



**PROPOSED AGENDA**  
**KITTY HAWK TOWN COUNCIL**  
Monday, April 7, 2025  
Kitty Hawk Town Hall, Smith Room  
6:00 PM

- 1. Call to Order**
- 2. Moment of Silence/Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Public Comment** – The public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the lectern. Please limit comments to 3 minutes.
- 5. Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council in order to consider the items(s). Any item may be removed for discussion by the council or by any member of the audience who wants to hear the item presented and discussed.
  - a) **Approval of March 3, 2025, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
  - b) **Record Retention Plan**
  - c) **Child Abuse Prevention Month Proclamation**
  - d) **Fair Housing Month Proclamation**
  - e) **Financial Statements as of March 31, 2025**
  - f) **Budget Amendment #13 Grant award**
  - g) **Audit Firm Recommendation**
  - h) **Legislative Addition of Dare Governments Resolution**
- 6. Items Removed from Consent Agenda:**
- 7. Planning:**
  - a) **Schedule Public Hearing** – Special Use Permit – Parcel #:010399003, 0 The Woods Rd. Mini-warehouse self-storage facility.
- 8. New Business:**
  - a) **Appointment of Board of Adjustment Alternate Member**
- 9. Old Business:**
  - a) **Attorney Report:** White Street Beach Access Update
  - b) **Attorney Report:** Update on citizen request to designate the live oak as the official Town Tree and implement regulations on cutting live oaks



10. Reports/General Comments from Town Manager

11. Reports/General Comments from Town Attorney

12. Reports/General Comments from Town Council

13. Adjourn

**\*To Watch Livestream on YouTube:** <https://youtube.com/live/NZoVAfohl3U?feature=share>

The meeting will also be available to watch on the Town's YouTube channel on demand the next day.

**\*\*Send Comments and/or Questions via email:**

You may always send comments or questions at any time to [info@kittyhawknc.gov](mailto:info@kittyhawknc.gov). If you would like your question or comment read at this meeting, please send it by 2:30 PM on April 7, 2025, and note that you would like it to be read at the meeting. Be sure to include your full name and address. Please keep your comments to three minutes.

*Si habla español, los servicios de asistencia lingüística están disponibles de forma gratuita. Llame al 252-261-3552 para obtener ayuda.*



## TOWN OF KITTY HAWK

5A

Minutes  
**KITTY HAWK TOWN COUNCIL**  
Monday, March 3, 2025  
Kitty Hawk Town Hall, Smith Room  
6:00 PM

1. **Call to Order**
2. **Moment of Silence/Pledge of Allegiance**
3. **Approval of Agenda**
4. **Presentation:**
  - a) **College of the Albemarle-** Dean Timothy Sweeney and Dr. Jack Bagwell
5. **Public Comment** – The public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the lectern. Please limit comments to 3 minutes.
6. **Consent Agenda** – Items on the consent agenda are considered to be non-controversial, routine in nature, or items not requiring a presentation to discuss by the Town Council in order to consider the items(s). Any item may be removed for discussion by the council or by any member of the audience who wants to hear the item presented and discussed.
  - a) **Approval of February 3, 2025, Regular Session Council Minutes** – Approval of the consent agenda will approve these minutes.
  - b) **Budget Calendar 2025-26**
  - c) **CurrentTV GEAC 2025-26 Budget**
  - d) **Procurement Month Proclamation**
  - e) **Adoption of Outer Banks Hazard Mitigation Plan:** The Town has been involved in the five-year update of this multi-jurisdictional Hazard Mitigation plan, which replaces the previous regional hazard mitigation plans. The plan can be found at [www.obx-hmp.com](http://www.obx-hmp.com)
  - f) **Resolution of Support for Updating the Beach Inlet Management Plan**
7. **Items Removed from Consent Agenda:**
8. **Planning:**
  - a) **Public Hearing** – Re-adoption of CAMA Land Use Plan with Division of Coastal Management comment revisions.
  - b) **Text Amendment** - Chapter 12.- Environment. Citizen request to designate the live oak as the official Town Tree and implement regulations on cutting live oaks.
9. **New Business:**
  - a) **Budget Process Presentation-** Liliana Noble
10. **Old Business:**
11. **Reports/General Comments from Town Manager**



**12. Reports/General Comments from Town Attorney**

**13. Reports/General Comments from Town Council**

**14. Recess to March 25, 2025. Budget Workshop, 9 am at Kitty Hawk Fire Department at 859 West Kitty Hawk Road, Kitty Hawk, NC 27949.**

**Council Members Present:**

Mayor Craig Garriss, Mayor Pro Tem Jeff Pruitt, Councilman David Hines, Councilwoman Charlotte Walker, and Councilman Dylan Tillett.

**Staff Members Present:**

Town Manager Melody Clopton, Finance Officer Liliana Noble, Police Chief Mike Palkovics, Chief Mike Talley, Planning Director Rob Testerman, Public Information Officer/Town Clerk, Lauren Garrett, Administrative Services Director, Laura Walker, Lieutenant Jimmy Helms, Officer Corey Morris.

**1. Call to Order**

**2. Moment of Silence/Pledge of Allegiance**

**3. Approval of Agenda**

**Garriss:** Council, I need a motion to approve tonight's agenda.

**Hines:** So, moved.

**Garriss:** Motion by David. Second?

**Tillett:** Second.

**Garriss:** Second by Dylan. All in favor?

**All Council:** Aye.

**Garriss:** All opposed? None. Thank you. We have a presentation tonight by Dean Tim Sweeney and Dr. Jack Bagwell from the College of the Albemarle. If you gentlemen would come up, please.

**4. Presentation:**

**a) College of the Albemarle- Dean Timothy Sweeney and Dr. Jack Bagwell**

**Bagwell:** Good evening, I'm Dr. Jack Bagwell. Thank you for having us here tonight. I'm going to do things a little bit differently. I'm going to turn it over to Tim and let him show you a couple of videos and talk for a few minutes, but I want you during that time to think about what you want to know from me. Instead of offering death by PowerPoint tonight, I want to focus on what you want to talk about I have a couple of talking points and of course I could fill the two hours, but I will attempt not to do that so just think about what you'd like for me to talk about, and we will do it. With that, I will turn it over to Tim.

**Sweeney:** Thank you, Dr. Bagwell and Mayor Garriss. Thank you for having us here tonight. I'm really excited about these two videos. That's why I don't have to talk too long, but I do want to tell you a little bit about the Dare campus and the other campuses. Our campus had a 25% increase in enrollment in one year. That's something that's unheard of and a lot has to do with the new campus and programs but also has a lot to do with the Dare Guarantee. You're all aware of the Dare Guarantee where we provide our citizens and our high school students an education if they live here in Dare County so that's made a tremendous difference as far as having the availability of workforce



development curriculum. The two videos, one is the curriculum side of the house where you're going for an associates degree. Most of our students start at this campus, which used to be 80% but now it's 60%, as college transfer. They're looking to get their associates degree then go to a four-year university. The number in workforce development is rising year after year. In workforce development, you're talking about the skills needed for our various businesses throughout this county but also other campuses with Dr. Bagwell will talk about. There's a misconception that the Dare Guarantee is only for the Dare Campus, that's not true. If a student in Dare County would like to take manufacturing at the Currituck campus, it's paid for. If they want to go into an aviation program, it's paid for. Our nursing program will start out here in our general education classes, but they have to go to the Elizabeth City campus to complete their second year and they have to do their clinicals throughout the region and that is paid for. I want to make sure the public knows that the Dare Guarantee is for students and citizens that live here but you can go to any program of our four campuses and there's other programs on the other campuses that if you have questions about, we can answer them. The videos tell a story, and the first one is curriculum. The curriculum is the college transfer that we were talking about. Workforce development, you can take those classes and associates degree program. We try to tell our students to do both to get certification but also get that associates degree whether its in finance or accounting and then you can own your own business here in Dare County so that's our whole push right now is to be an all-around student having both the curriculum side and the workforce development side.

*A video of College of the Albemarle Curriculum is played.*

**Sweeney:** One of the things I try to do is what we call dolphins for a day, and we had probably 200 or 300 middle and high school students come through and see these videos, but they become college students for the morning. It's impactful as far as they see EMTs, they see welders, they see these things that you'll see here with the workforce development program. What we try to do again is to get our students to think outside of the box. These videos start them thinking early on that they can do both. So now we can show the workforce development video.

*A video of College of the Albemarle Workforce Development is played.*

**Bagwell:** Great overview of some of our programming here at COA Dare. I want to speak about enrollment but before I do I want to follow up on what I asked you to be thinking about. What questions do you have for me? What would you like me to touch on before I share some numbers with you? Any questions or things you want me to focus on?

**Garriss:** Dr. Bagwell, I have been asked if there are any plans in the future for dorm rooms for those who are not driving distance and maybe want to stay there.

**Bagwell:** We do not have any current plans. One of the things that is really a challenge for community colleges in North Carolina is operating dorms. It would require another set of stipulations. One of the things that we have done is talk to the Coastal Studies Institute and they are looking for dorm space and they are trying to figure out how to build some things, so we have sat down with them. We could utilize some space, but we don't have the ability to operate dorms. If ECU would build dorms down here for Coastal Studies, I'm sure we could help populate that and get them more bang for the buck. I've spoken with Dr. Corbett about that several times, I have served on the Coastal Studies board, so I have heard the housing needs many times. It would be nice for us, it would be great to be able to recruit folks here to go to school, but it is a dire need for the Coastal Studies Institute. It would be nice to do but it's not in the current plans.

**Walker, Charlotte:** Is there an age limit for the Dare Guarantee? What are the requirements?





## TOWN OF KITTY HAWK

**Bagwell:** The Dare Guarantee has been modified several times with Dare County. Originally, it was for recent graduates the first couple of years then we extended that and now we have money for adults who are in the workforce program so that is based on available dollars. I will tell you we're getting closer and closer to that becoming a challenge and having to go back to Dare County and say we're spending every dime on the recent graduates. It is an opportunity for anyone to take advantage of it as money is available and we have other workforce scholarships too. Dare Guarantee is fantastic, but we have foundation scholarships that award close to \$400,000 a year and then we have state scholarships that we have access to, so there is an opportunity for folks even if Dare Guarantee were not the opportunity.

**Walker, Charlotte:** I was sure that it might have evolved over time.

**Bagwell:** It is a continual evolution process as you can imagine. Anything else?

**Pruitt:** It seems like boat building has become a big industry here on the Outer Banks, do you have any programs for that?

**Bagwell:** We've done some specialized training programs recently, we used to have that program, but we work with some folks from Chowan County, and we have several boat builders we work with. Mostly, boat building is specialized training, and the reality is that not every boat is built the same. One technique at one boat builder is different from another technique at another boat builder so it's very difficult to get training that works for everyone although we have worked with them on specialized training projects which allows them to get the training they need. So, let me talk in generalities here for a few minutes. You heard two program videos; one was curriculum and those curricular programs, and one was workforce education. A third part of what we do is basic skills and those are the three parts of what we do for enrollment. I'm going to give you some figures, last year largely in thanks to the Dare Guarantee, across the institution, we were the third fastest growing community college of the 58 in North Carolina. This year we didn't know where we stood until a week and a half ago because we don't have a dashboard that's populated immediately since we have to wait on that data to come together from all 57 other institutions. Fall to fall, I want to walk you through that and talk to about the importance of the Dare Guarantee on this Dare campus to the overall numbers I'm about to present. From last fall to this past fall, fall of 2023 to fall of 2024, that's the measurement we're talking about. Instructional percentage increase, the state average across 58 colleges was a 6% growth, which is good nationally. That's a very good number. COA was 14% growth year over year and that was tied for 6<sup>th</sup> in the state. That's in the top 10% of the 58 colleges, that's on top of being number 3 last year. The video that we heard with the curricular programs, the state average growth was 7% and COA was 13% which is tied for 6<sup>th</sup> in the state. Workforce, the state average was 1% growth across 58 colleges, we grew at 10%. Ten times the state average in workforce and we see a lot of programming attention being paid on that at the Dare campus but also our other campuses as well. Let me caveat that a little bit to say that was the most impactful piece with Hurricane Helene coming through the western part of the state. You may see more impact there for that type of programming outcome that you would have the curriculum outcome. Basic skills average was 12%, COA was 39% increase year over year. The Dare Guarantee is part of that, certainly here in Dare County, we've seen incredible growth, really double the institutional growth. The institutional growth has been strong across the seven counties and the four campuses we operate. One of the things I wanted to leave you with is as we think about this and the importance of the Dare Guarantee, and I'd like to come back and share these numbers and the opportunity with the counties and the cities, with the Dare Guarantee in the last few years, Dare County despite the distance from the main campus, Dare County is now our number one sending county. We get more students from Dare County than we do from Pasquotank County and that's where the main campus is located. That's an incredible



opportunity and that is not 100% tied to Dare Guarantee but I think it is the proactive nature of Dare County and the folks here looking for programming and partnerships we have within the community like the homebuilder's association and others that allow us to grow here in Dare County. I will tell you about the other counties in our seven-county service area are paying attention and starting to talk about their promise and guarantee programs which is fantastic because we have an opportunity to bring additional training across the seven counties. With that, I am going to stop although I had two hours, but I figure you'd be okay with getting a little extra time back. Any more questions for me, Mr. Mayor? Anything you want me touch on that I haven't already.

**Garriss:** I think you know how I feel about COA having been employed there for a long time at the Currituck campus. Dare County, Currituck and all seven counties are so fortunate to have you here and I think we all realize that. I want to thank you for what y'all do, I see a lot that others don't see and you're just great and do everything in a professional manner. I want to thank both of you and all your staff.

**Bagwell:** Thank you, we appreciate the opportunity to be here. Please come see us at campus in Manteo any time. We'll be glad to have you and provide tours as well. With that, I will get out of your way. Thank you all and have a great evening.

**Garriss:** Thank you Dr. Bagwell and Dean Sweeney. For those of you watching from home, I've been notified that we may be having some audio and visual issues. Lauren, are we working on that?

**Garrett, Lauren:** Yes, sir.

**Garriss:** Okay, thank you. We're working on it now to get it straightened out. Public Comment, Lauren, is there anyone signed up for Public Comment?

##### **5. Public Comment**

**Garrett, Lauren:** Yes, sir. We have Jan Gault.

**Garriss:** Come on up, ma'am. You have three minutes, and we ask you to speak directly into the microphone so everyone can hear.

**Gault, Jan:** Let me tell you a little history, my husband and I have been coming to the Outer Banks for about 40 years. In which case we were fortunate enough nine years ago to buy a place on Ascension Drive. In dealing with neighbors, that had told us most of the time they go to White Street to have access to the beach. We've used that access for nine years and during this time the access has gotten a bit worse for wear and needs repair. In looking at all the other accesses, we called to find out why ours hadn't been done and we found out that it is not owned by the Town of Kitty Hawk. In which case, what do we do and how do we do it? Do we get a group of people to go down and work on it ourselves but then we have the issue of liability and different things of that nature. I'm just coming forth and wanting to find out a little more information on what can be done to improve that access whether it's from our issue or your issue and how we can go forward from here.

**Garriss:** Thank you. This is Public Comment, but I promise you at the end of this meeting we will address that. Thank you for coming forward. Anyone else signed up to speak at Public Comment?

**Garrett, Lauren:** Yes, sir. We have Duke Gerahty.

**Garriss:** Come on up, Mr. Gerahty. How are you, sir?

**Gerahty, Duke:** I'm doing well, thank you. Good evening, I'll take a couple of the three minutes to talk about COA. It's the crown jewel of Dare County. The property, the building, the courses, the way they pay the tuition. At the Outer Banks Home Builders Association, they are our partners, and we try to



work with them whenever we can and what a job they do. Anyway, I'm Duke Gerahty from the Outer Banks Home Builders Association, I'm here tonight to speak, since you're not going to have a Public Hearing, on a tree ordinance naming the Live Oak as the Town tree. I was particularly concerned because if there's one town in Dare County that doesn't need any more tree cover, it's Kitty Hawk. We've got people paying \$150,000 to \$200,000 for a piece of property and now what is proposed is that somebody could tell them that they must leave those trees and they're not going to have the right then to use their property as they would like. Everybody likes a Live Oak tree, especially if it's the neighbor's, they're going to keep it there too. I'm asking you tonight that this ordinance is not needed, it's a taking away of property rights, which we firmly believe in property rights, and there is an ordinance, a state statute that very few people follow anymore. The state statute says that if you want to install a tree ordinance, you must get permission from the General Assembly. We had a legal opinion on that in the Town of Duck and the Town Attorney at that time told her if you don't like it, I don't read it like you, sue us. Maybe Mr. Varnell could check on it but there is a state statute about tree ordinances without permission from the General Assembly. I'm asking you please don't do it, please don't take away property rights, we don't need any more rules. It's getting harder and harder, and the codes and the zoning ordinances are getting harder and harder to build a house. Everybody knows about the problem we're having with affordable housing. We need to simplify things instead of making them harder, thank you.

**Garriss:** Thank you, sir. Is there anyone else who would like to speak tonight at Public Comment? Anyone who would like to speak about any subject? You look like you would like to speak tonight, ma'am. If you'd like to speak, please step up to the microphone and state your name and address.

**Bush, Mary Jo:** I'm Mary Jo Bush and I am a resident of Kitty Hawk. I understand this gentleman's concerns, but I've been here 10 years and have vacationed here since 1959. There have been lots of changes and I have set in on these meetings and listened to residents and the staff here. We want to maintain Kitty Hawk; we want it to be part of the old community, yet we want to grow. Trees have a purpose; they help with wind control, and I live on the sound, and I've had two neighbors cut down hundred-year-old trees and now it's like a wind tunnel. I agree that it's within your building, but it does not flatten the lot. That's my opinion on Live Oaks; I think Nags Head passed it as their town tree. I know my HOA although we don't seem to adhere to it, you can't cut anything down if it's larger than three feet in diameter. There should be some guidelines on it, but I don't think we should just pillage and plunder.

**Garriss:** Thank you, ma'am. Would anyone else like to speak at Public Comment? Lauren, let the record show no one else chose to speak at Public Comment, thank you. Consent Agenda, Council, I need a motion to approve tonight's Consent Agenda.

## **6. Consent Agenda**

**Hines:** So, moved.

**Garriss:** Motion by David, second?

**Walker, Charlotte:** Second.

**Garriss:** Second by Charlotte. All in favor?

**All Council:** Aye.

**Garriss:** All opposed? None. Thank you. We have no items removed from the Consent Agenda. Public Hearing on our CAMA Land Use Plan, come on up, Rob. Council, I need a motion to go into Public Hearing.





## TOWN OF KITTY HAWK

### 7. Items Removed from Consent Agenda

**Hines:** So, moved.

**Garriss:** Motion made by David, second?

**Pruitt:** Second.

**Garriss:** Second by Jeff, all in favor?

**All Council:** Aye.

### 8. Planning:

- a. **Public Hearing** – Re-adoption of CAMA Land Use Plan with Division of Coastal Management comment revisions.

**Garriss:** We are in Public Hearing.

**Testerman, Rob:** If you remember back in September 2023, Council adopted a Land Use Plan that we've been working on from December 2022 up until that September 2023 meeting. We adopted it to serve as our comprehensive plan. In coastal communities, the Land Use Plan serves two functions, for the Town level it serves as the comprehensive plan guiding development decisions and legislative decisions, the other side of that is the Coastal Resource Commission uses the plan once they've certified it to make their CAMA decisions that come to them like CAMA major permits. In the time since we've adopted it as our comprehensive plan, the state has reviewed it and they sent some comments back to Stewart Incorporated, the consultant we've been using, they have incorporated those changes to the staff report and I have provided a list of those changes that the state sent back the specific changes on those pages. That's the purpose tonight, we must readopt it now that the state has made their comments, and the consultant has revised it to match the state comments to get their certification. Once approved, it'll get back to the state for their certification then it will be set for a while.

**Garriss:** Thank you, Rob. Council, do you have any questions for Rob during Public Hearing? Is there anyone here tonight who would like to speak during Public Hearing about the CAMA Land Use Plan? Any further discussion, Council? If not, I will entertain a motion to go back into regular session.

**Hines:** So, moved.

**Garriss:** Motion made by David. Second?

**Tillett:** Second.

**Garriss:** Second by Dylan. All in favor?

**All Council:** Aye.

**Garriss:** All opposed? None. We are back in regular session. What would you like to do about this CAMA Land use plan update?

**Pruitt:** Mr. Mayor, I move to adopt the revised Kitty Hawk CAMA Land Use Plan.

**Garriss:** Thank you, Jeff. Second?

**Walker, Charlotte:** Second.

**Garriss:** Second by Charlotte. Any further discussion? All in favor signify by saying, "aye".

**All Council:** Aye.



## TOWN OF KITTY HAWK

**Garriss:** All opposed? None. Thank you, Council. Thank you, Rob. Okay, Rob, text amendment Chapter 12, just stay right there. Live Oak tree and the environment, go ahead.

### 8. Planning

**b) Text Amendment** - Chapter 12.- Environment. Citizen request to designate the live oak as the official Town Tree and implement regulations on cutting live oaks.

**Testerman, Rob:** I'll note as this is being in Chapter 12, outside of the zoning ordinance, the subdivision ordinance, it didn't require a Public Hearing as Mr. Gerahty had mentioned during Public Comment. If you'll remember some months back, this was originally brought to Council by Mr. Tumolo, Council asked that it go before the Planning Board for their consideration. Also, since it's not part of the planning or zoning ordinance or subdivision ordinance it wasn't required to have Planning Board review, but it was Council's request for it to go there first. You can see the proposed regulations for the staff report that Mr. Tumolo put together, it did go to the Planning Board initially, at their September 9, 2024, meeting. The Board voiced a few concerns about some of the regulations that were included there, mainly the original diameter of the trunk to be protected had been listed at 2 inches, they felt that was too narrow and too small. Some of the areas that were listed for exemption to be able to clear the trees for building they felt were a little too restrictive on property rights. After that meeting, Mr. Tumolo went back and revised his proposal to address some of the comments and concerns. This went back to the Planning Board recently, I believe it was the January or February meeting, and again through the discussions they still felt it was infringing too much on property rights, and they recommended denial. They had tossed around a few suggestions, incentivizing to keep trees instead of prohibiting but there was nothing fleshed out, no specific recommendations to that regard. In the report put together for you all tonight, I have included some of the regulations that the other towns on the beach have regarding tree protection as well as an article from the North Carolina State Extension, Protecting and Retaining Trees: A Guide for Municipalities and Counties in North Carolina. I believe that Mr. Tumolo named that in the development of his ordinance and with that, I will turn it over to Mr. Tumolo.

**Garriss:** Thank you. Any questions for Rob before I ask the applicant to come up? Come on up, sir.

**Tumolo, Ron:** Thank you, Mr. Mayor and members of the Council. Rob, thank you for all your help. As was mentioned, I've been back to the Planning Board to present this twice. They're a tough crowd, but I respect their decision. I looked over the decision they made and primarily it was that they felt this did infringe on property rights. Anywhere else in the United States, I would say yes. I had this discussion with Mr. Gerahty, and I would say that you can't tell me I can't cut down my maple or whatever tree in my own yard. I can't think of very many places in the United States where we rely on natural resources to keep this piece of sand together, so I don't think that impacts or infringes on property rights. As a matter of fact, if you look at all those regulations in all the other jurisdictions, they are aggressive. The Town of Duck and Nags Head are mentioned, Town of Kill Devil Hills doesn't want you touching any tree more than 2 feet in diameter. That might be infringing on property rights, here I see this ordinance as pro building, pro property rights. If you look at that regulation, there's a section that says we don't want you clear cutting the Live Oaks. I seem to recall having a conversation about clear with one of the members of the Council some time back and how that once occurred in Kitty Hawk, and I don't want to see that happen again because I love this town as much as you all do. Secondly, in addition to the property rights piece, protecting our natural resources and infrastructure is called out in the CAMA Land Use Plan in multiple places and it's also called out in the 2024 Resiliency Plan for Kitty Hawk. I may quote briefly, in contrast Kitty Hawk Village is a low-lying area consisting of dunes, ridges, large live oaks, wetlands and small village area with some residential neighborhoods along some high ridges. Additionally, in the Resiliency Plan, it is also one of the projects goals,



safeguarding the Town's natural resources including existing tree canopy, wetlands, beaches, dunes and shorelines. Encourage green storm water infrastructure and low impact development techniques and new development. This does not infringe on property rights, I can understand push back from Outer Banks Home Builders Association and I respect that if that's the decision and the personal beliefs and values of this Town Council, I'm good with it. Given the Planning Board from my optic given the publicly available information our Planning Board is heavily weighted toward the building and construction industry and again you selected those members and if that's what you want, I can live with that. I don't believe this is a property rights issue, anywhere else I would say yes, we shouldn't be doing this but here we need those Live Oaks. One comment that sticks in my mind was brought up by one of the Planning Board members when they reviewed and made the recommendation, that felt this ordinance was not in balance with the current Land Use Plan. They are right, it's not balanced because we've done nothing as a community to protect our trees. This ordinance is looking to protect one species of tree, the Live Oak. The old saying, the buck stops here, this is where it stops. I would ask you to please consider passing this ordinance, giving us the opportunity to set an example. You're right, Kitty Hawk does have a lot of trees, and I would like to keep it that way. Many people commented that people move here, they buy a plot of land that's full of Live Oaks, and they want to chop down all the trees then let them, this ordinance allows that and I'm sure you've read it. It allows you to tear down a Live Oak for a swimming pool which is one of the numerous issues. One of the other gentlemen said, I don't want to plant a Live Oak because when I go out there to plant my garden, I don't want to shade my tomato plants. Here's your pro tip, don't plant your tomatoes under a Live Oak tree. It just didn't make sense to me, and I really thought given the opportunity one more time to speak at this meeting, whatever your decision tonight, I want you to know that I did my due diligence to follow through with this and try to make something good happen. A lot of people commented this had come up as an issue before and nobody knew what happened to it. We went through the process, now let's come back to Town Council so I'm hopeful that you'll make a decision that's in the best interest of the Town. That's all I have, if you have any questions for me.

**Garriss:** Thank you, Ron. Council, do you have any questions for Ron?

**Hines:** I have general comments.

**Garriss:** No questions? Thank you, sir. Casey, I'm going to put you on the spot here for just a couple of minutes. I can say we've talked about this before, Jeff, designating the Live Oak as the official tree of Kitty Hawk and I am all for that, I always have been. When we begin to talk about infringing on rights, Casey, can you talk about that and are we, aren't we?

**Varnell, Casey:** It's a good question and obviously I have not done thorough search into this, I did look at KDH's ordinance because I represent KDH too so in my mind I was drawn to ask if I missed something because I did not recall a tree ordinance being passed since I have been their town attorney. It appears to be something that's been there for quite a while which would be another reason why I wouldn't have had to do any research. I do recall representing a homeowner in Duck and it was the first time I realized that municipalities around here actually regulate trees and what can be cut down. That was several years ago, I don't recall if it resulted in a suit, but I remember there was a big dispute with a homeowner I represented that didn't agree with the Town of Duck's tree ordinance. My position on it at the time without deep diving into this thing was when you get into the aesthetics of someone's lot, you're as a general rule, extending past zoning. You're then taking a deep dive into the world I think Ms. Bush mentioned the fact that her HOA regulates the cutting of trees. An HOA can also regulate the design of a house, the paint color of a house, what types of materials are used on a house, there are many things that the private sector can do that governments generally can't. I see tree covenants all the time in the HOA world. If you wanted my knee-jerk reaction tonight, I would say regulating what



## TOWN OF KITTY HAWK

someone can or cannot remove as far as what mother nature puts there on their lot, it is attackable. What I'm more interested in than anything is perhaps looking at the ordinance Mr. Gerahty mentioned. I have not reviewed that but if there is something out there that says we're not even supposed to be doing this until such time as we go through proper steps with the state, then obviously that's a no-brainer. We need to investigate that, but a monkey can sue a giraffe. I'm not going to sit here and tell you that by adopting it we're immune from a lawsuit because we are not. Anybody can get upset over anything and sue, the question becomes are we in a defensible position. To me, it resonates with infringing on property rights but now that's without having done a ton of research. I certainly want to look at the statute Mr. Gerahty has referenced to make sure we aren't running afoul of any state law. I would appreciate, unless you all are without my opinion, set on what you're going to do. Certainly, before issuing something formal I would like to investigate it. I do think this is a situation that merits it because from the outside looking in, I could see a client walking into my office complaining about a tree ordinance because I have had it happen before in Duck.

**Garriss:** Thank you, Casey, very much. Council?

**Hines:** I have some comments. I appreciate the work you have put into working hard on this tree ordinance. I have a site plan in my truck being dropped off tonight, it's the 12<sup>th</sup> plan being drawn for a lot in Kitty Hawk to save trees. I'm all about saving trees, I am not about infringing on people's property rights. If we vote on this tonight, I'm not in favor of the ordinance. I want you to know that I do not agree with clear cutting, I don't think it's right, I moved houses before they've been built to save trees. I do everything I can to save trees but to tell someone what they can and cannot do to their property, I will never participate when it comes to that. I would hope people would use common sense, if you want to clear cut a lot, move to a cornfield. I don't agree with it but I'm not in favor of telling people what they can or cannot do.

**Garriss:** Thank you, David. Dylan?

**Tillett:** Casey, where would this fall on the state's recent bill about downzoning?

**Varnell, Casey:** From a downzoning perspective, I don't think because of the way this is written such within the footprint, and I read through even where it included accessory structures and swimming pools, things of that nature, I don't see how this could make it less dense. Rob, you may have a difference of opinion there, but I don't think this would run afoul of any downzoning issues but Rob, have you put any thought into that?

**Testerman, Rob:** It occurred to me as we were putting these together but thinking about it, you're bound by lot coverage and setbacks which is ultimately going to determine how dense your lot is developed. If there was a restriction on being able to cut Live Oaks, you're still going to be able to build out 30% of your lot coverage. You've still got your 25- and 10-foot setbacks so the more I think about it I don't really think it's limiting the intensity or density of how you're able to develop your lot.

**Varnell, Casey:** That was my point, we said it two different ways, but it marinates perfectly. When I'm referring to the fact that building footprint things of nature are accepted, you're only going to be able to build on that footprint if it meets the remainder of our ordinance and if it meets the remainder of the ordinance then those trees could be cut. That's the only reason I don't see it playing into the new bill, which hopefully isn't a bill we'll have to worry about much longer.

**Hines:** You start getting into cutting trees, I have limbs touching my house right now. Am I not allowed to cut that because there's a tree ordinance? You see how far this can go? It's being set at a certain width, so we can go down that hole of that width growing and can I protect my house, not protect my house. What I can and cannot do.





## TOWN OF KITTY HAWK

**Varnell, Casey:** Now you're into the regulation portion which I haven't even touched on. I could see that it's a discretionary ordinance to a certain degree and it's not black and white. It's not because of the draftsmanship, it's because trying to regulate something of this nature is hard. It's a hard interpretation and it's hard to make it black and white. Yes, David, I understand what you are saying as well and I think that it speaks more to the enforcement side of it, disagreements over interpretation of what should be and what can't be removed. I agree that's another pitfall.

**Garriss:** Dylan, anything else?

**Tillett:** I agree with recognizing the Live Oak, I really do. Rob and Ron, I appreciate all your time. Absolutely I can tell you've put a lot of time and effort into this. I think creating a database and maybe some select old growth would be a great start. However, I feel that the one in front of us tonight is just a little too restrictive and generic to be enforcing in Kitty Hawk at this time. That's all I have.

**Garriss:** Jeff?

**Pruitt:** I also think Ron has done a great job. Personally, I hate seeing an oak tree go down. I have three on my property, I've often wondered if there was a way I could register my trees so that if something was to happen to me in the future they would be preserved. I've heard that's been done at some property here in Kitty Hawk. I'm not sure if that is hearsay or if it's fact but I would like a database of recognizable trees so we should ask the property owners if they would be willing to put it in some of them in some sort of trust that they cannot be chopped down. I know it's hard if you say that 6 inches isn't very big, and it would cause a lot of problems on some lots here that have a whole lot of smaller diameter oaks. I agree with Ron that the taking down of these 200- to 500-year-old oak trees to make a lot does seem to be against our land use plan, but this ordinance is a little too restrictive. We need to find out some more information about this before we can vote. I think this is one that should be deferred until we have our legal counsel to tell us if we're voting on something that we're even allowed to be voting on. I don't want to vote on something that shouldn't even be voting on. I hate to send Ron back, I don't want you to give up, that's my point. There's got to be a common line here that we can agree on. I think we should defer this, me personally, tonight until we find out more from legal counsel about what we're doing. But, as Dylan said, I would like to see us definitely move forward on recognizing trees and seeing if we can the people that have them to register them in some kind of a preservation. I'd like to have it as the Town tree. Then, we can start working on the last phase of size since that seems to be a sticking point.

**Hines:** The other thing too, Jeff, is that you have a tree that is a 10-inch diameter today and you can't touch it and 25 years from now somebody inherits that property, and they want to put a pool in the ground, they can't put a pool in the ground.

**Pruitt:** What I'm saying is I would like to have it is that if something were to happen to me, and it goes to my kids, but I've already put it in there that I'm sorry son, but I've already signed this, and I don't care if you want a pool or not. You're not getting it because I have already done this prior to me passing away so that you or anybody else that buys that piece of property can take that.

**Hines:** That's where I'm going with it, that if a homeowner wanted to put a deed restriction on their property pertaining to the Live Oak.

**Varnell, Casey:** Yes, in fact the private agreement is a non-governmental regulation.

**Hines:** Instead of us putting a restriction, that's an individual deed restriction that a homeowner puts on their property at their own will.

**Pruitt:** I would like to see research into this to recognize the trees that I think should be put into this.





**Hines:** The most beautiful trees in Kitty Hawk are on the Twiddy property.

**Pruitt:** Yes, and at the end of Elijah Baum. To use that for an example, that's where I heard the trees at the very end. Some of those trees are 700 years old. I've heard that they have been put into a thing so that they cannot ever be torn down no matter who buys the property and that's the way I would like to see my trees. I have three and I love my big oak tree more than house. I get what you're saying, and I don't want you to give up. You seem to be happy with what we come up with, but you keep working on this to save these oak trees.

**Tumolo, Ron:** Can I approach the podium for 30 seconds?

**Garriss:** Yes.

**Tumolo, Ron:** Just to clarify, Councilman Hines and Councilman Tillett, this regulation is Live Oak light. Not only does it specify that you want a swimming pool, but you can also cut your Live Oak out. If you read the regulation, you buy a lot full of trees, you can cut down every tree to build your house, ADU, driveway, septic field, cut the trees down, but just don't clear everything out. I just had a Live Oak trimmed on my property about a month ago, it looks like someone took a buzz saw to one side of it. I had to because the limbs were touching my house. This regulation doesn't even prevent topping, even though we know topping is done although it's not a healthy option for trees. I disagree respectfully that this is too restrictive, I think it's light compared to some of these other regulations that you got in your packet, but I'm happy to keep working on it.

**Garriss:** Thank you, Ron. Anything else, Jeff?

**Pruitt:** No.

**Garriss:** Charlotte?

**Walker, Charlotte:** Ron, you and I have talked about this several times in the past and I am all for the Live Oak being the Kitty Hawk tree. I question the 6-inch diameter, and I find it very hard to think that a swimming pool could make someone cut down a 100-year-old Live Oak tree. I have an oak tree in my backyard, that is the focal point, and I love it, and I wouldn't have anyone harm it for anything. But I can't tell my neighbor what to do and I really have concerns about how we can adjust this ordinance that you have and make it work for everybody.

**Hines:** I'm going to echo Councilwoman Walker's point, that's where I'm at. I don't want to see a tree cut down at all, I can drive by every one of my jobs I've ever done, and I've saved every tree limb possible. I don't want anyone to get the impression that I'm against cutting down trees because I am all for saving them. It's the most beautiful tree in the world when it is pruned and made to do what it needs to do but it's not my place to tell my neighbor what they can and can't do with their property. That's where I'm at no matter what we do moving forward.

**Garriss:** It sounds like we're pretty much all in line here. I think we all would like to see the Live Oak designated at the official Kitty Hawk tree. What do you think about deferring and asking Casey to bring us back some more information next meeting? Can you do that?

**Varnell, Casey:** Yes, I've got my notes. I can certainly do that.

**Garriss:** Do we need a motion for that?

**Varnell, Casey:** No, you would just table for further consideration. Mr. Gerahty, would you please pass along if you haven't, the statute referenced to Rob?

**Gerahty, Duke:** I will get it in the morning, I looked at it tonight, but it goes back. Nags Head got it in



the 1980s from Marc Basnight when he first got on the Senate. I think Kill Devil Hills has it too, I know Duck doesn't, I know Southern Shores doesn't have one, they don't have a tree ordinance. I think that was about all, Manteo might have it too.

**Hines:** I can tell you that two trees that just got cut down in Manteo that weren't saved were the two biggest Magnolias I've ever seen in my life. There must not be a tree ordinance in Manteo I'm aware of because the Magnolias would not have been removed. I don't know how old they were, but I can't believe they were taken out.

**Garriss:** Okay, thank you Council. Ron, I agree with her, you have done outstanding here, my friend. This is wonderful, good information, you've done a lot of work.

**Hines:** I do appreciate the work you've done; I'm not trying to go against you, I'm a property rights guy.

**Bush, Mary Jo:** Can I ask a question about the tree ordinance? I have not seen it.

**Garriss:** Come on up, ma'am.

**Bush, Mary Jo:** I haven't seen the ordinance he's talking about but what I'm hearing sounds more like new construction. I understand you've got a grooming issue where you're at, but this sounds more like new construction and not maintaining the oaks that are currently on your property. I don't know what was there on my property when I bought it. I know one was hidden under a pampas and is now a very healthy Live Oak and I'm happy with that. Again, without seeing the ordinance, can it not be put in that it must do because there's site plans that must be approved by the Town and any new construction? I know you have builders here.

**Garriss:** We're going to ask our attorney to look at all that and bring it back, so we'll know we're good. Good points and good questions, thank you. Casey, can you keep her comment?

**Varnell, Casey:** I can.

**Garriss:** Thank you very much. New Business, we've got a budget presentation here. Liliana, come on up, please. We're coming up on our budget season.

## **9. New Business:**

### **a) Budget Process Presentation- Liliana Noble**

**Noble, Liliana:** Good evening, Council. The Finance Department's commitment to transparency and fiscal responsibility includes presentations to inform our citizens about financial matters. Today, we are going to explain the budget process. The budget is the most important policy document a government board produces. It guides all the financial decisions the government board will make. Developing a well thought out and timely budget is a fundamental responsibility of government boards and a vital function of budget officers in North Carolina to manage in unpredictable and sometimes difficult economic times. It's essential that all local governments have a carefully considered budget in place to allocate limited resources in a manner that effectively reflects the priorities of the government board. It is wise for governing boards to think long term when developing a budget. Budget priorities that the board will make this year will have a long-term impact on the issues. The annual operating budget must be balanced, and recurring revenues must be equal to recurring expenditures. The annual budget process is up. Every year the Town implements an operating budget to provide essential services. The fiscal year runs from July 1<sup>st</sup> to June 30<sup>th</sup> the next calendar year. The annual budget ordinance is a legal document that recognizes revenue, authorizes expenditures, and levies taxes for the local unit for the fiscal year. The budget ordinance reflects the board policy direction, guides management decisions, provides the citizens with an understanding of how the



Town uses public money and establishes accountability. Let's dig into the budget process itself. The first step is to establish the budget calendar. Departments then submit their budget requests to the budget officer. The finance department compiles the requests submitted by the department and analyzes the expected income, in other words, projects the potential revenues for the next fiscal year. We then have a meeting with Council called a budget work session. In that meeting, we recommend the budget to the Council. After receiving Council input and direction, the budget officer makes an adjustment to any budget proposed. A notice of Public Hearing on the proposed budget is published and posted as required by statute then the Council votes to adopt the budget by approving the budget ordinance. With budget ordinance approval, we then have the new fiscal year start July 1<sup>st</sup>. I want to share with all of you the budget calendar that we have approved today in the Consent Agenda. This budget calendar will be available tomorrow on our website and I also want to ask all our citizens and viewers at home if you have any questions or want to learn more about the budget process, please contact the Finance Department here in Town Hall. Thank you.

**Garriss:** Thank you, Liliana, great job. Any questions for Liliana? I think most of the Council members have but if you have not taken the chance to meet with her, please do so to be prepared for the March 25<sup>th</sup> budget workshop. I can promise you that Liliana can discuss the budget as long as you want. Great job, thank you. Alright, no Old Business. Town Manager, Melody?

#### **11. Reports/General Comments from Town Manager**

**Clopton, Melody:** Good evening, everyone. I want to provide an update on the police department renovation. We had a meeting this afternoon and things are coming along over there. The curb and gutter pour are approximately 85% complete. The sidewalk pouring is scheduled to begin on Wednesday, once the concrete pours are finished, they will proceed with rough grading the surrounding parking area and driveways and so forth. There are about 10 to 12 metal roofing panels left to install, after which the roof will be complete. The porch siding is mostly finished, and the remaining work includes the soffit, and the column wraps around the porch. Inside, the interior drywall installation is expected to be completed this week. The renovation inspections have been finalized and tomorrow the Town's inspector will review the electrical and plumbing rough-in in the new build portion of the project. Drywall finishing and painting will begin next week and is expected to take about 3 weeks, then they will be out of the ceiling installing lighting then the last thing is putting in the floor, so we are moving along. I also want to invite everyone to Keep it Clean, Kitty Hawk, is coming up, it's everyone's favorite community clean up event and it's going to be on Saturday, March 29<sup>th</sup> between 10 and 12. I hope you will visit our website and sign up to be a volunteer. Also, the Town is seeking applicants for boards and committees, please visit the Town's Facebook page or website for more information and fill out an application if you're interested in being part of the volunteer part of the team. Lastly, I want to recognize the Kitty Hawk police officers Ben Elko, Corey Morris and Drew Weston as well as Sergeant Tara Poulin for taking part in the law enforcement caravan from the Outer Banks to attend the celebration of life for the fallen Virginia Beach police officers Christopher Reese and Cameron Girvin. It really is a hard thing; it puts everything into perspective, and I want to thank the police for all they do and for representing our community in such a positive manner. That's all I have.

**Garriss:** Thank you, Melody, good report. Casey?

#### **12. Reports/General Comments from Town Attorney**

**Varnell, Casey:** Mayor, I have nothing. Thank you.

#### **13. Reports/General Comments from Town Council**



**Garriss:** Thank you, Casey. David?

**Hines:** I don't have a whole lot; I'd like to thank the Fire Department for showing up to my house last week. I have a microwave that decided it wanted to start on its own. After getting control of the microwave and getting it out of the house, I had them come check the cabinet so be aware a microwave can start on its own with pushing a button. True story. So, thank you for that. That's all I have.

**Garriss:** Thank you, David. Dylan?

**Tillett:** I'm interested in hearing more about the White Street Beach Access.

**Hines:** I'm sorry, but I've got some comments on that too.

**Tillett:** Other than that, I have nothing to add, Mr. Mayor.

**Garriss:** Okay, go ahead. We all know Lauren and others have gotten many phone calls and messages have been taken about that same beach access asking why the Town is fixing others but not this one. The Town does not own White Street Beach Access, it is private property. If somebody with the family who owns it wants to get together and give it to the Town and maybe we can have a conversation.

**Clopton, Melody:** I will add that I also have taken calls and concerns about a variety of things including safety. Casey and I have talked about this before, Willie has brought it up as well. The owner of the property is a defunct homeowners association, so I asked Casey this morning to let us try to move forward and see what we can do to perhaps acquire that property.

**Varnell, Casey:** Which will start with ownership, let's determine who owns the property and I know how it would work to have a defunct corporation or corporate entity. I understand how the statutes work on getting authority, if you will, to convey or in the event of condemnation or something. Regardless, we have to know who owns it so that's the first step and Melody did email me this morning, so we'll get on that and figure that out. I'm obviously open to any questions you might have but step one, let's figure out who owns it, who has the authority to actually take action on behalf of the property owner.

**Hines:** So, get with me because I have the old title for that property going back to 60 years.

**Varnell, Casey:** As long as you didn't do it yourself.

**Hines:** I can tell you right now there's been a cloud on that title for decades.

**Varnell, Casey:** I remember with the beach nourishment easements that was an issue. We were trying to do title, but we didn't do exhaustive title.

**Hines:** It was way more than 25 years of title. There's a lot of issues with that lot.

**Garriss:** Dylan?

**Tillett:** That's all I have, thank you.

**Garriss:** That would be wonderful news if we could work something out there about White Street.

**Hines:** I believe there's two lots beside there as well.

**Garriss:** There's lots across the road.

**Hines:** Yes, beside the actual dune line. You might want to look into that too.



**Garriss:** Recently, I can't tell you, but you might get tired of me bragging about our Police Department but just recently we had in your neighborhood, Jeff, an amber alert that started in Harnett County and ended up on Poor Ridge Road. The great thing about this is that the young lady was found and is safe and returned home by our Police Department working in conjunction with other agencies, Currituck County, Dare County, Virginia Beach, FBI, SBI, and Harnett County working together. It takes a group of professionals and that's what we have here in our town. Chief, I want to thank you for what y'all did. I just happened to have a meeting the next morning and you had been out all night when I saw you here, but you still looked sharp in your uniform, don't get me wrong. I just want to thank our law enforcement, all our departments, fire department went to David's house, the fire department has been to my house a few months ago. We've got some wonderful departments here in our Town and I think we're all very fortunate and very lucky to have what we have but Chief I just want to say thank you.

**Chief Palkovics:** I'll be sure to pass that along.

**Garriss:** Thank you. Jeff?

**Pruitt:** First, I would like to thank COA. That's a great opportunity for the high school students here to be able to go to school for free. When I was coming along, I chose a trade route and I'm pretty happy with the way it turned out. I'm glad to see it's coming back in our colleges where mechanics and welders and heating and air trades are coming back and to be able to go to school for free when I had to pay. I really thank them and I'm also like the mayor. I think we have a great staff, fire department, police department. It's been pretty obvious with the last few weeks, the fire truck and the ambulance on my street, every police officer in North Carolina was on my street and everyone was very professional, and everything was well done. I'm glad it all worked out. That's all I have.

**Garriss:** Thank you, Jeff. Charlotte?

**Walker, Charlotte:** I echo you both with what you've said about our police department and all of our departments. I'm very proud and I was very proud to hear our police department had participated in that and that it came to a good conclusion. I also want to give an update about the trail that we've been working on. We have volunteers ready to roll and we have the committee ready to go. We are waiting on Dominion and Sand Piper Cay finalize the easements for us to be able to do that, so that will be forthcoming. I hope we don't get into the season where we don't want to be working in the woods. I'm hoping that will move along quickly. COA, again, this is just amazing the opportunity they have offered. I have a granddaughter who did that and she's finishing her first year at East Carolina and she'll be coming to teach school, so that will be great. Thank you.

**Garriss:** Great, thank you, Charlotte. Council, anything else?

**Pruitt:** I would like to say one more thing. Recently, Mayor Garriss's brother passed away. I would like everyone to think about him this week. He's got a tough week ahead of him. Please keep him in your thoughts and prayers. That's it.

**Garriss:** Council, I would like to make a motion to recess until March 25, 2025, for the budget workshop at 9 am at the Kitty Hawk Fire Department at 859 West Kitty Hawk Road.

**Hines:** Second.

**Garriss:** Motion seconded, all in favor?

**All Council:** Aye.

**Garriss:** All opposed? None. We are recessed.





## TOWN OF KITTY HAWK

**14. Recess to March 25, 2025. Budget Workshop, 9 am at Kitty Hawk Fire Department at 859 West Kitty Hawk Road, Kitty Hawk, NC 27949.**

Recessed at 7:13 pm.

The Minutes of the March 3, 2025, Kitty Hawk Town Council Meeting are approved at the April 7, 2025, Kitty Hawk Town Council Meeting.

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D. Craig Garriss, Mayor

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Lauren Fox Garrett, Town Clerk

# RECORDS RETENTION AND DISPOSITION SCHEDULE

## GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources  
Division of Archives and Records  
Government Records Section

October 1, 2021

## CONTENTS

<a href="#">Approval</a> .....	iv
<b>Front Matter</b>	
<a href="#">Executive Summary</a> .....	v
<a href="#">Legend for Records Schedule</a> .....	vii
<b>Records Retention and Disposition Schedule</b>	
<a href="#">Standard 1: Administration and Management Records</a> .....	1
<a href="#">Standard 2: Budget, Fiscal, and Payroll Records</a> .....	23
<a href="#">Standard 3: Geographic Information System Records</a> .....	36
<a href="#">Standard 4: Human Resources Records</a> .....	43
<a href="#">Standard 5: Information Technology Records</a> .....	61
<a href="#">Standard 6: Legal Records</a> .....	67
<a href="#">Standard 7: Public Relations Records</a> .....	75
<a href="#">Standard 8: Risk Management Records</a> .....	80
<a href="#">Standard 9: Workforce Development Records</a> .....	86
<b>Appendix</b>	
<a href="#">Managing Public Records in North Carolina</a> .....	A-1
<a href="#">Audits, Litigation, and Other Official Action</a> .....	A-5
<a href="#">Transitory Records</a> .....	A-6
<a href="#">Destruction of Public Records</a> .....	A-8
<a href="#">Sample Destructions Log</a> .....	A-10
<a href="#">Electronic Records: E-mail, Born Digital Records, and Digital Imaging</a> .....	A-11
<a href="#">Geospatial Records</a> .....	A-13
<a href="#">Security Preservation Copies of Records</a> .....	A-15
<a href="#">Disaster Assistance</a> .....	A-17
<a href="#">Staff Training</a> .....	A-18
<b>Request Forms</b>	
<a href="#">Request for Change in Records Schedule</a> .....	A-19
<a href="#">Request for Disposal of Unscheduled Records</a> .....	A-20
<a href="#">Request for Disposal of Original Records Duplicated by Electronic Means</a> .....	A-21
<a href="#">File Plan</a> .....	A-22
<a href="#">Related Records Series in Program Schedules</a> .....	A-23
<a href="#">Index</a> .....	A-30

## **2021 General Records Schedule: Local Government Agencies**

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

### **Destructions**

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

### **Audits and Litigation Actions**

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

### **Electronic Records**

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

### **Reference Copies**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

### **Record Copy**

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”<sup>1</sup> The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

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<sup>1</sup> Society of American Archivists, *Dictionary of Archives Terminology*.



designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

### **Transitory Records**

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”<sup>2</sup>

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

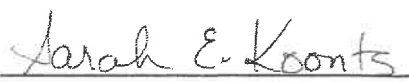
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<sup>2</sup> Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

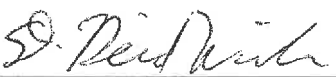
**APPROVAL RECOMMENDED**

\_\_\_\_\_  
Municipal/County Clerk or Manager  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

\_\_\_\_\_  
Head of Governing Body  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
D. Reid Wilson, Secretary  
Department of Natural and Cultural  
Resources

Municipality/County: \_\_\_\_\_

Effective: October 1, 2021

## EXECUTIVE SUMMARY

- ✓ Some records are covered by the Local Agency Program Retention and Disposition Schedules. See the appendix for Related Records Series Found in Local Agency Program Schedules.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.

- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) for records that are no longer being created.

## LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or may include confidential information.

**Item #** – an identifying number assigned to each records series for ease of reference.

**Series** – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

**Records Series Title** – a short identification of the records in a series, based on their common function.

**Series Description** – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

**Disposition Instructions** – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

**Citation** – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

### AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

Sample records series title and description with cross-reference included

**No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.**

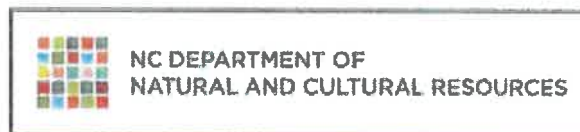


# **RECORDS RETENTION AND DISPOSITION SCHEDULE**

## **PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES**



Issued By:



North Carolina Department of Natural and Cultural Resources  
Division of Archives and Records  
Government Records Section

October 1, 2021

## CONTENTS

<u>Approval</u> .....	iv
<b>Front Matter</b>	
<u>Executive Summary</u> .....	v
<u>Legend for Records Schedule</u> .....	vi
<b>Records Retention and Disposition Schedule</b>	
<u>Standard 10: Airport Authority Records</u> .....	1
<u>Standard 11: Animal Services Records</u> .....	3
<u>Standard 12: Code Enforcement and Inspection Records</u> .....	5
<u>Standard 13: Emergency Medical Services and Fire Department Records</u> .....	12
<u>Standard 14: Parks and Recreation Records</u> .....	16
<u>Standard 15: Planning and Regulation of Development Records</u> .....	19
<u>Standard 16: Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records</u> .....	25
<u>Standard 17: Public Transportation Systems Records</u> .....	31
<u>Standard 18: Public Utilities and Environmental/Waste Management Records</u> .....	34
<u>Standard 19: Street Maintenance, Public Works, and Engineering Records</u> .....	46
<u>Standard 20: Law Enforcement Records (excluding Sheriff's Office)</u> .....	53
<u>Standard 21: Tax Records (for municipalities)</u> .....	73
<b>Appendix</b>	
<u>Managing Public Records in North Carolina</u> .....	A-1
<u>Audits, Litigation, and Other Official Actions</u> .....	A-5
<u>Transitory Records</u> .....	A-6
<u>Destruction of Public Records</u> .....	A-8
<u>Sample Destructions Log</u> .....	A-10
<u>Electronic Records: E-mail, Born Digital Records, and Digital Imaging</u> .....	A-11
<u>Geospatial Records</u> .....	A-13
<u>Security Preservation Record Copies</u> .....	A-15
<u>Disaster Assistance</u> .....	A-17
<u>Staff Training</u> .....	A-18
<b>Request Forms</b>	
<u>Request for Change in Records Schedule</u> .....	A-19
<u>Request for Disposal of Unscheduled Records</u> .....	A-20
<u>Request for Disposal of Original Records Duplicated by Electronic Means</u> .....	A-21
<u>File Plan</u> .....	A-22
<u>Index</u> .....	A-23

## **Program Records Schedule: Local Government Agencies**

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

### **Destructions**

N.C. Gen. Stat. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

*Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.*

#### **Audits and Litigation Actions**

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

#### **Electronic Records**

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, N.C. Gen. Stat. § 132-6.1(a) specifies:

"Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software."

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

#### **Reference Copies**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *"reference value ends."* All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *"destroy when reference value ends."* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *"destroy when reference value ends."*

#### **Record Copy**

A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."<sup>1</sup> The record copy is the one whose retention and disposition is mandated by these schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social

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<sup>1</sup> Society of American Archivists, *Dictionary of Archives Terminology*.

media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

### **Transitory Records**

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”<sup>2</sup>

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

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It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

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<sup>2</sup> Ibid.




**APPROVAL RECOMMENDED**

\_\_\_\_\_  
Municipal/County Clerk or Manager  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

\_\_\_\_\_  
Head of Governing Body  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
D. Reid Wilson, Secretary  
Department of Natural and Cultural  
Resources

County/Municipality: \_\_\_\_\_

Effective: October 1, 2021

## EXECUTIVE SUMMARY

- ✓ Some records are covered by the *General Records Schedule: Local Government Agencies* and, therefore, are not listed separately here.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
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## LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or Includes confidential information.

**Item #** – an identifying number assigned to each records series for ease of reference.

**Series** – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

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**Citation** – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

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- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

### AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

*Sample records series title and description with cross-reference included*

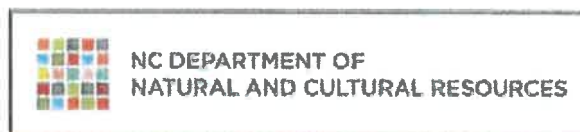
**No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page A-5.**

# RECORDS RETENTION AND DISPOSITION SCHEDULE

## PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources  
Division of Archives and Records  
Government Records Section

October 1, 2021

## CONTENTS

<a href="#">Approval</a> .....	iv
<b>Front Matter</b>	
<a href="#">Executive Summary</a> .....	v
<a href="#">Legend for Records Schedule</a> .....	vi
<b>Records Retention and Disposition Schedule</b>	
<a href="#">Standard 10: Airport Authority Records</a> .....	1
<a href="#">Standard 11: Animal Services Records</a> .....	3
<a href="#">Standard 12: Code Enforcement and Inspection Records</a> .....	5
<a href="#">Standard 13: Emergency Medical Services and Fire Department Records</a> .....	12
<a href="#">Standard 14: Parks and Recreation Records</a> .....	16
<a href="#">Standard 15: Planning and Regulation of Development Records</a> .....	19
<a href="#">Standard 16: Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records</a> .....	25
<a href="#">Standard 17: Public Transportation Systems Records</a> .....	31
<a href="#">Standard 18: Public Utilities and Environmental/Waste Management Records</a> .....	34
<a href="#">Standard 19: Street Maintenance, Public Works, and Engineering Records</a> .....	46
<a href="#">Standard 20: Law Enforcement Records (excluding Sheriff's Office)</a> .....	53
<a href="#">Standard 21: Tax Records (for municipalities)</a> .....	73
<b>Appendix</b>	
<a href="#">Managing Public Records in North Carolina</a> .....	A-1
<a href="#">Audits, Litigation, and Other Official Actions</a> .....	A-5
<a href="#">Transitory Records</a> .....	A-6
<a href="#">Destruction of Public Records</a> .....	A-8
<a href="#">Sample Destructions Log</a> .....	A-10
<a href="#">Electronic Records: E-mail, Born Digital Records, and Digital Imaging</a> .....	A-11
<a href="#">Geospatial Records</a> .....	A-13
<a href="#">Security Preservation Record Copies</a> .....	A-15
<a href="#">Disaster Assistance</a> .....	A-17
<a href="#">Staff Training</a> .....	A-18
<b>Request Forms</b>	
<a href="#">Request for Change in Records Schedule</a> .....	A-19
<a href="#">Request for Disposal of Unscheduled Records</a> .....	A-20
<a href="#">Request for Disposal of Original Records Duplicated by Electronic Means</a> .....	A-21
<a href="#">File Plan</a> .....	A-22
<a href="#">Index</a> .....	A-23



## **Program Records Schedule: Local Government Agencies**

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

### **Destructions**

N.C. Gen. Stat. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

#### **Audits and Litigation Actions**

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

#### **Electronic Records**

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, N.C. Gen. Stat. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

#### **Reference Copies**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *“reference value ends.”* All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *“destroy when reference value ends.”* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *“destroy when reference value ends.”*

#### **Record Copy**

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”<sup>1</sup> The record copy is the one whose retention and disposition is mandated by these schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social

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<sup>1</sup> Society of American Archivists, *Dictionary of Archives Terminology*.

media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

### Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”<sup>2</sup>

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.


It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

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<sup>2</sup> Ibid.


**APPROVAL RECOMMENDED**

\_\_\_\_\_  
Municipal/County Clerk or Manager  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

\_\_\_\_\_  
Head of Governing Body  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
D. Reid Wilson, Secretary  
Department of Natural and Cultural  
Resources

County/Municipality: \_\_\_\_\_

Effective: October 1, 2021

## EXECUTIVE SUMMARY

- ✓ Some records are covered by the *General Records Schedule: Local Government Agencies* and, therefore, are not listed separately here.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.
- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a [Request for Disposal of Unscheduled Records](#) (page A-19) for records that are no longer being created.



## LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or Includes confidential information.

**Item #** – an identifying number assigned to each records series for ease of reference.

**Series** – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

**Records Series Title** – a short identification of the records in a series, based on their common function.

**Series Description** – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

**Disposition Instructions** – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

**Citation** – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

### AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

*Sample records series title and description with cross-reference included*

***No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page A-5.***



## Town of Kitty Hawk

Post Office Box 554, 101 Veterans Memorial Dr  
Kitty Hawk, North Carolina 27949  
Ph: 252-261-3552 Fax 252-261-7900  
[www.kittyhawknc.gov](http://www.kittyhawknc.gov)

5C

### CHILD ABUSE PREVENTION MONTH APRIL 2025 PROCLAMATION

**Mayor**  
Craig Garriss

**Mayor Pro Tem**  
Jeff Pruitt

**Councilman**  
David Hines

**Councilman**  
Dylan Tillett

**Councilwoman**  
Charlotte Walker

**Town Manager**  
Melody Clopton

**Town Clerk**  
Lauren Garrett

**Town Attorney**  
Casey C. Varnell

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

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

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

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

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

**Therefore**, I, Craig Garriss, Mayor of the Town of Kitty Hawk, do hereby proclaim:

April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this 7th day of April 2025.

\_\_\_\_\_  
D. Craig Garriss, Mayor

ATTEST:

\_\_\_\_\_  
Lauren Fox Garrett, Town Clerk



## Town of Kitty Hawk

Post Office Box 554, 101 Veterans Memorial Dr  
Kitty Hawk, North Carolina 27949  
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50

### FAIR HOUSING MONTH PROCLAMATION

WHEREAS; the Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS; the Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS; the Town of Kitty Hawk is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS; our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS; more than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS; acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

NOW THEREFORE BE IT RESOLVED that the Town Council does hereby declare the month of April 2025 as Fair Housing Month in the Town of Kitty Hawk as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents.

Adopted this 7th day of April 2025.

\_\_\_\_\_  
D. Craig Garriss, Mayor

ATTEST:

\_\_\_\_\_  
Lauren Fox Garrett, Town Clerk

**Mayor**  
Craig Garriss

**Mayor Pro Tem**  
Jeff Pruitt

**Councilman**  
David Hines

**Councilman**  
Dylan Tillett

**Councilwoman**  
Charlotte Walker

**Town Manager**  
Melody Clopton

**Town Clerk**  
Lauren Garrett

**Town Attorney**  
Casey C. Varnell

AGENDA ITEM # 5E

**DATE: Monday, April 7, 2025**

**SUBMITTED BY:** Finance Director

**SUBJECT: FINANCIAL STATEMENTS**

**REF: Financial Statements as of March 31, 2025**

**BACKGROUND:**

Town of Kitty Hawk Financial Statements General Fund -10

Revenues

Expenditure by Department

Share Revenues Comparison

Town of Kitty Hawk Financial Statement 5200 N Croatan Hwy Project Fund- 41

Revenues and Expenditures

Construction Contingency

**DISCUSSION:**

**RECOMMENDED MOTION:**

Consent Agenda Item

**TOWN OF KITTY HAWK STATEMENT OF REVENUES**  
**FUND 10- GENERAL FUND as of March 31, 2025**

REVENUE SOURCE	AMENDED BUDGET	YR TO DATE as 03/31/2025	AMOUNT OVER/UNDER	% COLLECTED
<b>TAXES - PROPERTY</b>				
Ad Valorem Tax (\$.0265)	3,890,205	3,805,842	(84,363)	97.83%
Ad Valorem (\$.035) BN	513,801	503,563	(10,238)	98.01%
Ad Valorem (\$.10) MSD	552,521	543,633	(8,888)	98.39%
Ad Valorem Prior Year	15,000	8,742	(6,258)	58.28%
AD valorem & Vehicle Penalties, fees, interest	6,000	(1,372)	(7,372)	-22.86%
Motor Vehicle Tax	208,473	160,843	(47,630)	77.15%
Motor Vehicle Tax - BN	27,534	21,320	(6,214)	77.43%
Motor Vehicle Tax - MSD	11,136	8,478	(2,658)	76.14%
subtotal	5,224,670	5,051,050	(173,620)	96.68%
<b>TAXES - OTHER</b>				
Local Option Sales Tax	1,955,670	1,372,091	(583,579)	70.16%
Local Option Sales Tax - BN MSD	234,330	-	(234,330)	0.00%
Land Transfer Tax	480,000	226,386	(253,614)	47.16%
Occupancy Tax	2,217,697	1,276,256	(941,441)	57.55%
Beer and Wine Tax	16,000	-	(16,000)	0.00%
Telecom Tax	14,800	6,727	(8,073)	45.45%
Electric Utility Tax	426,800	252,443	(174,357)	59.15%
Cable Franchise Tax	71,200	43,550	(27,650)	61.17%
Piped Natural Gas Tax	3,900	710	(3,190)	18.20%
PEG Channel	25,600	655	(24,945)	2.56%
Solid Waste Disposal Tax	2,900	1,482	(1,418)	51.09%
Mixed Beverage Tax (ABC)	86,000	76,065	(9,935)	88.45%
subtotal	5,534,897	3,256,365	(2,278,532)	58.83%
<b>PERMITS AND FEES</b>				
Building Permits	175,000	139,401	(35,599)	79.66%
Homeowner Recovery Fee	1,265	960	(305)	75.89%
CAMA Permits	2,585	2,575	(10)	99.61%
Planning Permit and Fees	15,000	14,292	(708)	95.28%
Board of Adjustment Fees	100	-	(100)	0.00%
Site Plan Review Fees	100	-	(100)	0.00%
Sanitation Fees (Garbage Carts)	10,000	6,810	(3,190)	68.10%
subtotal	204,050	164,038	(40,012)	80.39%
<b>INTERGOVERNMENTAL</b>				
Department of Justice Asset Forfeiture	1,000	32,460	31,460	3245.99%
Powell Bill Allocation (pass through)	131,724	144,263	12,539	109.52%
NCDOR Unauthorized Substance Tax Dist	3,000	55	(2,945)	1.83%
Federal Grant Revenue	-	-	0	#DIV/0!
State Grant Revenue -Canal Ditches Debris	-	-	0	#DIV/0!
Grants - Other (Government Education Channel)	-	2,000	2,000	#DIV/0!
Dare Co. - Sand Fencing (pass through)	24,000	-	(24,000)	0.00%
Dare Co. -Payment to Bonds (pass through)	186,148	-	(186,148)	0.00%
subtotal	345,872	178,778	(167,094)	51.69%
<b>FINES &amp; FORFEITS</b>				
Dare County Court fees	1,500	1,794	294	119.63%
Code Enforcement Fines	1,500	625	(875)	41.67%
Fines and Forfeitures	500	-	(500)	0.00%
subtotal	3,500	2,419	(1,081)	69.13%

**TOWN OF KITTY HAWK STATEMENT OF REVENUES**  
**FUND 10- GENERAL FUND as of March 31, 2025**

REVENUE SOURCE	AMENDED BUDGET	YR TO DATE as 03/31/2025	AMOUNT OVER/UNDER	% COLLECTED
<b>INTEREST EARNINGS</b>				
Interest on Investments	159,724	366,349	206,625	229.36%
subtotal	159,724	366,349	206,625	
<b>OTHER REVENUE</b>				
Town Merchandise Sales	500	269	(231)	53.82%
General Donations	9,750	8,750	(1,000)	89.74%
Building Rents	165,237	146,644	(18,593)	88.75%
Sale of Surplus Property	10,000	14,950	4,950	149.50%
Miscellaneous Revenue	15,000	14,947	(54)	99.64%
Insurance Claims and reimbursements	-	1,063	1,063	#DIV/0!
Icarus International	3,000	15,500	12,500	516.67%
subtotal	203,487	202,122	(1,365)	99.33%
<b>FUND BALANCE</b>				
Fund Balance-Appropriated	1,894,019		(1,894,019)	0.00%
subtotal	1,894,019	-	(1,894,019)	
<b>TRANSFERS IN FROM OTHER FUNDS</b>				
Transfers from Capital Reserve Fund	278,200	28,200	(250,000)	10.14%
subtotal	278,200	28,200	(250,000)	10.14%
<b>TOTAL REVENUES</b>	<b>13,848,419</b>	<b>9,249,321</b>	<b>(4,599,098)</b>	<b>66.79%</b>



**TOWN OF KITTY HAWK STATEMENT OF EXPENDITURES**  
**FUND 10 - GENERAL FUND as of March 31,2025**

ACCT. NO.	EXPENDITURES BY DEPARTMENT	AMENDED BUDGET	YR TO DATE as 03/31/2025	AVAILABLE	% USED
4100	Non-Departmental	663,341	524,306	139,035	79.04%
4110	Governing Body(Town Council)	41,197	27,950	13,247	67.85%
4111	Recreation Committee	10,400	534	9,866	5.13%
4120	Administrative Services	667,773	437,525	230,248	65.52%
4130	Finance Department	310,443	237,371	73,072	76.46%
4270	Public Works Department	1,363,599	964,942	398,657	70.76%
4310	Police Department	3,404,209	2,023,985	1,380,224	59.46%
4311	Police Separation Allowance	95,916	69,640	26,276	72.61%
4340	Fire Department	2,435,807	1,708,435	727,372	70.14%
4370	Ocean Rescue	219,682	99,728	119,954	45.40%
4410	Beach Nourishment	1,525,470	1,302,463	223,007	85.38%
4510	Transportation	1,292,000	1,128,207	163,793	87.32%
4710	Environmental Services	1,266,000	692,364	573,636	54.69%
4910	Planning & Inspections Department	542,434	374,792	167,642	69.09%
4980	Planning Board	5,883	3,122	2,761	53.07%
4990	Board of Adjustment	4,265	592	3,673	13.88%
<b>Total Expenditures:</b>		<b>13,848,419</b>	<b>9,595,958</b>	<b>4,252,461</b>	<b>69.29%</b>

Fund Summary	
Revenues	9,249,321
minus Expenses	9,595,958
Total surplus (deficit)	(346,637)

Occupancy Tax				Sales tax				Land Transfer			
	2023-2024	2024-2025	difference		2023-2024	2024-2025	difference		2023-2024	2024-2025	difference
August	595,671.67	470,697.26	-124,974.41	July	257,127.65	263,763.77	6,636.12	July			
September	401,179.60	382,794.17	-18,385.43	August	289,500.72	269,509.35	-19,991.37	August			
October	219,957.45	207,489.88	-12,467.57	September	247,036.16	242,182.80	-4,853.36	September			
November	95,753.50	94,179.18	-1,574.32	October	195,225.15	175,844.09	-19,381.06	October	119,499.82	114,301.48	-5,198.34
December	50,220.23	45,345.99	-4,874.24	November	143,761.35	142,171.21	-1,590.14	November			
January	37,371.87	32,937.65	-4,434.22	December	138,489.88	136,321.90	-2,167.98	December			
February	42,762.15	42,812.25	50.10	January	140,041.66	142,297.52	2,255.86	January	114,613.04	112,084.96	-2,528.08
March	41,609.64			February	124,812.97			February			
April	65,669.90			March	114,554.99			March			
May	91,072.65			April	148,468.71			April			
June	154,838.82			May	146,261.52			May			
July	449,334.01			June	181,833.19			June			
<b>Total</b>				<b>Total</b>				<b>Total</b>			
<b>Collections</b>	2,245,441.49	1,276,256.38	-166,660.09	<b>Collections</b>	2,127,113.95	1,372,090.64	-39,091.93	<b>Collections</b>	234,112.86	226,386.44	-7,726.42

Share Revenues collection comparison: last fiscal year 2023-2024 vs current fiscal year 2024-2025

FUND 41-TOWN OF KITTY HAWK REMODELING BUILDING 5200 N CROATAN HWY as of March 31, 2025						
	AMENDED BUDGET January 6th, 2025	Fiscal Year 2022-2023	Fiscal Year 2023-2024	Current Yr 2024-2025	Project to Date activity	AVAILABLE BUDGET

#### REVENUES

Transfer in from General Fund 10  
Transfer in from Capital Reserve Fund 21  
Transfer in from Capital Project Fund 40

**Total Revenues**

5,110,512.00	4,426,143.00	230,307.00	454,062.00	5,110,512.00	0.00
1,203,583.00	1,203,583.00			1,203,583.00	0.00
2,620,274.00	2,620,274.00			2,620,274.00	0.00
<b>8,934,369.00</b>	<b>8,250,000.00</b>	<b>230,307.00</b>	<b>454,062.00</b>	<b>8,934,369.00</b>	<b>0.00</b>

#### EXPENSES

Special Agent Inspections  
Pre-construction Schematic Design  
Design and Construction Management  
Maintenance & Repairs B & Grounds  
Capital Outlay Equipment  
Capital Outlay Equipment(furniture)  
Capital Outlay Land Purchase  
Capital Outlay Building Remodeling  
Budgetary Contingency

**Total expenses**

32,574.00	0.00		5,070.00	5,070.00	27,504.00
49,872.00	49,872.00			49,872.00	0.00
354,679.00	15,703.70	246,881.70	53,247.29	315,832.69	38,846.31
236,481.00	236,480.55			236,480.55	0.45
159,079.00				0.00	159,079.00
241,662.00			114,405.56	127,256.44	114,405.56
4,107,622.00	4,107,622.00			4,107,622.00	0.00
3,540,000.00			2,011,052.01	2,011,052.01	1,528,947.99
212,400.00				0.00	212,400.00
<b>8,934,369.00</b>	<b>4,409,678.25</b>	<b>246,881.70</b>	<b>2,183,774.86</b>	<b>6,853,185.69</b>	<b>2,081,183.31</b>

#### Project summary

Revenues	8,934,369.00
minus expenses	6,853,185.69
	<b>2,081,183.31</b>
Minus contingency used	<b>119,370</b>
<b>Budget Available</b>	<b>1,961,813.31</b>

FUND 41-TOWN OF KITTY HAWK REMODELING BUILDING  
5200 N CROATAN HWY as of March 31, 2025

**Proposed Change Order**

- PCO # 001 Replace existing Exterior Wall Hydrants  
PCO# 002-r1 Remove and replace Existing GWB  
PCO # 003 Remove & replace Existing Insulation  
PCO # 004 Remove existing GWB from the exterior side of the plywood  
PCO # 005 Remove & replace 58 sheets of plywood sheathing that was damaged/rotten  
PCO # 006 Credit remove dishwasher and dryer from the project scope of work  
PCO # 007 Provide power to Helipad location  
PCO # 008 Ceramic Wall Tile in showers rooms 136 and 137  
PCO # 009 Run both temporary and permanent power to the sewer pump station  
PCO # 010 Bore in an additional 2" sleeve under the north driveway to the north property line  
PCO # 011 Extend the lightning protection system being installed on the new building to also provide coverage to the existing building  
PCO # 012 Revision to the evidence locker shutter location

	Status	Contingency Amount	Time extension	Date sent	Change Order #
		minus PCO			
		212,400.00			
	Approved	(1,572.04)	0 days	8/3/24	1
	Approved	(40,626.43)	14 days	8/3/24	
	Approved	(18,173.17)	0 days	8/16/24	2
	Approved	(6,252.40)	0 days	8/16/24	2
	Approved	(5,504.35)	0 days	10/21/24	3
	Approved	7,136.26	0 days	10/21/24	4
	Approved	(8,313.45)	7 days	3/7/25	
	Approved	(15,422.00)	0 days	12/16/24	5
	Approved	(12,510.38)	0 days	12/20/24	
	Approved	(1,535.18)	0 days	12/20/24	6
	Approved	(8,474.23)	0 days	1/29/25	
	Approved	(8,122.53)	0 days	1/29/25	
		<b>\$93,030</b>			
		<b>Contingency available</b>			

AGENDA ITEM # 5F

**DATE:** April 7, 2025

**SUBMITTED BY:** Finance Director

**SUBJECT:** Budget Amendment #13- General Fund

**REF:** Grant from the Government Education Access Channel

**BACKGROUND:**

**This budget amendment recognizes the grant award. This grant aims to create an informational video about the Kitty Hawk Ocean Rescue team to be made during the annual lifeguard academy in spring 2025.**

**DISCUSSION:**

**RECOMMENDED MOTION:**

Consent Agenda Item

Date:



AGENDA ITEM # 5G

**DATE:** April 7, 2025

**SUBMITTED BY:** Finance Director

**SUBJECT:** Audit Services

**REF:** Auditor Selected

**BACKGROUND:**

**In January 2025, Johnson Mizelle Straub & Consolvo, LLP informed us that they had decided not to offer audit services for the current fiscal year (the 3<sup>rd</sup> year of the contract). We had a flat fee agreement of \$24,000.**

**In February, we received 3 RFQ from qualified firms.**

**While pricing is a factor, it is important for staff to have an auditor who is committed to performing a substantial part of the field work on site. In addition, experience, resources, and references influence the final decision.**

**We have selected the firm Carr, Riggs & Ingram.**

**The Council's acknowledgment and approval of this selection authorizes the Town Manager to sign the contract.**

**DISCUSSION:**

**RECOMMENDED MOTION:**

**Consent Agenda Item**

Post Office Box 549  
101 Veterans Memorial Drive  
Kitty Hawk, NC 27949



Phone (252) 261-3552  
Fax (252) 261-7900  
[www.kittyhawkncc.gov](http://www.kittyhawkncc.gov)

**Date: April 7, 2025**

**Submitted by: Finance Director**

**Reference: Audit Services**

The Town solicited proposals from qualified auditors for the Town's annual independent audit for fiscal years 2025, 2026, and 2027. The Town's most recent audit firm announced on January 31, 2025, that they won't be able to provide audit services for the last year, FY 2024-2025. The Town received (3) proposals from the following firms:

1. Carr, Riggs & Ingram  
New Bern, NC (other offices in NC and other States)
2. Sharpe Patel CPA  
Raleigh, NC (additional office in Charlotte, NC)
3. Thompson, Price, Scott, Adams & Co. PA  
Wilmington, NC (other offices throughout NC)

The audit includes auditing the financial statements of any federal or state awards. It ensures the town follows the compliance requirements for the grant awards and laws and regulations. We anticipate a Yellow Book audit this fiscal year and subsequent fiscal years, which is the more typical audit for the Town.

Liliana Noble and Teresa Osborne reviewed the three proposals and rated the proposals on the following criteria:

1. Approach to audit quality
2. Team knowledge and experience
3. Unique qualifications
4. Scope and pricing of engagement

While pricing is a factor, the staff needs an auditor committed to performing a substantial part of the fieldwork on-site. This will improve communication and help build a better working relationship.

Based on all factors evaluated, the recommendation is to award the three-year audit contract to Carr, Riggs & Ingram in New Bern, NC, for a Single Audit or Yellow Book audit.

### **SUMMARY BIDS PROPOSALS**

	<b><u>FY 25</u></b> <b><u>Fixed</u></b>	<b><u>FY 26</u></b> <b><u>Estimate</u></b>	<b><u>FY 27</u></b> <b><u>Estimate</u></b>
Carr, Riggs & Ingram	25,000	26,100	27,300
Sharpe Patel CPA	22,908	23,595	24,303
Thompson, Price, Scott & Adams Co., PA	23,000	23,000	23,000

**Notes:**

Due to state and /or federal grants exceeding \$1,000,000, the town will receive a single audit, and the audit cost will increase in that particular year. We currently do not have any State or Federal Grants exceeding that amount.



## Town of Kitty Hawk

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Kitty Hawk, North Carolina 27949  
Ph: 252-261-3552 Fax 252-261-7900  
[www.kittyhawknc.gov](http://www.kittyhawknc.gov)

5/17

**Mayor**  
Craig Garriss

**Mayor Pro Tem**  
Jeff Pruitt

**Councilman**  
David Hines

**Councilman**  
Dylan Tillett

**Councilwoman**  
Charlotte Walker

**Town Manager**  
Melody Clopton

**Town Clerk**  
Lauren Garrett

**Town Attorney**  
Casey C. Varnell

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF KITT HAWK, NORTH CAROLINA, ENCOURAGING THE NORTH CAROLINA LEGISLATURE TO EXPAND AUTHORITY TO CONSTRUCT HOUSING FOR LOCAL GOVERNMENT EMPLOYEES**

**WHEREAS**, Dare County and its six municipalities, Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, and Manteo, recognize that the availability of affordable housing for local government employees is essential to attracting and retaining qualified personnel necessary for providing vital public services; and

**WHEREAS**, the unique economic conditions, geographical constraints, and market dynamics of Dare County and its municipalities create significant barriers to adequate affordable housing for public sector employees, thereby affecting the recruitment, retention, and overall effectiveness of governmental operations; and

**WHEREAS**, 31% of households in Dare County are cost-burdened, meaning they spend more than 30% of their income on housing costs, leaving limited resources for other essential needs and making it increasingly difficult for public sector employees to afford housing within the communities they serve; and

**WHEREAS**, the lack of affordable housing options has resulted in long commutes for employees, workforce shortages, and challenges in maintaining essential public services, including law enforcement, emergency medical response, public services, and municipal administration; and

**WHEREAS**, providing housing or assisting employees with affordable housing options directly benefits public safety, educational quality, emergency response times, administrative effectiveness, and general employee wellbeing, ensuring the continued delivery of high-quality services to Dare County residents and visitors; and

**WHEREAS**, current North Carolina law restricts the ability of local government entities to construct, develop, or otherwise directly provide housing specifically targeted for their employees, creating additional obstacles to resolving the housing crisis; and

**WHEREAS**, Session Law 2004-16 granted the Dare County Board of Education the authority to construct affordable housing for teachers, setting precedent for local government involvement in workforce housing solutions, demonstrating the feasibility and benefits of such initiatives; and

**WHEREAS**, the high cost of land and housing development in Dare County exacerbates the difficulty in attracting and retaining government employees, making it imperative that local governments be given the flexibility to address this challenge through targeted housing solutions; and

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## MEMORANDUM

---

**TO:** Mayor Garriss and Members of the Town Council  
**FROM:** Rob Testerman, AICP, CFM, CZO Director of Planning & Inspections  
**DATE:** April 7, 2025  
**RE:** **Special Use Permit: Mini-warehouse**  
**Parcel #: 010399003; PIN #: 986606497145**  
**6100 N Croatan PCD**

---

Note: Special use permits are quasi-judicial evidentiary based hearings. Comments that are considered in the decision making process by Council should be limited to "competent, material, and substantial evidence". If the evidence supports that zoning standards and other conditions are met, then the applicant is entitled to the special use permit.

**\*Full sized plans will be provided prior to the evidentiary hearing\***

### **Proposal**

The applicant is requesting approval of a special use permit to a 105,000 sq. ft. mini-warehouse facility. These facilities are permitted in a PCD as a special use, with the conditions listed in 42-414(b)(4)

Sec. 42-100(b)2 of the Zoning Ordinance states that "...The special use shall meet all the commercial site plan requirements, as well as, provide a list of all adjacent property owners. In most cases, the special use will require a concurrent review of a commercial site plan..."

Citing the cost and time associated with developing a site plan, the applicant has requested to separate the review of the Special Use Permit from the Commercial Site Plan review. Should Council grant approval of the Special Use Permit, the applicant will be required to submit full site plans for review by the Planning Board and Town Council prior to any permits being issued.

### **Background Information**

The subject properties are presently zoned Beach Commercial (BC-2) with a Planned Commercial Development (PCD) overlay. The site is currently unimproved.

Abutting the subject property is a separate parcel that is part of the PCD, zoned BC-2 containing a gas station and convenience store. There are also two properties zoned BC-2, containing a cabinet shop and auto-mechanic, which are not part of the PCD. To the south is also zoned BC-2 and is occupied by Dominion Energy. There are two undeveloped parcels abutting the site to the west and north that are owned by the state, and are part of the Coastal Reserve.

**Conditional Use Findings**

Per the standards of Section 42-100(b)(8), in order to approve this application, the Town Council must make findings that the proposed conditional uses:

- a. does not materially endanger the public health or safety,
- b. does meet all required conditions and specifications,
- c. will not substantially injure the value of adjoining property or be a public nuisance, and
- d. will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

**Town Council Recommended Motion**

**“I move to set a public hearing at the Town Council meeting on May 5, 2025 to consider the proposed Special Use Permit for a mini-warehouse in the PCD located at 6100 N Croatan Hwy.”**

**Directions to the Subject Property**

(from Kitty Hawk Post Office, N. Croatan Highway & Kitty Hawk Road)

Drive approximately 3.6 miles north on N. Croatan Highway.

The subject property is located on the left (west) side of the highway, behind 7-11

**ATTACHMENTS:**

1. Aerial view of subject parcel
2. Conditions and specifications
3. Site sketch

\*Note: staff findings on conditions and specifications will be provided prior to the evidentiary hearing.



**ATTACHMENT 1**



**ATTACHMENT 2**

**Conditions and specifications (referenced by 42-100(8)b.)**

**Planned Commercial Development Standards and requirements (Sec. 42-419)**

- *Minimum size of site.* PCD shall be not less than five contiguous acres, with no less than 500 feet of total road frontage on US 158 or NC 12.
- *Number of buildings.* More than one principal building may be permitted on a lot in a PCD, provided each principal building is designed and arranged to conform with a development plan approved by the Planning Board and Town Council.
- *Minimum buffer required.* No structure, parking area or other facility such as trash collection areas or other use, except open spaces for recreational or decorative purposes and subsurface water, wastewater and septic systems and underground utilities shall be erected or established within a distance of 50 feet from any PCD project exterior boundary or perimeter line, except that where a PCD abuts a PUD, or abuts a non-residential zoning district, this restriction shall not apply. If the restriction applies, vegetation shall be maintained in the buffer zone.
- *Off-street parking and loading facilities*
  - All off-street parking and loading facilities established as part of a PCD shall conform to the requirements and design standards established by this chapter.
  - Handicapped ramps shall be provided near handicapped parking areas
  - Each shop or store shall have access to a rear or side entrance that is within a reasonable distance and is accessible to a loading area and service drive. Service drives shall be of such width and arrangement to provide adequate access to site facilities, as approved by the town, and shall be in addition to and not a part of the drives or circulation systems used by vehicles or shoppers. Loading and delivery zones shall be clearly marked.
  - Bicycle parking devices shall be installed to provide one bicycle parking space for each 50 auto parking spaces. Design of parking devices can be obtained from the bicycle program of the state department of transportation and shall be built in accordance therewith.
- *Preservation of noteworthy features.* In all planned commercial developments, to the maximum degree reasonably practicable, efforts shall be made to preserve the natural environment, historic sites, scenic points, large trees and other desirable natural growths, watercourses and other water areas, and other features worthy of preservation, either as portions of public sites and open spaces, or in such other form as to provide amenity to the neighborhood. Large trees or other desirable natural growth located in public or private rights-of-way or public or private easements shall not be removed unless such removal is necessary for the installation of utilities or drainage structures or for other purposes in the public interest. Such removal may be prohibited if the amenity of adjacent property, or the amenity of the general neighborhoods, is adversely affected.
- *Maximum lot coverage.* The total ground area occupied by all principal buildings together with all accessory buildings and parking lots shall not exceed 50 percent of the total area of the planned commercial development, but driveways, walkways, and streets shall not be included for the purpose of the maximum lot coverage calculation.

- *Height limitations.* Maximum total height shall not exceed 35 feet from existing grade exclusive of chimneys, flagpoles, communication masts and aerials.
- *Traffic control and traffic flow.* There should be one primary accessway from the planned commercial development property to a public or private right-of-way. If the planned commercial development fronts on US Highway 158, then it shall have one access to said highway. The planning board may approve one or more secondary accessways if additional access points are needed in order to ensure orderly and safe traffic movement within the district and between the district and adjoining areas. The applicant shall install such traffic control devices as recommended by a traffic engineer, traffic consultant or the state highway engineer and approved by the planning board both within the district and at any places where planned commercial development traffic arteries, roads, streets or ways intersect a public or private right-of-way. The cost of installing the traffic control devices shall be paid by the applicant. The planned commercial development shall maintain all traffic control devices within the district which are located on the development property. There shall be no parking areas contiguous to the right-of-way margin or any area used for through vehicular traffic such that a vehicle is required to back or maneuver into the planned commercial development traffic system while entering or leaving a parking space.
- *Lighting.* All parking areas and accessways shall be floodlighted in accordance with the standards of the town. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience or hazardous interference of any kind on adjoining lots or residential areas or area traveled by motor vehicles, and shall provide security for planned commercial development customers.
- *Fire hydrants.* Fire hydrants shall be required at locations approved by the planning board and the fire chief. No portion of a building shall be farther than 250 feet nor closer than 50 feet to a fire hydrant. Hydrants shall be protected from traffic in accordance with the requirements of the town and shall be marked and painted as required by the town and the fire department. The planned commercial development shall mark and maintain fire lanes. Parking shall not be permitted in fire lanes.
- *Garbage and refuse containers.* Containers for garbage and refuse shall be provided in accordance with the requirements of the town, and if applicable, the county department of public works. Areas for screened dumpsters shall be provided so as to be out of the traffic flow, accessible to garbage trucks at all times and of adequate size to meet the needs of all uses at the center. Garbage pickup and commercial deliveries shall be during the hours between 7:00 a.m. and 9:00 p.m.
- *Stormwater management.* It shall be required that an adequate method for managing stormwater runoff be developed. Whenever possible, stormwater management systems, parking layout and the location of curbs and gutters should be planned simultaneously. Any enclosed portion of a system should be designed to manage stormwater, not just to dispose of it or disperse it. No stormwater runoff shall be allowed within pedestrian ways or pedestrian easement areas.
- *Public restrooms.* Public restrooms shall be required on each commercial retail building. The public restroom shall be located such as to be convenient to the public and shall be maintained by the operator or applicant in a clean and sanitary condition. The location of all restrooms shall be clearly marked. Buildings used solely for offices or offices and residential use shall not be required to contain public restrooms.



▪ *Signs.*

- *Identification sign.* One freestanding planned commercial development site identification sign shall be permitted at the access or entranceway designated as the primary accessway or entranceway. The planned commercial development identification site sign shall not exceed 48 square feet, except that for a PCD overlay on a BC-3 zoning district, the sign shall not exceed 64 square feet.
- *Secondary accessway or entrance way identification signs.* A secondary accessway or entranceway planned commercial development site identification sign may be permitted with the approval of the planning board. The secondary planned commercial development site identification sign shall not exceed ten square feet and the sign and structure supporting it shall not exceed ten feet from the undisturbed ground surface. Both the primary and secondary planned commercial development site identification signs must be located so as not to block or interfere with the ability of motor vehicle operators to observe the traffic while the operators are entering or exiting the planned commercial development area. All planned commercial development site identification signs shall be indirectly lighted so that the light is retained on the site and does not interfere with traffic or neighboring property owners. No internal illumination shall be allowed and no neon or animated signs shall be allowed.
- *Directory locator sign.* Directory locator signs may be located at the entrances to parking lots. The businesses contained on the directory locator sign should be those businesses whose planned commercial development entrance is closest to the parking lot where the specific directory locator is located. These signs should be no larger than necessary to allow them to be read from a slowly moving vehicle. These signs shall not exceed seven feet in height.
- *Directional signs.* Directional signs for pedestrian and vehicle traffic shall be located as needed within the planned commercial development subject to planning board approval. No directional sign shall exceed six square feet in size.

**Mini-warehouse Conditions (42-414(b)(4))**

(4) *Mini-warehouse.* In addition to general requirements, mini-warehouse storage facilities shall be subject to the following conditions:

- a. All storage for mini-warehouse storage facilities shall be within a completely enclosed building. Keeping, storing, or parking of any type of motor vehicle or equipment outdoors is prohibited. A moving truck owned by the storage facility is allowed on site to be made available to tenants for move-in and move-out only.
- b. A street level loading areas shall be permitted as part of the storage facility, pit loading docks are not permitted.
- c. Storage of hazardous and flammable materials shall not be permitted.
- d. Tenant identification signs and advertising signs are prohibited. All signs shall complement the exterior building design and construction. All building signage shall be consistent with Division 3 (Signs) of this chapter.

e. Mini-warehouse storage facilities shall be designed to emulate multi-family or office buildings.

f. Access to the building(s) shall be monitored by electronic security and/or facility staff at all times.

g. Mini-warehouse facilities shall not be used as a base of operations for any business/tenant utilizing storage space within the facility.

h. Building(s) shall consist of the following elements:

1. Buildings shall be oriented to the street, with a functional primary entrance on their façade.

2. Provide façade treatments with the greatest amount of detail and refinement at the street. A variety of the following features shall be incorporated into each building façade design:

- i. Color and/or texture differences
- ii. Recesses or projections, including roof eave overhangs
- iii. Awnings
- iv. Peaked or articulated roof forms
- v. Raised corniced parapets
- vi. Canopies or porticos over actual pedestrian entryways

3. Primary materials shall include, but are not limited to:

- i. Brick or brick masonry veneer.
- ii. Stone.
- iii. Integral colored textured concrete block.
- iv. Metal panel siding.

**BC-2 district standards that are unaffected by PCD standards (42-251)**

(d) *Dimensional requirements* \*note some BC-2 dimensional requirements are overridden by the PCD standards and thus have been omitted from this memo

(2) Minimum front yard is 15 feet.

(3) Minimum side yard is 10 feet.

(4) Minimum rear yard is 20 feet.

(7) No building or other facility, such as parking areas, trash collection areas, etc., shall be located nearer than 50 feet to the boundaries of any residential district. The width of a driveway or a road and its right-of-way along such boundary may be included as part, or all, of the 50-foot separation zone, and subsurface wastewater disposal systems and stormwater runoff collection and disposal systems may be located within the separation zone. The planning board may require vegetation to be planted and maintained in the 50-foot separation zone.

(8) A minimum of 25% of the site shall remain in natural or manmade landscaped open space.

(e) *Commercial site plan review*. Any person desiring to construct or enlarge a structure for a commercial use or to support a commercial use on the same site and any person desiring to change the authorized commercial use of an existing structure to another permitted or special use shall first submit site plans to the planning board for review and to the town council for its approval as provided in this article.

## GRAPHIC SCALE:

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11. TENANT(S) TO SUBMIT SIGNAGE SEPARATELY FOR PERMITTING. TENANT SIGNAGE NOT TO EXCEED ALLOWANCES BY LOCAL JURISDICTIONS GOVERNING ORDINANCE. O.C. TO PROVIDE BLOCKING FOR SIGN WEED OR GRASS.

[illegible]

**MULTI TENANT  
COMMERCIAL  
BUILDING**  
N CROATAN HWY (HWY 458)  
KITTY HAWK, NC 27643

EXTERIOR ELEVATIONS - COLOR

ACQUA/0143

A2.10





MULTI TENANT  
COMMERCIAL  
BUILDING  
A CROXTON HWY (HWY 158)  
KUTTI PARK, NC 27595

**HK** DEVELOPMENTS, INC.  
NEW ORLEANS

**Jared Ducote**  
ARCHITECT  
www.jaredducote.com

EXTERIOR PERSPECTIVE

04/2024

A 9.01





MULTI TENANT  
COMMERCIAL  
BUILDING  
14 CROOKHAMWAY, PHOT 1593  
KIRBY PARK, NC 27845

**EH** DEVELOPMENTS, INC.  
NEW ORLEANS

**Jared Ducote**  
ARCHITECT  
www.jaredducote.com

EXTERIOR PERSPECTIVE

A 9.02

04/10/2024



SELF STORAGE  
FACILITY  
N CROSTOWN HWY, HWY 159  
KITTY HAWK, NC 27849

**GH** DEVELOPMENTS, INC.,  
NEW ORLEANS

**Jared Ducote**  
ARCHITECT  
www.jaredducote.com

EXTERIOR PERSPECTIVE

04/18/2024

A 9.01





SELF STORAGE  
FACILITY  
N CROATAN HWY (RMT 158)  
KITTY HAWK, NC 27949

EXTERIOR PERSPECTIVE

A 9.02

