not invited to submit a full proposal for the National Fish and Wildlife Foundations National Coastal Resilience Fund grant. In light of this, we have revised our grant application for the NC Resilient Coastal Communities Program, Phase 3 grant, requesting a total of \$500,000 with a matching contribution of \$40,000.
- **Electric Vehicle Action Plan** – LoWire Technologies is in the process of installing the two (2) Level II EV Chargers at Town Hall.
- **Sand Relocation and Dune Management Cost Share Program** – The Dune Management Cost Share Application period closed the week of June 24<sup>th</sup> with the entire \$400,000 being allocated to 138 participants. Planning and Finance staff are now working to process the reimbursements.
- **Public Beach and Coastal Waterfront Access Grant Program** – Staff has been informed that the pre-application to the NC Public Beach and Coastal Waterfront Access Program has been selected to submit a Final Application for improvements to the June Street Beach Access. The deadline for final application submission is August 2<sup>nd</sup>, 2024. Item F-1 on Board of Commissioners July 3<sup>rd</sup> meeting is the Public Hearing to consider the grant application for improvements to the June Street Public Beach Access in S. Nags Head.
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – Summertime at Dowdy Park is in full swing. For the month of July, the Town will be hosting the following:
  - Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
  - Fitness Fridays, Friday mornings 7:30 – 8:15am all month long.

- 
- Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.
    - SOUL One on July 3<sup>rd</sup>
    - The Bee Keepers on July 10<sup>th</sup>
    - Troy Breslow Band on July 17<sup>th</sup>
    - Will Overman Band on July 24<sup>th</sup>
    - Rob Oliver Trio on July 31<sup>st</sup>
  - Dowdy Park Farmers Markets, Thursdays 9am – 1pm: July 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup>, & 25<sup>th</sup>
  - Family Fun Night, Tuesday, July 2<sup>nd</sup> at 4pm – 7pm – Outer Banks Summer Tale Fest, Storytelling event with crafts, kids activities and lawn games.
  - Movie at Dowdy Park, Friday, July 12<sup>th</sup> – partnership with Outer Banks Health.

### **Upcoming Meetings and Other Dates**

- Tuesday, July 2<sup>nd</sup> – Technical Review Committee Meeting
- Wednesday, July 3<sup>rd</sup> - Board of Commissioners Meeting
- Wednesday, July 10<sup>th</sup> – Committee for Art and Culture Meeting
- Thursday, July 11<sup>th</sup> – Board of Adjustment Meeting (no hearings)
- Tuesday, July 16<sup>th</sup> – Planning Board Meeting
- Wednesday, July 17<sup>th</sup> – Board of Commissioners mid-month meeting
- Thursday, July 25<sup>th</sup> – Septic Health Advisory Committee Meeting
- Dowdy Park Farmers Market – Thursday, July 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> & 25<sup>th</sup>
- Dowdy Park Summer Concert Series – Wednesday, July 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
MAY 2024**

DATE SUBMITTED: June 7, 2024

|                                              | May-24             | May-23             | Apr-24             | 2023-2024<br>FISCAL YTD | 2022-2023<br>FISCAL YTD | FISCAL YEAR<br>INCREASE/<br>DECREASE |
|----------------------------------------------|--------------------|--------------------|--------------------|-------------------------|-------------------------|--------------------------------------|
| <b>BUILDING PERMITS ISSUED - RESIDENTIAL</b> |                    |                    |                    |                         |                         |                                      |
| New Single Family                            | 2                  | 1                  | 1                  | 16                      | 14                      | 2                                    |
| New Single Family, 3000 sf or >              | 1                  | 0                  | 0                  | 5                       | 7                       | (2)                                  |
| Duplex - New                                 | 0                  | 0                  | 0                  | 1                       | 0                       | 1                                    |
| Sub Total - New Residential                  | 3                  | 1                  | 1                  | 22                      | 21                      | 1                                    |
| Miscellaneous (Total)                        | 46                 | 53                 | 48                 | 466                     | 512                     | (46)                                 |
| <i>Accessory Structure</i>                   | 2                  | 6                  | 7                  | 39                      | 48                      | (9)                                  |
| <i>Addition</i>                              | 0                  | 4                  | 1                  | 26                      | 27                      | (1)                                  |
| <i>Demolition</i>                            | 0                  | 0                  | 0                  | 5                       | 1                       | 4                                    |
| <i>Move</i>                                  | 1                  | 0                  | 0                  | 1                       | 0                       | 1                                    |
| <i>Remodel</i>                               | 11                 | 11                 | 16                 | 119                     | 124                     | (5)                                  |
| <i>Repair</i>                                | 32                 | 32                 | 24                 | 276                     | 312                     | (36)                                 |
| <b>Total Residential</b>                     | <b>49</b>          | <b>54</b>          | <b>49</b>          | <b>488</b>              | <b>533</b>              | <b>(45)</b>                          |
| <b>BUILDING PERMITS ISSUED - COMMERCIAL</b>  |                    |                    |                    |                         |                         |                                      |
| Multi-Family - New                           | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| Motel/Hotel - New                            | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| Business/Govt/Other - New                    | 0                  | 0                  | 0                  | 0                       | 2                       | (2)                                  |
| Subtotal - New Commercial                    | 0                  | 0                  | 0                  | 0                       | 2                       | (2)                                  |
| Miscellaneous (Total)                        | 2                  | 6                  | 18                 | 83                      | 79                      | 4                                    |
| <i>Accessory Structure</i>                   | 0                  | 1                  | 7                  | 31                      | 25                      | 6                                    |
| <i>Addition</i>                              | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| <i>Demolition</i>                            | 0                  | 0                  | 0                  | 1                       | 1                       | 0                                    |
| <i>Move</i>                                  | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| <i>Remodel</i>                               | 1                  | 4                  | 5                  | 25                      | 26                      | (1)                                  |
| <i>Repair</i>                                | 1                  | 1                  | 6                  | 26                      | 27                      | (1)                                  |
| <b>Total Commercial</b>                      | <b>2</b>           | <b>6</b>           | <b>18</b>          | <b>83</b>               | <b>81</b>               | <b>2</b>                             |
| <b>Grand Total</b>                           | <b>51</b>          | <b>60</b>          | <b>67</b>          | <b>571</b>              | <b>614</b>              | <b>(43)</b>                          |
| <b>SUB-CONTRACTOR PERMITS</b>                |                    |                    |                    |                         |                         |                                      |
| Electrical                                   | 90                 | 73                 | 80                 | 594                     | 555                     | 39                                   |
| Gas                                          | 3                  | 4                  | 3                  | 35                      | 34                      | 1                                    |
| Mechanical                                   | 57                 | 43                 | 54                 | 375                     | 376                     | (1)                                  |
| Plumbing                                     | 6                  | 6                  | 16                 | 122                     | 102                     | 20                                   |
| Fire Sprinkler                               | 0                  | 0                  | 1                  | 4                       | 3                       | 1                                    |
| <b>VALUE</b>                                 |                    |                    |                    |                         |                         |                                      |
| New Single Family                            | \$650,000          | \$280,000          | \$560,000          | \$8,802,995             | \$7,314,026             | \$1,488,969                          |
| New Single Family, 3000 sf or >              | \$2,000,000        | \$0                | \$0                | \$4,642,945             | \$7,233,733             | (\$2,590,788)                        |
| Duplex - New                                 | \$0                | \$0                | \$0                | \$711,000               | \$0                     | \$711,000                            |
| Misc (Total Residential)                     | \$1,116,214        | \$1,900,005        | \$1,262,571        | \$16,525,941            | \$17,400,940            | (\$874,999)                          |
| <b>Sub Total Residential</b>                 | <b>\$3,766,214</b> | <b>\$2,180,005</b> | <b>\$1,822,571</b> | <b>\$30,682,881</b>     | <b>\$31,948,699</b>     | <b>(\$1,265,818)</b>                 |
| Multi-Family - New                           | \$0                | \$0                | \$0                | \$0                     | \$0                     | \$0                                  |
| Motel/Hotel - New                            | \$0                | \$0                | \$0                | \$0                     | \$0                     | \$0                                  |
| Business/Govt/Other - New                    | \$0                | \$0                | \$0                | \$0                     | \$17,988,350            | (\$17,988,350)                       |
| Misc (Total Commercial)                      | \$65,750           | \$307,911          | \$648,577          | \$4,755,890             | \$2,738,742             | \$2,017,148                          |
| <b>Sub Total Commercial</b>                  | <b>\$65,750</b>    | <b>\$307,911</b>   | <b>\$648,577</b>   | <b>\$4,755,890</b>      | <b>\$20,727,092</b>     | <b>(\$15,971,202)</b>                |
| <b>Grand Total</b>                           | <b>\$3,831,964</b> | <b>\$2,487,916</b> | <b>\$2,471,148</b> | <b>\$35,438,771</b>     | <b>\$52,675,791</b>     | <b>(\$17,237,020)</b>                |

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
MAY 2024**

DATE SUBMITTED: June 7, 2024

|                                       | May-24 | May-23 | Apr-24 | 2023-2024<br>FISCAL YTD | 2022-2023<br>FISCAL YTD | FISCAL YEAR<br>INCREASE/<br>DECREASE |
|---------------------------------------|--------|--------|--------|-------------------------|-------------------------|--------------------------------------|
| <b>ZONING</b>                         |        |        |        |                         |                         |                                      |
| Zoning Permits                        | 57     | 66     | 69     | 620                     | 623                     | (3)                                  |
| Soil & Erosion                        | 3      | N/A    | 0      | 19                      | N/A                     | N/A                                  |
| Stormwater Plans                      | 2      | N/A    | 1      | 31                      | N/A                     | N/A                                  |
| <b>CAMA</b>                           |        |        |        |                         |                         |                                      |
| CAMA LPO Permits                      | 3      | 3      | 3      | 36                      | 34                      | 2                                    |
| CAMA LPO Exemptions                   | 15     | 11     | 7      | 72                      | 72                      | 0                                    |
| Sand Relocations                      |        |        | 31     | 281                     | 279                     | N/A                                  |
| <b>CODE COMPLIANCE</b>                |        |        |        |                         |                         |                                      |
| Cases Investigated                    | 38     | 54     | 19     | 305                     | 713                     | (408)                                |
| Warnings                              | 6      | 3      | 3      | 37                      | 101                     | (64)                                 |
| NOVs Issued                           | 32     | 51     | 15     | 263                     | 195                     | 68                                   |
| Civil Citations (#)                   | 0      | 0      | 0      | 1                       | 10                      | (9)                                  |
| Civil Citations (\$)                  | \$0    | \$0    | \$0    | \$0                     | \$23,150                | (\$23,150)                           |
| <b>SEPTIC HEALTH</b>                  |        |        |        |                         |                         |                                      |
| Tanks inspected                       | 6      | 12     | 8      | 100                     | 127                     | (27)                                 |
| Tanks pumped                          | 10     | 37     | 5      | 110                     | 113                     | (3)                                  |
| Water quality sites tested            | 26     | 15     | 2      | 97                      | 217                     | (120)                                |
| Personnel Hours in<br>Training/School | 32     | 6      | 52     | 403                     | 212                     | 191                                  |

  
 Kelly Wyatt, Planning Director





## Agenda Item Summary Sheet

Item No: **G-2**  
Meeting Date: **July 3, 2024**

**Item Title:** Discussion of potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the town.

**Item Summary:**

In an effort to advance the discussion of a potential Accessory Dwelling Unit (ADU) ordinance, staff will provide a presentation to the Board of Commissioners highlighting the similarities and interconnectedness between Accessory Dwelling Units, Partial-Home Short Term Rentals and Duplexes. Staff would submit that many existing partial home short-term rentals within the town are already functioning similarly to an accessory dwelling unit. Both accessory dwelling units and short-term rentals provide additional living spaces that can be rented out as separate, independent housekeeping with similar operational characteristics. In addition, many of the existing partial-home short-term rentals, and should we permit them, attached accessory dwelling units, would be comparable to duplexes in terms of structure and use.

In order to have a better understanding of how a potential ADU ordinance may affect the Town, staff believes it is important to discuss and gain understanding of the current situation within the Town, the overlap between these uses, the need for regulatory consistency, and to gain input on steps for moving forward to enhance the safety and functionality of existing and future structures within the Town.

Number of Attachments: 0

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**Specific Action Requested:**

Discussion of potential Accessory Dwelling Unit (ADU) Ordinance and existing conditions within the Town.

Submitted By: Planning and Development

Date: June 28, 2024

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**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: June 28, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 28, 2024

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**Town Manager Comment and/or Recommendation:**

I will participate in the discussion.

Signature: Andy Garman

Date: June 28, 2024





# Agenda Item Summary Sheet

Item No: **G-3**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of a Site Plan Amendment for an 87-unit hotel, Inn at Whalebone.

**Item Summary:**

Consideration of a Site Plan Amendment for the construction of an 87-unit Hotel (Inn at Whalebone) and all necessary site improvements. This Site Plan was last reviewed at the Board of Commissioners October 4, 2023 meeting at which time the Board voted unanimously to recommend approval of the site plan with two conditions as noted below:

1. The existing roadway is to be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.
2. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

The applicant is requesting that consideration be given to various Site Plan Amendments as well as a request to eliminate in whole, or modify, the requirements imposed by condition #1 as it relates to W. Lakeside Street.

**Staff Recommendation/Planning Board Recommendation**

Based on the staff's review and analysis of the proposed site plan amendments, we find that the modifications comply with the Unified Development Ordinance (UDO) and recommend approval as presented.

Regarding the applicant's request to remove or modify the condition to widen Lakeside Street, this condition was included in the October 4, 2023, Board of Commissioners approval to address traffic concerns raised by citizens and Board members. While fully meeting this condition could impact runoff onto adjacent properties and conflict with above-ground utilities, there is an opportunity to widen a portion of the roadway. This approach would fulfill the intent of the Board of Commissioners' conditioned approval without encroaching on adjoining properties. Staff recommends that the Board of Commissioners consider modifying the approval to reflect the alternative roadway design proposed by the Town Engineer.

At their June 18, 2024 meeting, the Planning Board voted 4 to 3 to recommend approval of the Site Plan Amendments and modification of the condition related to the widening of Lakeside Street.

Number of Attachments: 1

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**Specific Action Requested:**

Consider the Site Plan Amendment request.

Submitted By: Planning and Development

Date: June 28, 2024

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**Finance Officer Comment:**

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: June 28, 2024

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**Town Attorney Comment:**

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: June 28, 2024

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**Town Manager Comment and/or Recommendation:**

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: June 28, 2024



## **STAFF REPORT**

### **Town of Nags Head**

### **Planning & Development Department**

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To: Board of Commissioners

From: Kelly Wyatt, Planning Director  
Joe Costello, Deputy Planning Director

Date: June 28, 2024

Subject: Site Plan Amendment for Inn at Whalebone, 87-unit Hotel located at 6632 W. Pheasant Avenue (W. Lakeside Street).

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#### **BACKGROUND INFORMATION**

At their October 4, 2023, meeting, the Nags Head Board of Commissioners reviewed the Site Plan Application request to construct a 90-unit hotel, Inn at Whalebone at 6632 W. Pheasant Avenue (W. Lakeside Street). The Board of Commissioners voted unanimously to approve the site plan with the two conditions noted below:

1. The existing roadway is to be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.
2. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

Shortly after the site plan approval, the applicant worked with Bissell Professional Group to prepare the necessary subdivision plat and have it recorded with the Dare County Register of Deeds. Condition # 2 has been satisfied.

At this time, the applicant is requesting that consideration be given to various Site Plan amendments as well as a request to eliminate in whole, or modify, the requirements imposed by Condition #1 as it relates to the widening of Lakeside Street.

#### **Site Plan Amendment Review**

Section 4.4 of the Unified Development Ordinance sets forth the criteria for what types of development may be reviewed and approved administratively by staff. In addition to listing what constitutes minor versus major site plan modifications, it states that the UDO Administrator has the authority to determine when projects shall require a Major Site Plan due to other project activities or unique circumstances. As the UDO Administrator, Planning Director Kelly Wyatt made the determination that the proposed modifications were major in nature as the project had notable concerns with traffic

circulation, access, and stormwater management from its original review in October of 2022.

The applicant has outlined the modifications from the most recent Board of Commissioners approval on October 4, 2023, in their attached Site Plan Amendment Project Narrative. It notes that many of the modifications were in response to achieving state stormwater and wastewater approvals. These modifications include:

- This project was originally approved as a 90-unit hotel; however, the revised plan seeks approval for an 87-unit hotel.
- The overall area of the proposed building has increased by 729 square feet.
- With the proposed reduction in hotel units, 87 parking spaces are now required. The revised parking is compliant with 90 proposed spaces.
- Building lot coverage has increased from 12.94% to 13.4%. With 35% allowed, this lot coverage remains compliant.
- Parking lot coverage has increased from 36.18% to 38.6%. With 45% allowed, lot coverage remains compliant.
- The minimum required landscaped area of 20% remains at 28%.
- Numerous modifications have been made to the stormwater management design.

Town Engineer David Ryan has reviewed the revised plans and notes that the stormwater narrative on Sheet C-103 indicates a Seasonal High Water Table Elevation of 3.50' MSL. The typical infiltration basin detail indicates a SHWL of 4.8'. This discrepancy should be clarified. The stormwater management design information submitted appears to be in substantial compliance with the Town of Nags Head Unified Development Ordinance.

Staff reports from this project original review and approval on October 5, 2022, and subsequent review and approval on October 4, 2023, are attached for the Planning Board's consideration.

Based upon the staff's analysis, the proposed modifications remain compliant with the requirements of the Unified Development Ordinance.

#### Lakeside Street Widening Condition of Approval Review

The applicant has submitted a request that the Planning Board and Board of Commissioners consider amending or removing the condition placed upon their October 4, 2023 Site Plan Approval that Lakeside Street roadway be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.

MacConnell & Associates, P.C. has provided a Technical Memorandum outlining the impacts and challenges associated with this request. MacConnell & Associates, P.C. provided a Turn Lane Exhibit for town staff and Board consideration, it is attached for the Planning Board's review. Town Engineer, David Ryan has conducted a review of this proposed exhibit and has provided the following comments:

***“Lakeside Street Turn Lane Exhibit-*** A condition was placed on the previous site plan approval to widen the Lakeside St roadway extending from S. Croatan Hwy. to the westernmost boundary of the subject property. With the existing Lakeside St. right-of-way width at 40’ there are some impacts associated with a roadway widening of this length. These impacts include runoff onto adjoining properties and potential conflicts with above ground utilities. However, there is still an opportunity to provide roadway widening to meet the intent of the previous Board of Commissioners conditioned approval.

*The applicant has submitted an exhibit which shows a reduced widening plan from the eastern property boundary. This concept indicates an encroachment onto the adjoining undeveloped property to the south. Attached is an exhibit mark-up which describes a potential alternative roadway widening approach which may not result in improvements extending onto private property. The recommendation is for the applicant to modify the traffic improvements for Lakeside St. to reflect the approach as identified in the attached plan mark-up. This approval would be conditioned on the applicant acquiring detailed survey information for the development of a roadway widening and construction plan in accordance with Chapter 36-4 of the Town Code of Ordinances. It should be noted that a temporary construction easement may be required from the owner of the undeveloped property to the south for the purposes of construction in addition to a right-of-way encroachment through NCDOT.”*

### **STAFF RECOMMENDATION**

Following review and analysis of the proposed site plan amendments, staff has determined that the modifications comply with the Unified Development Ordinance (UDO) and recommend approval as presented. However, the discrepancy in the seasonal high water table elevation noted by the Town Engineer on Sheet C-103 must be clarified before any permits can be issued.

Regarding the applicant's request to remove or modify the condition to widen Lakeside Street, this condition was included in the October 4, 2023, Board of Commissioners (BOC) approval to address traffic concerns raised by citizens and Board members. While fully meeting this condition could impact runoff onto adjacent properties and conflict with above-ground utilities, there is an opportunity to widen a portion of the roadway. This approach would fulfill the intent of the Board of Commissioners' conditioned approval without encroaching on adjoining properties. Staff recommends that the Board of Commissioners consider modifying the approval to reflect the alternative roadway design proposed by the Town Engineer.

### **PLANNING BOARD RECOMMENDATION**

At their June 18, 2024 meeting, the Planning Board voted 4 to 3 to recommend approval of the Site Plan Amendments and modification of the condition related to the widening of Lakeside Street.



TOTAL PROPOSED SQUARE FOOTAGE \_\_\_\_\_ x .50 = \$ \_\_\_\_\_ +

(Optional) VESTED RIGHT ☐ (no fee)

= TOTAL FEE DUE \_\_\_\_\_

## TOWN OF NAGS HEAD

DATE RECEIVED \_\_\_\_\_

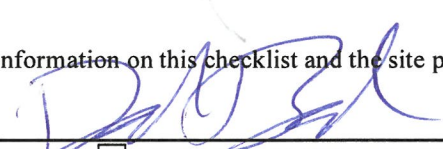
### SITE PLAN REVIEW APPLICATION & CHECKLIST

#### 1. LOCATION AND ZONING INFORMATION

- A. PROJECT TITLE The Inn At Whalebone
- B. STREET ADDRESS 6632 West Pheasant Ave.
- C. SUBDIVISION Roanoke Shores  
LOT(S) 32-36 BLOCK \_\_\_\_\_ SECTION \_\_\_\_\_
- D. PRESENT ZONING Village Hotel Overlay/SPD-C
- E. PRESENT USE Vacant Lots
- F. EXISTING NONCONFORMITIES \_\_\_\_\_
- G. ABUTTING PROPERTY ZONING SPDC-COS/R3/C2
- H. ABUTTING PROPERTY USE Golf Course / Gas Station / Residential

#### 2. CERTIFICATION AND STANDING

- A. As applicant of standing of the above-named project, I certify that the information on this checklist and the site plan is complete and accurate.

  
OWNER ☐ AGENT ☐ CONTRACT ☒  
PURCHASER ☐

- B. APPLICANT/DEVELOPER: NAME MacConnell and Associates, P.C.  
ADDRESS 501 Cascade Pointe Lane, Suite 103, Cary, NC 27513  
TELEPHONE (919) 467-1239
- C. CONTACTPERSON: NAME David Barcal, PE  
ADDRESS 501 Cascade Pointe Lane, Suite 103, Cary, NC 27513  
TELEPHONE (919) 467-1239

#### 3. ADJACENT OWNERSHIP INFORMATION (TO BE SHOWN ON SITE PLAN)

- NAME/ADDRESS (N) SEE ATTACHED
- NAME/ADDRESS (S) \_\_\_\_\_
- NAME/ADDRESS (E) \_\_\_\_\_
- NAME/ADDRESS (W) \_\_\_\_\_

(If additional space is needed, please attach separate sheets.)

**4. SITE PLAN AND SITE PLAN ATTACHMENT DATA**A. Site plan preparer MacConnell and Associates, P.C. Phone# (919) 467-1239NC Registered ☒ Engineer ☐ Architect ☐ Surveyor.License# C-1039

B. The design for the attached Stormwater Management Plan includes:

☐ 1.5", 2-hour rainfall: retained on-site.☒ 4.3", 2-hour rainfall: no important access or health-related impacts.☐ 5.0", 2-hour rainfall: no unapproved impacts.Drainage calculations have been prepared ☒ YES ☐ NO ATTACHED ☒ YES ☐ NO**Note: Stormwater Management Plan MUST be approved by the Town Engineer prior to Planning Board review for all listed permitted uses in the zoning ordinance.**

C. Sewage disposal approval is being submitted in the form of:

☐ Attached tentative approval letter dated \_\_\_\_\_☒ Attached final permit dated July 25, 2023☐ State ☒ County

D. Project involves condominium ownership.

☒ NO ☐ YES, Three copies of condominium documents attached.E. Amount of land-disturbing activity proposed 99,233 square feet.

A Soil Erosion and Sedimentation Control Plan has been prepared.

☒ NO ☒ YES; (1) Copy attached,

(2) Copy submitted to Dare County Soil Conservation Service, Manteo NC 27954.

F. Coastal Area Management Act (CAMA) permit. ☐ YES ☒ NO**5. INFORMATION TO BE SHOWN ON SITE PLAN**

Twelve (12) copies for Planning Board review

| A. Property and ownership                                                                                                                                          | YES | COMMENTS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| 1. Present recorded owner and map book/cabinet reference of the site property.                                                                                     | ✓   |          |
| 2. Current PIN Number.                                                                                                                                             | ✓   |          |
| 3. Site Address.                                                                                                                                                   | ✓   |          |
| 4. Owners' names, lot numbers or map book and page reference of all adjacent property owners.                                                                      | ✓   |          |
| 5. Boundary of the entire parcel by course and distance.                                                                                                           | ✓   |          |
| 6. Widths of the existing rights-of-way that abut the site.                                                                                                        | ✓   |          |
| 7. Nature or purpose, location and size of existing easements.                                                                                                     | N/A |          |
| 8. At all lot comers, points of tangents and any angle point along a given course of the site, iron pins minimum 3/8-inch diameter or 4x4-inch concrete monuments. | ✓   |          |
| 9. Plan to at least 1"=50' scale, showing north arrow and whether true or magnetic.                                                                                | ✓   |          |
| 10. Signature and seal of preparer.                                                                                                                                | ✓   |          |
| B. Existing features                                                                                                                                               |     |          |
| 1. Streets, curbs, and sidewalks with type and width of pavement.                                                                                                  | ✓   |          |
| 2. Topographic features of site and existing grades for any streets, storm drainage system including existing grades at four comers of all structures.             | ✓   |          |

|                                                                                                                                                                                                                                                                                                 | YES<br>✓ | COMMENT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------|
| 3. Flood zone(s) as determined by latest FEMA Flood Insurance Rate Map, with notation, "flood zone subject to change by FEMA."                                                                                                                                                                  | ✓        |         |
| 4. All underground utilities and facilities including gasoline tanks and existing septic facilities (including tanks and fields).                                                                                                                                                               | N/A      |         |
| 5. If the lot is within an ocean hazard Area of Environmental Concern, the location of the first line of stable natural vegetation, the CAMA setback line, and contour lines at 2-foot intervals depicting any dunes located within an oceanfront AEC that are to be disturbed by construction. | N/A      |         |
| 6. The location of any marsh areas or estuarine waters or US Army Corps of Engineers 404 wetlands within or abutting the lot.                                                                                                                                                                   | N/A      |         |
| 7. If the lot is within the small surface water supply watershed AEC (within 1,200 feet from the Fresh Water Pond), the distance between the pond and proposed septic or sewage treatment system.                                                                                               | N/A      |         |
| 8. Percentage of site to be included in calculation for undisturbed vegetation preservation compliance in Article 10, Part I of the Unified Development Ordinance.                                                                                                                              | N/A      |         |
| <b>C. Site improvements</b> in accordance with regulations of state of North Carolina, Dare County, and Town of Nags Head                                                                                                                                                                       |          |         |
| 1. Proposed building type (e.g., concrete or frame), number of floors and dimensions.                                                                                                                                                                                                           | ✓        | Frame   |
| 2. Proposed building elevations of all sides of building labeled in accordance with proposed architectural design criteria of Article 10, Part VI of the UDO.                                                                                                                                   | ✓        |         |
| 3. Total height and number of stories of proposed structure(s). If increased height is being proposed in conjunction with increased setbacks, show increase allowed in tabular form on plan. Note definition of height in Appendix A of the Unified Development Ordinance.                      | ✓        |         |
| 4. Existing and proposed ground elevations at the corners of proposed structure(s).                                                                                                                                                                                                             | ✓        |         |
| 5. Sanitary sewer facilities with connection to sewer system or septic tank.                                                                                                                                                                                                                    | ✓        |         |
| 6. Approximate locations of proposed underground utilities and any necessary easements.                                                                                                                                                                                                         | ✓        |         |
| 7. Screened dumpster pad(s) accessible to left-side loaders and sized in accordance with the Town Code of Ordinances.                                                                                                                                                                           | ✓        |         |
| 8. Proposed fire hydrants and extensions of water distribution lines.                                                                                                                                                                                                                           | ✓        |         |
| 9. Location and height of proposed free-standing signs. See requirements of Article 10, Part III of the Unified Development Ordinance.                                                                                                                                                          | ✓        |         |
| 10. Location of all sidewalks, curbs, drives, and parking within the site and proposed finished elevations.                                                                                                                                                                                     | ✓        |         |
| 11. Handicapped parking spaces, walks, ramps, and entrances in accordance with the NC State Building Code. Handicapped parking spaces to be 13 feet wide, marked with a free-standing handicapped sign.                                                                                         | ✓        |         |
| 12. The Vegetative Buffer Yard areas have been identified and the proper buffer yard provision(s) have been identified as outlined in the Unified Development Ordinance.                                                                                                                        | ✓        |         |
| 13. Layout of numbered stalls/loading zones in accordance with Article 10, Part II of the Unified Development Ordinance.                                                                                                                                                                        | ✓        |         |



| Commercial <input type="checkbox"/><br>Residential <input type="checkbox"/>                                                | Parking Spaces<br>Required | Parking Spaces<br>Shown | Loading<br>Spaces |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------|-------------------|
| <b>4</b> _____ STORIES<br>BUILDING SQUARE<br>FOOTAGE:<br>PRINCIPAL <u>13,405</u><br>ACCESSORY _____<br>TOTAL <u>13,405</u> | <b>89</b>                  | <b>90</b>               | <b>1</b>          |
| # EMPLOYEES <u>6</u>                                                                                                       |                            |                         |                   |
| #DWELLING/LODGING<br>UNITS <u>87</u>                                                                                       |                            |                         |                   |
|                                                                                                                            |                            |                         |                   |

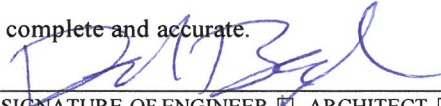
#### D. EXPLANATORY NOTES

1. Vicinity map. ✓
2. Total square feet of land area to undergo land-disturbing activity. ✓
3. The total required parking spaces versus the total parking spaces provided. Parking spaces to be numbered. ✓
4. Cross-section details of all streets, roads, ditches, and parking lot improvements. ✓
5. The number of dwelling/commercial units. If more than one use is proposed (e.g., large hotel with shops, etc.), show breakdown of units or square footage by building. ✓
6. If additional height above 35 feet is being proposed, the additional height and increased setbacks shall be laid out in tabular form. ✓
7. Total site coverage calculations. (Refer to UDO to calculate lot coverage for lots abutting ocean or sound). ✓
8. Components of the lighting plan (pole location, pole height, type of fixture, wattage, source of illumination, etc.). See Article 10, Part IV of the Unified Development Ordinance. ✓
9. A completed architectural points worksheet for commercial structures subject to residential design criteria. ✓

#### 6. PLAN AND ATTACHMENT PREPARER CERTIFICATION

A. I certify that all information for which I am responsible is complete and accurate.

4/14/24  
DATE

  
SIGNATURE OF ENGINEER ☒ ARCHITECT ☐ SURVEYOR ☐

B. The following individuals have contributed information or attachments to the plan:

| Name           | Phone#         | Information Provided |
|----------------|----------------|----------------------|
| Nitin Kulkarni | 1-804-200-4085 | Architectural        |
|                |                |                      |
|                |                |                      |



## Site Specific Development Plan Option - Vested Right for Site Plans

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Please be advised that as the owner, or agent for the owner, you have the opportunity to apply for and receive a Site-Specific Development Plan that will establish a Vested Right for this project for a period of time not to exceed two (2) years from the date the Board of Commissioners approves the plan. You must secure a building permit for this project within two (2) years of the approval date, or your Site-Specific Development Plan will expire. If you elect not to apply for a Site-Specific Development Plan, you must secure a building permit within six (6) months or else your site plan will expire.

If you choose the Site-Specific Development Plan option, please keep in mind the following concerns:

1. Although your project may be classified as a permitted use, by requesting a Site-Specific Development Plan your project will be processed as a Special Use for which a public hearing will be held, and an additional fee of \$200.00 will be charged to process your application.
2. Once your Site-Specific Development Plan has been approved with vested rights status no modifications can be made to the plan.

**If you wish to take advantage of the Vested Right process, please check off the Vested Right box on page one. If you do not, then leave the box blank.**



## **Technical Memorandum**

To: Board of Commissioners  
Client: Inn at Whalebone, LLC  
Subject: The Inn at Whalebone  
Project No.:C06001.00

Date: May 17, 2024  
From: Gary S. MacConnell, P.E.  
and Cricket Corwin, E.I.

### **Introduction**

This is a request to amend/remove the road widening aspect of the original submittal due to the challenges of this task. This technical memorandum will also discuss two different road widening options and their impacts.

### **Option 1 – Complete Road Widening Impacts**

- Road widening to the North
  - Significant impacts to the entrance and driveway of the service station that would result in the turn radius' not being met to the service station.
  - The customer staging area for gas pumps would be reduced at the service station.
  - Road widening would interfere with existing power poles.
  - Existing drainage ways would be covered up.
  - This would also eliminate the existing vegetative buffer.
- Road widening to the South
  - Completely cover up existing water line and service connections which would impact the accessibility of the water line making it difficult to maintain the line adequately. During construction, there could potentially be impacts to the operation of the water distribution system depending on the depth and material of the water line. This will impact future maintenance because the road would have to be shut down entirely, and pavement would have to be removed and replaced.
  - Would impact the frontage of the lots encroaching on existing driveways, power poles, mailboxes, fire hydrants, etc.
  - There would also be significant impact to the stormwater drainage and collection of the dwellings along the road by not only increasing the amount of impervious area but also covering up the existing drainage ditches with the proposed road.
  - Existing lot frontage would be reduced.
- Please also note that the North Carolina Department of Transportation does not have jurisdiction over this road.

- Because there is no existing stormwater infrastructure besides ditches, there would be no other way to convey stormwater from this road.
- With the road widening, there would be no shoulder on either side of the road.
- As shown in the attachment, 10' lanes are the minimum dimensions required to accommodate a single ingress lane and egress lane with a dedicated left turn lane and through with right turn lane. These dimensions severely impact the entirety of the road as described above.
- See attached street view images (3) of existing conditions looking toward S. Old Road near proposed Inn at Whalebone.

## **Option 2 – Road Widening only Lakeside Street/S Croatan Highway (Turn Lane) Impacts**

- Additional land would need to be acquired near the S Croatan Highway in order to add the turn lane.
- There would be a need to modify existing water lines and existing electrical and other utilities in the area.
- The curb return on the south side would need to be modified.
- See attached street view images (1 & 2) of existing conditions looking toward S. Croatan Highway from Lakeside Street.



Image 1





Image 2

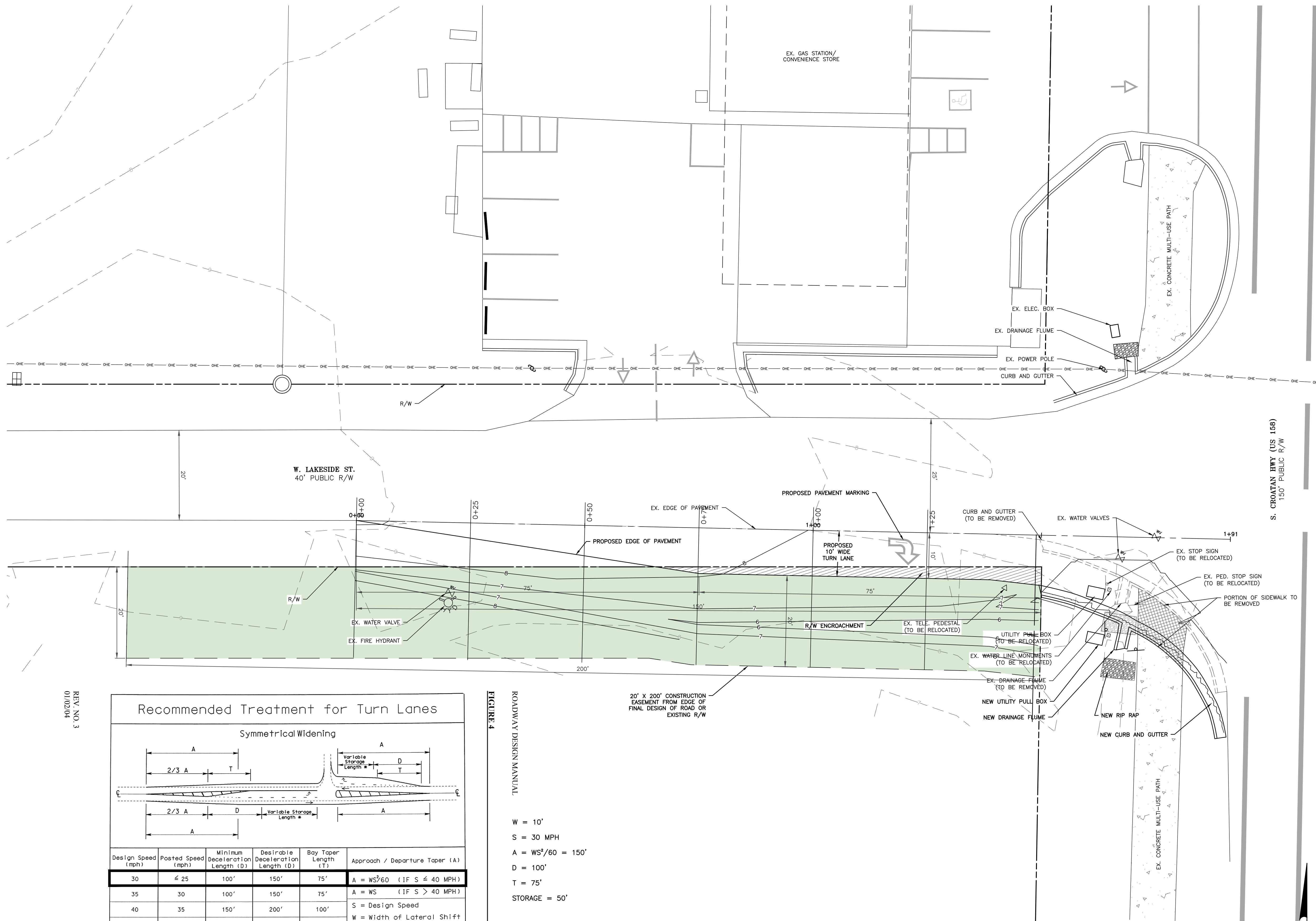


Image 3

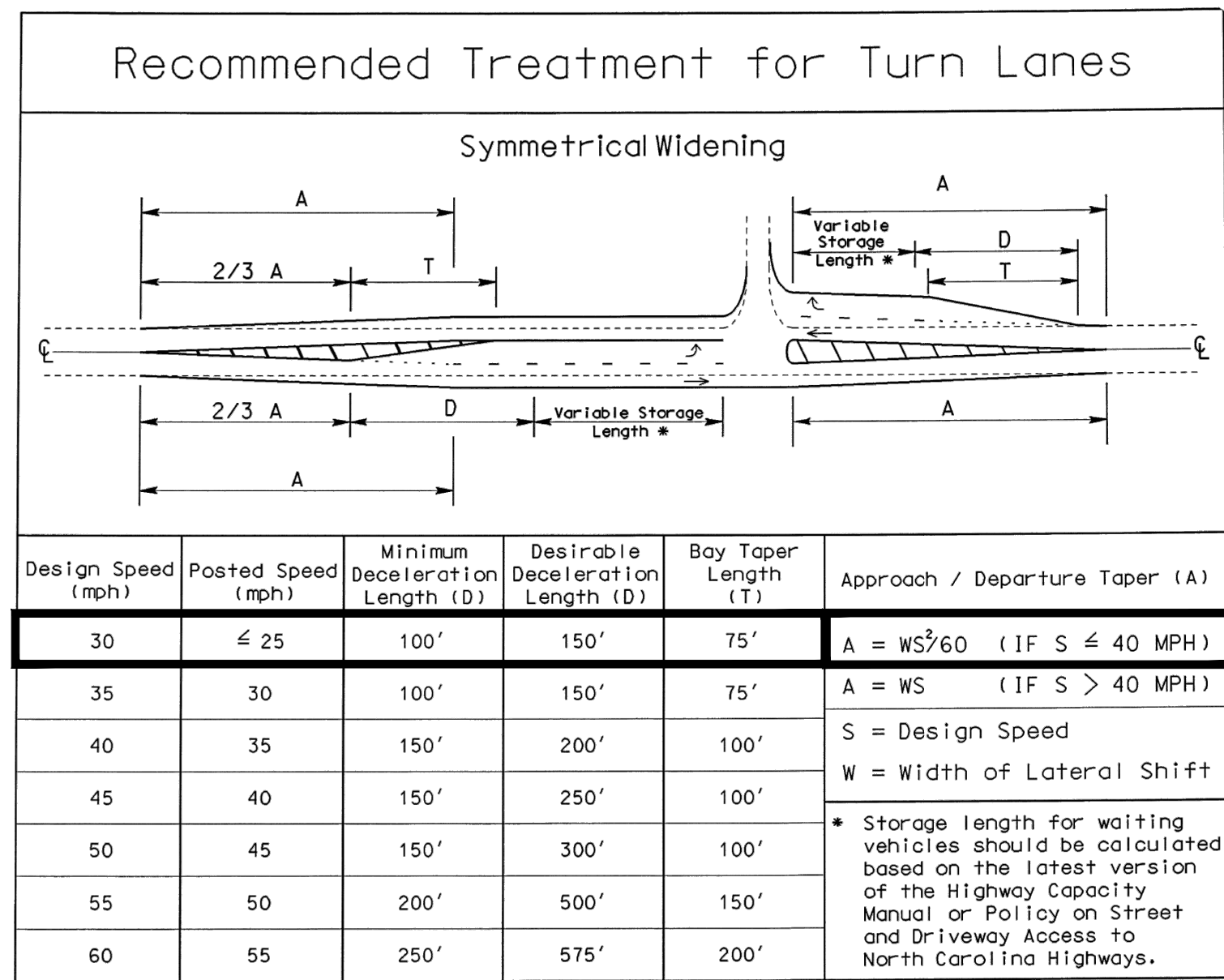


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06001.00 - THE INN AT WHALEBONE, LLC - TRAFFIC IMPROVEMENTS FOR W. LAKESIDE ST.



REV. NO. 3  
01/02/04



1 C-101 PROPOSED TURN LANE DETAIL / CALCULATIONS NTS

FIGURE 4

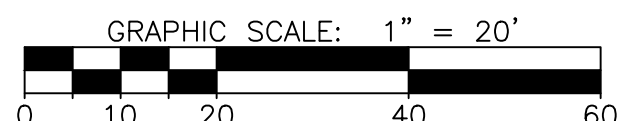
ROADWAY DESIGN MANUAL

W = 10'  
S = 30 MPH  
 $A = WS^2/60 = 150'$   
D = 100'  
T = 75'  
STORAGE = 50'

9-1  
F-4A

PART I

FOR REVIEW ONLY  
NOT RELEASED FOR  
CONSTRUCTION



NOTES

1. SEE C-101 FOR ALL GENERAL NOTES.

LEGEND

- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- PROPERTY LINE
- ADJOINING PROPERTIES
- FENCE
- RIGHT-OF-WAY
- CREEK
- EX. SANITARY SEWER
- EX. WATER LINE
- NEW SANITARY SEWER
- NEW WATER LINE

| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |
|           |      |             |
|           |      |             |
|           |      |             |

|                         |                          |
|-------------------------|--------------------------|
| PROJECT MANAGER:<br>GSM | PROJECT ENGINEER:<br>DCB |
| DRAWN BY:<br>JDH        | CHECKED BY:<br>GSM       |

DATE:  
JUNE 6, 2024

**PRELIMINARY**  
NOT FOR RELEASE FOR CONSTRUCTION  
FOR REVIEW ONLY  
DATE: 6/11/2024  
MACCONNELL & ASSOCIATES, P.C.

**MacCONNELL & Associates, P. C.**  
501 CASCADE POINTE LANE, SUITE 103  
CARY, NORTH CAROLINA 27513  
P.O. BOX 129  
MORRISVILLE, NORTH CAROLINA 27560  
LICENSE No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

**THE INN AT WHALEBONE, LLC**

**TRAFFIC IMPROVEMENTS FOR W. LAKESIDE ST.**

**DARE COUNTY, NC**

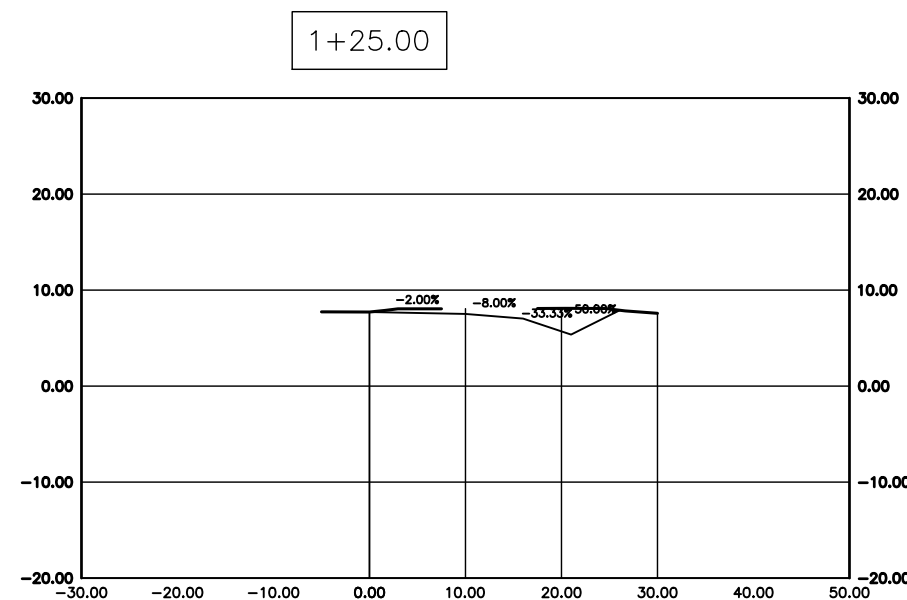
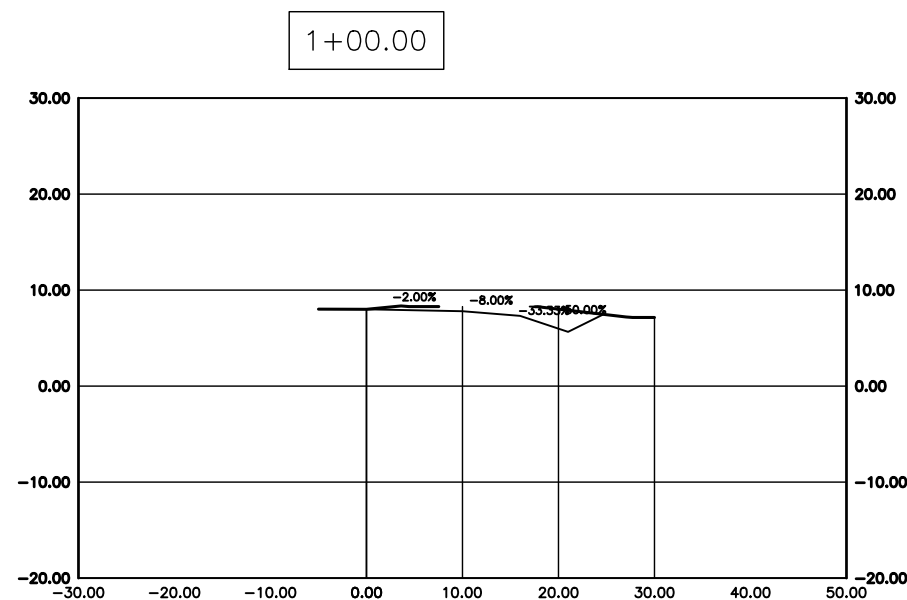
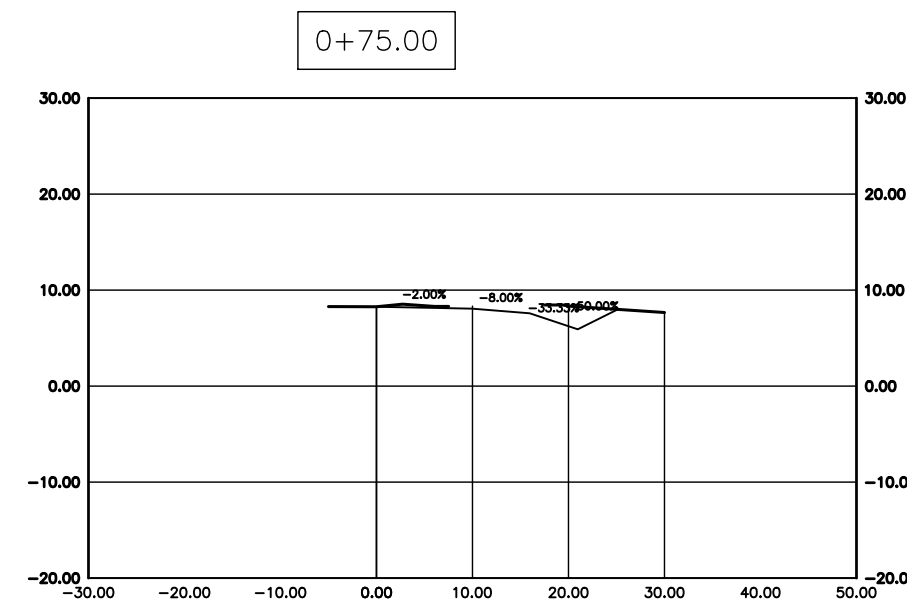
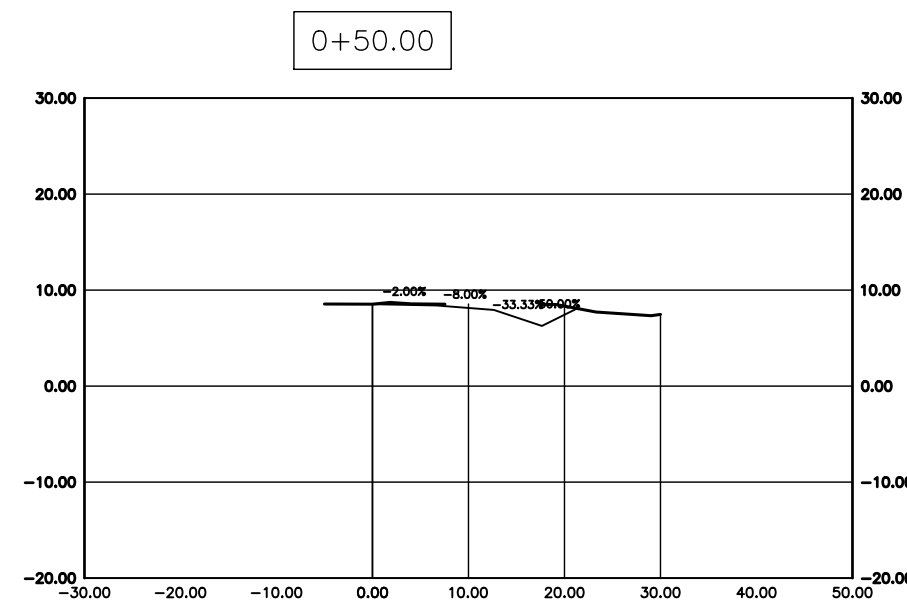
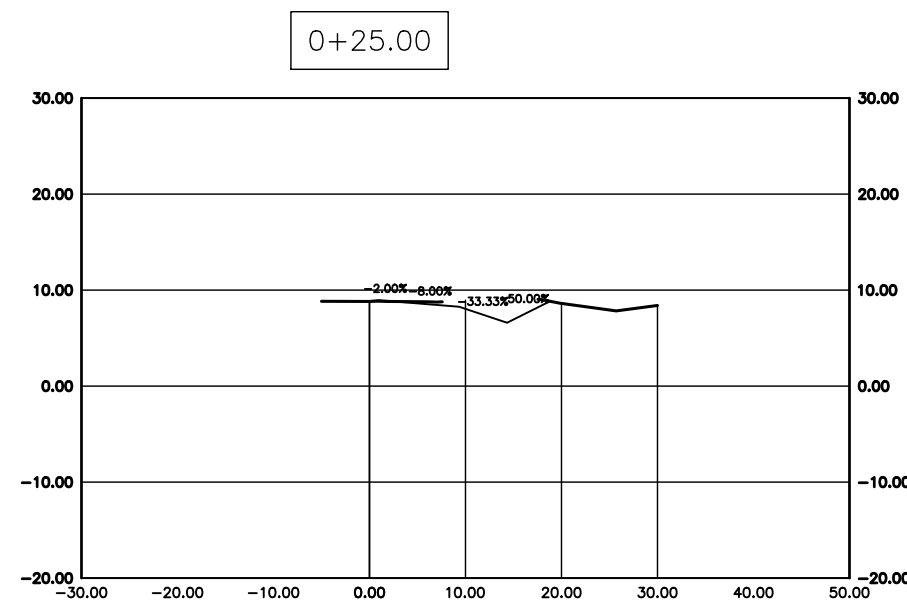
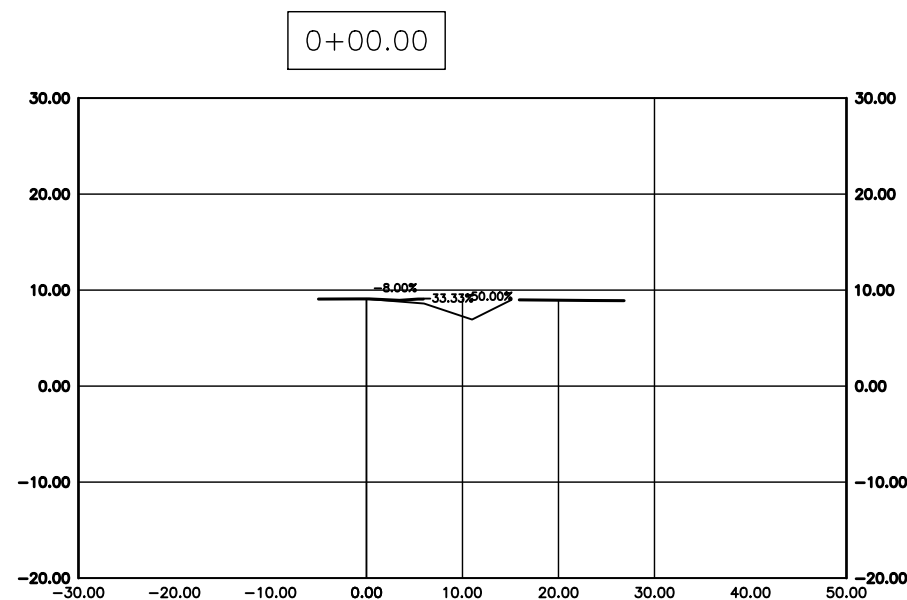
**TURN LANE EXHIBIT**

|                                    |                                |
|------------------------------------|--------------------------------|
| PROJECT NUMBER<br><b>C06001.00</b> | DRAWING NUMBER<br><b>C-101</b> |
|------------------------------------|--------------------------------|

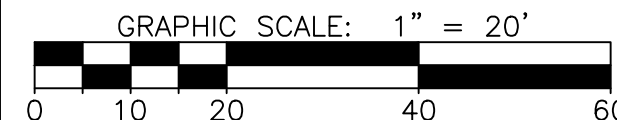
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CONSTRUCTION



## NOTES

1. SEE C-101 FOR ALL GENERAL NOTES.

## LEGEND

- 110 — INDEX CONTOUR  
— 108 — INTERMEDIATE CONTOUR  
— — — PROPERTY LINE  
— — — ADJOINING PROPERTIES  
— x — FENCE  
- - - RIGHT-OF-WAY  
— · — CREEK  
— SS — EX. SANITARY SEWER  
— W — EX. WATER LINE  
— SS — NEW SANITARY SEWER  
— · · — NEW WATER LINE

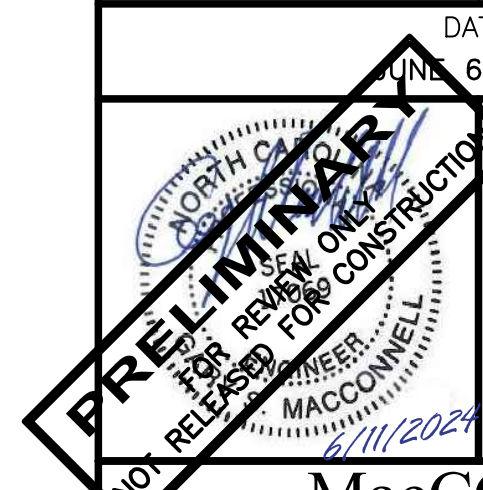
## REVISIONS

| NO. | DATE | DESCRIPTION |
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|     |      |             |
|     |      |             |

|                  |                   |
|------------------|-------------------|
| PROJECT MANAGER: | PROJECT ENGINEER: |
| GSM              | DCB               |
| DRAWN BY:        | CHECKED BY:       |
| JDH              | GSM               |

DATE:

JUNE 6, 2024



**MacCONNELL  
& Associates, P. C.**  
501 CASCADE POINTE LANE, SUITE 103  
CARY, NORTH CAROLINA 27513  
P.O. BOX 129  
MORRISVILLE, NORTH CAROLINA 27560  
No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

**THE INN AT  
WHALEBONE, LLC**

**TRAFFIC IMPROVEMENTS  
FOR W. LAKESIDE ST.**

**DARE COUNTY, NC**

**CROSS SECTIONS**

PROJECT NUMBER  
**C06001.00**

DRAWING NUMBER  
**C-102**



NOTES

1. SEE C-101 FOR ALL GENERAL NOTES.

LEGEND

- 110 INDEX CONTOUR  
108 INTERMEDIATE CONTOUR  
PROPERTY LINE  
ADJOINING PROPERTIES  
FENCE  
RIGHT-OF-WAY  
CREEK  
EX. SANITARY SEWER  
EX. WATER LINE  
NEW SANITARY SEWER  
NEW WATER LINE

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |

|                         |                          |
|-------------------------|--------------------------|
| PROJECT MANAGER:<br>GSM | PROJECT ENGINEER:<br>DCB |
| DRAWN BY:<br>JDH        | CHECKED BY:<br>GSM       |

DATE:

JUNE 6, 2024



**MacCONNELL & Associates, P. C.**  
501 CASCADE POINTE LANE, SUITE 103  
CARY, NORTH CAROLINA 27513  
P.O. BOX 129  
MORRISVILLE, NORTH CAROLINA 27560  
LICENSE No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

**THE INN AT WHALEBONE, LLC**

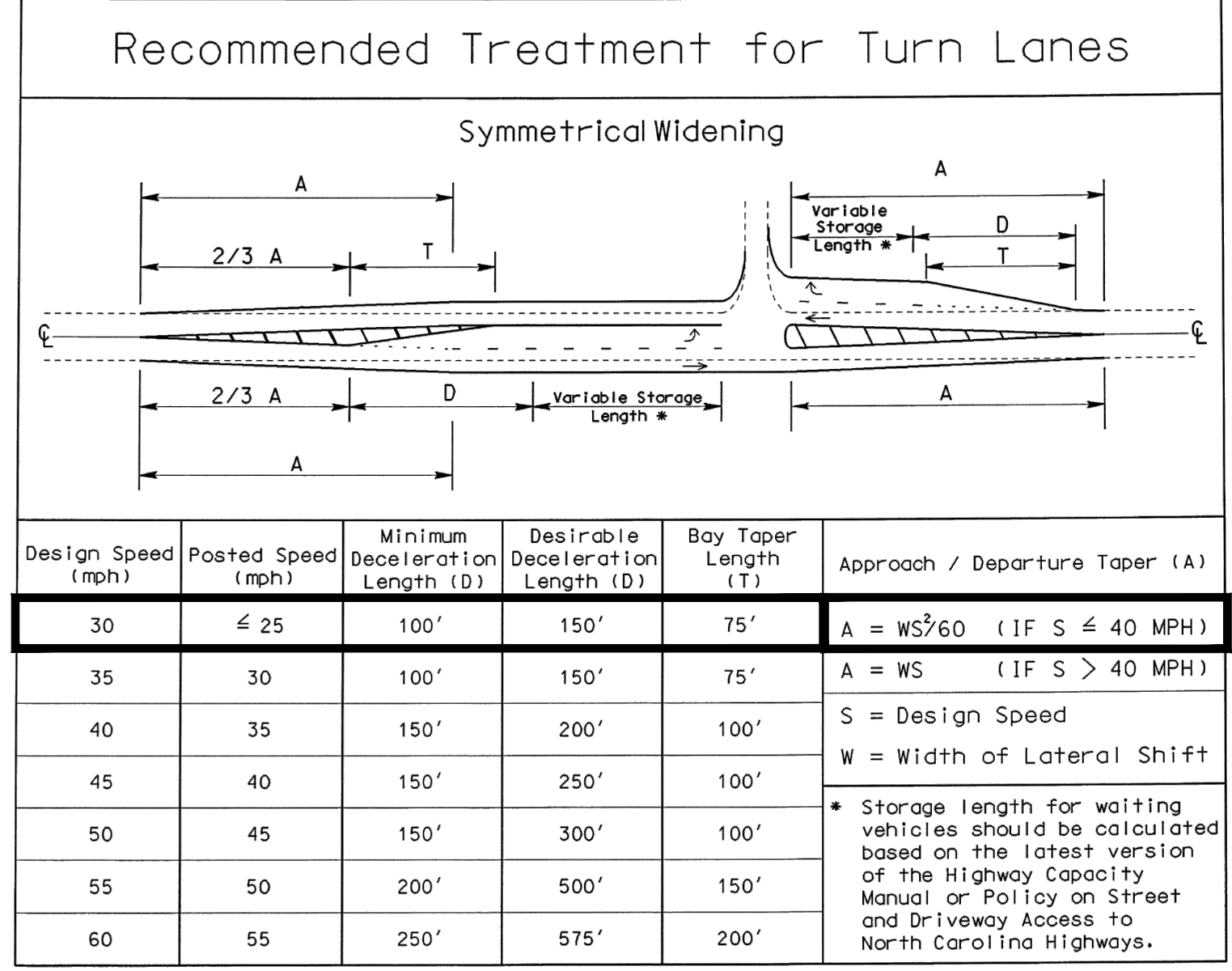
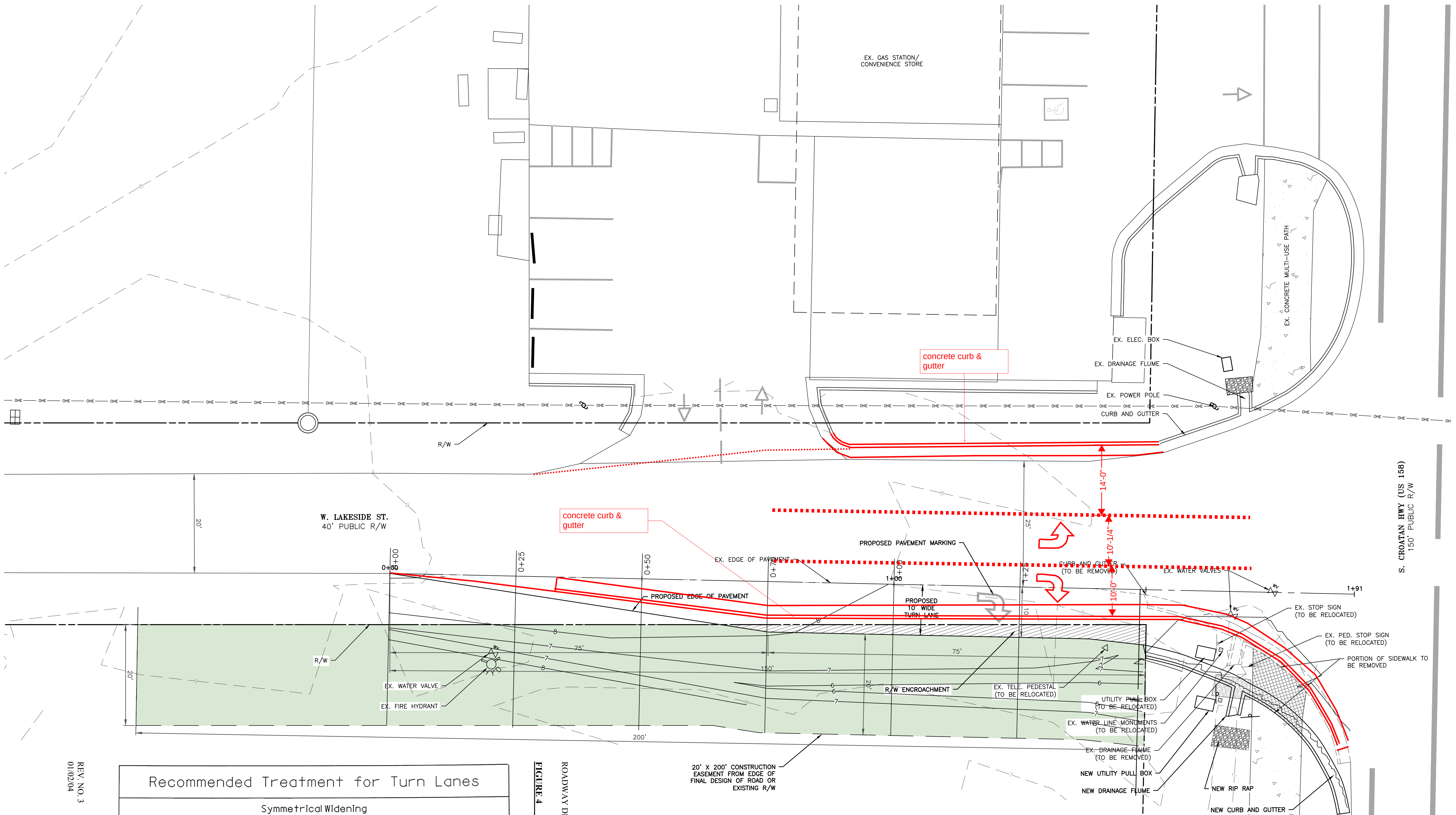
**TRAFFIC IMPROVEMENTS FOR W. LAKESIDE ST.**

**DARE COUNTY, NC**

**TURN LANE EXHIBIT**

PROJECT NUMBER  
**C06001.00**

DRAWING NUMBER  
**C-101**



**1 C-101 PROPOSED TURN LANE DETAIL / CALCULATIONS**  
NTS

**FIGURE 4**

ROADWAY DESIGN MANUAL

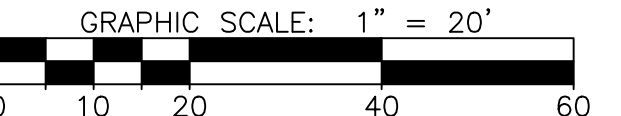
W = 10'  
S = 30 MPH  
A = WS<sup>2</sup>/60 = 150'  
D = 100'  
T = 75'  
STORAGE = 50'

9-1  
F-4A

PART I

The items in red indicate a proposed roadway widening alternative utilizing curb & gutter. This information is provided as conceptual and not intended to represent an actual design plan.

**FOR REVIEW ONLY**  
NOT RELEASED FOR CONSTRUCTION





## **Site Plan Amendment Project Narrative**

To: Board of Commissioners  
Client: Inn at Whalebone, LLC  
Subject: The Inn at Whalebone  
Project No.:C06001.00

Date: May 16, 2024  
From: Gary S. MacConnell, P.E.  
and Cricket Corwin, E.I.

### **Introduction**

The modifications that were made to the original site plan were necessary to achieve site approval for the stormwater permits and to accommodate for the wastewater design. Additionally, these adjustments were made to meet specific requirements outlined by Marriott, particularly regarding the downsizing of rooms to accommodate their preference for 12% suite rooms, as well as additional space for common areas such as the gym and breakfast lobby. Please see below for a list of other changes that were considered in the site plan revision.

- The hotel was previously proposed and approved as a 90-unit establishment, but the revised plan seeks approval for an 87-unit hotel. Please see specifications below:
  - Previous Building Area: 11,214 square feet
  - New Building Area: 11,943 square feet
  - Building Area Difference: 729 square feet, 6.5% increase.
- There were originally 93 parking spots proposed and approved. However, due to the reduction in units, only 87 parking spots were required. 90 parking spots were proposed as part of the site plan revision. Some parking spaces were eliminated to facilitate the creation of a walkway near the pool area and to also help with additional stormwater handling.
- Lot coverage has increased due to the added walkways and change in pool size.
  - Previous Lot Coverage: 56,428 square feet
  - New Lot Coverage: 55,531 square feet
  - Lot Coverage Difference: 897 square feet, 1.6% decrease.
- Revisions were made to stormwater management measures to accommodate the relocation of the pool, meet required stormwater storage capacities, adhere to setbacks from the onsite and offsite septic systems, and address feedback from the North Carolina Department of Environmental Quality (NCDEQ). These revisions also helped with detention time and treatment.
- Underground storage structures were integrated into the design to fulfill stormwater storage requirements while also maintaining necessary setbacks from the proposed onsite and offsite septic systems and to accommodate for the vegetative buffers.
- Some of the stormwater basins along the perimeter of the property were removed to adhere to setbacks from the adjacent property septic system and the onsite septic system.

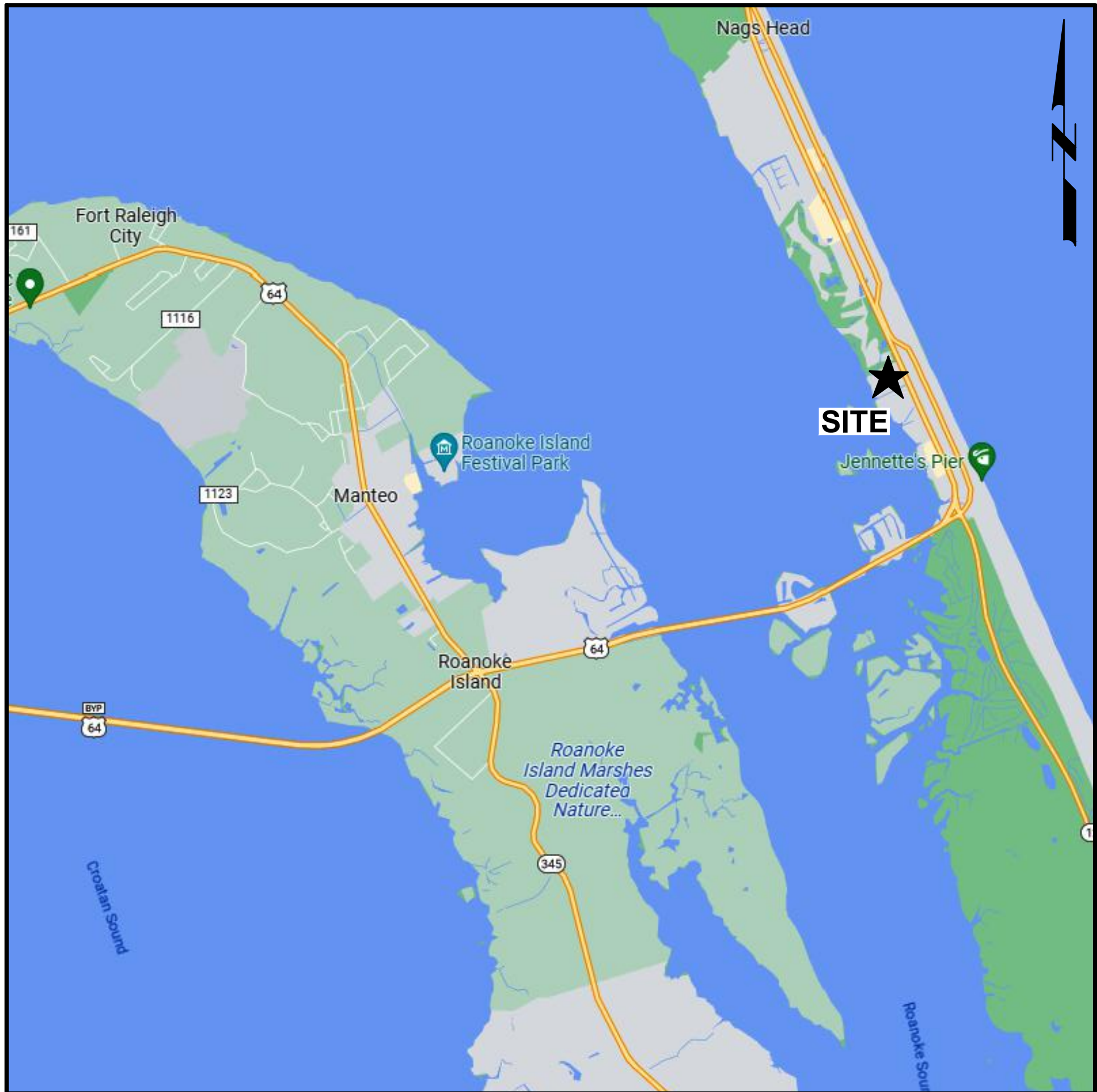


# INN AT WHALEBONE, LLC

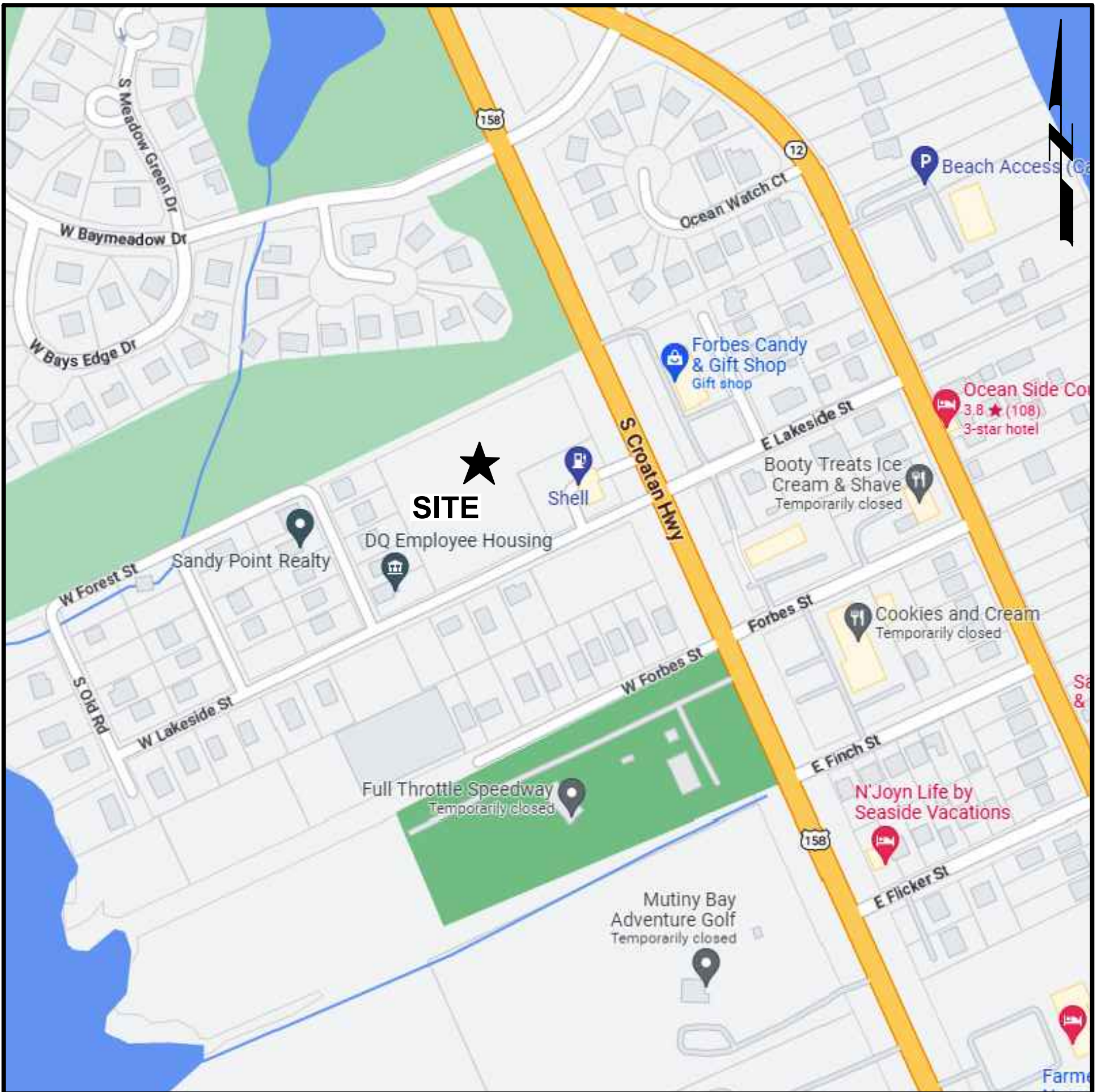
## CONSTRUCTION DRAWINGS

DARE COUNTY, NC  
PROJECT No. C06001.00

6632 W. PHEASANT AVE.  
NAGS HEAD, NC 27959



VICINITY MAP



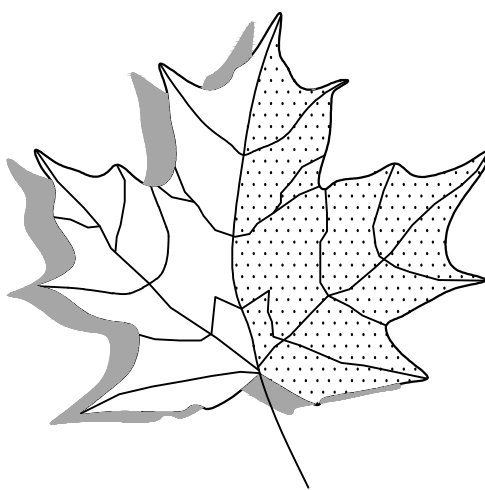
LOCATION MAP

### SCHEDULE OF DRAWINGS:

- |       | COVER SHEET               |
|-------|---------------------------|
| C-101 | EXISTING CONDITIONS       |
| C-102 | SITE AND UTILITY PLAN     |
| C-103 | GRADING AND DRAINAGE PLAN |
| C-104 | LANDSCAPE PLAN            |
| C-105 | LIGHTING PLAN             |
| D-101 | R TANK DETAILS - 1 & 2    |
| D-102 | R TANK DETAILS - 3 & 4    |
| D-103 | R TANK DETAILS - 5        |
| D-104 | EROSION CONTROL DETAILS 1 |
| D-105 | EROSION CONTROL DETAILS 2 |



PROJECT MANAGEMENT



MacCONNELL  
& Associates, P. C.

501 CASCADE POINTE LANE, SUITE 103  
CARY, NORTH CAROLINA 27513  
P. O. BOX 129

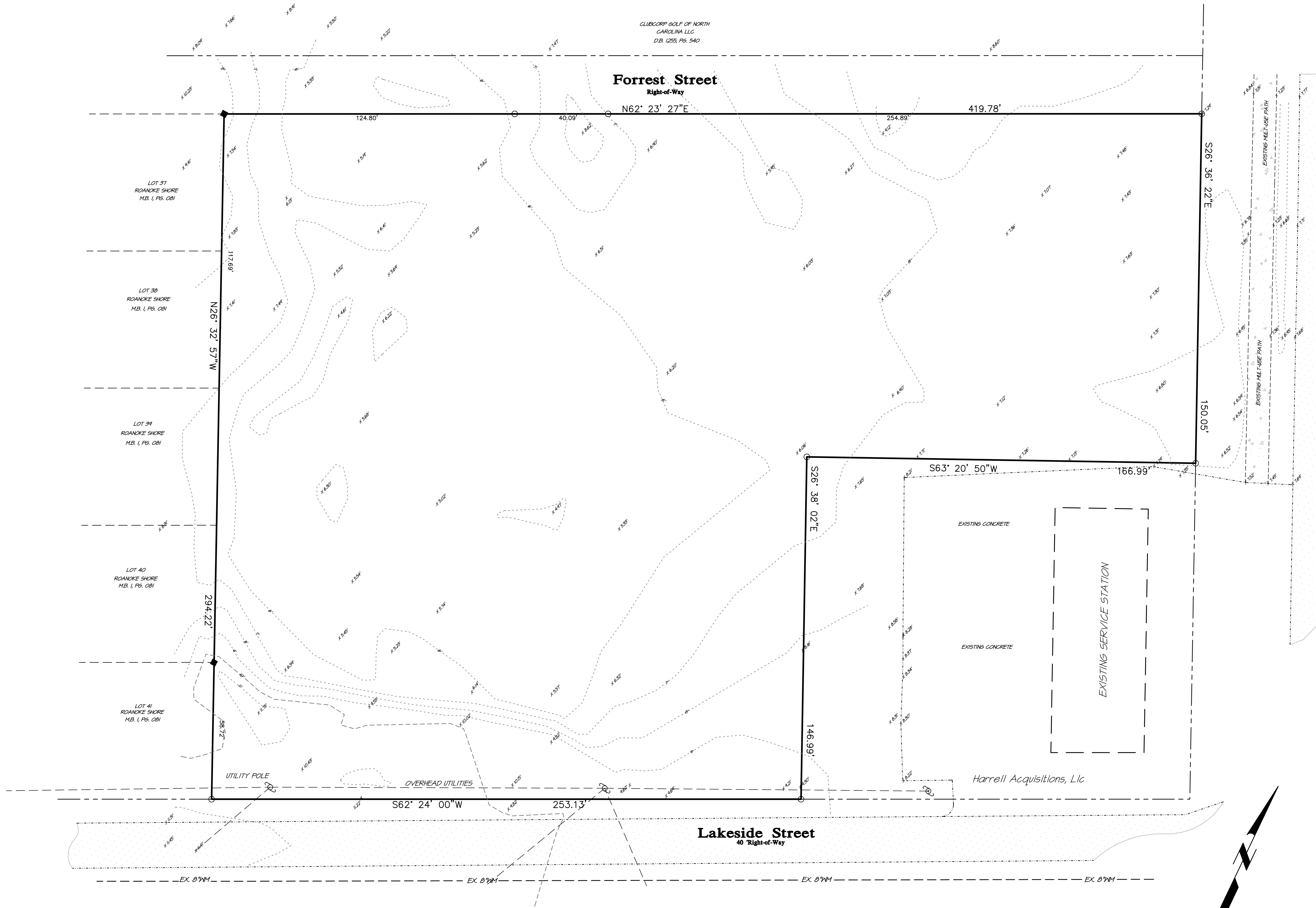
LICENSE MORRISVILLE, NORTH CAROLINA 27560  
No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

FOR REVIEW ONLY  
NOT RELEASED FOR  
CONSTRUCTION

MARCH 15, 2024

| REVISIONS |      |             |       |
|-----------|------|-------------|-------|
| NO.       | DATE | DESCRIPTION | SHEET |
|           |      |             |       |
|           |      |             |       |
|           |      |             |       |





Croatian Highway  
US 158 Bypass  
150' Right-of-Way

|                                                                                                                                                                                                                     |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| PROJECT MANAGER:                                                                                                                                                                                                    | PROJECT ENGINEER:                                                            |
| GSM                                                                                                                                                                                                                 | HDB                                                                          |
| DRAWN BY:                                                                                                                                                                                                           | CHECKED BY:                                                                  |
| HDB                                                                                                                                                                                                                 | TAP                                                                          |
| DATE:                                                                                                                                                                                                               |                                                                              |
| March 15, 2024                                                                                                                                                                                                      |                                                                              |
|  <b>MacCONNELL &amp; Associates, P. C.</b><br>501 CASCADE POINTE LANE, SUITE 103<br>CARY, NORTH CAROLINA 27513<br>P.O. BOX 123 |                                                                              |
| LICENSE No. C-1039                                                                                                                                                                                                  | MORRISVILLE, NORTH CAROLINA 27560<br>TEL: (919) 467-1239 FAX: (919) 319-6510 |

THE INN AT  
WHALEBONE, LLC

CONSTRUCTION  
DRAWINGS

DARE COUNTY, NC

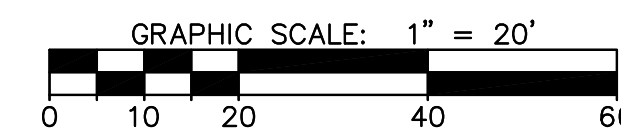
Existing Conditions

Location:  
6632 West Pheasant Avenue  
Parcel in Nags Head  
Nags Head Dare County North Carolina

PROJECT NUMBER  
C06001.00

DRAWING NUMBER  
C-101

BOUNDARY AND TOPOGRAPHIC INFORMATION PREPARED BY  
BISSELL PROFESSIONAL GROUP  
MAP ENTITLED: BOUNDARY AND TOPOGRAPHIC SURVEY DATED: 04-07-22



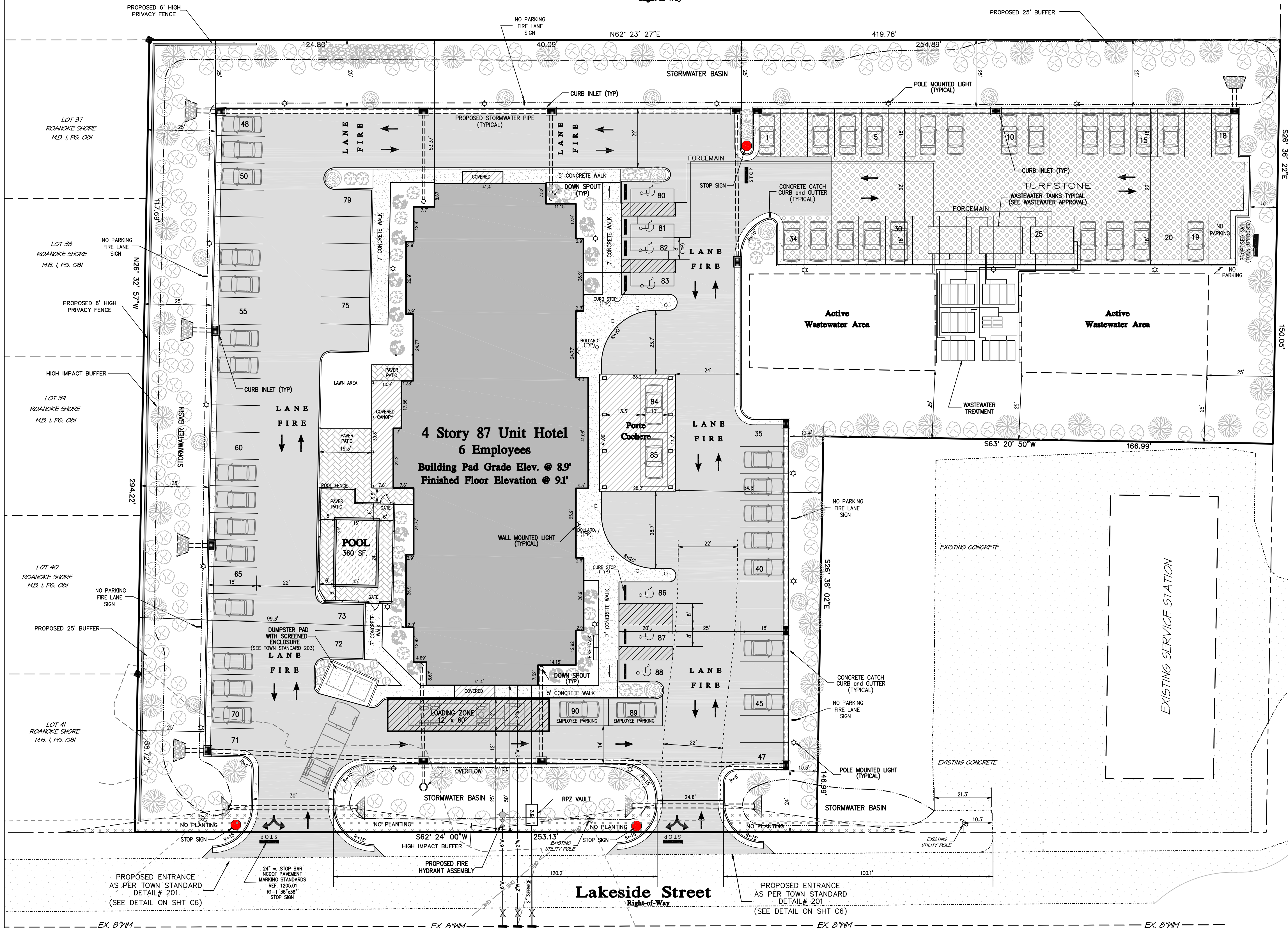
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CONSTRUCTION



CLUECORP GOLF OF NORTH  
CAROLINA LLC  
D.B. 1255, P.5, 540

## Forrest Street

Right-of-Way



BEFORE YOU DIG!

North Carolina 811  
WWW.nc811.ORG

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

## GENERAL NOTES:

- SUBJECT PROPERTY: Lot: 32-36 & Pheasant Ave Nags Head, NC 27959
- STREET ADDRESS: 6632 W Pheasant Ave Nags Head, NC 27959
- PARCEL ID NUMBER: 006891000
- GLOBAL PIN: 080006472501
- RECORDED REFERENCE: DB. 1515 PG. 0048
- TOTAL PARCEL AREA: 99,233 S.F. (2.28 AC.)
- BOUNDARY INFORMATION TAKEN FROM BISSELL PROFESSIONAL GROUP
- LOT COVERAGE:
  - BUILDING and COVERED DECKS - 13,405 SQ. FT.
  - CONCRETE VEHICULAR - 28,794 SQ. FT.
  - CONCRETE WALK/CURB - 6,224 SQ. FT.
  - POOL SURFACE AREA - 360 SQ. FT.
  - TURFSTONE GRID PAVERS - 8,823 S.F. x 0.67 = 5,911 SQ. FT.
  - POOL PAVERS - 1,250 S.F. x 0.67 = 837 SQ. FT.
  - TOTAL IMPERVIOUS COVERAGE = 55,531 SQ. FT.
  - BUILDING @ 13.40% = 55.96%
  - PARKING @ 38.66%
  - LANDSCAPED @ 28.2%
  - TOTAL PARKING AREA = 38,360 x 20% = 7,632 SQ. FT. (IMPERVIOUS)
  - TOTAL IMPERVIOUS PROVIDED = 8,823 SQ. FT.
- PARKING DATA:
  - 87 UNITS @ 1 SPACE PER UNIT = 87 SPACES
  - 6 EMPLOYEES @ 1 SPACE PER 3 EMPLOYEES = 2 SPACES
  - TOTAL SPACES REQUIRED = 89 SPACES
  - TOTAL SPACES PROVIDED = 90 SPACES

## LEGEND:

- PROPOSED VEHICLE CIRCULATION AREA
- PROPOSED TURFSTONE
- PROPOSED BUILDING AREA
- PROPOSED DECKS
- PROPOSED CONCRETE SURFACE
- PROPOSED PAVERS
- PROPOSED VEHICLE PARKING AREA
- PROPOSED CURB INLET / CATCH BASIN
- PROPOSED STORMWATER PIPE

|                                           |                                         |
|-------------------------------------------|-----------------------------------------|
| PROJECT MANAGER:                          | PROJECT ENGINEER:                       |
| GSM                                       | HDB                                     |
| DRAWN BY:                                 | CHECKED BY:                             |
| HDB                                       | TAP                                     |
| DATE:                                     |                                         |
| March 15, 2024                            |                                         |
| <b>MacCONNELL &amp; Associates, P. C.</b> |                                         |
| 501 CASCADE POINTE LANE, SUITE 103        |                                         |
| CARY, NORTH CAROLINA 27513                |                                         |
| P.O. BOX 129                              |                                         |
| LICENSE No. C-1039                        | MORRISVILLE, NORTH CAROLINA 27560       |
|                                           | TEL: (919) 467-1239 FAX: (919) 319-6510 |

THE INN AT  
WHALEBONE, LLC

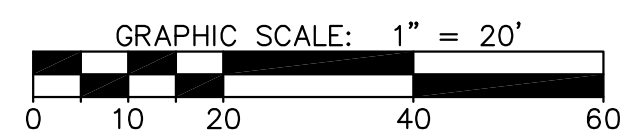
CONSTRUCTION  
DRAWINGS

DARE COUNTY, NC

## Site and Utility Plan

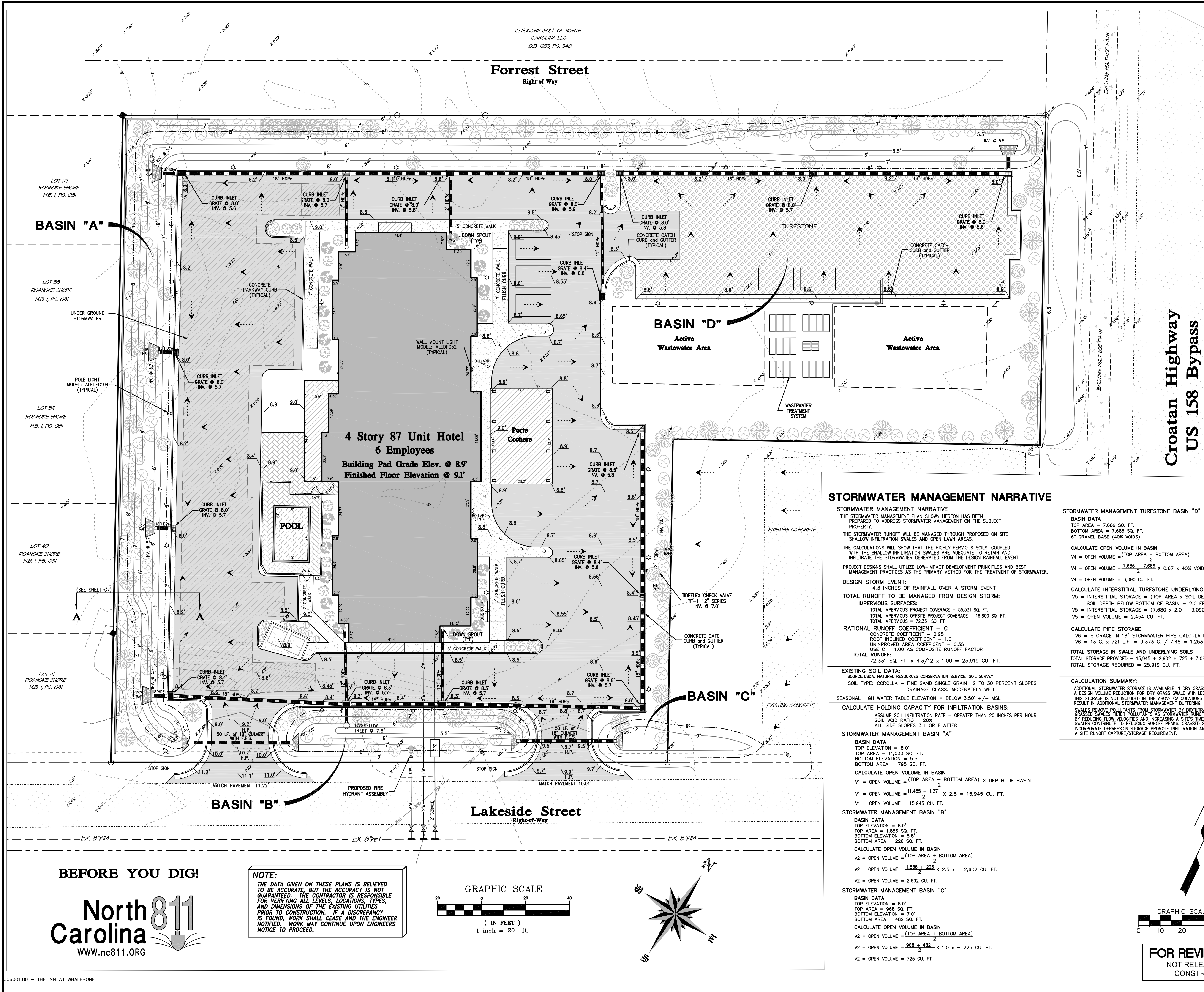
Location:  
6632 West Pheasant Avenue  
Parcel in Nags Head  
Nags Head Dare County North Carolina

|                |                |
|----------------|----------------|
| PROJECT NUMBER | DRAWING NUMBER |
| C06001.00      | C-102          |



FOR REVIEW ONLY  
NOT RELEASED FOR  
CONSTRUCTION





**GENERAL NOTES:**

- SUBJECT PROPERTY: Lot: 32-36 & Pheasant Ave  
Nags Head, NC 27959
- STREET ADDRESS: 6632 W Pheasant Ave  
Nags Head, NC 27959
- PARCEL ID NUMBER: 006891000
- GLOBAL PIN: 080006472501
- RECORDED REFERENCE: DB. 1515 PG. 0048
- TOTAL PARCEL AREA: 99,233 S.F. (2.28 AC.)
- LOT COVERAGE:
  - BUILDING and COVERED DECKS - 13,405 SQ. FT.
  - CONCRETE VEHICULAR - 28,794 SQ. FT.
  - CONCRETE WALK/CURB - 6,204 SQ. FT.
  - POOL SURFACE AREA - 450 SQ. FT.
  - TURFSTONE GRASS PAVES - 8,823 S.F. x 0.67 = 5,911 SQ. FT.
  - POOL PAVES - 1,140 S.F. x 0.67 = 764 SQ. FT.
  - TOTAL IMPERVIOUS COVERAGE = 55,528 SQ. FT.
  - PERCENT LOT COVERAGE = 55.95%

**LEGEND:**

- PROPOSED VEHICLE CIRCULATION AREA
- PROPOSED TURFSTONE
- PROPOSED BUILDING AREA
- PROPOSED DECKS
- PROPOSED CONCRETE SURFACE
- PROPOSED VEHICLE PARKING AREA
- PROPOSED CURB INLET / CATCH BASIN
- PROPOSED STORMWATER PIPE
- PROPOSED RUNOFF DIRECTIONAL ARROW
- PROPOSED FINISHED GRADE CONTOUR
- PROPOSED FINISHED SPOT GRADE
- EXISTING GRADE CONTOUR
- EXISTING SPOT GRADE

**STORMWATER MANAGEMENT NARRATIVE**

**STORMWATER MANAGEMENT NARRATIVE**  
THE STORMWATER MANAGEMENT PLAN SHOWN HEREON HAS BEEN PREPARED TO ADDRESS STORMWATER MANAGEMENT ON THE SUBJECT PROPERTY.  
THE STORMWATER RUNOFF WILL BE MANAGED THROUGH PROPOSED ON SITE SHALLOW INFILTRATION SWALES AND OPEN LAWN AREAS.  
THE CALCULATIONS WILL SHOW THAT THE HIGHLY PERVIOUS SOILS, COUPLED WITH THE SHALLOW INFILTRATION SWALES ARE ADEQUATE TO RETAIN AND INFILTRATE THE STORMWATER GENERATED FROM THE DESIGN RAINFALL EVENT.  
PROJECT DESIGNS SHALL UTILIZE LOW-IMPACT DEVELOPMENT PRINCIPLES AND BEST MANAGEMENT PRACTICES AS THE PRIMARY METHOD FOR THE TREATMENT OF STORMWATER.

**DESIGN STORM EVENT:**  
4.3 INCHES OF RAINFALL OVER A STORM EVENT

**TOTAL RUNOFF TO BE MANAGED FROM DESIGN STORM:**  
IMPERVIOUS SURFACES:  
TOTAL IMPERVIOUS PROJECT COVERAGE - 55,531 SQ. FT.  
TOTAL IMPERVIOUS OFFSITE PROJECT COVERAGE - 16,800 SQ. FT.  
TOTAL IMPERVIOUS = 72,331 SQ. FT.  
RATIONAL RUNOFF COEFFICIENT = C  
CONCRETE COEFFICIENT = 0.95  
ROOF INCULDED COEFFICIENT = 1.0  
UNIMPROVED AREA COEFFICIENT = 0.35  
USE C = 1.00 AS COMPOSITE RUNOFF FACTOR  
TOTAL RUNOFF:  
72,331 SQ. FT. x 4.3/12 x 1.00 = 25,919 CU. FT.

**EXISTING SOIL DATA:**  
SOURCE:USDA, NATURAL RESOURCES CONSERVATION SERVICE, SOIL SURVEY  
SOIL TYPE: COROLLA - FINE SAND SINGLE GRAIN 2 TO 30 PERCENT SLOPES  
DRAINAGE CLASS: MODERATELY WELL

**SEASONAL HIGH WATER TABLE ELEVATION = BELOW 3.50' +/- MSL**

**CALCULATE HOLDING CAPACITY FOR INFILTRATION BASINS:**  
ASSUME SOIL INFILTRATION RATE = GREATER THAN 20 INCHES PER HOUR  
SOIL VOID RATIO = 208  
ALL SIDE SLOPES 3:1 OR FLATTER

**STORMWATER MANAGEMENT BASIN "A"**  
BASIN DATA  
TOP ELEVATION = 8.0'  
TOP AREA = 11,033 SQ. FT.  
BOTTOM ELEVATION = 5.5'  
BOTTOM AREA = 795 SQ. FT.  
CALCULATE OPEN VOLUME IN BASIN  
V1 = OPEN VOLUME =  $\frac{(TOP\ AREA + BOTTOM\ AREA)}{2} \times DEPTH\ OF\ BASIN$   
V1 = OPEN VOLUME =  $\frac{11,033 + 795}{2} \times 2.5 = 15,945\ CU.\ FT.$   
V1 = OPEN VOLUME = 15,945 CU. FT.

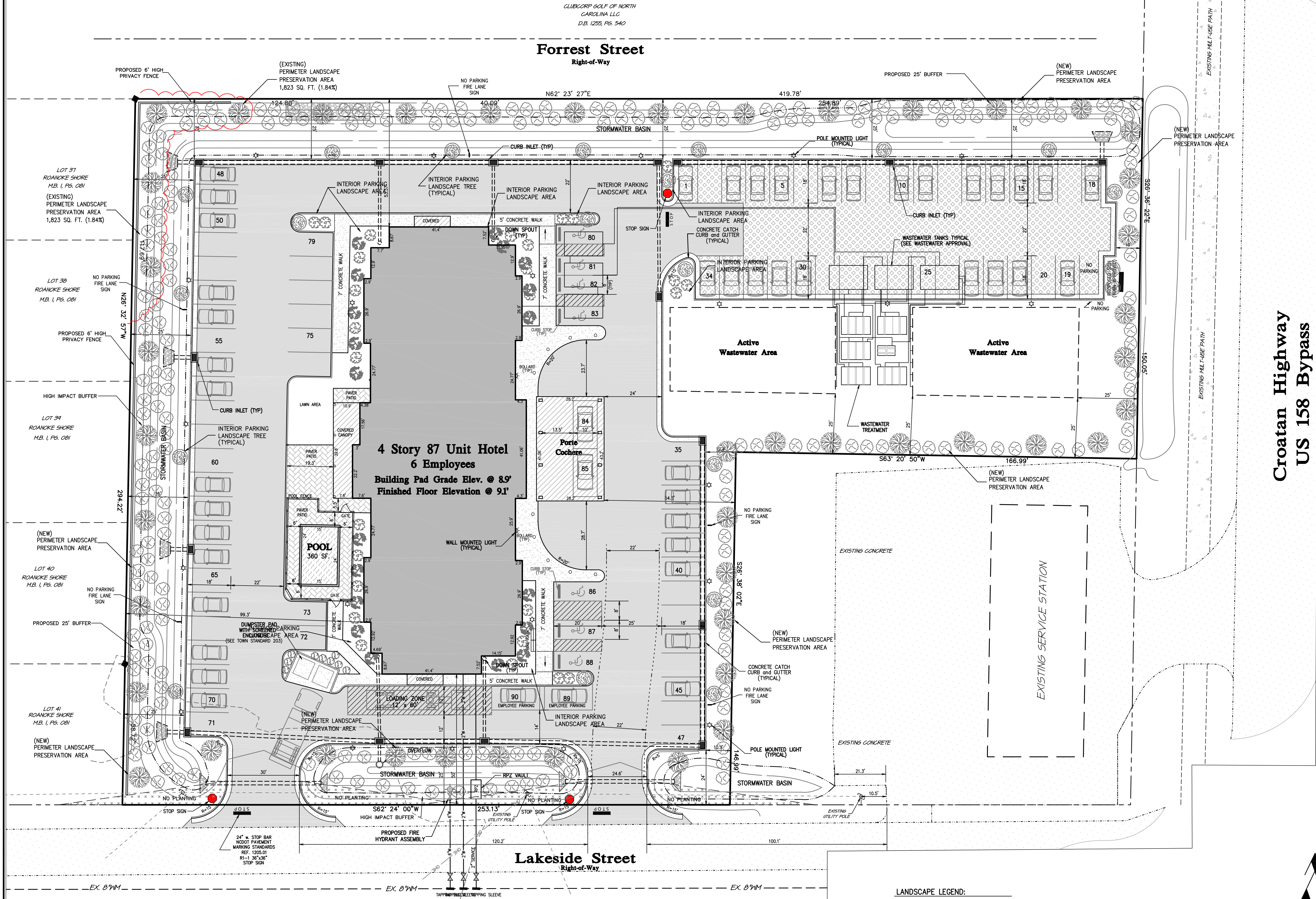
**STORMWATER MANAGEMENT BASIN "B"**  
BASIN DATA  
TOP ELEVATION = 8.0'  
TOP AREA = 1,856 SQ. FT.  
BOTTOM ELEVATION = 5.5'  
BOTTOM AREA = 226 SQ. FT.  
CALCULATE OPEN VOLUME IN BASIN  
V2 = OPEN VOLUME =  $\frac{(TOP\ AREA + BOTTOM\ AREA)}{2} \times DEPTH\ OF\ BASIN$   
V2 = OPEN VOLUME =  $\frac{1,856 + 226}{2} \times 2.5 = 2,602\ CU.\ FT.$   
V2 = OPEN VOLUME = 2,602 CU. FT.

**STORMWATER MANAGEMENT BASIN "C"**  
BASIN DATA  
TOP ELEVATION = 8.0'  
TOP AREA = 968 SQ. FT.  
BOTTOM ELEVATION = 7.0'  
BOTTOM AREA = 482 SQ. FT.  
CALCULATE OPEN VOLUME IN BASIN  
V2 = OPEN VOLUME =  $\frac{(TOP\ AREA + BOTTOM\ AREA)}{2} \times DEPTH\ OF\ BASIN$   
V2 = OPEN VOLUME =  $\frac{968 + 482}{2} \times 1.0 = 725\ CU.\ FT.$   
V2 = OPEN VOLUME = 725 CU. FT.

**STORMWATER MANAGEMENT TURFSTONE BASIN "D"**  
BASIN DATA  
TOP AREA = 7,686 SQ. FT.  
BOTTOM AREA = 7,686 SQ. FT.  
6" GRAVEL BASE (40% VOIDS)  
CALCULATE OPEN VOLUME IN BASIN  
V4 = OPEN VOLUME =  $\frac{(TOP\ AREA + BOTTOM\ AREA)}{2} \times DEPTH\ OF\ BASIN$   
V4 = OPEN VOLUME =  $\frac{7,686 + 7,686}{2} \times 0.67 \times 40\% \text{ VOIDS} = 3,090\ CU.\ FT.$   
V4 = OPEN VOLUME = 3,090 CU. FT.  
CALCULATE INTERSTITIAL TURFSTONE UNDERLYING STORAGE  
V5 = INTERSTITIAL STORAGE =  $(TOP\ AREA \times SOIL\ DEPTH) - V1 \times 0.2$   
SOIL DEPTH BELOW BOTTOM OF BASIN = 2.0 FEET  
V5 = INTERSTITIAL STORAGE =  $(7,686 \times 2.0) - 3,090 \times 0.2 = 2,454\ CU.\ FT.$   
V5 = OPEN VOLUME = 2,454 CU. FT.  
CALCULATE PIPE STORAGE  
V6 = STORAGE IN 18" STORMWATER PIPE CALCULATION @ 13 G PER FOOT  
V6 = 13 G. x 721 L.F. = 9,373 G. / 7.48 = 1,253 CU. FT.  
TOTAL STORAGE IN SWALE AND UNDERLYING SOILS  
TOTAL STORAGE PROVIDED = 15,945 + 2,602 + 725 + 3,090 + 2,454 + 1,253 = 26,069 CU. FT.  
TOTAL STORAGE REQUIRED = 25,919 CU. FT.

**CALCULATION SUMMARY:**  
ADDITIONAL STORMWATER STORAGE IS AVAILABLE IN DRY GRASS INFILTRATION SWALES. A DESIGN VOLUME REDUCTION FOR DRY GRASS SWALE WITH LESS THAN 1.5% SLOPE THIS STORAGE IS NOT INCLUDED IN THE ABOVE CALCULATIONS AND WILL RESULT IN ADDITIONAL STORMWATER MANAGEMENT BUFFERING.  
SWALES REMOVE POLLUTANTS FROM STORMWATER BY BIOFILTRATION, SETTLING, AND INFILTRATION. GRASS SWALES FILTER POLLUTANTS AS STORMWATER RUNOFF MOVES THROUGH THE GRASS. BY REDUCING FLOW VELOCITIES AND INCREASING A SITE'S TIME OF CONCENTRATION, GRASS SWALES CONTRIBUTE TO REDUCING RUNOFF PEAKS. GRASS SWALES THAT ARE DESIGNED WITH INDOCRPORATE DEPRESSION STORAGE PROMOTE INFILTRATION AND CAN HELP CONTRIBUTE TO SATISFYING A SITE RUNOFF CAPTURE/STORAGE REQUIREMENT.





CLUBCORP GOLF OF NORTH  
CAROLINA LLC  
D.B. 1255, PG. 540

Forrest Street  
Right-of-Way

Lakeside Street  
Right-of-Way

4 Story 87 Unit Hotel  
6 Employees  
Building Pad Grade Elev. @ 8.9'  
Finished Floor Elevation @ 9.1'

POOL  
360 SF

Active  
Wastewater Area

Active  
Wastewater Area

Porto  
Cochera

EXISTING SERVICE STATION

Croatan Highway  
US 158 Bypass

BEFORE YOU DIG!

North Carolina  
811  
WWW.nc811.ORG

NOTE:  
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AND DIMENSIONS OF THE EXISTING UTILITIES  
PRIOR TO CONSTRUCTION. IF A DISCREPANCY  
IS FOUND, WORK SHALL CEASE AND THE ENGINEER  
NOTIFIED. WORK MAY CONTINUE UPON ENGINEER'S  
NOTICE TO PROCEED.

\* PARKING LOT INTERIOR LANDSCAPE: PARKING SPACE AREA = 16,340 SQ. FT. x 10% = 1,634 SQ. FT. (1,937 SQ. FT. PROVIDED)  
\* LANDSCAPE AREA TOWARD PRESERVATION: EXISTING PRESERVED TREES AND SHRUBS AREA 1,823 SQ. FT.  
TREES: 45 + 21 = 66 (T) x 100 (S.F.) 6,600 SQ. FT.  
SHRUBS: 202 + 23 + 17 = 242 (S) x 50 (S.F.) 12,100 SQ. FT.  
TOTAL LANDSCAPING = 18,700 SQ. FT. / 99,233 SQ. FT. = 18.84%

LANDSCAPE LEGEND:

| COMMON NAME<br>Botanical Name | HEIGHT    | SPREAD    | SCIENTIFIC NAME       | QUANTITY | SYMBOL |
|-------------------------------|-----------|-----------|-----------------------|----------|--------|
| FLOWERING DOGWOODS            | 10' - 25' | 20' - 30' | Cornus florida        | 21       |        |
| GRAPE MYRTLE                  | 10' - 30' | 6' - 15'  | Lagerstroemia Indica  | 45       |        |
| JAPANESE PRIVET               | 6' - 12'  | 3' - 8'   | Ligustrum japonicum   | 202      |        |
| BUTTERFLY WEED                | 1' - 3'   | 2' - 4'   | Asclepias tuberosa    | 23       |        |
| Dustymiller                   | 1' - 4'   | 1' - 2'   | Artemisia stelleriana | 17       |        |

GRAPHIC SCALE: 1" = 20'  
0 10 20 40 60

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GENERAL NOTES:

- \* SUBJECT PROPERTY: Lot: 32-36 & Pheasant Ave  
Nags Head, NC 27959
- \* STREET ADDRESS: 6632 W Pheasant Ave  
Nags Head, NC 27959
- \* PARCEL ID NUMBER: 006891000
- \* GLOBAL PIN: 080006472501

LEGEND:

- PROPOSED VEHICLE CIRCULATION AREA
- PROPOSED TURFSTONE
- PROPOSED BUILDING AREA
- PROPOSED DECKS
- PROPOSED CONCRETE SURFACE
- PROPOSED VEHICLE PARKING AREA
- PROPOSED CURB INLET / CATCH BASIN
- PROPOSED STORMWATER PIPE

PROJECT MANAGER: GSM PROJECT ENGINEER: HDB  
DRAWN BY: HDB CHECKED BY: TAP  
DATE:  
March 15, 2024  
  
**MacCONNELL & Associates, P.C.**  
501 CASCADE PONTE LANE, SUITE 103  
CARY, NORTH CAROLINA 27513  
P.O. BOX 129  
MORRISVILLE, NORTH CAROLINA 27560  
LICENSE No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

THE INN AT  
WHALEBONE, LLC

CONSTRUCTION  
DRAWINGS

DARE COUNTY, NC

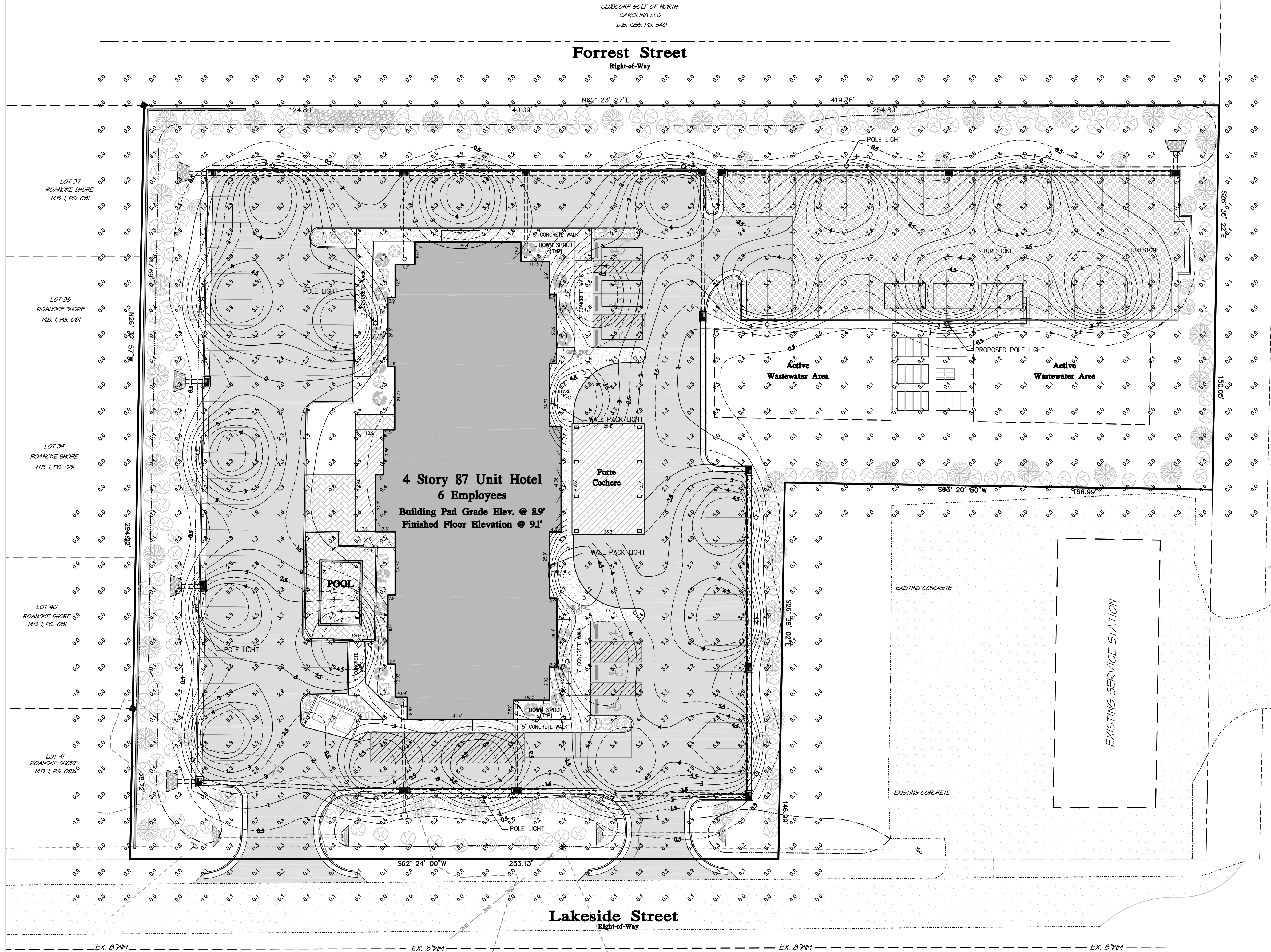
Landscape Plan

Location:  
6632 West Pheasant Avenue  
Parcel in Nags Head  
Nags Head Dare County North Carolina

PROJECT NUMBER  
C06001.00

DRAWING NUMBER  
C-104





**GENERAL NOTES:**

- \* SUBJECT PROPERTY: Lot: 32-36 & Pheasant Ave  
Nags Head, NC 27959
- \* STREET ADDRESS: 6632 W Pheasant Ave  
Nags Head, NC 27959
- \* PARCEL ID NUMBER: 006891000
- \* GLOBAL PIN: 080006472501
- \* RECORDED REFERENCE: DB. 1515 PG. 0048
- \* TOTAL PARCEL AREA: 99,233 S.F. (2.28 AC.)
- \* BOUNDARY INFORMATION TAKEN FROM BISSELL PROFESSIONAL GROUP

**LIGHTING LEGEND**

- PROPOSED POLE LIGHT  
RAB LIGHTING (MODEL: ALEDFC104)  
RAB STEEL POLE (MODEL: PS4-07-2502)  
(OR APPROVED EQUAL)  
MOUNTING HEIGHT @ 21'
- PROPOSED WALL PACK LIGHT  
RAB LIGHTING (MODEL: ALEDFC52)  
(OR APPROVED EQUAL)  
MOUNTING HEIGHT @ 21'
- PHOTOMETRIC ILLUMINATION SPOT NUMBER
- PHOTOMETRIC ILLUMINATION CONTOURS  
APPROVED BY TOWN OF NAGS HEAD
- APPROVED EQUAL: WALL MOUNTED AND POLE MOUNTED LIGHTS  
TO BE PROVIDED BY DOMINION ENERGY'S OUTDOOR SERVICES

**LEGEND:**

- PROPOSED VEHICLE CIRCULATION AREA
- PROPOSED TURFSTONE
- PROPOSED BUILDING AREA
- PROPOSED DECKS
- PROPOSED CONCRETE SURFACE
- PROPOSED VEHICLE PARKING AREA
- PROPOSED CURB INLET / CATCH BASIN
- PROPOSED STORMWATER PIPE

|                                                                                                                                                                                                                                                                                                                            |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| PROJECT MANAGER:<br>GSM                                                                                                                                                                                                                                                                                                    | PROJECT ENGINEER:<br>HDB |
| DRAWN BY:<br>HDB                                                                                                                                                                                                                                                                                                           | CHECKED BY:<br>TAP       |
| DATE:<br>March 15, 2024                                                                                                                                                                                                                                                                                                    |                          |
|  <b>MacCONNELL<br/>&amp; Associates, P. C.</b><br>501 CASCADE POINTE LANE, SUITE 103<br>CARY, NORTH CAROLINA 27513<br>P.O. BOX 129<br>MORRISVILLE, NORTH CAROLINA 27560<br>LICENSE No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510 |                          |

**THE INN AT  
WHALEBONE, LLC**

**CONSTRUCTION  
DRAWINGS**

**DARE COUNTY, NC**

**Lighting Plan**

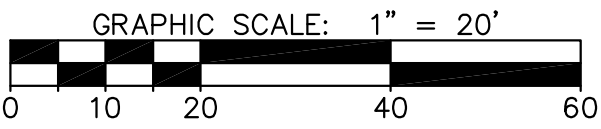
Location:  
**6632 West Pheasant Avenue**  
Parcel in Nags Head  
Nags Head Dare County North Carolina

|                                    |                                |
|------------------------------------|--------------------------------|
| PROJECT NUMBER<br><b>C06001.00</b> | DRAWING NUMBER<br><b>C-105</b> |
|------------------------------------|--------------------------------|

**BEFORE YOU DIG!**

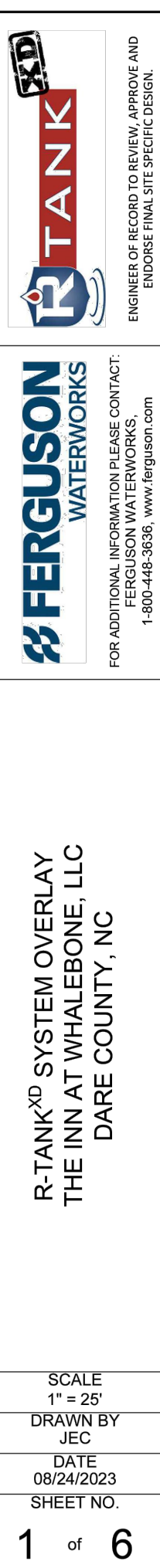
**North Carolina 811**  
WWW.nc811.ORG

**NOTE:**  
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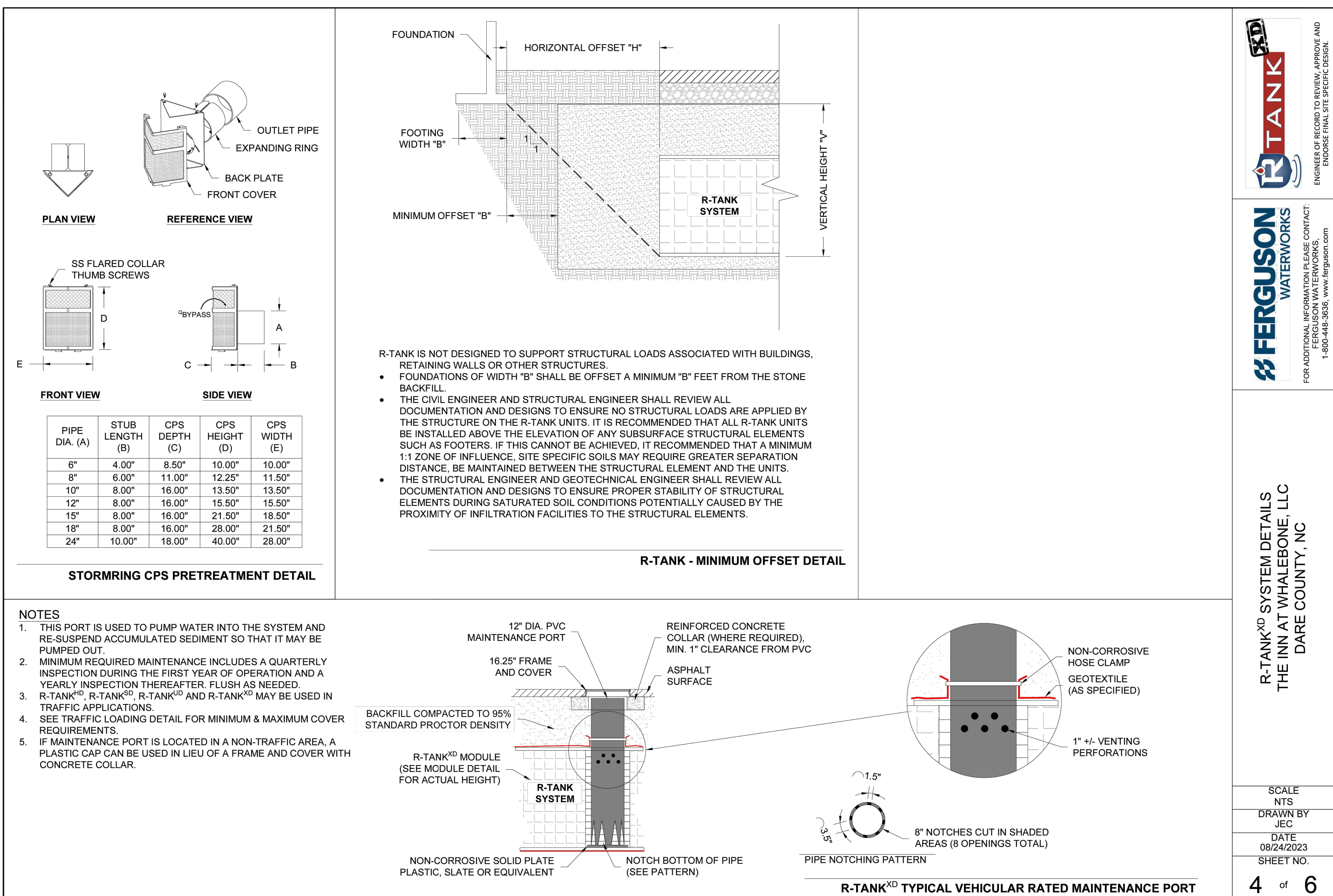
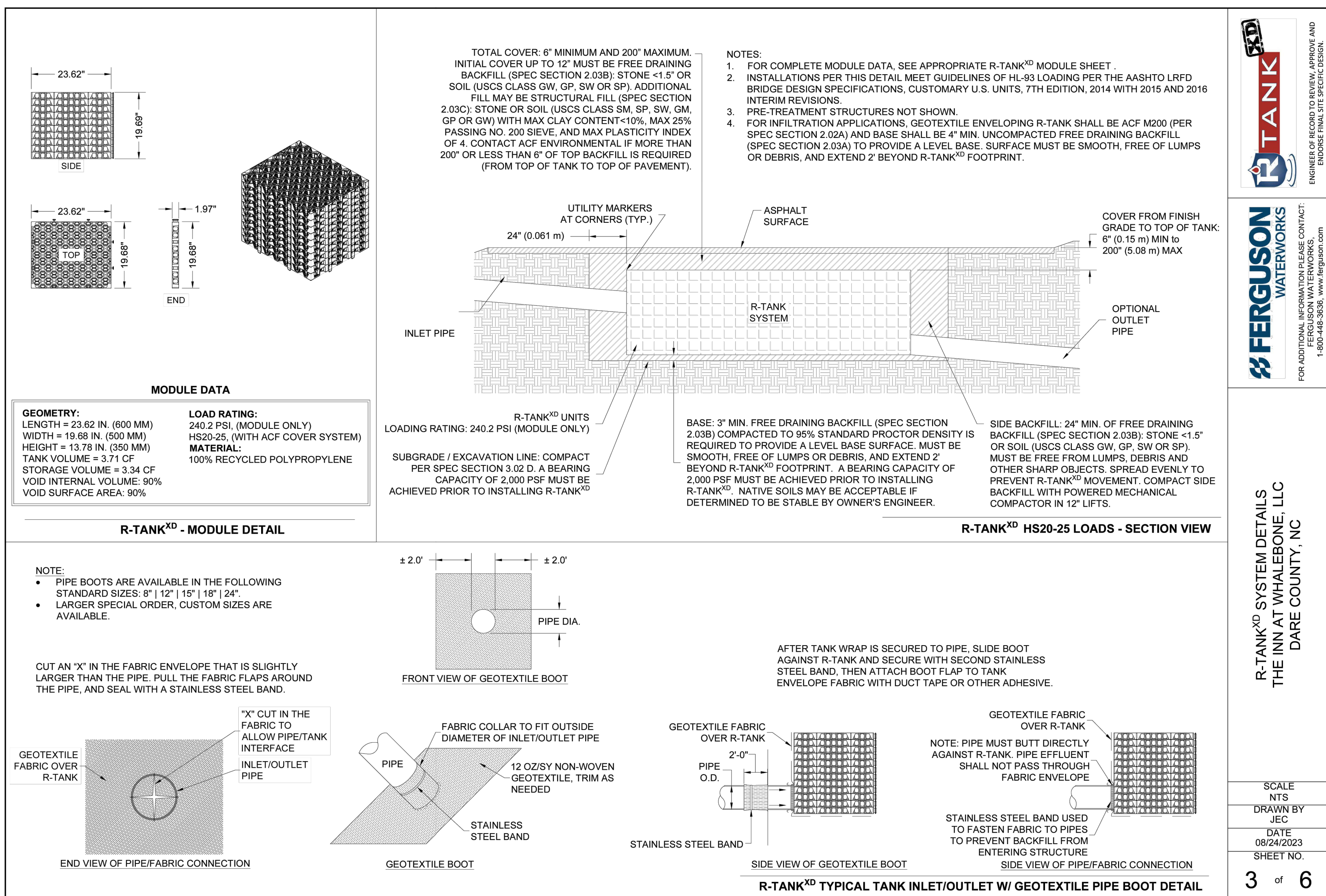


|                                                                                     |                      |
|-------------------------------------------------------------------------------------|----------------------|
| 110                                                                                 | INDEX CONTOUR        |
| 108                                                                                 | INTERMEDIATE CONTOUR |
|                                                                                     | PROPERTY LINE        |
|                                                                                     | ADJOINING PROPERTIES |
| x                                                                                   | FENCE                |
|                                                                                     | RIGHT-OF-WAY         |
|                                                                                     | EX. EDGE OF PAVEMENT |
| .                                                                                   | CREEK                |
| SS                                                                                  | EX. SANITARY SEWER   |
|                                                                                     | NEW SANITARY SEWER   |
| W                                                                                   | EX. WATER LINE       |
|                                                                                     | NEW WATER LINE       |
| FM                                                                                  | NEW FORCE MAIN       |
|  | CATCH BASIN          |
|  | NEW STORM PIPE       |
|  | POLE-MOUNTED LIGHT   |

|                                    |                                |
|------------------------------------|--------------------------------|
| PROJECT NUMBER<br><b>C06001.00</b> | DRAWING NUMBER<br><b>D-101</b> |
|------------------------------------|--------------------------------|

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CONSTRUCTION





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## NOTES

## LEGEND

|                                                                                     |                      |
|-------------------------------------------------------------------------------------|----------------------|
| —— 110                                                                              | INDEX CONTOUR        |
| —— 108                                                                              | INTERMEDIATE CONTOUR |
| =====                                                                               | PROPERTY LINE        |
| =====                                                                               | ADJOINING PROPERTIES |
| — x —                                                                               | FENCE                |
| — - - - -                                                                           | RIGHT-OF-WAY         |
| — · — · —                                                                           | EX. EDGE OF PAVEMENT |
| — · — · —                                                                           | CREEK                |
| — SS —                                                                              | EX. SANITARY SEWER   |
| — — — —                                                                             | NEW SANITARY SEWER   |
| — W —                                                                               | EX. WATER LINE       |
| — · · · —                                                                           | NEW WATER LINE       |
| — RW —                                                                              | NEW FORCE MAIN       |
|  | CATCH BASIN          |
|  | NEW STORM PIPE       |
|  | POLE-MOUNTED LIGHT   |

| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |
|           |      |             |
|           |      |             |
|           |      |             |

|                         |                          |
|-------------------------|--------------------------|
| PROJECT MANAGER:<br>GSM | PROJECT ENGINEER:<br>HDB |
| DRAWN BY:<br>HDB        | CHECKED BY:<br>TAP       |

DATE:  
MARCH 15, 2024

3/15/2024

**MacCONNELL**  
**& Associates, P. C.**

501 CASCADE POINTE LANE, SUITE 103  
CARY, NORTH CAROLINA 27513  
P.O. BOX 129  
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LICENSE  
No. C-1039

TEL: (919) 467-1239 FAX: (919) 319-6510

**THE INN AT  
WHALEBONE, LLC**

## CONSTRUCTION DRAWINGS

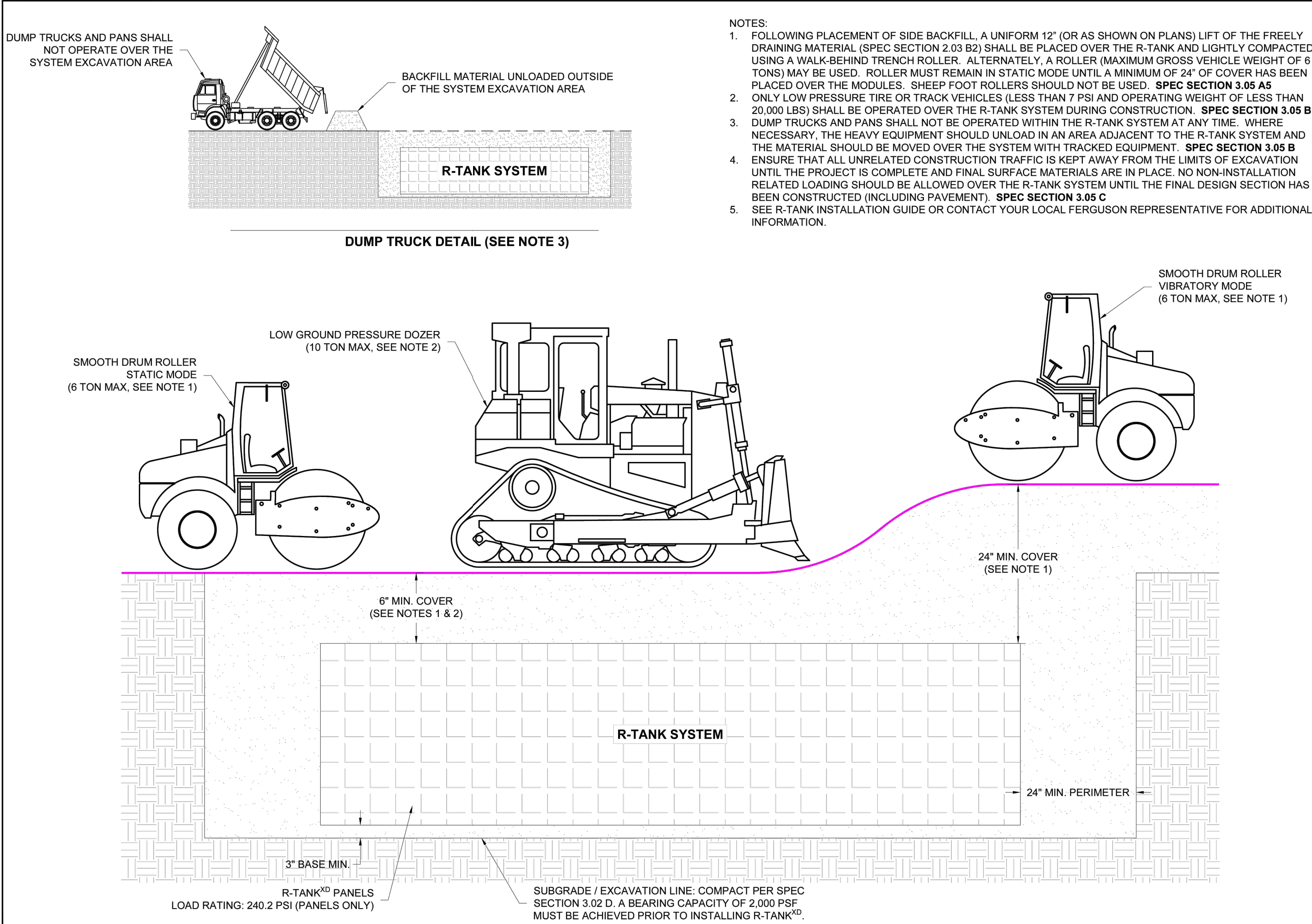
**DARE COUNTY, NC**

### R-TANK DETAILS 3 & 4

|                  |                |
|------------------|----------------|
| PROJECT NUMBER   | DRAWING NUMBER |
| <b>C06001.00</b> | <b>D-102</b>   |



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- NOTES:
1. FOLLOWING PLACEMENT OF SIDE BACKFILL, A UNIFORM 12" (OR AS SHOWN ON PLANS) LIFT OF THE FREELY DRAINING MATERIAL (SPEC SECTION 2.03 B2) SHALL BE PLACED OVER THE R-TANK AND LIGHTLY COMPACTED USING A WALK-BEHIND TRENCH ROLLER. ALTERNATELY, A ROLLER (MAXIMUM GROSS VEHICLE WEIGHT OF 6 TONS) MAY BE USED. ROLLER MUST REMAIN IN STATIC MODE UNTIL A MINIMUM OF 24" OF COVER HAS BEEN PLACED OVER THE MODULES. SHEEP FOOT ROLLERS SHOULD NOT BE USED. SPEC SECTION 3.05 A5
  2. ONLY LOW PRESSURE TIRE OR TRACK VEHICLES (LESS THAN 7 PSI AND OPERATING WEIGHT OF LESS THAN 20,000 LBS) SHALL BE OPERATED OVER THE R-TANK SYSTEM DURING CONSTRUCTION. SPEC SECTION 3.05 B
  3. DUMP TRUCKS AND PANS SHALL NOT BE OPERATED WITHIN THE R-TANK SYSTEM AT ANY TIME. WHERE NECESSARY, THE HEAVY EQUIPMENT SHOULD UNLOAD IN AN AREA ADJACENT TO THE R-TANK SYSTEM AND THE MATERIAL SHOULD BE MOVED OVER THE SYSTEM WITH TRACKED EQUIPMENT. SPEC SECTION 3.05 B
  4. ENSURE THAT ALL UNRELATED CONSTRUCTION TRAFFIC IS KEPT AWAY FROM THE LIMITS OF EXCAVATION UNTIL THE PROJECT IS COMPLETE AND FINAL SURFACE MATERIALS ARE IN PLACE. NO NON-INSTALLATION RELATED LOADING SHOULD BE ALLOWED OVER THE R-TANK SYSTEM UNTIL THE FINAL DESIGN SECTION HAS BEEN CONSTRUCTED (INCLUDING PAVEMENT). SPEC SECTION 3.05 C
  5. SEE R-TANK INSTALLATION GUIDE OR CONTACT YOUR LOCAL FERGUSON REPRESENTATIVE FOR ADDITIONAL INFORMATION.



FOR ADDITIONAL INFORMATION PLEASE CONTACT:  
FERGUSON WATERWORKS  
1-800-453-5555, WWW.FERGUSON.COM

R-TANK<sup>XD</sup> CONSTRUCTION EQUIPMENT COVER DETAIL  
THE INN AT WHALEBONE, LLC  
DARE COUNTY, NC

SCALE  
NTS  
DRAWN BY  
JEC  
DATE  
08/24/2023  
SHEET NO.  
5 of 6

## R-TANK<sup>XD</sup> SPECIFICATION

- PART 1 - GENERAL**
- 1.01 Related Documents
- A. Drawings, technical specification and general provisions of the Contract as modified herein apply to this section.
- 1.02 Description of Work Included
- A. Provide excavation and base preparation per geotechnical engineer's recommendations and/or as shown on the design drawings, to provide adequate support for project design loads and safety from excavation allowed collapse. Excavations shall be in accordance with the owner's and OSHA requirements.
- B. Provide and install R-Tank<sup>XD</sup> system (hereafter called R-Tank) and all related products including fill materials, geotextiles, geogrids, inlet and outlet pipe with connections per the manufacturer's installation guidelines provided in the section.
- C. Provide and construct the cover of the R-Tank system including: stone backfill, structural fill cover, and pavement section as specified.
- D. Protect R-Tank system from construction traffic after installation until completion of all construction activity in the installation area.
- 1.03 Quality Control
- A. All materials shall be manufactured in ISO certified facilities.
- B. Installation Contractor shall demonstrate the following experience:
1. A minimum of three R-Tank or equivalent projects completed within 3 years; and
  2. A minimum of 25,000 cubic feet of storage volume completed within 2 years.
- C. Contractor experience requirement may be waived if the manufacturer's representative provides on-site training and review during construction.
- D. Installation Personnel: Performed only by skilled workers with satisfactory record of performance on tank networks, pipe, chamber, or groundwater construction projects of comparable size and quality. Contractor must have manufacturer's representative available for site review if requested by Owner.
- 1.04 Submittals
- A. Submit proposed R-Tank layout drawings. Drawings shall include typical section details as well as the required base elevation of stone and tanks, minimum cover requirements and tank configuration.
- B. Submit manufacturer's product data, including compressive strength and unit weight.
- C. Submit manufacturer's installation instructions.
- D. Submit R-Tank samples for review. Reviewed and accepted samples will be returned to the Contractor.
- E. Submit material certificates for geotextile, geogrid, base course and backfill materials.
- F. Submit required experience and personnel requirements as specified in Section 1.03.
- G. Any proposed equal alternative product substitution to this specification must be submitted for review and approved prior to bid opening. Review package should include third party reviewed performance data that meets or exceeds criteria in Table 2.01 B.
- 1.05 Delivery, Storage, and Handling
- A. Protect R-Tank and other materials from damage during delivery, and store UV sensitive materials under tarp to protect from sunlight when time from delivery to installation exceeds two weeks. Storage of materials should be on smooth surfaces, free from dirt, mud and debris.
- B. Handling to be performed with equipment appropriate to the materials and site conditions, and may include hand, handrail, forklifts, extension lifts, etc.
- C. Cold weather
1. Cans must be taken when handling plastics when air temperature is 45 degrees or below to plastic becomes brittle.
  2. Do not use frozen materials or materials mixed or coated with ice or frost.
  3. Do not build on frozen ground or wet, saturated or muddy subgrade.
- 1.06 Preinstallation Conference
- A. Prior to the start of the installation, a preinstallation conference shall occur with the representatives from the design team, the general contractor, the excavation contractor, the R-Tank installation contractor, and the manufacturer's representative.
- 1.07 Project Conditions
- A. Coordinate installation for the R-Tank system with other on-site activities to eliminate all non-installation related construction traffic over the completed R-Tank system. No loads heavier than the design loads shall be allowed over the system, and if no case shall loads higher than a standard (ASHTO H20-44) or H20-155, depending on design criteria) be allowed on the system at any time.
- B. Protect adjacent work from damage during R-Tank system installation.
- C. All pre-installment systems to remove debris and heavy sediments must be in place and functional prior to operation of the R-Tank system. Additional pre-installment measures may be needed if unit is operational during construction due to loosened sediment loads.
- D. Contractor is responsible for any damage to the system during construction.
- PART 2 - PRODUCTS**
- 2.01 R-Tank Units
- A. R-Tank<sup>XD</sup> Injection molded plastic cells stacked to form a 90% void modular structure of predesigned height (custom for each project).
- B. R-Tank<sup>XD</sup> units shall meet the following Physical & Chemical Characteristics:
- | PROPERTY             | REQUIREMENT                           | TEST METHOD |
|----------------------|---------------------------------------|-------------|
| Material             | Injection molded polypropylene        | ASTM D1505  |
| Color                | White                                 | Visual      |
| Dimensions           | 36" x 36" x 12"                       | ASTM D1555  |
| Compressive Strength | 240.2 PSI (240.2 PSI)                 | ASTM D1555  |
| Flexural Strength    | 240.2 PSI (240.2 PSI)                 | ASTM D1555  |
| Impact Strength      | 240.2 PSI (240.2 PSI)                 | ASTM D1555  |
| Water Absorption     | 0.01% (0.01%)                         | ASTM D1555  |
| Chemical Resistance  | Resistant to acids, alkalis, and oils | ASTM D1555  |
- C. Supplier: Ferguson Waterworks 2831 Cardwell Road Richmond, VA 23234 (703) 448-3036 / (804) 743-7778 www.ferguson.com
- 2.02 Geotextiles
- A. Geotextile: A geotextile envelope is required to prevent backfill material from entering the R-Tank modules.
1. **Standard Applications:** The standard geotextile shall be a minimum of 3 mil per square yard nonwoven geotextile (ACF MD90 or equivalent).
2. **Inflection Applications:** When water must infiltrate/inflow through the geotextile as a function of the system design, a woven nonwoven geotextile (ACF MD90 or equivalent) must be used.
- B. **Geogrid:** When required by project plans, install geogrid (G912 or equivalent) to reinforce backfill above the R-Tank system.
- 2.03 Backfill & Cover Materials
- A. **Bedding Materials:** Stone (angular and smaller than 1.5" in diameter) or soil (GVW, GP, SW, or SP as classified by the Unified Soil Classification System) must be used below the R-Tank system (2" minimum). Material must be free from lumps, debris, and any sharp objects that could cut the geotextile. Material shall be within 3 percent of the optimum moisture content as determined by ASTM D698 at the time of installation.
- B. **Side and Top Backfill:**
1. **Deep Applications (4" to 12" total cover):** Free draining stone (angular and smaller than 1.5" in diameter) or soil (GVW, GP, SW, or SP as classified by the Unified Soil Classification System) shall be used adjacent to (12" minimum) and above (for the first 12") the R-Tank system. Material must be free from lumps, debris and any sharp objects that could cut the geotextile. Material shall be within 3 percent of the optimum moisture content as determined by ASTM D698 at the time of installation.
  2. **Shallow Applications (4" to 12" total cover):** Material listed in section 2.03 B1 above may be used adjacent to the modules. Top backfill must be well graded aggregate angular and smaller than 0.75" in diameter) or soil (GVW or SW as classified by the Unified Soil Classification System). Material must be free from lumps, debris and any sharp objects that could cut the geotextile. Material shall be within 3 percent of the optimum moisture content as determined by ASTM D698 at the time of installation.
- C. **Additional Cover Materials:** Structural Fill shall consist of granular materials meeting the gradational requirements of SMA, SP, SW, GM, GP or GWW as classified by the Unified Soil Classification System. Structural Fill shall have a maximum of 25 percent passing the No. 200 sieve, shall have a maximum dry content of 10 percent and a maximum Plasticity Index of 4. Material shall be within 3 percent of the optimum moisture content as determined by ASTM D698 at the time of installation.
- 2.04 Other Materials
- Utility Marker: Install metallic tape at corners of R-Tank system to mark the area for future utility detection.

- PART 3 - EXECUTION**
- 3.01 Assembly of R-Tank Units
- A. R-Tank<sup>XD</sup> modules do not require on-site assembly prior to installation. See Section 3.04 below for details on installation.
- 3.02 Layout and Excavation
- A. Installer shall stake out, excavate, and prepare the subgrade area to the required plan grades and dimensions, ensuring that the excavation is at least 2 feet greater than R-Tank dimensions in each direction allowing for installation of geotextile filter fabric, R-Tank modules, and free draining backfill materials.
- B. All excavations must be prepared with OSHA approved excavated sides and sufficient working space.
- C. Protect partially completed installation against damage from other construction traffic by establishing a perimeter with high visibility construction tape, fencing, barricades, or other means until construction is complete.
- D. Base of the excavation shall be uniform, level, and free of lumps or debris and soft or yielding subgrade areas. A minimum 2,000 pounds per square foot bearing capacity is required.
1. **Standard Applications:** Compact subgrade to a minimum of 95% of Standard Proctor (ASTM D1555) density or as required by the Owner's engineer.
2. **Inflection Applications:** Subgrade shall be prepared in accordance with the contract documents. Compaction of subgrade should not be performed in inflection applications.
- E. **Unavailable Side or Conditions:** All questions about the base of the excavation shall be directed to the owner's engineer, who will approve the subgrade conditions prior to placement of stone. The owner's engineer shall determine the required bearing capacity of the R-Tank subgrade; however in no case shall a bearing capacity of less than 2,000 pounds per square foot be provided.
1. If unstable soils are encountered at the subgrade, or if the subgrade is pouring or seeping excessively soft, equal the base in accordance with contract documents and/or as directed by the owner's engineer.
  2. If indications of the water table are observed during excavation, the engineer shall be contacted to provide recommendations.
  3. Do not start installation of the R-Tank system until unsatisfactory subgrade conditions are corrected and the subgrade conditions are accepted by the owner's engineer.
- 3.03 Preparation of Base
- A. Place a thin layer (2" unless otherwise specified) of bedding material (Section 2.03 A), over the subgrade to establish a level working platform for the R-Tank modules. Level to within 1/2" (+/- 1/2") or as shown on the plans. Native subgrade soils or other materials may be used if determined to meet the requirements of 2.03 A and are accepted by the owner's engineer.
1. **Standard Applications:** Stone, soil or otherwise compact bedding material will be fine and are accepted by the owner's engineer.
2. **Inflection Applications:** Bedding materials shall be prepared in accordance with the contract documents.
- B. Outline the footprint of the R-Tank system on the excavation floor using spray paint or chalk line to ensure a 12" perimeter is available around the R-Tank system for proper installation and compaction of backfill.
- 3.04 Installation of the R-Tank
- A. Where a geotextile wrap is specified on the stone base, cut strips to length and install in excavation, removing wrinkles in material top flat. Overlay geotextile a minimum 12" or as recommended by manufacturer.
- B. Where an impervious liner (or containment) is specified, install the liner per manufacturer's recommendations and the contract documents. The R-Tank units shall be separated from impervious liner by a non-woven geotextile fabric installed accordance with Section 3.04A.
- C. Install R-Tank Units in layers in accordance with the design drawing. R-Tank<sup>XD</sup> places on each layer should be connected to all other places on that layer. Layers should stack on top of each preceding layer evenly. No vertical connection between layers is required. It is advisable to use a string line to form square corners and straight edges along the perimeter of the R-Tank system. The panels are to be oriented as per the design drawing (18" x 36" or 36" x 36") with required depth as shown on plans.
- D. Wrap the R-Tank top and sides in specified geotextile. Cut strips of geotextile so that it will cover the sides and top, encapsulating the entire system to prevent backfill entry into the system. Overlay geotextile 12" or as recommended by manufacturer. Take great care to avoid damage to geotextile (and if specified, impervious liner) during placement.
- E. Identify locations of inlet, outlet and any other penetrations of the geotextile (and optional liner). These connections should be installed flush (flushed up to the R-Tank) and the geotextile fabric shall be cut to enable hydraulic continuity between the connections and the R-Tank units. These connections shall be secured using pipe bolts with stainless steel pipe clamps. Support pipe in trenches during backfill operations to prevent pipe from settling and damaging the geotextile, impervious liner (if specified) or pipe. Connecting pipes at 90 degree angles facilitate construction, unless otherwise specified. Ensure end of pipe is installed using against R-Tank system.
- F. Install Inspection and Maintenance Ports in location noted on plans. At a minimum one maintenance port shall be installed within 10' of each inlet & outlet connection, and with a maximum spacing of one maintenance port for every 3,000 square feet. Install all ports as noted in the R-Tank Installation Guide.
- G. If required, install ventilation pipes and vents as specified or change to provide ventilation for proper hydraulic performance. The number of pipes and vents will depend on the size of the system. Vents are often installed using a 90 degree elbow with PVC pipe into a landscaped area with "U" bend or venting flange to inhibit the ingress of debris. A ground level concrete or steel cover can be used.
- 3.05 Backfilling of the R-Tank Units
- A. Backfill and fill with recommended materials as follows:
1. Place heavy draining backfill material (Section 2.03 B) around the perimeter in 12" lifts with a maximum thickness of 12". Each lift shall be placed around the entire perimeter such that each lift is no more than 24" higher than the side backfill along any other location on the perimeter of the R-Tank system. No lift shall be placed over top of tanks until the side backfill has been completed.
  2. Each lift shall be compacted at the specified moisture content to a minimum of 95% of the Standard Proctor Density or until further densification is observed (for self-compacting stone materials). The side lift must be compacted with well-graded backfill material (Section 2.03 B) or as specified in the design details. Each layer of geotextile reinforcement placed above the R-Tank system shall extend a minimum of 3 feet beyond the limits of the excavation wall.
  3. Place additional layers of geotextile and/or geogrid as detailed in the design details. Each layer of geotextile reinforcement placed above the R-Tank system shall extend a minimum of 3 feet beyond the limits of the excavation wall.
- B. Only low pressure tires or track vehicles shall be operated over the R-Tank system during construction. No machinery should drive on top of the tanks until a minimum of 18" of backfill and compaction is achieved. Dump Trucks and Pans shall not be operated within the R-Tank system footprint at any time. Where necessary the heavy equipment should be used in an area adjacent to the R-Tank system and the material should be moved over the system with tracked equipment.
- C. Ensure that all unrelated construction traffic is kept away from the limits of excavation until the project is complete and final surface materials are in place. No non-installation related loading should be allowed over the R-Tank system until the final design section has been constructed (including pavement).
- D. Place surfacing materials, such as gravel/stones (no large boulders), or paving materials over the structure with care to avoid displacement of cover and loading to surrounding areas.
- E. Backfill depth over R-Tank system must be within the limitations shown in the table in Section 2.01 B. If the total backfill depth does not comply with this table, contact engineer or manufacturer's representative for assistance.
- PART 4 - USING THE SYSTEM**
- 4.01 Maintenance Requirements
- A. A routine maintenance effort is required to ensure proper performance of the R-Tank system. The Maintenance program should be focused on pre-treatment systems. Ensuring these structures are clean and functioning properly will reduce the risk of contamination of the R-Tank system and otherwise released from the site. The treatment systems shall be inspected weekly, or as directed by the regulatory agency and by the manufacturer (for proprietary systems). Material is needed using acceptable practices or following manufacturer's guidelines (for proprietary systems).
- B. Inspection and/or Maintenance Ports in the R-Tank system will need to be inspected for accumulation of sediment at least quarterly through the first year of operation and at least yearly thereafter. This is done by removing the cap of the port and using a measuring device long enough to reach the bottom of the R-Tank system and stiff enough to push through the loose sediments, allowing a depth measurement.
- C. If sediment has accumulated to the level noted in the R-Tank Maintenance Guide beyond a level acceptable to the Owner's engineer, the R-Tank system should be flushed.
- D. A flushing event consists of pumping water into the Maintenance Port and/or adjacent structure, allowing the turbulent flow through the R-Tank system to dislodge the sediments. If multiple Maintenance Ports have been installed, water should be pumped into each port to maximize flushing efficiency. Sediment laden water can be filtered through a Drilling or approved equivalent if permitted by the local authority.



FOR ADDITIONAL INFORMATION PLEASE CONTACT:  
FERGUSON WATERWORKS  
1-800-453-5555, WWW.FERGUSON.COM

R-TANK<sup>XD</sup> SPECIFICATION  
THE INN AT WHALEBONE, LLC  
DARE COUNTY, NC

SCALE  
NTS  
DRAWN BY  
JEC  
DATE  
08/24/2023  
SHEET NO.  
6 of 6

## NOTES

## LEGEND

- 110 INDEX CONTOUR
- 198 INTERMEDIATE CONTOUR
- PROPERTY LINE
- ADJOINING PROPERTIES
- FENCE
- RIGHT-OF-WAY
- EX. EDGE OF PAVEMENT
- CREEK
- SS EX. SANITARY SEWER
- NEW SANITARY SEWER
- EX. WATER LINE
- NEW WATER LINE
- NEW FORCE MAIN
- CATCH BASIN
- NEW STORM PIPE
- POLE-MOUNTED LIGHT

| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |
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| PROJECT MANAGER:<br>GSM | PROJECT ENGINEER:<br>HDB |
| DRAWN BY:<br>HDB        | CHECKED BY:<br>TAP       |

DATE:  
MARCH 15, 2024

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**THE INN AT WHALEBONE, LLC**  
**CONSTRUCTION DRAWINGS**  
**DARE COUNTY, NC**

**R-TANK DETAILS 5 & 6**

|                                    |                                |
|------------------------------------|--------------------------------|
| PROJECT NUMBER<br><b>C06001.00</b> | DRAWING NUMBER<br><b>D-103</b> |
|------------------------------------|--------------------------------|

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CONSTRUCTION



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## SEEDING SPECIFICATIONS

- PERMANENT SEEDING: PERMANENT SEEDING IS REQUIRED FOR ALL AREAS DISTURBED BY CONSTRUCTION EXCEPT FOR AREAS COVERED BY STRUCTURES, PAVEMENTS, ETC.
- TEMPORARY SEEDING: TEMPORARY SEEDING IS REQUIRED FOR THOSE AREAS DISTURBED BY CONSTRUCTION AND LEFT EXPOSED FOR PERIODS OF 7-14 DAYS (SEE NC001 GROUND STABILIZATION TABLE) OR MORE BEFORE BEING BROUGHT TO FINAL GRADE AND PERMANENTLY SEEDED. THE FORCE MAIN SHALL BE SEEDED AT THE END OF EACH WORKING DAY TO MINIMIZE CONSTRUCTION DISTURBANCE ACTIVITIES.

### \*PRODUCTS:

### MATERIALS:

- FERTILIZER:
  - TEMPORARY SEEDING: PROVIDE 10-10-10 COMMERCIAL FERTILIZER CONFORMING TO STATUTORY REQUIREMENTS AND ALL RULES AND REGULATIONS ADOPTED BY THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE.
  - PERMANENT SEEDING: PROVIDE 870 POUNDS OF 10-20-20 OR 1,740 POUNDS OF 5-10-10 PER ACRE COMMERCIAL FERTILIZER CONFORMING TO STATUTORY REQUIREMENTS AND ALL RULES AND REGULATIONS ADOPTED BY THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE. IN SANDY SOILS, TYPICAL TO COASTAL PLAIN AND SANDHILLS, FERTILIZER RATES SHOULD BE INCREASED BY 20 PERCENT.
- LIMESTONE: PROVIDE LIMESTONE CONFORMING TO ALL STATUTORY REQUIREMENTS AND ALL RULES AND REGULATIONS ADOPTED BY THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE.
- SEEDING: PROVIDE SEED CONFORMING TO ALL STATUTORY REQUIREMENTS AND ALL RULES AND REGULATIONS ADOPTED BY THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE. PROVIDE SEED MIXTURES AS TABULATED BELOW. DELIVER SEED TO THE SITE IN ORIGINAL CONTAINERS BEARING THE APPROPRIATE GUARANTEED MIXTURES. SEED SHALL SHOW A PURITY OF NOT LESS THAN 90 PERCENT AND GERMINATION QUALITY OF NOT LESS THAN 85 PERCENT.
- TEMPORARY MIXTURE:
  - LATE WINTER AND EARLY SPRING (COASTAL PLAIN: DECEMBER 1 - APRIL 15; PIEDMONT: JANUARY 1 - MAY 1; MOUNTAINS >2,500 FEET: FEBRUARY 15 - MAY 15; MOUNTAINS <2,500 FEET: FEBRUARY 1 - MAY 1): THE TEMPORARY SEED MIXTURE FOR GENERAL AREAS SHALL CONSIST OF 120 POUNDS PER ACRE OF RYE (GRAIN) AND 50 POUNDS PER ACRE OF ANNUAL LESPEDEZA (KOBÉ IN PIEDMONT AND COASTAL PLAIN, KOREAN IN MOUNTAINS).
  - SUMMER (COASTAL PLAIN: APRIL 15 - AUGUST 15; PIEDMONT: MAY 1 - AUGUST 15; MOUNTAINS: MAY 15 - AUGUST 15): THE TEMPORARY SEED MIXTURE FOR GENERAL AREAS SHALL CONSIST OF 40 POUNDS PER ACRE OF GERMAN MILLET. IN THE PIEDMONT AND MOUNTAINS A SMALL-STEMMED SUDANGRASS MAY BE SUBSTITUTED AT A RATE OF 50 POUNDS PER ACRE.
  - FALL (COASTAL PLAIN AND PIEDMONT: AUGUST 15 - DECEMBER 30; MOUNTAINS: AUGUST 15 - DECEMBER 15): THE TEMPORARY SEED MIXTURE FOR GENERAL AREAS SHALL CONSIST OF 120 POUNDS PER ACRE OF RYE (GRAIN).
- PERMANENT MIXTURE:
  - THE PERMANENT SEED MIXTURE FOR GENERAL AREAS SHALL CONSIST OF MINIMUM RATE OF 50 lbs./ac. PENSACOLA BAHIAGRASS, 30 lbs./ac. SERICEA LESPEDEZA, 10 lbs./ac. COMMON BERMUDA GRASS, AND 10 lbs./ac. GERMAN MILLET. THE BEST SEEDING DATES FOR THIS MIXTURE ARE FROM APRIL 1st TO JULY 15th.
  - OTHER MIXTURES: OTHER MIXTURES, AS APPROVED OR RECOMMENDED BY THE SOIL CONSERVATION SERVICE OR THE NORTH CAROLINA AGRICULTURAL EXTENSION OFFICE MAY BE USED.
- MULCH: MULCH ALL SEEDED AREAS, EXCEPT WHERE JUTE MESH IS REQUIRED AND DURING PERMANENT SEEDING. USE UNDAMAGED, AIR-DRIED, THRESHED SMALL GRAIN STRAW FREE OF UNDESIRABLE WEED SEED. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING, BY ROVING, OR THROUGH USE OF A MULCH ANCHORING TOOL.

### \*EXECUTION

- FOLLOW PROCEDURES SET FORTH IN THE PUBLICATION "GUIDE FOR SEDIMENT CONTROL ON CONSTRUCTION SITES IN NORTH CAROLINA" BY THE SOIL CONSERVATION SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND AS SPECIFIED HEREIN.
- SPREAD A MINIMUM OF FOUR (4) INCHES OF TOP SOIL OVER ALL DISTURBED AREAS TO THE FINISHED GRADE.
- REMOVE ALL GRASS AND WEEDS AND SHAPE THE OVERALL AREA TO EVEN OUT HIGH AND LOW SPOTS.
- SCARIFY SOIL TO A DEPTH OF THREE (3) INCHES AND WORK INTO A SATISFACTORY SEED BED BY DISKING OR THROUGH THE USE OF CULTIPACKERS, HARROWS, DRAGS, OR OTHER APPROVED MEANS.
- THE PREPARATION OUTLINED ABOVE SHALL NOT BE DONE WHEN THE SOIL IS FROZEN, WET, OR OTHERWISE IN AN UNFAVORABLE CONDITION.
- BEGIN AND COMPLETE SEEDING OPERATIONS, AS OUTLINED BELOW, AS SOON AS POSSIBLE AFTER FINAL OR INTERMEDIATE GRADING IS COMPLETED.
- DISTRIBUTE LIME AND FERTILIZER, AS REQUIRED, UNIFORMLY OVER THE SEED BED. HARROW RAKE OR OTHERWISE WORK THESE ADDITIONS INTO THE SEED BED.
- DISTRIBUTE SEED UNIFORMLY OVER THE ESTABLISHED SEED BED. LIGHTLY RAKE THE SURFACE OF THE SEED BED IN ORDER TO COVER SEED TO A MAXIMUM DEPTH OF 0.25 INCH.
- COMPACT THE SEED BED WITH AN APPROVED ROLL OR DRAG AFTER COVERING THE SEED.
- NO LIME, FERTILIZER, OR SEED SHALL BE APPLIED DURING A STRONG WIND, WHEN THE SOIL IS WET, OR WHEN THE SOIL IS OTHERWISE UNWORKABLE. SHOULD RAIN FOLLOW SEEDING BEFORE ROLLING IS INITIATED, THE SEED BED SHALL NOT BE ROLLED.
- NO RIP-RAP IS TO BE PLACED ALONG THE BANKS OF NEW FILL. MAINTAIN THE AREA AND REPAIR ANY EROSION DAMAGE UNTIL A PERMANENT GROUND COVER IS ESTABLISHED. USE MULCH OR MESH AS REQUIRED.

### \*APPLICATION

#### TEMPORARY SEEDING: LATE WINTER - SUMMER:

- APPLY LIME ACCORDING TO THE SOIL TESTS OR AT A RATE OF 2000 lbs./ac. BEFORE SEEDING.
- APPLY FERTILIZER ACCORDING TO THE SOIL TESTS OR AT A RATE OF 750 lbs./ac.
- SEED THE SEED BED WITH THE SPECIFIED SEED MIXTURE AT THE SPECIFIED RATE FOR THE RECOMMENDED PLANTING SEASON.
- APPLY GRAIN STRAW AT A RATE OF 4000 lbs./ac. OR PROVIDE EQUIVALENT COVER OF ANOTHER SUITABLE COVER. MULCH SHALL BE SUITABLY ANCHORED. WHERE JUTE MESH IS REQUIRED, APPLY THE PRODUCT ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS AND ANCHOR WITH STEEL HAIRPIN-SHAPED WIRE STAPLES.
- REFERTILIZE SEED BED IF GROWTH IS NOT FULLY ADEQUATE, AS DETERMINED BY THE ENGINEER. RE-SEED, FERTILIZE, AND MULCH ALL DAMAGED, BARE, AND ERODED AREAS IMMEDIATELY AND UNTIL A SUITABLE COVER IS ESTABLISHED.

#### TEMPORARY SEEDING: FALL:

- APPLY LIME ACCORDING TO THE SOIL TESTS OR AT A RATE OF 2000 lbs./ac. BEFORE SEEDING.
- APPLY FERTILIZER ACCORDING TO THE SOIL TESTS OR AT A RATE OF 1000 lbs./ac.
- SEED THE SEED BED WITH THE SPECIFIED SEED MIXTURE AT THE SPECIFIED RATE FOR THE RECOMMENDED PLANTING SEASON.
- APPLY GRAIN STRAW AT A RATE OF 4000 lbs./ac. OR PROVIDE EQUIVALENT COVER OF ANOTHER SUITABLE COVER. MULCH SHALL BE SUITABLY ANCHORED. WHERE JUTE MESH IS REQUIRED, APPLY THE PRODUCT ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS AND ANCHOR WITH STEEL HAIRPIN-SHAPED WIRE STAPLES.
- REFERTILIZE SEED BED IF GROWTH IS NOT FULLY ADEQUATE, AS DETERMINED BY THE ENGINEER. RE-SEED, FERTILIZE, AND MULCH ALL DAMAGED, BARE, AND ERODED AREAS IMMEDIATELY AND UNTIL A SUITABLE COVER IS ESTABLISHED.

#### PERMANENT SEEDING: APPLICATION OF LIME, FERTILIZER, SEED, AND MULCH:

- WHERE A NEAT APPEARANCE IS DESIRED, OMIT SERICEA.
- USE COMMON BERMUDAGRASS ONLY ON ISOLATED SITES WHERE IT CANNOT BECOME A PEST. BERMUDAGRASS MAY BE REPLACED WITH 5 LBS./AC. CENTPEDEGRASS.
- SOIL AMENDMENTS: APPLY LIME AND FERTILIZER ACCORDING TO SOIL TESTS, OR APPLY 3200 LBS./AC. GROUND AGRICULTURAL LIMESTONE AND 870 POUNDS OF 10-20-20 OR 1,740 POUNDS OF 5-10-10 PER ACRE. FOR SANDY SOILS, TYPICAL TO COASTAL PLAIN AND SANDHILLS OF NORTH CAROLINA, FERTILIZER RATES SHOULD BE INCREASED BY 20 PERCENT.
- SEED THE SEED BED WITH THE SPECIFIED SEED MIXTURE AT THE SPECIFIED RATE DURING RECOMMENDED PLANTING SEASONS. IF GRADING IS COMPLETED AT TIMES OTHER THAN THE RECOMMENDED SEASON, PROVIDE TEMPORARY SEEDING OR OTHER EROSION AND SEDIMENTATION PROTECTION APPROVED BY THE ENGINEER UNTIL THE APPROPRIATE PLANTING SEASON BEGINS.
- MULCH: APPLY 4000 LBS./AC. GRAIN STRAW OR EQUIVALENT COVER OF ANOTHER SUITABLE MULCH. ANCHOR BY TACKING ASPHALT, ROVING, OR NETTING OR BY CRIMPING WITH A MULCH ANCHORING TOOL. A DISC WITH BLADES SET NEARLY STRAIGHT MAY BE USED AS A MULCH ANCHORING TOOL.
6. MAINTENANCE: REFERTILIZE THE FOLLOWING APRIL WITH 50 LBS./AC. NITROGEN. REPEAT AS GROWTH REQUIRES. MOW ONLY ONCE PER YEAR. WHERE A NEAT APPEARANCE IS DESIRED, OMIT SERICEA AND MOW

## CONSTRUCTION SCHEDULE

THE CONTRACTOR MUST COMPLY WITH THE REQUIREMENTS HEREIN:

- CONDUCT A PRECONSTRUCTION MEETING BEFORE ANY LAND DISTURBING ACTIVITY STARTS. THOSE REQUIRED FOR ATTENDANCE SHALL: BE THE GENERAL CONTRACTOR, ORANGE COUNTY EROSION CONTROL ADMINISTRATOR, GRADING AND EROSION CONTROL SUB-CONTRACTORS (IF ANY), AND A REPRESENTATIVE OF THE FINANCIALLY RESPONSIBLE PARTY.
- INSTALL EROSION CONTROL MEASURES AS REQUIRED, SUCH AS THE CONSTRUCTION ENTRANCE, SILT FENCE, AND SILT FENCE OUTLETS. ONLY DISTURB AREAS REQUIRED TO INSTALL THESE DEVICES. DISTURBANCE FOR PERIMETER SILT FENCE MUST BE LIMITED TO A MAXIMUM 12" MACHINE WIDTH. AFTER INSTALLATION OF SILT FENCE AND OUTLETS, CONTACT ORANGE COUNTY EROSION CONTROL OFFICER CHASE ELLIS, 919-245-2587, TO SCHEDULE A SILT FENCE INSPECTION. NO ADDITIONAL WORK CAN BE COMPLETED UNTIL THE SILT FENCE INSPECTION HAVE BEEN CONDUCTED AND PASSED.
- CLEAR AREA FOR SKIMMER SEDIMENT BASIN FOOTPRINT. ONCE BASIN HAS BEEN INSTALLED, CONTACT ORANGE COUNTY EROSION CONTROL OFFICER CHASE ELLIS, 919-245-2587, TO SCHEDULE A BASIN INSPECTION.
- CLEAR AREAS FOR FOOTPRINT OF DIVERSION DITCH INSTALLATION. ONCE INSTALLED, CONTACT ORANGE COUNTY EROSION CONTROL OFFICER CHASE ELLIS, 919-245-2587, TO SCHEDULE A DIVERSION DITCH INSPECTION.
- CLEAR AND GRUB ANY WOODED AREAS TO BE DEVELOPED WITHIN LIMITS OF DISTURBANCE. STOCKPILE TOPSOIL AND SUITABLE FILL MATERIAL IN AREAS DESIGNATED AS STOCKPILES.
- BEGIN GRADING ACTIVITIES AFTER ALL REQUIRED EROSION CONTROL MEASURES HAVE BEEN INSTALLED AND CONSTRUCTED. SALVAGE ANY TOPSOIL THAT MAY BE USED AFTER CONSTRUCTION.
- NO LAND DISTURBANCE BEYOND THE LIMITS OF DISTURBANCE IS ALLOWED.
- INSTALL DRIVEWAY CULVERT. PLACE INLET AND OUTLET PROTECTION IMMEDIATELY AFTER PIPE INSTALLATION.
- SEED TEMPORARY AREAS THAT HAVE BEEN LEFT DORMANT IN ACCORDANCE WITH THE NC001 STABILIZATION CHART. THE MAXIMUM ALLOWED TIME TO STABILIZE IS 14 DAYS.
- ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH HEAVY RUNOFF PRODUCING RAINFALL. NEEDED REPAIRS SHALL BE MADE IMMEDIATELY.
- PERIMETER MEASURES MUST BE LEFT IN PLACE UNTIL ALL UPLAND AREAS ARE PERMANENTLY STABILIZED AND PERMISSION HAS BEEN GRANTED FROM THE ORANGE COUNTY EROSION CONTROL DEPARTMENT. AFTER SITE IS PERMANENTLY STABILIZED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AND PROVIDE PERMANENT SEEDING WHERE TEMPORARY MEASURES HAVE BEEN REMOVED AND GROUND COVER IS NOT ADEQUATE.
- AFTER CONSTRUCTION REMOVE ALL TEMPORARY STRUCTURES AND ENSURE ALL SEEDING IS COMPLETED FOR AREAS DISTURBED.
- WHEN THE PROJECT IS COMPLETE, THE PERMITEE SHALL CONTACT ORANGE COUNTY TO CLOSE OUT THE EROSION CONTROL PLAN.

## GENERAL MAINTENANCE PLAN

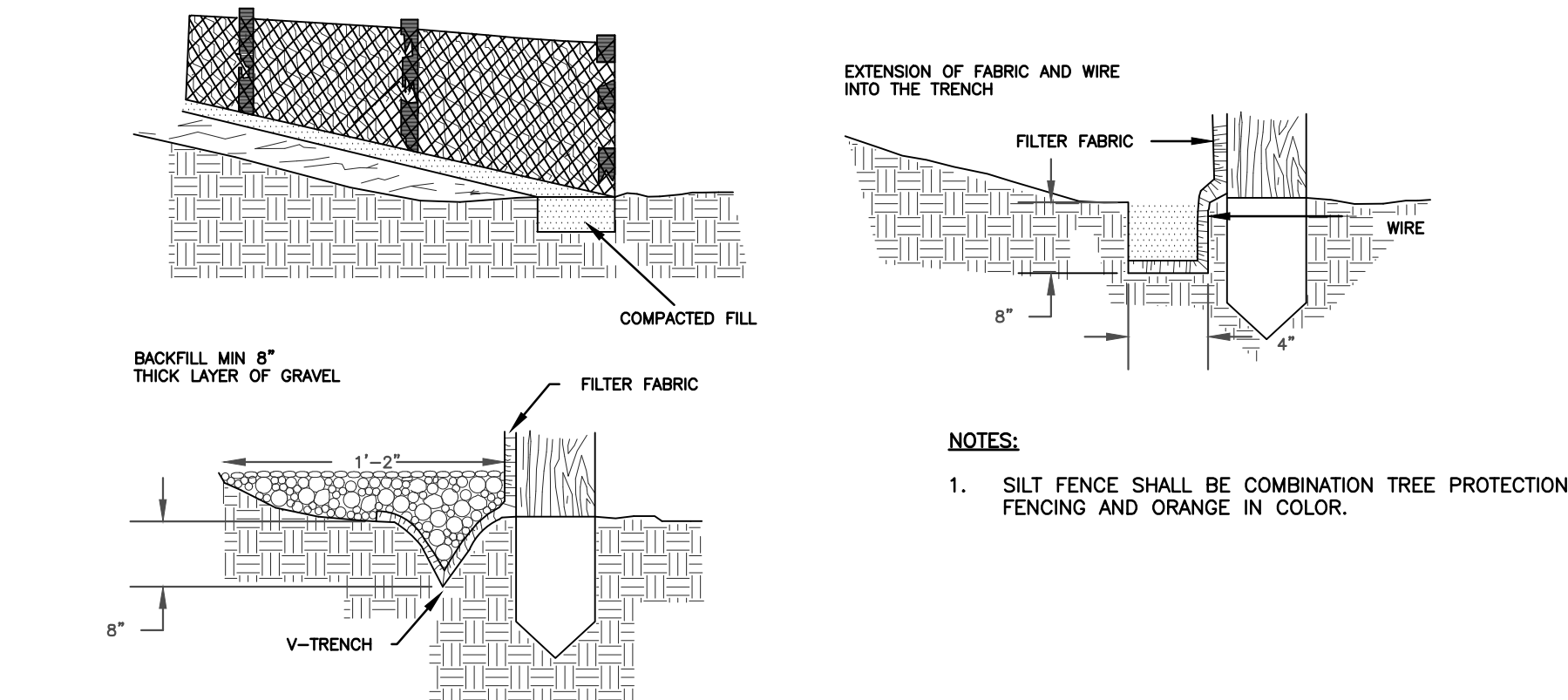
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH HEAVY STORMWATER-PRODUCING RAINFALL. ALL NEEDED REPAIRS SHALL BE MADE IMMEDIATELY TO PREVENT FURTHER DAMAGE AND EROSION. STRUCTURES THAT WILL BE MAINTAINED WILL INCLUDE:

CONSTRUCTION ENTRANCE/EXIT: INSPECT CONSTRUCTION ROAD SURFACE REGULARLY, MAINTAIN IN A CONDITION TO PREVENT SEDIMENT FROM LEAVING THE SITE, AND TOP-DRESS WHEN NEEDED. SEDIMENT TRANSPORTED TO PUBLIC ROADS SHALL BE REMOVED DAILY.

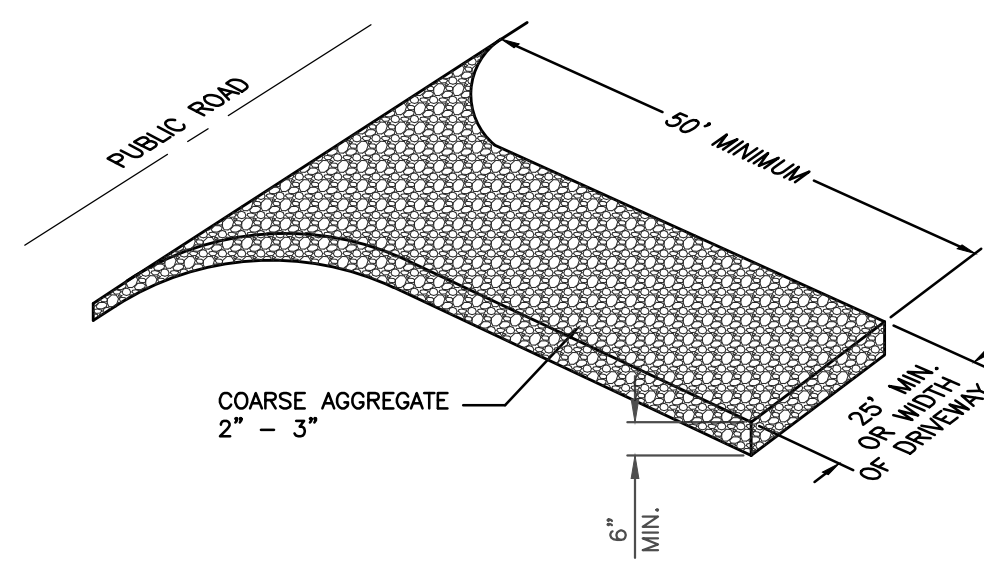
SEEDING, FERTILIZING, AND MULCHING: SEEDED AREAS SHALL BE INSPECTED FOR FAILURE AND NECESSARY REPAIRS SHALL BE MADE WITHIN THE SAME SEASON, IF POSSIBLE.

SILT FENCE/SILT FENCE OUTLETS: REMOVE SEDIMENT AFTER 6 INCHES OF ACCUMULATION AT FENCE.
- THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE RETAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED WILL, WITHIN 21 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY GROUND COVER, DEVICES OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION. PERMANENT GROUND COVER SHALL BE PROVIDED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR NO MORE THAN 90 CALENDAR DAYS.

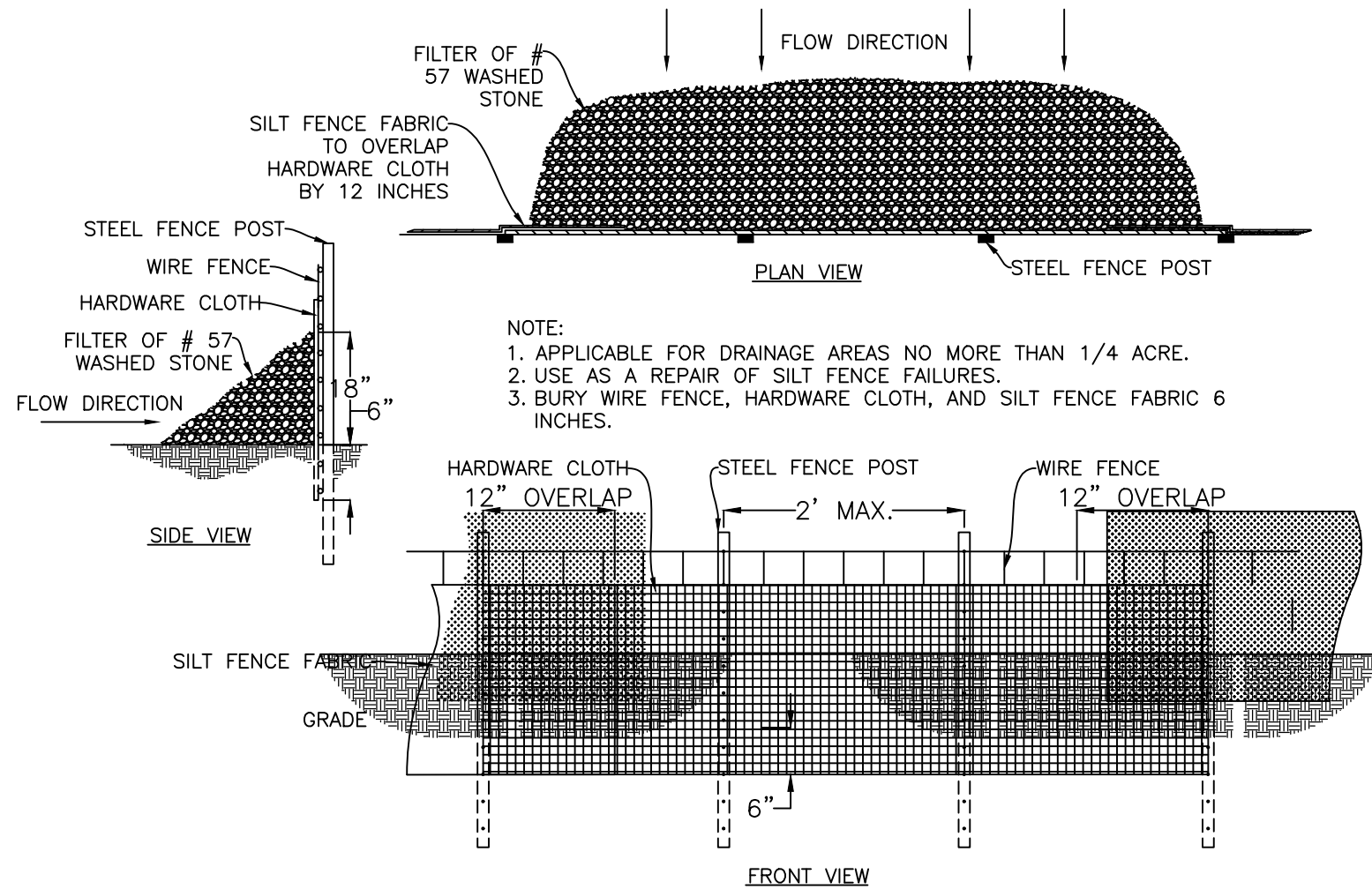
TOTAL DISTURBED AREA: ±2.33 AC.



1  
D-104 NTS  
SILT FENCE DETAIL



2  
D-104 NTS  
TEMPORARY CONSTRUCTION ENTRANCE



3  
D-104 NTS  
TEMPORARY SILT FENCE OUTLET

## NOTES

## LEGEND

- 110 INDEX CONTOUR
- 100 INTERMEDIATE CONTOUR
- PROPERTY LINE
- ADJOINING PROPERTIES
- X FENCE
- RIGHT-OF-WAY
- EX. EDGE OF PAVEMENT
- CREEK
- SS EX. SANITARY SEWER
- W EX. WATER LINE
- NEW WATER LINE
- FM NEW FORCE MAIN
- CATCH BASIN
- NEW STORM PIPE
- POLE-MOUNTED LIGHT

### REVISIONS

| NO. | DATE | DESCRIPTION |
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|-------------------------|--------------------------|
| PROJECT MANAGER:<br>GSM | PROJECT ENGINEER:<br>HDB |
| DRAWN BY:<br>HDB        | CHECKED BY:<br>TAP       |

DATE:  
MARCH 15, 2024

3/15/2024

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**THE INN AT  
WHALEBONE, LLC**

**CONSTRUCTION  
DRAWINGS**

**DARE COUNTY, NC**

## EROSION CONTROL DETAILS 1

|                                    |                                |
|------------------------------------|--------------------------------|
| PROJECT NUMBER<br><b>C06001.00</b> | DRAWING NUMBER<br><b>D-104</b> |
|------------------------------------|--------------------------------|

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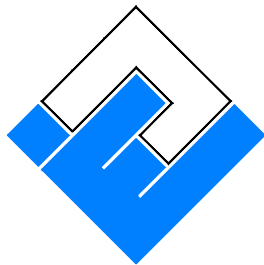








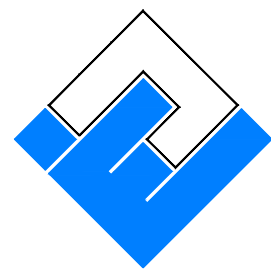
FRONT VIEW FROM NORTH-EAST CORNER

|  <p>ARCHITECT</p> <p><b>NITIN KULKARNI</b><br/>AIA NCARB</p> <p>GLEN ALLEN, VA 23059<br/>(804) 200-4085</p> |              | A DEVELOPMENT BY           | <b>Fairfield<br/>BY MARRIOTT</b><br>6632 WEST PHEASANT AVE.<br>NAGS HEAD NC<br><br>MARRIOTT PROJECT NUMBER: 65890 | Date: APRIL 04, 2024                                                                                                                                                                                                                                                                                                                                                        |      |          | Sheet<br><b>A-100A</b> |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------|------------------------|-----|------|----------|---|--------------|-------------------------|---|--------------|----------------------------|---|--------------|-------------------------|--|--|--|--|--|--|
|                                                                                                                                                                                               |              |                            |                                                                                                                   | <table><tr><th>NO.</th><th>DATE</th><th>COMMENTS</th></tr><tr><td>1</td><td>OCT 03, 2023</td><td>PRELIMINARY FLOOR PLANS</td></tr><tr><td>2</td><td>OCT 31, 2023</td><td>FRANCHISE 15% APPROVAL SET</td></tr><tr><td>3</td><td>APR 04, 2024</td><td>75% ARCH TO DESIGN TEAM</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table> |      |          |                        | NO. | DATE | COMMENTS | 1 | OCT 03, 2023 | PRELIMINARY FLOOR PLANS | 2 | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET | 3 | APR 04, 2024 | 75% ARCH TO DESIGN TEAM |  |  |  |  |  |  |
|                                                                                                                                                                                               |              |                            |                                                                                                                   | NO.                                                                                                                                                                                                                                                                                                                                                                         | DATE | COMMENTS |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
| 1                                                                                                                                                                                             | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                             |      |          |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
| 2                                                                                                                                                                                             | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                             |      |          |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
| 3                                                                                                                                                                                             | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                             |      |          |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
|                                                                                                                                                                                               |              |                            |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                             |      |          |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
|                                                                                                                                                                                               |              |                            |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                             |      |          |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |
| BUILDING EXTERIOR                                                                                                                                                                             |              |                            |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                             |      |          |                        |     |      |          |   |              |                         |   |              |                            |   |              |                         |  |  |  |  |  |  |





FRONT VIEW FROM SOUTH-EAST CORNER



ARCHITECT  
**NITIN KULKARNI**  
AIA NCARB  
  
GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

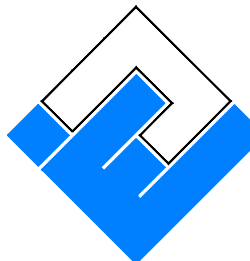
**Fairfield**  
**BY MARRIOTT**  
6632 WEST PHEASANT AVE.  
NAGS HEAD NC  
  
MARRIOTT PROJECT NUMBER: 65890

|                        |              |                            |                   |        |
|------------------------|--------------|----------------------------|-------------------|--------|
| Date:   APRIL 04, 2024 |              |                            | Sheet             | A-100B |
| REVISIONS              |              |                            |                   |        |
| NO.                    | DATE         | COMMENTS                   | BUILDING EXTERIOR |        |
| 1                      | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    |                   |        |
| 2                      | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |                   |        |
| 3                      | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |                   |        |
|                        |              |                            |                   |        |
|                        |              |                            |                   |        |
|                        |              |                            |                   |        |





VIEW FROM NORTH-WEST CORNER



ARCHITECT  
**NITIN KULKARNI**  
AIA NCARB  
  
GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

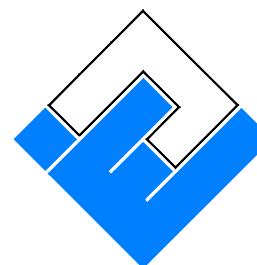
**Fairfield**  
**BY MARRIOTT**  
6632 WEST PHEASANT AVE.  
NAGS HEAD NC  
  
MARRIOTT PROJECT NUMBER: 65890

| Date: APRIL 04, 2024 |              |                            | Sheet<br><b>A-100C</b>   |
|----------------------|--------------|----------------------------|--------------------------|
| NO.                  | DATE         | COMMENTS                   |                          |
| 1                    | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    | <b>BUILDING EXTERIOR</b> |
| 2                    | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |                          |
| 3                    | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |                          |
|                      |              |                            |                          |
|                      |              |                            |                          |





VIEW OF POOL AND REAR PATIO



ARCHITECT  
**NITIN KULKARNI**  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

**Fairfield**  
BY MARRIOTT  
6632 WEST PHEASANT AVE.  
NAGS HEAD NC  
MARRIOTT PROJECT NUMBER: 65890

| Date: APRIL 04, 2024 |                   |                            | Sheet<br><b>A-100E</b>   |
|----------------------|-------------------|----------------------------|--------------------------|
| NO.                  | REVISIONS<br>DATE | COMMENTS                   |                          |
| 1                    | OCT 03, 2023      | PRELIMINARY FLOOR PLANS    | <b>BUILDING EXTERIOR</b> |
| 2                    | OCT 31, 2023      | FRANCHISE 15% APPROVAL SET |                          |
| 3                    | APR 04, 2024      | 75% ARCH TO DESIGN TEAM    |                          |
|                      |                   |                            |                          |
|                      |                   |                            |                          |



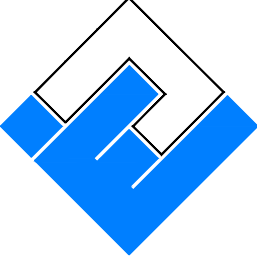


| ROOM TYPE | NAME    | ROOM TYPE                | 1ST FLOOR | 2ND FLOOR | 3RD FLOOR | 4TH FLOOR | TOTAL |                            |
|-----------|---------|--------------------------|-----------|-----------|-----------|-----------|-------|----------------------------|
|           | TYPE-A  | KING ROOM                | 1         | 5         | 5         | 5         | 16    | TOTAL KING<br>18 (20.5%)   |
|           | TYPE-A1 | ADA KING ROOM (ROLL-IN)  | 1         | 1         | -         | -         | 2     |                            |
|           | TYPE-C  | Q/Q ROOM                 | 5         | 7         | 7         | 7         | 26    | TOTAL Q/Q<br>58<br>(67%)   |
|           | TYPE-C1 | Q/Q ROOM LONG            | -         | 3         | 3         | 3         | 09    |                            |
|           | TYPE-C2 | Q/Q ROOM LONG            | 4         | 5         | 6         | 6         | 21    |                            |
|           | TYPE-C3 | ADA Q/Q ROOM (TUB)       | -         | -         | 1         | 1         | 02    |                            |
|           | TYPE-B  | KING SUITE               | -         | 1         | 1         | 1         | 03    | TOTAL SUITES<br>11 (12.5%) |
|           | TYPE-B1 | KING SUITE               | 1         | 2         | 2         | 2         | 07    |                            |
|           | TYPE-B2 | ADA KING SUITE (ROLL-IN) |           | 1         | -         | -         | 01    |                            |

|                       |          |          |          |          |                  |
|-----------------------|----------|----------|----------|----------|------------------|
| TOTAL ROOMS PER FLOOR | 12       | 25       | 25       | 25       | 87 TOTAL ROOMS   |
| TOTAL AREA            | 11,659.0 | 11,591.0 | 11,591.0 | 11,591.0 | 46,432.00 SQ.FT. |

PORTE COCHERE : 1,047.00 SQ.FT.  
REAR+SIDE PORCH : 522.00 SQ.FT.  
ADA UNITS REQUIRED = 4+1 (ROLL-IN) = 5, PROVIDED 2+3 (ROLL-IN) = 5  
HEARING IMPARED UNITS REQUIRED = 9, PROVIDED = 1 H/C +8 = 9

| HEARING IMPAIRED ROOMS STATEMENT |           |                |           |               |       |               |
|----------------------------------|-----------|----------------|-----------|---------------|-------|---------------|
| NAME                             | ROOM TYPE | 1ST FLOOR      | 2ND FLOOR | 3RD FLOOR     | TOTAL | TOTAL 9 ROOMS |
| ADA+ HEARING IMPAIRED ROOM       |           |                | 219       |               | 1     |               |
| HEARING IMPAIRED ROOMS           |           | 107, 123, 124, | 216, 218, | 316, 319, 320 | 8     |               |



ARCHITECT  
**NITIN KULKARNI**  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

**Fairfield**  
BY MARRIOTT

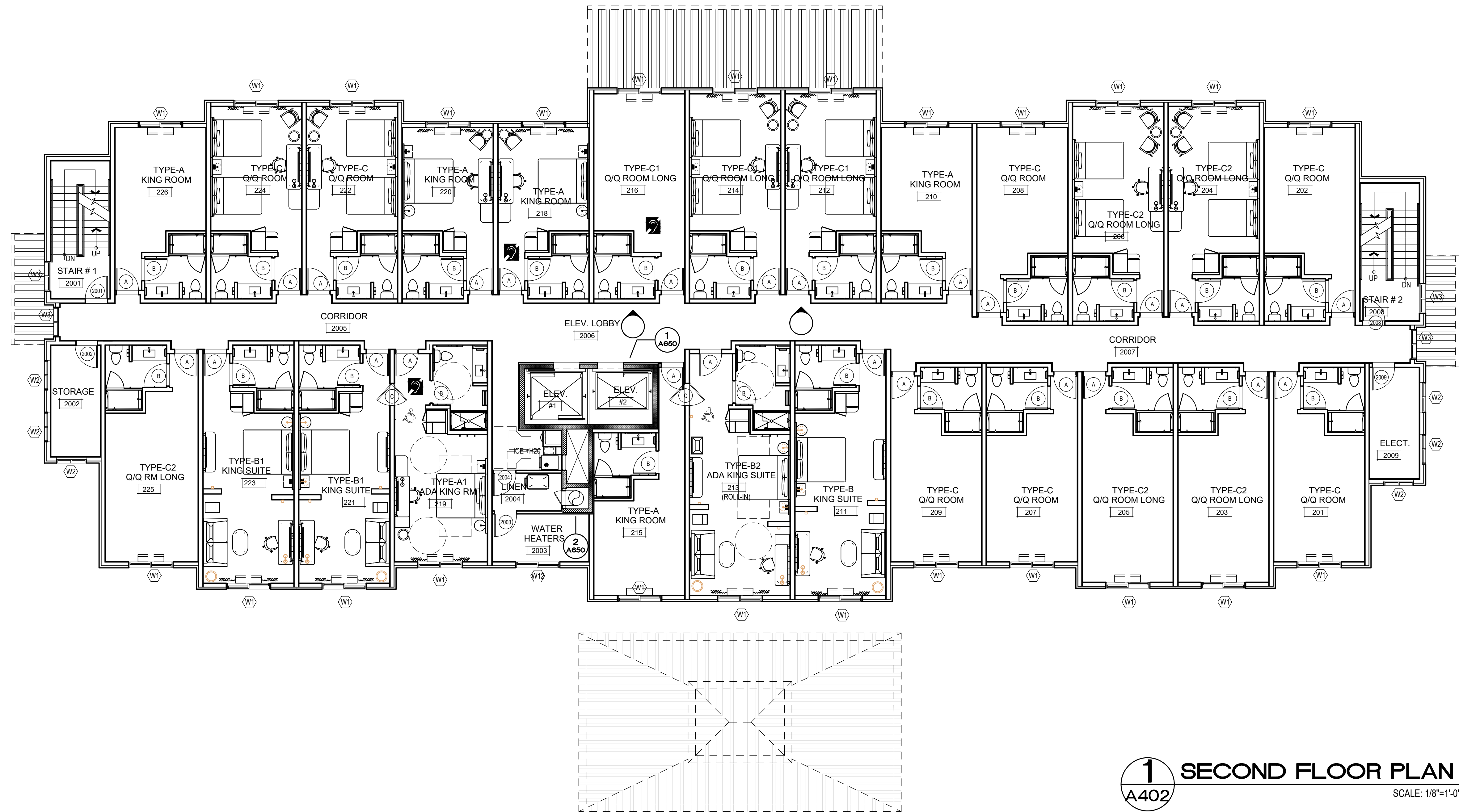
6632 WEST PHEASANT AVE.  
NAGS HEAD NC

MARRIOTT PROJECT NUMBER: 65890

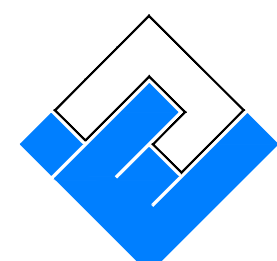
Date:  APRIL 04, 2024

| REVISIONS |              |                            | Sheet<br><br>A-401 |
|-----------|--------------|----------------------------|--------------------|
| NO.       | DATE         | COMMENTS                   |                    |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    | FIRST FLOOR PLAN   |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |                    |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |                    |
|           |              |                            |                    |
|           |              |                            |                    |





**1 SECOND FLOOR PLAN**  
A402 SCALE: 1/8"=1'-0"



ARCHITECT

**NITIN KULKARNI**  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY

**INN AT WHALEBONE**

**Fairfield**  
BY MARRIOTT

6632 WEST PHEASANT AVE.  
NAGS HEAD NC

MARRIOTT PROJECT NUMBER: 65890

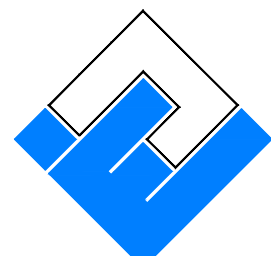
Date:  APRIL 04, 2024

| REVISIONS |              |                            | Sheet             | A-402 |
|-----------|--------------|----------------------------|-------------------|-------|
| NO.       | DATE         | COMMENTS                   |                   |       |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    | SECOND FLOOR PLAN |       |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |                   |       |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |                   |       |
|           |              |                            |                   |       |
|           |              |                            |                   |       |





**1 THIRD FLOOR PLAN**  
A403 SCALE: 1/8"=1'-0"


**ARCHITECT**  
**NITIN KULKARNI**  
 AIA NCARB  
 GLEN ALLEN, VA 23059  
 (804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

**Fairfield**  
 BY MARRIOTT  
 6632 WEST PHEASANT AVE.  
 NAGS HEAD NC  
 MARRIOTT PROJECT NUMBER: 65890

Date: APRIL 04, 2024

| REVISIONS |              |                            | Sheet            | A-403 |
|-----------|--------------|----------------------------|------------------|-------|
| NO.       | DATE         | COMMENTS                   |                  |       |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    | THIRD FLOOR PLAN |       |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |                  |       |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |                  |       |
|           |              |                            |                  |       |
|           |              |                            |                  |       |





**1 FOURTH FLOOR PLAN**  
A404 SCALE: 1/8"=1'-0"

ARCHITECT

**NITIN KULKARNI**  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY

**INN AT WHALEBONE**

**Fairfield**  
BY MARRIOTT

6632 WEST PHEASANT AVE.  
NAGS HEAD NC

MARRIOTT PROJECT NUMBER: 65890

Date: APRIL 04, 2024

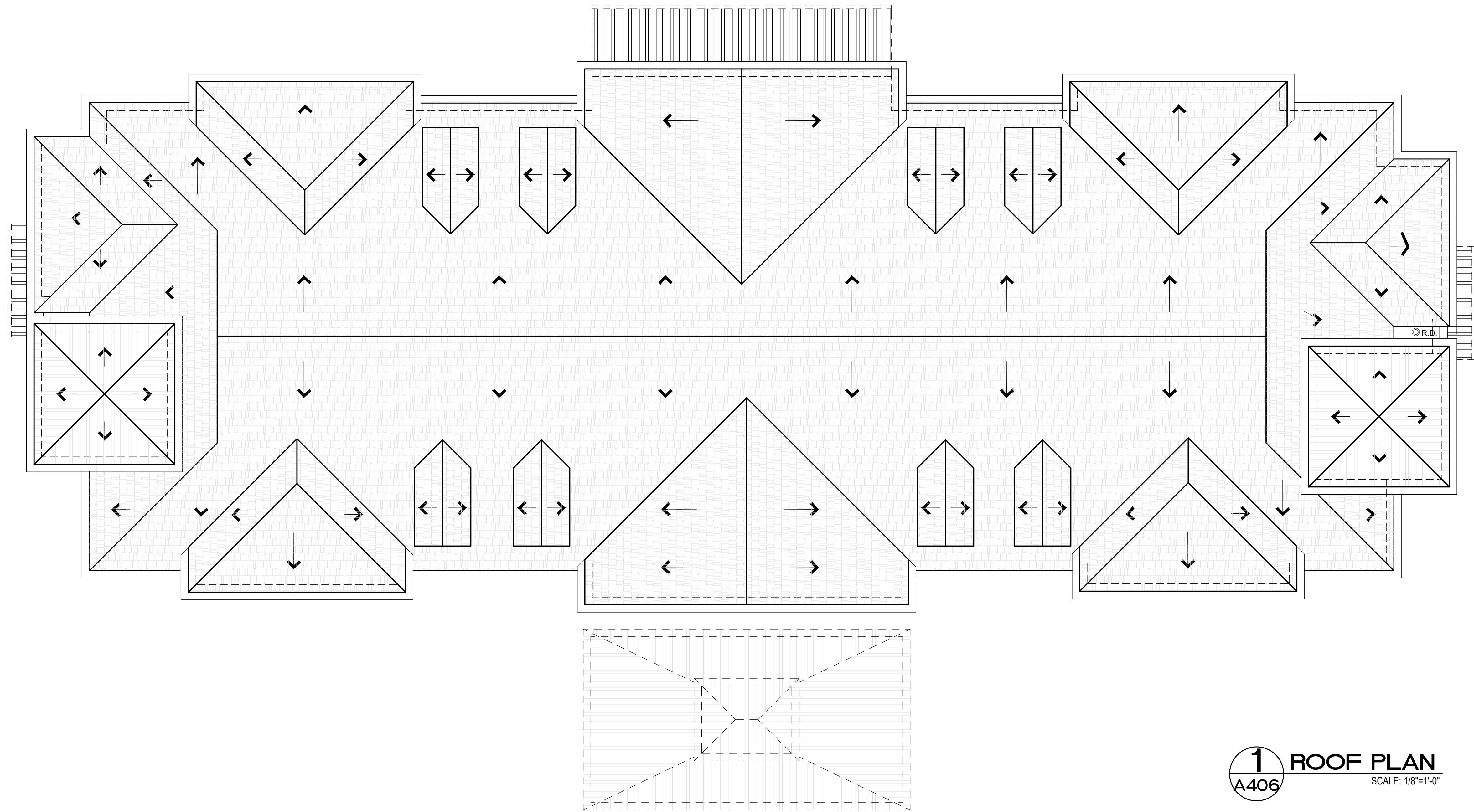
| REVISIONS |              |                            |
|-----------|--------------|----------------------------|
| NO.       | DATE         | COMMENTS                   |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |
|           |              |                            |
|           |              |                            |

Sheet

**A-404**

**FOURTH FLOOR PLAN**





**1 ROOF PLAN**  
A406 SCALE: 1/8"=1'-0"



NITIN KULKARNI  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

ARCHITECT

A DEVELOPMENT BY  
**INN AT WHALEBONE**

**Fairfield**  
BY MARRIOTT

6632 WEST PHEASANT AVE.  
NAGS HEAD NC

MARRIOTT PROJECT NUMBER: 65890

Date: APRIL 04, 2024

| REVISIONS |              |                            |
|-----------|--------------|----------------------------|
| NO.       | DATE         | COMMENTS                   |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |
|           |              |                            |
|           |              |                            |

Sheet

**A-405**

**ROOF PLAN**



**2 RIGHT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"



**1 FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"



ARCHITECT  
**NITIN KULKARNI**  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

**Fairfield**  
**BY MARRIOTT**  
6632 WEST PHEASANT AVE.  
NAGS HEAD NC

MARRIOTT PROJECT NUMBER: 65890

Date: MAY 14, 2024

| REVISIONS |              |                            |
|-----------|--------------|----------------------------|
| NO.       | DATE         | COMMENTS                   |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |
| 4         | MAY 14, 2024 | 90% COORDINATION SET       |

Sheet

**A-501**

**BUILDING ELEVATIONS**

THIS DRAWING IS THE PROPERTY OF NITIN KULKARNI AIA. ANY USE, REUSE, REPRODUCTION, DISPLAY OR SALE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ARCHITECT AND ITS CONSULTANTS IS STRICTLY PROHIBITED



**2 LEFT SIDE ELEVATION**  
SCALE: 1/8"=1'-0"



**1 REAR ELEVATION**  
SCALE: 1/8"=1'-0"



ARCHITECT  
**NITIN KULKARNI**  
AIA NCARB

GLEN ALLEN, VA 23059  
(804) 200-4085

A DEVELOPMENT BY  
**INN AT WHALEBONE**

**Fairfield**  
**BY MARRIOTT**  
6632 WEST PHEASANT AVE.  
NAGS HEAD NC

MARRIOTT PROJECT NUMBER: 65890

Date: MAY 14, 2024

| REVISIONS |              |                            |
|-----------|--------------|----------------------------|
| NO.       | DATE         | COMMENTS                   |
| 1         | OCT 03, 2023 | PRELIMINARY FLOOR PLANS    |
| 2         | OCT 31, 2023 | FRANCHISE 15% APPROVAL SET |
| 3         | APR 04, 2024 | 75% ARCH TO DESIGN TEAM    |
| 4         | MAY 14, 2024 | 90% COORDINATION SET       |

Sheet

**A-502**

**BUILDING ELEVATIONS**

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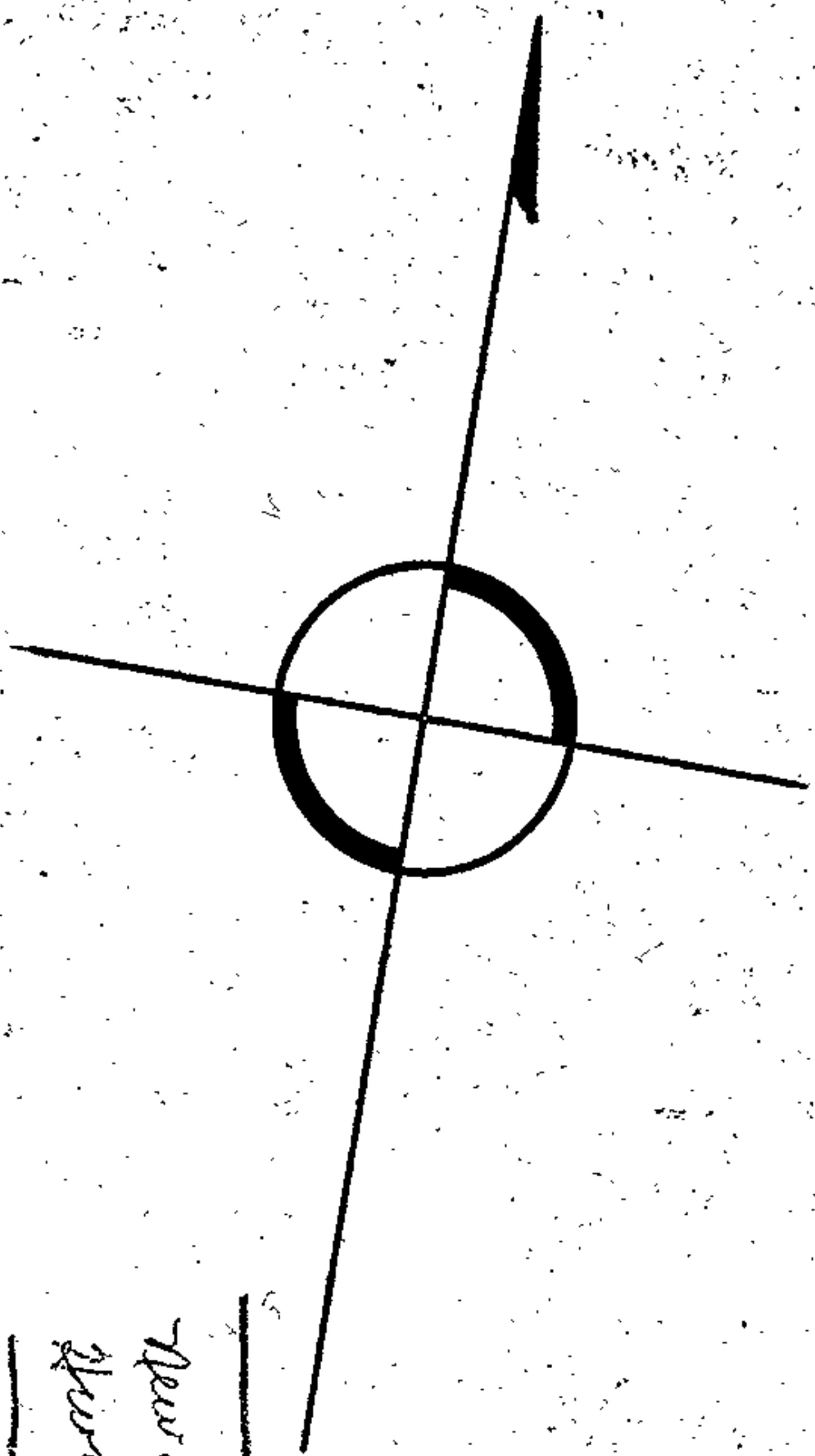


# ROANOKE SHORE

NAGS HEAD, NC.

Unofficial Document

JAN 9, 1951  
SCALE 1"=200'  
CARLYLE C. WEBB C.E.



ATLANTIC OCEAN

HIGH WATER

NC. HWY. NO. 150

N 71° 29' E 424.6

S 17° 45' E 311.5

N 17° 45' W 311.5

11.5 DRIVE

S 71° 29' W 424.6

TO MANTLED

CONC. POST

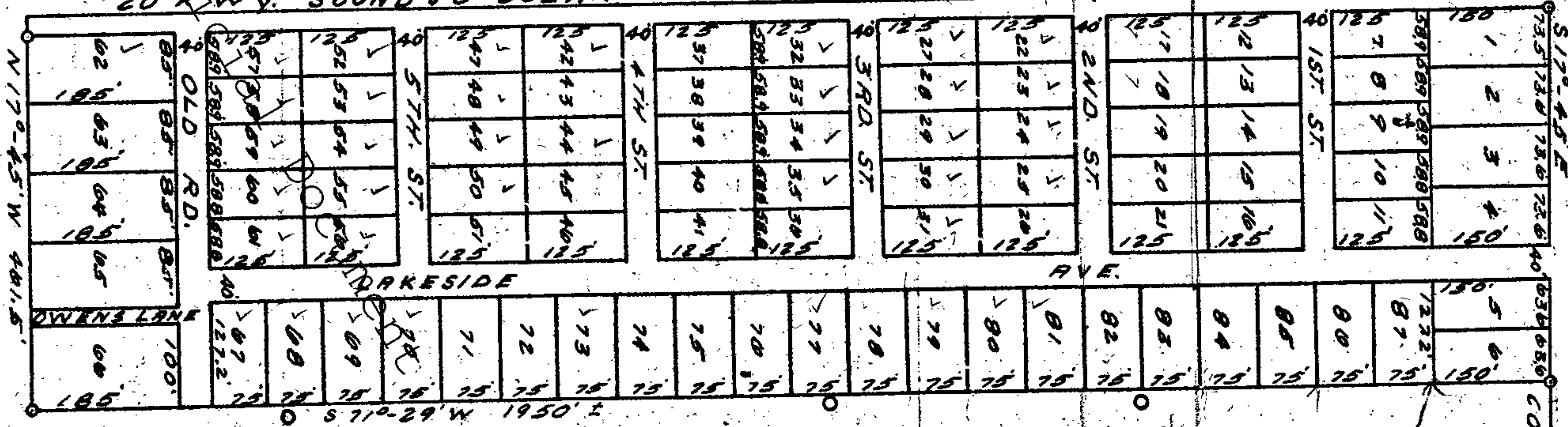
New. Hwy.

New. Hwy.  
IRON STK.

FLORENCE EPSTIEN

20' R.W.Y. SOUND TO OCEAN

N 71° 29' E 1950'



CHARLES R. EVANS

IRON STK.

Unofficial

ROANOKE SOUND



FILED

'84 OCT 18 PM 3 38

WWP/jwb

STATE OF NORTH CAROLINA

COUNTY OF DARE

DORRIS A. FRY  
REGISTER OF DEEDS  
DARE COUNTY, N.C.

THIS NEGATIVE EASEMENT, made this the \_\_\_\_\_ day of October, 1984, by and between Spruill Oil Company, Inc., a corporation organized under the laws of the State of North Carolina, with one of its offices in Windsor, North Carolina, party of the first part, and Town of Nags Head, a municipal corporation organized under the laws of the State of North Carolina, party of the second part:

WITNESSETH: That for and in consideration of the approval of a site plan for the construction of a gas and convenience store on Lots 25, 26 and portions of Lots 24, 29, 30 and 31 of Roanoke Shores by the party of the second part, the said party of the first part agrees and by these presents does agree to grant and convey unto the said party of the second part and its successors and assigns, a negative easement prohibiting the construction of new buildings or accessory buildings on Lots 22, 23, 27, 28 and parts of Lots 24 and 29 until such time as the drainage from the gas and convenience store as shown in the party of the first part site plan is diverted into either a ditch constructed by the North Carolina Department of Transportation along the right of way for U. S. Highway 158 Bypass, or a ditch constructed by the party of the first part to an existing drainage ditch that is approximately 400 feet North of the Northeastern corner of Lot Number 22 of Roanoke Shores as shown in Map Book 1, page 81 of the Dare County Registry, or with the permission of the party of the second part.

The lots described shall be subject to the proceeding Declaration of Covenants, Conditions, Limitations, Restrictions and Easements, which said declarations shall constitute covenants to run with Lots 22, 23, 27, 28 and the parts of Lots 24 and 29 not used for the construction of the gas and convenience store and shall be binding upon the party of the first part herein and all other persons and parties claiming through the party of the first part herein and for the benefit of and limitation upon all future owners of said land and premises, this declaration of negative easement being designed for the purposes of assuring the availability of adequate drainage for the gas and convenient store being constructed by the party of the first part as described in its site plan prepared August 1, 1984.



IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its president, attested by its secretary and its corporate seal hereto affixed, all by due authority of its Board of Directors heretofore duly given, this the day and year first above written.

SPRUILL OIL COMPANY, INC.

By: CT. Spruill

President

Attest:

Doris Hughes  
Secretary

STATE OF NORTH CAROLINA

COUNTY OF BERTIE

I, Francis Cobb, Notary Public, for said county and state, certify that DORIS HUGHES ~~Hunter W. Spruill~~ personally came before me and acknowledged she is secretary of Spruill Oil Company, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its president, sealed with its corporate seal, and attested by himself as its secretary.

Witness my hand and official seal, this the 15th day of October, 1984.

Francis Cobb  
Notary Public

My Com. Expires: June 14, 1989.

NORTH CAROLINA DARE COUNTY

The foregoing Certificate(s) of Francis Cobb a Notary Public  
of Bertie Co N.C.

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Doris A. Fry Register of Deeds For Dare County  
By Barbara M. Gray Deputy/Assistant-Register of Deeds RECORDED: OCT 22 1984



IN WITNESS WHEREOF, the said party has caused these presents to be executed in the presence of the undersigned, who are duly qualified to administer oaths, and the same to be attested by its secretary and its corporate seal, and the authority of the Board of Directors hereunto duly and first above written.



STATE OF NORTH CAROLINA  
COUNTY OF DARE

OCT. 22 1984

Recorded

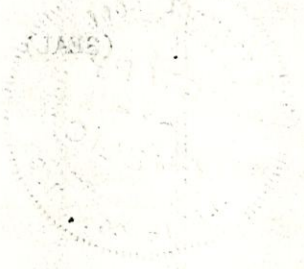
David O. Fry  
Register of Deeds, Dare County, N. C.

By VM

Andrew Jacobs  
PO Box 1579  
Manteo, NC

October, 1984

My Comm. Expires: 10-14-1989



ROY COOPER

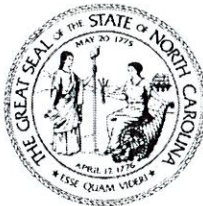
Governor

ELIZABETH S. BISER

Secretary

WILLIAM E. TOBY VINSON, JR

Interim Director



NORTH CAROLINA  
Environmental Quality

September 14, 2023

Inn at Whalebone, LLC  
Attn: Vikram Virk – Member Agent  
3631 Union St.  
Elizabeth City, NC 27909

**Subject: State Stormwater Management Permit No. SW7230901  
The Inn at Whalebone  
High Density Project  
Dare County**

Dear Vikram Virk:

The Washington Regional Office received a complete State Stormwater Management Permit Application for the subject project on September 11, 2023. Staff review of the plans and specifications has determined that the project, as proposed, complies with the Stormwater Regulations set forth in Title 15A NCAC 02H.1000 amended on January 1, 2017 (2017 Rules). We are hereby forwarding Permit No. SW7230901 dated September 14, 2023, for the construction of the built-upon areas (BUA) and stormwater control measures (SCMs) associated with the subject project.

This permit shall be effective from the date of issuance until September 13, 2031 and the project shall be subject to the conditions and limitations as specified therein and does not supersede any other agency permit that may be required. Failure to comply with these requirements will result in future compliance problems. Please note that this permit is not transferable except after notice to and approval by the Division.

This cover letter, attachments, and all documents on file with DEMLR shall be considered part of this permit and is herein incorporated by reference.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes and must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at [www.NCOAH.com](http://www.NCOAH.com). Unless such demands are made this permit shall be final and binding.

If you have any questions concerning this permit, please contact Carl Dunn in the Washington Regional Office, at 2552-948-3959 or [carl.dunn@ncdenr.gov](mailto:carl.dunn@ncdenr.gov).

Sincerely,

William Carl Dunn, PE  
Division of Energy, Mineral and Land Resources

Enclosures: Attachment A – Designer's Certification Form  
Application Documents

cc: Thomas Perdue, PE – MacConnell & Associates ([Thomas.perdue@macconnellandassoc.com](mailto:Thomas.perdue@macconnellandassoc.com))  
Nags Head Permitting – Kim Thompson ([kim.thompson@nagsheadnc.gov](mailto:kim.thompson@nagsheadnc.gov))  
Washington Regional Office Stormwater File



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252.946.6481

**STATE OF NORTH CAROLINA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**DIVISION OF ENERGY, MINERAL AND LAND RESOURCES**

**STATE STORMWATER MANAGEMENT PERMIT**

**HIGH DENSITY DEVELOPMENT**

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations promulgated and adopted by the North Carolina Environmental Management Commission, including 15A NCAC 02H. amended on January 1, 2017 (2017 Rules) (the "stormwater rules"),

PERMISSION IS HEREBY GRANTED TO

*Inn at Whalebone, LLC*

*The Inn at Whalebone*

*6632 W. Pheasant Ave, Nags Head, Dare County*

FOR THE

construction, management, operation and maintenance of built-upon area (BUA) draining to three connected (3) infiltration basins and one (1) underground storage tank system draining to SA;HQW waters as outlined in the application, approved stormwater management plans, supplement, calculations, operation and maintenance agreement, recorded documents, specifications, and other supporting data (the "approved plans and specifications") as attached and/or on file with and approved by the Division of Energy, Mineral and Land Resources (the "Division" or "DEMLR"). The project shall be constructed, operated and maintained in accordance with these approved plans and specifications. The approved plans and specifications are incorporated by reference and are an enforceable part of this permit.

This permit shall be effective from the date of issuance until September 13, 2031 and shall be subject to the following specified conditions and limitations. The permit issued shall continue in force and effect until the permittee files a request with the Division for a permit modification, transfer, renewal, or rescission; however, these actions do not stay any condition. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit for cause as allowed by the laws, rules, and regulations contained in Title 15A NCAC 2H.1000 and NCGS 143-215.1 et.al.



1. **BUA REQUIREMENTS.** The maximum amount of BUA allowed for the entire project is 71,519 square feet. The runoff from all BUA within the permitted drainage areas of this project must be directed into the permitted SCMs. The BUA requirements and allocations for this project are as follows:
  - a. **SCM BUA LIMITS.** The SCM labeled DA1 has been designed to handle the runoff from 71,519 square feet of BUA of which 55,316 square feet is on site and 16,203 square feet is off site. This permit does not include an allotment of BUA for future development.
2. **PERVIOUS AREA IMPROVEMENTS.** At this time, none of the pervious area improvements listed in G.S. 143-214.7(b2) or the Stormwater Design Manual have been proposed for this project. Pervious area improvements will be allowed in this project if documentation is provided demonstrating those improvements meet the requirements of the stormwater rule.
3. **SCM REQUIREMENTS.** The SCM requirements for this project are as follows:
  - a. **SCM DESIGN.** The SCM's are permitted based on the design criteria presented in the sealed, signed and dated supplements and as shown in the approved plans and specifications. These SCM's must be provided and maintained at the design condition.
  - b. **SCM DESIGN FOR SA WATER..** The SCM's provide runoff treatment without discharging in excess of the pre-development conditions during the one-year, 24-hour storm event. The excess runoff is released at a non-erosive velocity at the edge of the vegetated setback or to an existing stormwater drainage system.
  - c. **PLANTING PLAN.** The SCM landscape planting plan shown in the approved plans shall be followed in its entirety during construction. After the plants are established, the operation and maintenance agreement must be followed.
4. **STORMWATER OUTLETS.** This project has demonstrated that the on-site stormwater system will not discharge from the 10-year storm event and therefore will not have the opportunity to cause erosion during the 10-year storm event.
5. **VEGETATED SETBACKS.** A 50-foot wide vegetative setback must be provided and maintained in grass or other vegetation adjacent to all surface waters as shown on the approved plans. The setback is measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline.
6. **RECORDED DOCUMENT REQUIREMENTS.** The stormwater rules require the following documents to be recorded with the Office of the Register of Deeds:
  - a. **ACCESS AND/OR EASEMENTS.** The entire stormwater conveyance system, including any SCMs, and maintenance accesses must be located in public rights-of-way, dedicated common areas that extend to the nearest public right-of-way, and/or permanent recorded easements that extend to the nearest public right-of-way for the purpose of inspection, operation, maintenance, and repair.
  - b. **OPERATION AND MAINTENANCE AGREEMENT.** The operation and maintenance agreement must be recorded with the Office of the Register of Deeds.
  - c. **FINAL PLATS.** The final recorded plats must reference the operation and maintenance agreement and must also show all public rights-of-way, dedicated common areas, and/or permanent drainage easements, in accordance with the approved plans.

- d. DEEDS. The permittee shall record deed restrictions and protective covenants prior to the issuance of a certificate of occupancy to ensure the permit conditions and the approved plans and specifications are maintained in perpetuity.
7. CONSTRUCTION. During construction, erosion shall be kept to a minimum and any eroded areas of the on-site stormwater system will be repaired immediately.
  - a. PROJECT CONSTRUCTION, OPERATION AND MAINTENANCE. During construction, all operation and maintenance for the project shall follow the Erosion Control Plan requirements until the Sediment-Erosion Control devices are converted to SCMs or no longer needed. Once the device is converted to a SCM, the permittee shall provide and perform the operation and maintenance as outlined in the applicable section below.
  - b. SCM RESTORATION. If one or more of the SCMs are used as an Erosion Control device and/or removed or destroyed during construction, it must be restored to the approved state stormwater design condition prior to close-out of the erosion control plan and/or project completion and/or transfer of the state stormwater permit. Upon restoration, a new or updated certification will be required for the SCM(s) and a copy must be submitted to the appropriate DEQ regional office.
8. MODIFICATIONS. No person or entity, including the permittee, shall alter any component shown in the approved plans and specifications. Prior to the construction of any modification to the approved plans, the permittee shall submit to the Director, and shall have received approval for modified plans, specifications, and calculations including, but not limited to, those listed below. For changes to the project or SCM that impact the certifications, a new or updated certification(s), as applicable, will be required and a copy must be submitted to the appropriate DEQ regional office upon completion of the modification.
  - a. Any modification to the approved plans and specifications, regardless of size including the SCM(s), BUA, details, etc.
  - b. Redesign or addition to the approved amount of BUA or to the drainage area.
  - c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project and/or property area as reported in the approved plans and specifications.
  - d. Altering, modifying, removing, relocating, redirecting, regrading, or resizing of any component of the approved SCM(s), stormwater collection system and/or vegetative conveyance shown on the approved plan.
  - e. The construction of any allocated future BUA.
  - f. The construction of any permeable pavement, #57 stone area, public trails, or landscaping material to be considered a permeable surface that were not included in the approved plans and specifications.
  - g. Other modifications as determined by the Director.
9. DESIGNER'S CERTIFICATION. Upon completion of the project, the permittee shall determine if the project is in compliance with the approved plans and take the necessary following actions:

- a. If the permittee determines that the project is in compliance with the approved plans, then within 45 days of completion, the permittee shall submit to the Division one hard copy and one electronic copy of the following:
    - i. The completed and signed Designer's Certification provided in Attachment A noting any deviations from the approved plans and specifications. Deviations may require approval from the Division;
    - ii. A copy of the recorded operation and maintenance agreement;
    - iii. Unless already provided, a copy of the recorded deed restrictions and protective covenants; and
    - iv. A copy of the recorded plat delineating the public rights-of-way, dedicated common areas and/or permanent recorded easements, when applicable.
  - b. If the permittee determines that the project is not in compliance with the approved plans, the permittee shall submit an application to modify the permit within 30 days of completion of the project or provide a plan of action, with a timeline, to bring the site into compliance.
10. **OPERATION AND MAINTENANCE.** The permittee shall provide and perform the operation and maintenance necessary, as listed in the signed operation and maintenance agreement, to assure that all components of the permitted on-site stormwater system are maintained at the approved design condition. The approved operation and maintenance agreement must be followed in its entirety and maintenance must occur at the scheduled intervals.
  - a. **CORRECTIVE ACTIONS REQUIRED.** If the facilities fail to perform satisfactorily, the permittee shall take immediate corrective actions. This includes actions required by the Division and the stormwater rules such as the construction of additional or replacement on-site stormwater systems. These additional or replacement measures shall receive a permit from the Division prior to construction.
  - b. **MAINTENANCE RECORDS.** Records of maintenance activities must be kept and made available upon request to authorized personnel of the Division. The records will indicate the date, activity, name of person performing the work and what actions were taken.
11. **PERMIT RENEWAL.** A permit renewal request must be submitted at least 180 days prior to the expiration date of this permit. The renewal request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(3).
12. **CURRENT PERMITTEE NAME OR ADDRESS CHANGES.** The permittee shall submit a completed Permit Information Update Application Form to the Division within 30 days to making any one or more of the following changes:
  - a. A name change of the current permittee;
  - b. A name change of the project;
  - c. A mailing address change of the permittee.



13. **TRANSFER.** This permit is not transferable to any person or entity except after notice to and approval by the Director. Neither the sale of the project and/or property, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.
  - a. **TRANSFER REQUEST.** The transfer request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(2) and must be submitted upon occurrence of any one or more of the following events:
    - i. A natural person who is deceased;
    - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved;
    - iii. A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy, or other legal proceeding;
    - iv. A person or entity who has sold the property, in whole or in part, on which the permitted activity is occurring or will occur;
    - v. The assignment of declarant rights to another individual or entity;
    - vi. The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of NCGS 143-214.7(c2).
  - b. **TRANSFER INSPECTION.** Prior to transfer of the permit, a file review and site inspection will be conducted by Division personnel to ensure the permit conditions have been met and that the project and the on-site stormwater system complies with the permit conditions. Records of maintenance activities performed to date may be requested. Projects not in compliance with the permit will not be transferred until all permit and/or general statute conditions are met.
14. **COMPLIANCE.** The permittee is responsible for complying with the terms and conditions of this permit and the approved plans and specifications until the Division approves the transfer request.
  - a. **REVIEWING AND MONITORING FOR COMPLIANCE.** The permittee is responsible for verifying that the proposed BUA within each drainage area and for the entire project does not exceed the maximum amount allowed by this permit. The permittee shall review and routinely monitor the project to ensure continued compliance with the conditions of the permit, the approved plans and specifications.
  - b. **APPROVED PLANS AND SPECIFICATIONS.** A copy of this permit, approved plans, application, supplement, operation and maintenance agreement, all applicable recorded documents, and specifications shall be maintained on file by the permittee at all times.
  - c. **MAINTENANCE ACCESS.** SCMs, stormwater collection systems, and vegetated conveyances must be accessible for inspection, operation, maintenance and repair as shown on the approved plans.
  - d. **DIVISION ACCESS.** The permittee grants Division Staff permission to enter the property during normal business hours to inspect all components of the permitted project.
  - e. **ENFORCEMENT.** Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143 Article 21.

- f. ANNUAL CERTIFICATION. The permittee shall electronically submit to the Division an annual certification completed by either the permittee or their designee confirming the projects conformance with permit conditions.
- g. OBTAINING COMPLIANCE. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of modified plans and certification in writing to the Director that the changes have been made.
- h. OTHER PERMITS. The issuance of this permit does not preclude the permittee from obtaining and complying with any and all other permits or approvals that are required for this development to take place, as required by any statutes, rules, regulations, or ordinances, which are imposed by any other Local, State or Federal government agency having jurisdiction. Any activities undertaken at this site that cause a water quality violation or undertaken prior to receipt of the necessary permits or approvals to do so are considered violations of NCGS 143-215.1, and subject to enforcement procedures pursuant to NCGS 143-215.6.

Permit issued this the 14th day of September 2023.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



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For Toby Vinson, Interim Director  
Division of Energy, Mineral and Land Resources  
By Authority of the Environmental Management Commission

**Permit Number SW7230901**

## **Attachment A**

### Certification Forms

The following blank Designer Certification forms are included and specific for this project:

- As-Built Permittee Certification
- As-Built Designer's Certification General MDC
- As-Built Designer's Certification for Infiltration Project

*A separate certification is required for each SCM. These blank certification forms may be copied and used, as needed, for each SCM and/or as a partial certification to address a section or phase of the project.*



### **AS-BUILT PERMITTEE CERTIFICATION**

I hereby state that I am the current permittee for the project named above, and I certify by my signature below, that the project meets the below listed Final Submittal Requirements found in NCAC 02H.1042(4) and the terms, conditions and provisions listed in the permit documents, plans and specifications on file with or provided to the Division.

- ☐ Check here if this is a partial certification. Section/phase/SCM #? \_\_\_\_\_
- ☐ Check here if this is part of a Fast Track As-built Package Submittal.

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in the State of \_\_\_\_\_

County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_

personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

and acknowledge the due execution of this as-built certification. (SEAL)

Witness my hand and official seal

\_\_\_\_\_

My commission expires \_\_\_\_\_

| Permittee's Certification NCAC .1042(4)                                                                                                                                                                                     | Completed / Provided | N/A |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----|
| <b>A. DEED RESTRICTIONS / BUA RECORDS</b>                                                                                                                                                                                   |                      |     |
| 1. The deed restrictions and protective covenants have been recorded and contain the necessary language to ensure that the project is maintained consistent with the stormwater regulations and with the permit conditions. | Y or N               |     |
| 2. A copy of the recorded deed restrictions and protective covenants has been provided to the Division.                                                                                                                     | Y or N               |     |
| 3. Records which track the BUA on each lot are being kept. (See Note 1)                                                                                                                                                     | Y or N               |     |
| <b>B. MAINTENANCE ACCESS</b>                                                                                                                                                                                                |                      |     |
| 1. The SCMs are accessible for inspection, maintenance and repair.                                                                                                                                                          | Y or N               |     |
| 2. The access is a minimum of 10 feet wide.                                                                                                                                                                                 | Y or N               |     |
| 3. The access extends to the nearest public right-of-way.                                                                                                                                                                   | Y or N               |     |
| <b>C. EASEMENTS</b>                                                                                                                                                                                                         |                      |     |
| 1. The SCMs and the components of the runoff collection / conveyance system are located in recorded drainage easements.                                                                                                     | Y or N               |     |
| 2. A copy of the recorded plat(s) is provided.                                                                                                                                                                              | Y or N               |     |
| <b>D. SINGLE FAMILY RESIDENTIAL LOTS - Plats for residential lots that have an SCM include the following:</b>                                                                                                               | Y or N               |     |
| 1. The specific location of the SCM on the lot.                                                                                                                                                                             | Y or N               |     |
| 2. A typical detail for the SCM.                                                                                                                                                                                            | Y or N               |     |

|                                                                                                                                                                                                                                   |        |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|
| 3. A note that the SCM is required to meet stormwater regulations and that the lot owner is subject to enforcement action as set forth in NCGS 143 Article 21 if the SCM is removed, relocated or altered without prior approval. | Y or N |  |
| <b>E. OPERATION AND MAINTENANCE AGREEMENT</b>                                                                                                                                                                                     | Y or N |  |
| 1. The O&M Agreement is referenced on the final recorded plat.                                                                                                                                                                    | Y or N |  |
| 2. The O&M Agreement is recorded with the Register of Deeds and appears in the chain of title.                                                                                                                                    | Y or N |  |
| <b>F. OPERATION AND MAINTENANCE PLAN</b> – maintenance records are being kept in a known set location for each SCM and are available for review.                                                                                  | Y or N |  |
| <b>G. DESIGNER'S CERTIFICATION FORM</b> – has been provided to the Division.                                                                                                                                                      | Y or N |  |

Note 1- Acceptable records include ARC approvals, as-built surveys, and county tax records.

Provide an explanation for every requirement that was not met, and for every "N/A" below.  
Attach additional sheets as needed.

## **AS-BUILT DESIGNER'S CERTIFICATION FOR INFILTRATION PROJECT**

I hereby state that I am a licensed professional and I certify by my signature and seal below, that I have observed the construction of the project named above to the best of my abilities with all due care and diligence, and that the project meets all of the MDC found in NCAC 02H.1051 in accordance with the permit documents, plans and specifications on file with or provided to the Division, except as noted on the "AS-BUILT" drawings, such that the intent of the stormwater rules and the general statutes has been preserved.

☐ Check here if this is a partial certification.

Section/phase/SCM

#?

☐ Check here if this is a part of a Fast-Track As-Built Package Submittal per .1044(4).

☐ Check here if the Designer did not observe the construction, but is certifying the project.

☐ Check here if pictures of the SCM are provided.

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

NC Registration Number \_\_\_\_\_ Date \_\_\_\_\_

SEAL:

Consultant's Mailing Address:

City/State/ZIP \_\_\_\_\_

Phone Number \_\_\_\_\_

Consultant's Email address:

① Circle N if the as-built value differs from the Plan. If N is circled, provide an explanation on Page 2.

② N/E = not evaluated (provide explanation on page 2) ③ N/A = not applicable to this project or SCM

This Certification must be completed in conjunction with the General MDC certification under NCAC 02H.1050

| Consultant's Certification (MDC .1051)                                                                     | ①As-built | ②N/E | ③N/A |
|------------------------------------------------------------------------------------------------------------|-----------|------|------|
| <b>A. Inlets / Pretreatment / Design Depths / Elevations</b>                                               |           |      |      |
| 1. Inlets are located per the approved plans.                                                              | Y or N    |      |      |
| 2. Pretreatment measures are provided? (Rooftop runoff does not require pre-treatment.)                    | Y or N    |      |      |
| 3. BASIN only - the area and depth of the basin is consistent with the approved plans                      |           |      |      |
| 4. TRENCH only- the provided width, length and height of the trench are consistent with the approved plan. |           |      |      |
| 5. TRENCH only- the provided length and size of the perforated pipe is consistent with the approved plan.  |           |      |      |
| 6. The bottom elevation of the basin / trench is consistent with the approved plans.                       |           |      |      |
| 7. The bypass elevation is consistent with the approved plan.                                              |           |      |      |



|                                                                                                                      |           |      |      |
|----------------------------------------------------------------------------------------------------------------------|-----------|------|------|
| 8. The overflow elevation is consistent with the approved plan.                                                      |           |      |      |
| <b>B. Soils / SHWT / Subgrade</b>                                                                                    |           |      |      |
| 1. The hydraulic properties of the insitu soils are in accordance with the soils report.                             | Y or N    |      |      |
| 2. The lowest point of the infiltration system is a minimum of 2 feet above the SHWT.                                | Y or N    |      |      |
| 3. If separation to the SHWT is less than 1 foot, the water table draws down to its pre-storm level within 72 hours. | Y or N    |      |      |
| 4. The slope of the soil subgrade is $\leq 2\%$ .                                                                    | Y or N    |      |      |
| <b>C. Drawdown Time</b>                                                                                              |           |      |      |
| 1. The system dewateres within 72 hours?                                                                             | Y or N    |      |      |
| 2. The Insitu soils were removed and replaced with suitable infiltration media to achieve the 72 hour drawdown.      | Y or N    |      |      |
|                                                                                                                      | ①As-built | ②N/E | ③N/A |
| <b>D. Observation Port</b> – for underground systems, a minimum of one inspection port has been provided.            | Y or N    |      |      |

Provide an explanation for every MDC that was not met, and for every item marked "N/A" or "N/E", below. Attach additional pages as needed:

## **AS-BUILT DESIGNER'S CERTIFICATION GENERAL MDC**

I hereby state that I am a licensed professional and I certify by my signature and seal below, that I have observed the construction of the project named above to the best of my abilities with all due care and diligence, and that the project meets the below listed General MDC found in NCAC 02H.1050 in accordance with the permit documents, plans and specifications on file with or provided to the Division, except as noted on the "AS-BUILT" drawings, such that the intent of the stormwater rules and statutes has been preserved.

☐ Check here if this is a partial certification.

Section/phase/SCM

#?

☐ Check here if this is a part of a Fast-Track As-Built Package Submittal per .1044(3).

☐ Check here if the designer did not observe the construction, but is certifying the project.

☐ Check here if pictures of the SCM are provided.

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

NC Registration Number \_\_\_\_\_ Date \_\_\_\_\_

SEAL:

Consultant's Mailing Address:

\_\_\_\_\_

City/State/ZIP \_\_\_\_\_

Phone Number \_\_\_\_\_

Consultant's Email address:

\_\_\_\_\_

① Circle N if the as-built value differs from the Plan. If N is circled, provide an explanation on Page 2.

②N/E = not evaluated (provide explanation on page 2) ③N/A = not applicable to this SCM or project.

| Consultant's Certification NCAC .1003((3) & General<br>MDC .1050                                                                          | ①As-built | ②N/<br>E | ③N/A |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|------|
| <b>A. TREATMENT REQUIREMENTS</b>                                                                                                          |           |          |      |
| 1. The SCM achieves runoff treatment.                                                                                                     | Y or N    |          |      |
| 2. The SCM achieves runoff volume match.                                                                                                  | Y or N    |          |      |
| 3. Runoff from offsite areas and/or existing BUA is bypassed.                                                                             | Y or N    |          |      |
| 4. Runoff from offsite areas and/or existing BUA is directed into the permitted SCM and is accounted for at the full build-out potential. | Y or N    |          |      |
| 5. The project controls runoff through an offsite permitted SCM that meets the requirements of the MDC.                                   | Y or N    |          |      |
| 6. The net area of new BUA increase for an existing project has been accounted for at the appropriate design storm level.                 | Y or N    |          |      |
| 7. The SCM(s) meets all the specific minimum design criteria.                                                                             | Y or N    |          |      |

|                                                                                                                                                                                                                                                                                                                 |           |      |      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|------|
| <b>B. VEGETATED SETBACKS / BUA</b>                                                                                                                                                                                                                                                                              |           |      |      |
| 1. The width of the vegetated setback has been measured from the normal pool of impounded waters, the MHW line of tidal waters, or the top of bank of each side of rivers or streams.                                                                                                                           | Y or N    |      |      |
| 2. The vegetated setback is maintained in grass or other vegetation.                                                                                                                                                                                                                                            | Y or N    |      |      |
| 3. BUA that meets the requirements of NCGS 143-214.7 (b2)(2) is located in the setback.                                                                                                                                                                                                                         | Y or N    |      |      |
| 4. BUA that does not meet the requirements of NCGS 143-214.7 (b2)(2) is located within the setback and is limited to:<br>a. Publicly funded linear projects (road, greenway sidewalk)<br>b. Water-dependent structures<br>c. Minimal footprint uses (utility poles, signs, security lighting and appurtenances) | Y or N    |      |      |
| 5. Stormwater that is not treated in an SCM is released at the edge of the setback and allowed to flow through the setback as dispersed flow.                                                                                                                                                                   | Y or N    |      |      |
|                                                                                                                                                                                                                                                                                                                 | ①As-built | ②N/E | ③N/A |
| <b>C. STORMWATER OUTLETS</b> - the outlet handles the peak flow from the 10 year storm with no downslope erosion.                                                                                                                                                                                               | Y or N    |      |      |
| <b>D. VARIATIONS</b>                                                                                                                                                                                                                                                                                            |           |      |      |
| 1. A variation (alternative) from the stormwater rule provisions has been implemented.                                                                                                                                                                                                                          | Y or N    |      |      |
| 2. The variation provides equal or better stormwater control and equal or better protection of surface waters.                                                                                                                                                                                                  | Y or N    |      |      |
| <b>E. COMPLIANCE WITH OTHER REGULATORY PROGRAMS</b> has been met.                                                                                                                                                                                                                                               | Y or N    |      |      |
| <b>F. SIZING</b> -the volume of the SCM takes the runoff from all surfaces into account and is sufficient to handle the required storm depth.                                                                                                                                                                   | Y or N    |      |      |
| <b>G. CONTAMINATED SOILS</b> - infiltrating SCM's are not located in or on areas with contaminated soils.                                                                                                                                                                                                       | Y or N    |      |      |
| <b>H. SIDE SLOPES</b>                                                                                                                                                                                                                                                                                           |           |      |      |
| 1. Vegetated side slopes are no steeper than 3H:1V.                                                                                                                                                                                                                                                             | Y or N    |      |      |
| 2. Side slopes include retaining walls, gabion walls, or other surfaces that are steeper than 3H:1V.                                                                                                                                                                                                            | Y or N    |      |      |
| 3. Vegetated side slopes are steeper than 3H:1V (provide supporting documents for soils and vegetation).                                                                                                                                                                                                        | Y or N    |      |      |
| <b>I. EROSION PROTECTION</b>                                                                                                                                                                                                                                                                                    |           |      |      |
| 1. The inlets do not cause erosion in the SCM.                                                                                                                                                                                                                                                                  | Y or N    |      |      |
| 2. The outlet does not cause erosion downslope of the discharge point during the peak flow from the 10 year storm.                                                                                                                                                                                              | Y or N    |      |      |
| <b>J. EXCESS FLOWS</b> - An overflow / bypass has been provided.                                                                                                                                                                                                                                                | Y or N    |      |      |
| <b>K. DEWATERING</b> - A method to drawdown standing water has been provided to facilitate maintenance and inspection.                                                                                                                                                                                          | Y or N    |      |      |



|                                                                                                                                                |        |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|--|
| <b>L. CLEANOUT AFTER CONSTRUCTION</b> – the SCM has been cleaned out and converted to its approved design state.                               | Y or N |  |  |
| <b>M. MAINTENANCE ACCESS</b>                                                                                                                   |        |  |  |
| 1. The SCM is accessible for maintenance and repair.                                                                                           | Y or N |  |  |
| 2. The access does not include lateral or incline slopes >3:1.                                                                                 | Y or N |  |  |
| <b>N. DESIGNER QUALIFICATIONS (FAST-TRACK PERMIT)</b> – The designer is licensed under Chapters 89A, 89C, 89E, or 89F of the General Statutes. | Y or N |  |  |

Provide an explanation for every MDC that was not met, and for every item marked "N/A" or "N/E", below. Attach additional pages as needed:



## **STAFF REPORT**

### **Town of Nags Head**

### **Planning & Development Department**

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To: Board of Commissioners  
From: Kelly Wyatt, Planning Director  
Date: September 22, 2023  
Subject: Site Plan Review for Inn at Whalebone, 90-unit Hotel located at 6632 W. Pheasant Avenue (W. Lakeside Street).

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#### **BACKGROUND INFORMATION**

The Site Plan for Inn at Whalebone was reviewed and approved by the Nags Head Board of Commissioners on October 5<sup>th</sup>, 2022. This was a Site Plan approval (and not a Vested Right approval), as such the site plan approval expires one (1) year from the date of approval, meaning the site plan approval for Inn at Whalebone will expire on October 5<sup>th</sup>, 2023. Planning staff were recently contacted by the applicant to discuss the upcoming expiration and what steps could be taken to extend the approval. It was at that time that staff notified the applicant of the requirements of Section 4.15, Time Limits for Site Plan, Zoning Permits, & Building Permits, of the Unified Development Ordinance, included below.

#### ***Section 4.15 - Time Limitations for Site Plans, Zoning Permits, & Building Permits.***

*The following provisions pertaining to time limitations to obtain building permits, and to commence, continue and complete construction, shall apply in all cases in which a site plan approval or development permit is required unless otherwise provided for in [Section 3.6](#), Establishment of Vested Rights.*

##### ***4.15.1. Time Limitation to Obtain Building Permit.***

*Final approval of a site plan by the Board of Commissioners or approval of a zoning permit by the UDO Administrator shall be valid for twelve (12) months from date of approval. The Building Inspector may issue a building permit within twelve (12) months from the date of such approval, provided that all other requirements are met. If a building permit is not issued within twelve (12) months from the date of final approval of the site plan or zoning permit, the site plan or zoning permit shall expire and the applicant must submit a new site plan conforming to the then current provisions of this Ordinance for review by the Planning Board and Board of Commissioners or a new zoning permit application for review by the UDO Administrator and pay the applicable fees. Upon the issuance of a building permit, the approval of the underlying site plan or zoning permit shall remain valid as long as the corresponding building permit remains valid as provided for in this section.*

Note that following site plan approval by the Board of Commissioners a **building permit** must be issued within twelve (12) months from the date of approval, or the site plan approval expires, and the applicant must then submit a new site plan review conforming with the current provisions of the Unified Development Ordinance. In speaking with the applicant, they are unable to submit a complete development permit application in anticipation of having the building permit issued in advance of October 5<sup>th</sup>, 2023. As such, they have resubmitted their previously reviewed and approved Site Plan Review application for the Planning Board and Board of Commissioners consideration. The staff report from the Board of Commissioners October 5<sup>th</sup>, 2022, meeting has been provided below.

The Planning, Fire, Police, and Public Services Department have all reviewed the new submittal and find it to be consistent with the previously approved October 5<sup>th</sup>, 2022, submittal. Town Engineer has reviewed the stormwater design, which has been slightly modified. They have removed the underground storage chamber system from the eastern parking lot and placed it along the western portion of the parking area with an underground storage chamber system. The change in location results in a greater subsurface storage area and an overall greater volume of stormwater storage for the site. This additional storage is concentrated on the western side of the site, which will mitigate any potential for stormwater impacts on the adjoining properties to the west. From an overall stormwater management volume requirement, 20,220 cubic feet is required, 25,932 cubic feet of storage has been provided. Mark up of revised stormwater plan has been included in the packet.

Note that the finalized Traffic Impact Analysis was received and reviewed by NCDOT in advance of the October 5<sup>th</sup>, 2022, Board of Commissioners meeting with no comments provided. Town Engineer David Ryan reached out to Jason Davidson, Division Traffic Engineer with NCDOT upon the new submittal to see if anything over the past year would result in them providing comments or necessitating additional review. Mr. Davidson confirmed that they did not have anything new or additional affecting this site moving forward.

### **Staff Recommendation**

Staff recommends approval of the Site Plan Review application as presented with the following condition carrying over from the previous review:

1. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

### **Planning Board Recommendation**

At their September 19, 2023, meeting the Planning Board voted 4-1 to recommend approval of the Site Plan as proposed to include the previous condition as it pertains to the necessary subdivision and recombination plats as well as a new condition that a traffic impact analysis be conducted after one full year of operation to determine if any additional measures are warranted. This study should occur during the peak summer season.



## **STAFF REPORT FROM OCTOBER 5<sup>TH</sup>, 2022 BOARD OF COMMISSIONERS MTG**

### **GENERAL INFORMATION**

Applicant: House Engineering, P.C.

Application Type: Site Plan Review.

Purpose/Request: Construction of a four-story, 90-unit Hotel along with all necessary site improvements.

Property Location: 6632 W. Pheasant Avenue, Nags Head.

Existing Land Use: Vacant.

Zoning Classification of Property: SPD-C, Village at Nags Head Hotel District, and the Hotel Overlay District.

Zoning Classification of Surrounding Properties: Property to the north is zoned SPD-C, Village Recreation (Golf Course). Property to directly to the south and across Lakeside Street is zoned C-2, General Commercial and developed commercially (Duck Thru Gas Station) and residentially. Property to the west is zoned R-3, High Density Residential and is developed residentially (Roanoke Shores Subdivision). Property to the east and across US Highway 158 is zoned C-2, General Commercial and developed commercially (gas station and Forbes Retail).

Flood Hazard Zone of Property: Property is located in an X Flood Zone, per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9 ft. The proposed first floor elevation of the hotel is proposed to be at an elevation of 9.1' and is therefore compliant.

Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as General Commercial. This proposal is consistent with this land use classification and stated Land Use Policies.

### **SPECIFIC INFORMATION**

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#### **Applicable Zoning Regulations:**

- Use Regulations: Section 9.36, Table of Uses and Activities for the SPD-C District lists "Hotel" as a Permitted Use within the Village Hotel District, with supplemental regulations set forth in Section 9.37.1. This section requires that Hotels be permitted in accordance with Section 9.36 provided that hotel suites comprise no more than thirty-three (33) percent of the total units in the building.

Section 9.24.5, Development Standards within the Hotel District states that in cases where the standards of this section conflict with standards contained in Article 10, Part VI, Commercial Design Standards, the more restrictive standard shall apply.

- Lot Coverage: Section 9.24.5.1 of the UDO, Coverage for Hotels states that for buildings with a height between 49 – 60 feet, the maximum building coverage shall not exceed 35%, maximum parking coverage shall not exceed 45% and must have a minimum landscaped area of 20%. Proposed building coverage is 12.94%, proposed parking coverage is 36.18% and there is a proposed landscaped area of 28.2%. Proposed coverage is compliant.
- Height: Section 9.24.5.5 of the UDO states that the maximum height for hotel developments is 60 feet. The proposed hotel has a height of 59.10 feet therefore height is compliant. If constructed, a height certification will be required prior to any final zoning inspections.
- Architecture Design Standards: Section 10.82 of the UDO, Applicability, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. This project must adhere to the Commercial Design Standards set forth within Part VI of the UDO, Division II – Building Design. Staff has reviewed the submittal and finds the proposal to be compliant with the standards required in Building Design, Building Size/Dimensions, Building Height, Architectural Design/Elements, Site Design and Building Footprint Orientation. The following are a few examples lending to the compliance of the proposed structure: incorporation of dormers and other roof articulations, covered porch area, screened typical rooftop installations such as mechanical equipment, exhaust vents, residential style double-hung windows, use of gable brackets, workable shutters, and column trim.
- Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, Hotels shall provide parking at one parking space for each hotel unit without kitchen facilities. There are additional parking standards if hotel units have kitchens or there or conference, assembly, restaurant, or retail uses associated with the hotel. The proposed hotel units will not have kitchen facilities and there are no other uses proposed. With 90 hotel units proposed, 90 parking spaces are required. A total of 93 parking spaces have been proposed therefore parking is compliant.

In addition, Section 10.92.14.4 of the UDO, Surface Materials, requires that a minimum of twenty (20) percent of the surface area of the parking area and drive aisles shall be constructed of permeable surface materials. Approximately 22.9% has been proposed in permeable surface materials therefore the proposal is compliant.

- Buffering/Landscaping: Several sections of the Unified Development Ordinance speak to Buffering and Landscaping as it applies throughout this proposed site:
  - Section 10.92.6.2 of the UDO, Parking and Drive Aisle Setbacks, requires that where off-street parking is provided between the building and the street right-of-way line, a parking lot buffer of at least ten (10) feet in width shall be provided between the parking lot and the street

right-of-way. A compliant buffer has been proposed along Forrest Street, Lakeside Street and US 158 rights-of-way.

- Section 10.93.3.2 of the UDO, Commercial Transitional Protective Yards, requires increased landscaping to be provided and maintained when non-residential land uses are adjacent to a residential use or residential zoning district. Specifically, Section 10.93.3.2.2 states that where a high impact use abuts a residential district, a buffer strip of at least twenty-five (25) feet in width along the entire length of the lot shall be provided. The buffer yard shall consist of three rows of plant material. Hotel is a listed High Impact Use. The western property boundary abuts residential subdivision, Roanoke Shores and a compliant 25-foot-wide commercial transitional protective yard has been proposed along the entirety of the western property boundary.
- Section 9.24.5.3.2.3 of the UDO, Building Setback Requirements for Hotels over three stories in height states that for hotels west of NC 12, a minimum 25-foot natural or landscaped buffer shall be provided along the northern and southern boundaries. This is a Village Hotel standard that is more stringent than the Hotel Overlay standard. As noted in Section 9.24.5, the more stringent standard applies. The applicant has shown a compliant 25-foot-wide landscape buffer along both the northern and southern property boundaries and therefore the proposal is compliant.
- Section 10.93.3.7 of the UDO, Interior Parking Lot Landscaping, requires parking lot landscaping be provided at a minimum rate equal to ten percent of the total area of the parking spaces. The minimum area necessary for compliance is 1,643 square feet of vegetation. The applicant has proposed 1,937 square feet of vegetation (approx. 12%) therefore interior parking lot landscaping is compliant.
- Section 10.93.3.8 of the UDO, Vegetation Preservation/Planting Requirements, requires that new development projects either preserve a minimum of ten (10) percent of the lot's total area with existing natural vegetation and/or dune elevations or plant new vegetation in lieu of preservation. When existing vegetation cannot be preserved, the planting of a minimum of fifteen (15) percent of the lot's total area shall be required. The applicant has provided the required calculations and notation on the landscape plan demonstrating that the vegetation planting requirements will be met. While the applicant is proposing to preserve a small percentage of existing, mature vegetation in the northwest corner of the site, they have also proposed to provide approximately 18.8% of the site area in newly planted trees, shrubs and herbaceous plants and ornamental grasses therefore, this requirement has been met.
- Lighting: A lighting plan compliant with the requirements of Article 10, Part IV of the Unified Development Ordinance will be required prior to the issuance of any



development permits. In addition, a light audit will be required prior to issuance of occupancy permits.

- Signage: No additional signage is being proposed at this time.

Water and Sewage Disposal: The applicants' proposal includes the management of on-site wastewater through an advanced treatment system in combination with four (4) separate low-pressure disposal fields. The average daily design flow of 11,000 gallons per day will require approval through the NC Department of Health and Human Services, Environmental Health Section, On-Site Water Protection Branch. We request that copies of the permit approvals be submitted to the Town. Note, no development permits will be issued prior to receipt of the state permit approvals.

Traffic Circulation: Traffic circulation has been reviewed by the Town Engineer with the following comments:

- Two points of ingress and egress are depicted along Lakeside Street. Section 10.92.2.2.7.4 of the UDO indicates curb cuts in excess of one, on streets other than US 158, NC12/US64/264 or SR1243, are allowed if the Board of Commissioners determines that more than one curb cut is necessary or desirable to facilitate traffic flow. Staff feels two separate access points from Lakeside St. is appropriate to facilitate traffic flow in conjunction with emergency vehicle access and sanitation truck access.
- A loading zone has been provided in compliance with UDO Section 10.17.2.
- A draft copy of a Traffic Impact Analysis as prepared by VHB, a traffic consultant for the applicant, has been submitted for staff review and NCDOT review. Existing traffic data was collected in early September 2022 to review existing intersection turning movements along East & West Lakeside St from both S. Croatan Hwy. and S. Virginia Dare Trail. The collected data was analyzed based on the current roadway geometrics and traffic counts with no proposed improvements recommended at full project buildout. The traffic consultant will be available to present the findings of the report at the Board of Commissioners meeting. Comments of the NCDOT review have not been received at this time.

Stormwater Management: Stormwater management has been reviewed and approved by the Town Engineer with the following comments:

- This proposal is being reviewed under Section 11.4 General Standards for Commercial, Mixed Use, and All Non-Single Family or Non-Duplex Residential Development, Including Multi-Family Development which requires development of a property to provide stormwater control measures to retain runoff from a 4.3-inch design storm.
- Questions have arisen as to how this application should be reviewed regarding stormwater management and whether this proposal would be considered as part of the Village at Nags Head stormwater master plan approval. NC Department of Environmental Quality, Division of Energy, Mineral and Land Resources staff was contacted to discuss the matter. First and foremost, this application would NOT

be viewed as a common plan of development. A common plan of development means a site where multiple and distinct development activities may be taking place at different times on different schedules but governed by a single development plan. Since this Village at Nags Head stormwater plan did not account for the subject property, it should not be considered as part of the system, and it is appropriate to review under the current state and local stormwater regulations.

- During the review process a negative easement was discovered to be applied to the subject property. The negative easement was applied in conjunction with the 1984 approval of the gas station immediately to the east of the subject property. The verbiage of the negative easement is designed for the purpose of assuring the availability of adequate drainage for the gas station property. The proposed stormwater management design for the hotel proposal accounts for rainfall runoff from the proposed improvements in addition to the gas station property. In total, stormwater management improvements for both on-site runoff and off-site runoff are designed to manage runoff volume for an approximate 5 -inch rainfall event, which is in excess of the Town design storm event of 4.3 inches.
- Review of published data, to include the National Wetland Inventory Map and on-site soil investigation do not indicate the presence of hydric soils or wetlands.
- A NCDEQ High-Density stormwater permit shall be acquired, and copies shall be submitted to the Town in advance of the issuance of a building permit. Copies of the executed operation and maintenance agreement of the stormwater control measures shall be submitted in conjunction with the approved state permit.
- An engineer's certification shall be submitted to the Town in association with construction record drawings prior to the issuance of a certificate of occupancy.

Erosion & Sediment Control: Proposed Erosion and Sediment Control has been reviewed and approved by the Town Engineer with the following comments:

- The building permit submission for land disturbing activities shall include the ground stabilization and material handling and inspection, recordkeeping and reporting detail sheets as required by the NCG01 NPDES Construction Program.
- The applicant shall apply for a Certificate of Coverage through the NPDES Construction Program and prior to land disturbing activities occurring.
- A pre-construction conference shall be coordinated by the applicant to include the design engineer, contractor, and Town representatives prior to land disturbing activities.

Fire: The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

Public Works: The Public Works Director has reviewed and approved the proposed site plan as presented.

## **ANALYSIS**

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Staff finds that the proposal is consistent with the applicable use and development standards as well as relevant land use policies. In addition, staff finds that the proposed stormwater management plan satisfies the requirements of the negative easement via an approved alternative drainage plan which accommodates the 4.3-inch storm event for both the proposed hotel development as well as the existing improvements on the gas station property.

Article 4 Section 4 of the Unified Development Ordinance sets forth the procedures for subdivision approvals. Records reflect that the current property owner for this hotel site owns lots 32, 33, 34, 35, 36, 22, 23, 26, and 27 in their entirety and a portion of lots 24, 29, 30, and 31. The remaining portions of lots 24, 29, 30 and 31 are owned by Harrell Acquisitions, LLC. Until 1999 all these parcels were in common ownership. To date, although boundaries are referenced in transferring deeds, there has not been a formal subdivision approved pursuant to the Unified Development Ordinance for these parcels. As such, an approved subdivision or recombination plat addressing lots 24, 29, 30 and 31 must be approved and recorded prior to the issuance of any development permits for this project.

## **STAFF RECOMMENDATION**

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With the following condition, Staff recommends approval of the Site Plan Review application as presented:

2. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project.

## **PLANNING BOARD RECOMMENDATION – AUGUST 16, 2022**

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At their August 16, 2022 meeting the Planning Board voted 4 – 2 to recommend approval of the Site Plan as proposed. Following the August 16<sup>th</sup> meeting of the Planning Board, the applicant has revised their stormwater management plan to manage additional runoff and has had consultant, VHB Engineering NC, P.C. conduct a Traffic Impact Analysis.

**Attachments:** *Site Plan Application & Checklist, Civil Drawings, Architectural Elevations & Renderings, Grading and Drainage, Supplemental data.*





# Agenda Item Summary Sheet

Item No: **H-1**  
Meeting Date: **July 3, 2024**

**Item Title:** From May 1<sup>st</sup> Board meeting - Discussion/Review of multi-use path pavement markings

**Item Summary:**

At the May 1, 2024 Board of Commissioners meeting, it was Board consensus to authorize staff to install pavement markings (speed limit/user guidance) in a high traffic area of the beach road multi-use path to determine if this was something we want to adopt as a standard for the remainder of the path. As mentioned in previous discussions, bicycle speeds and operator behavior has created user conflicts and safety concerns.

At the July 3<sup>rd</sup> Board of Commissioners meeting, Police Chief Perry Hale will discuss with the Board what has been done so far and gather input on proceeding further with additional pavement markings.

Number of Attachments: 0

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**Specific Action Requested:**

Provided for Board discussion.

Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

If approved, minimal fiscal impact related to the cost of signage.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I will participate in the discussion.

Signature: Andy Garman

Date: June 26, 2024



# Agenda Item Summary Sheet

Item No: **H-2**  
Meeting Date: **July 3, 2024**

**Item Title:** Multi-Decadal Beach Nourishment Master Plan

## **Item Summary:**

Over the past several years, the consulting firm of Moffatt & Nichol has been assisting the Town with the development of a Multi-Decadal Beach Nourishment Master Plan to establish a long-term strategy to permit, schedule and finance ongoing beach nourishment efforts. The framework allows for proactive planning and sustainable beach management over a 50-year planning horizon. The key aspects of this plan include the evaluation of long-term sediment sources, Levels of Protection (LoP), nourishment triggers, regulatory pathways, project timelines and estimated future years project costs. A draft copy of report was provided to the Board of Commissioners at their August 2, 2023 meeting.

Within the report and presentations, several recommendations were provided which evaluated the frequency of the placement of sand. Nourishment intervals of 4, 5, 6 and 8 years were investigated in conjunction with phased approaches which would consider the placement of sand within the southern reaches every five years and a town-wide project every ten years.

A planned 6-year beach nourishment interval (non-phased) allows for responsiveness to changing conditions and provides a lower total cost than the evaluated 4-year and 5-year intervals. Additionally, if the volumetric triggers are not reached within 24 months of the 6-year planned interval, the plan provides the flexibility to extend an additional year or more beyond the 6-year mark. The recommendation is for a 6-year nourishment interval.

Town staff will provide a brief overview summarizing the findings of the report and will be available for questions. A copy of the final report will be provided to Board members at the meeting.

## **Staff Recommendation**

Staff recommends the Board of Commissioners adopt the Beach Nourishment Master Plan final document.

Number of Attachments: 0

## **Specific Action Requested:**

Consider adoption of the Beach Nourishment Master Plan final document.

Submitted By: Town Engineer David Ryan

Date: June 26, 2024

## **Finance Officer Comment:**

Signature: Amy Miller

Date: June 26, 2024

## **Town Attorney Comment:**

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: June 26, 2024

## **Town Manager Comment and/or Recommendation:**

I appreciate the work of the Town Engineer, David Ryan, and our consulting team for the work on this important project. I would recommend adoption of the final master plan.

Signature: Andy Garman

Date: June 26, 2024



## Agenda Item Summary Sheet

Item No: **I-1**  
Meeting Date: **July 3, 2024**

**Item Title:** Committee Reports

**Item Summary:**

At the July 3<sup>rd</sup> Board of Commissioners meeting, Board members will provide reports from meetings they have attended on behalf of the Town.

Number of Attachments: 0

**Specific Action Requested:**

Provided for Board information and update.

Submitted By: Administration

Date: June 26, 2024

**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

N/A

Signature: Andy Garman

Date: June 26, 2024





## Agenda Item Summary Sheet

Item No: **I-2**  
Meeting Date: **July 3, 2024**

**Item Title:** Consideration of amendment to Traffic Control Map – No Parking – Tow Away Zone on the south side of Bonnett Street

**Item Summary:**

Please find attached a memo from Police Chief Perry Hale requesting to amend the Traffic Control Map to designate the south side of Bonnett Street from its intersection with Wrightsville Avenue to NC 12 as "No Parking - Tow Away Zone". (The north side of Bonnett Street was previously designated as a "No Parking – Tow Away Zone".) Parking from the Farmer's Market and other Dowdy Park events is making it difficult to see other vehicles, cyclists, and pedestrians traveling west on Bonnett Street.

Attached please find a map designating the area as well as an ordinance amending the Traffic Control Map for Board review and consideration.

Number of Attachments: 3

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**Specific Action Requested:**

Ordinance amending the Traffic Control Map provided for Board consideration.

Submitted By: Public Safety – Police Chief Hale

Date: June 26, 2024

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**Finance Officer Comment:**

Minimal fiscal impact to include the cost of signage.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I concur with staff's request and will participate in the discussion as necessary.

Signature: Andy Garman

Date: June 26, 2024



# *Nags Head Police Department*

5401 S. Croatan Hwy.  
Post Office Box 99  
Nags Head, North Carolina 27959  
Telephone (252) 441-6386  
Fax (252) 441-7335  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**Perry Hale**  
Chief of Police

**Chris Montgomery**  
Deputy Chief of Police

*Service - Professionalism - Integrity - Strength*

## MEMORANDUM

**TO:** Andy Garman, Town Manager  
**FROM:** P. Hale, Chief of Police  
**DATE:** June 24, 2024  
**RE:** Traffic Control Map Amendment; Bonnett St / Wrightsville Ave

Parking on E. Bonnett Street during events has increased over the years with the popularity of the markets and other events held at Dowdy Park throughout the year. Vehicles do use the overflow parking at NHES; however, they also park along the shoulder along Bonnett Street where it is not marked for no parking. Over the past few weeks, the department has noticed an increase in parking east of Wrightsville Ave. on the south side of Bonnett Street which is creating a hazard for motorists trying to maneuver through this intersection. The parking is making it difficult to see other vehicles, cyclists, and pedestrians traveling west on Bonnett St.

We are requesting to make the section from Wrightsville Ave. to NC 12 "No Parking - Tow Away Zone" to prevent future traffic issues in the area.

I will be available at the Board meeting to answer any questions.









**ORDINANCE AMENDING THE NAGS HEAD TRAFFIC CONTROL MAP**

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Nags Head Traffic Control Map is hereby amended as follows:

- PART I.**        Designation of *No Parking – Tow Away Zone* at the following location:  
                  -        On the south side of E Bonnett Street from Wrightsville Avenue to NC12
- PART II.**        All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- PART III.**       This ordinance shall become effective upon notation being made on the Nags Head Traffic Control Map and the erection of appropriate signage.

This the 3<sup>rd</sup> day of July 2024.

\_\_\_\_\_  
**Benjamin Cahoon, Mayor**  
**Town of Nags Head**

ATTEST:  
  
\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
John Leidy, Town Attorney

ADOPTED    **July 3, 2024**

MOTION TO ADOPT BY: \_\_\_\_\_  
SECONDED BY:        \_\_\_\_\_  
VOTE: \_\_\_\_\_ AYES    \_\_\_\_\_ NOES



## Agenda Item Summary Sheet

Item No: **K-1**  
Meeting Date: **July 3, 2024**

**Item Title:** Town Manager Garman – Update on construction of the Public Services Facility

**Item Summary:**

Town Manager Andy Garman, along with Town Engineer David Ryan, will present an update on the construction progress of the new Public Services Facility at the July 3<sup>rd</sup> Board of Commissioners meeting.

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Number of Attachments: 0

**Specific Action Requested:**

Provided for Board information and update.

Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

I will respond to questions as necessary.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

Update provided for Board information.

Signature: Andy Garman

Date: June 26, 2024



# Agenda Item Summary Sheet

Item No: **K-2**  
Meeting Date: **July 3, 2024**

**Item Title:** Town Manager Andy Garman – FY 2024 Project Review

**Item Summary:**

At the July 3<sup>rd</sup> Board of Commissioners meeting, Town Manager Andy Garman will provide a FY 2024 Town Project Review slideshow.

Number of Attachments: 0

**Specific Action Requested:**

Provided for Board information and update.

Submitted By: Town Engineer David Ryan

Date: June 26, 2024

**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: June 26, 2024

**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: June 26, 2024

**Town Manager Comment and/or Recommendation:**

Presentation provided for Board information and update.

Signature: Andy Garman

Date: June 26, 2024





## Agenda Item Summary Sheet

Item No: **L-1**

Meeting Date: **July 3, 2024**

**Item Title:** Comr. Kevin Brinkley – Discussion of high-flying kites on the beach

**Item Summary:**

At the July 3<sup>rd</sup> Board of Commissioners meeting, Comr. Brinkley will discuss with Board members emails he has received re: kites being flown on the beach. The attached emails were received from local pilots: Dare MedFlight helicopter, OBX Airplanes Banner Company, and Coastal Helicopters sightseeing company - stating that safety could be an issue if the kites/string get into the path of a low-flying plane or helicopter.

Number of Attachments: 3

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**Specific Action Requested:**

Provided for Board discussion.

Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

Insufficient information to determine fiscal impact.

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

Attorney Leidy will participate in the discussion as necessary.

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

I will participate in the discussion as necessary.

Signature: Andy Garman

Date: June 26, 2024

June 18, 2024

Dear Mr. Brinkley,

I apologize for the delay in submitting this letter of concern. I spoke with Larry Ihle a few weeks ago and he asked me to write you about my concerns with kites that have been seen exceeding 600 feet this year vicinity of the Nags Heads beaches.

I am writing to bring to your attention the growing concerns regarding the presence of kites on the beach and the potential safety issues they pose to aircraft, specifically airplanes and helicopters.

As you are aware, kites have become popular recreational activities on beaches, attracting individuals of all ages. However, the unregulated and sometimes careless use of kites in close proximity to areas frequented by aircraft poses a significant risk to aviation safety. The unpredictable movements of kites, especially in windy conditions, can interfere with the flight paths of airplanes and helicopters operating in the vicinity, leading to potentially hazardous situations.

The risks associated with kites on the beach include entanglement with aircraft, obstructing the visibility of pilots, and causing distractions during critical take-off and landing maneuvers. These safety hazards not only jeopardize the well-being of those involved in aviation operations but also compromise the overall safety of beachgoers enjoying recreational activities along the coastline.

In order to mitigate these risks and ensure the safety of all individuals, I urge the relevant authorities to consider implementing appropriate measures to regulate the use of kites in areas close to airports, helipads,

and flight paths. Public awareness campaigns highlighting the dangers of flying kites near aircraft operations could also help educate beach visitors about responsible kite flying practices.

Collaborative efforts between aviation authorities, beach management agencies, and the public are essential in addressing these safety concerns and promoting a harmonious coexistence between recreational beach activities and aviation operations.

I kindly request your attention to this matter and welcome the opportunity to discuss potential solutions and initiatives to enhance safety measures and raise awareness about the risks associated with kites on the beach.

Thank you for your anticipated cooperation and commitment to ensuring the safety and well-being of all individuals involved.

Sincerely,

Mike

Mike Hill  
EMS Helicopter Pilot  
[Mrhill64@gmail.com](mailto:Mrhill64@gmail.com)  
(919) 215-0855



## Carolyn Morris

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**From:** Kevin Brinkley  
**Sent:** Thursday, June 20, 2024 5:36 PM  
**To:** All Mayor and Commissioners  
**Subject:** Fwd: Kites along the coast

Letter 2 of 3

Begin forwarded message:

>

>

>> On Jun 4, 2024, at 4:21 PM, Jenny Hawk (OBX Airplanes) <obxairplanes@gmail.com> wrote:

>>

>> Hi Kevin,

>> Larry Ihle requested that I share my concerns about high flying kites along our coast. Many times it seems that kite fliers might tie 20 kite strings together and tie them to the railing of their vacation rental and leave for the day sending their kites soaring over our beaches at 1000 feet agl especially noticeable when the wind is out of the south/west as it often is in the summer. As you can imagine this causes quite an issue for our tour planes and more so for our banner planes. If a banner towing aircraft passes by a kite unknowingly the kite string will follow the lead line down to the D-ring on the banners and slice the line like a band saw. Interestingly enough the only part left attached to the plane is the part that floats. So the \$4-8K customer's sign sinks to the bottom of the ocean. I've avoided this expensive experience with our company but only by luck. I've witnessed this happen to the other banner tow companies. Most of the time the sign does not get recovered. There was a funny story once years ago where a dolphin watch ad was cut by a kite and some dolphin lovers swam to the end of Kitty Hawk Pier and retrieved it to save the dolphins. Less funny though is the danger to helicopters not limited to Larry/Coastal Helicopters and Dare Medflight. I am not a helicopter pilot but my understanding is that kite lines in a rotor blade can be very destructive and since they are impossible to see are an invisible hazard to the crew and passengers. I've heard many close calls over the radio and I understand there are ordinances and laws that may be able to be enforced.

>> Let me know if you would like any more information.

>> Jenny

>> OBX Airplanes LLC

>> jenny@obxairplanes.com

>> Office—252-473-2442

>> Direct—252-473-7467

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[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fobxairplanes.com&c=E,1,LiibYXUlJgD2oQu3OPqmgZi9CPpq1VqrsIp8SSLAoAOpBLLGKIst2hXAXeBrwUdTajYjLXcy7nDFq\\_klWi-PgUcU4m6PNITtB-w7kFhdxk\\_-rhP20\\_-Z&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fobxairplanes.com&c=E,1,LiibYXUlJgD2oQu3OPqmgZi9CPpq1VqrsIp8SSLAoAOpBLLGKIst2hXAXeBrwUdTajYjLXcy7nDFq_klWi-PgUcU4m6PNITtB-w7kFhdxk_-rhP20_-Z&typo=1)

## Carolyn Morris

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**From:** Kevin Brinkley  
**Sent:** Thursday, June 20, 2024 5:37 PM  
**To:** All Mayor and Commissioners  
**Subject:** Fwd: Kites flying on the beach

Letter 3 of 3

Sent from my iPhone  
Please excuse typos

Begin forwarded message:

**From:** obxhelicopters@gmail.com  
**Date:** May 28, 2024 at 8:42:24 AM EDT  
**To:** Kevin Brinkley <Kevin.Brinkley@nagsheadnc.gov>  
**Subject:** Kites flying on the beach

Hi Kevin,

It was good talking with you the other day, just wanted to follow up on our conversation with an email.

As you know, we fly hundreds of flights along the beach every year at around 400' above the water, slightly offshore of the beach. I encounter kites flying at and above that altitude almost every week. When the wind is from a westerly direction, these kites naturally fly out over the ocean, in the flight path of any aircraft at low altitude, including and especially the banner tow planes, myself and Dare MedFlight. It's been a concern at the airport for some time among the low altitude flying pilots. In the past, kite strings have actually severed banner tow lines, causing the loss of the banner in flight, which could easily harm someone in the water or on the ground.

We understand that there is a federal aviation regulation that limits kites to an altitude of no higher than 500' above the ground, but respectfully request that the town consider creating an ordinance lower than that, to 300', due to the volume of aircraft flying along the beach year round. I have spoken to local law enforcement about the high flying kite issue in years past and they have all told me they really cannot enforce a federal regulation being they are not federal officers.

We all hope that the county can please consider adopting something that will make our skies safer along our beautiful beaches.

Thank you for your time,

Larry Ihle

252-928-8074



## Agenda Item Summary Sheet

Item No: **N-1**  
Meeting Date: **July 3, 2024**

**Item Title:** Request for Closed Session

**Item Summary:**

A Closed Session will be requested at the July 3<sup>rd</sup> Board of Commissioners meeting to confer with the Board re: matters related to attorney/client privilege, to include the use of the Town site located at 105 W Seachase Drive, and to preserve that privilege, pursuant to GS 143-318.11(a)(3) and to discuss the possible acquisition of real property located at 4222 S Croatan Hwy pursuant to GS 143-318.11(a)(5).

Attorney Leidy and Town Manager Garman will provide updated information for Board discussion.

Number of Attachments: 0

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**Specific Action Requested:**

Provided for Board discussion.

Submitted By: Administration

Date: June 26, 2024

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**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: June 26, 2024

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**Town Attorney Comment:**

Attorney Leidy will participate in the discussion.

Signature: John Leidy

Date: June 26, 2024

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**Town Manager Comment and/or Recommendation:**

Town Manager Garman will participate in the discussion.

Signature: Andy Garman

Date: June 26, 2024