



COUNTY OF DARE, NORTH CAROLINA

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

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

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., October 16, 2017

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

Commissioners absent: None

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

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

Chairman Woodard called the meeting to order at 5:00 p.m. He invited the Rev. David Morris from the Unitarian Universalist Congregation of the Outer Banks to share a prayer.

Before leading the Pledge of Allegiance to the flag, the Chairman reported that Pat Weston, who usually attends Commissioner meetings and faithfully serves the people of Hatteras Island, has recently lost her husband. He asked for a moment of silence to honor Jim Weston.

Note – some agenda items were handled out of sequential order to accommodate the time specific Public Hearing and Public Forum scheduled for 5:30 p.m.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He shared a note from Susan Flythe thanking the Board for recognizing employees of the Cape Hatteras Electric Cooperative at the recent appreciation luncheon.
- Reported that he, Vice Chairman Overman, Commissioner Couch, and the County Manager met with officials from the College of the Albemarle (COA) to discuss plans for the Dare County campus. He noted that things are moving forward and Dare County has approved 7.5 million in its Capital Improvements Plan for potential new facilities. He added that an important part of this arrangement will be COA offering Dare County students the opportunity to receive a full two-year degree here in Dare County without having to travel to other COA campuses.

- Clyde Gard was congratulated on his upcoming retirement from Public Works.
- The Chairman encouraged everyone to get involved in Veterans Week and provided information about this important endeavor to recognize Veterans.
- Gratitude was expressed that we live in the greatest nation in the world and enjoy the freedoms that we have. The Chairman said he is filled with patriotic pride every time we stand at Board meetings to recite the Pledge of Allegiance to the flag.

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

ITEM 2 – PUBLIC COMMENTS

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

The following comment was made in Manteo –

1. Rick McDonald, Store Manager of the Walmart in Kitty Hawk introduced himself to the Board and said his store wants to be involved with and help the community. He asked Commissioners for their insight on how Walmart should address the repeal of the plastic bag ban by the North Carolina Legislature

The following comment was made in Buxton –

2. Ron Tasso, President of the Kinnakeet Shores Property Owners Association, commented on increased taxes, which he said poses a financial burden that brings into question the viability of rental properties because most are losing money and are in financial distress. He said he was hoping for a decrease in taxes and expenditures, from this Board of Commissioners, which he has not seen. He encouraged the Board to increase revenue through growth in tourism and business.

ITEM 3 – DARE SOIL AND WATER QUARTERLY REPORT

Ann Daisey on behalf of the Dare Soil & Water Conservation District briefed the Board on community outreach efforts. She commented on stream debris and drainage issues and outlined cost share programs and projects. Ms. Daisey provided background about a flooding problem at a culvert in the Village of Avon and explained what has been done to address Alligator Weed in East Lake. Commissioner Ross asked if the Soil & Water Conservation District has any thoughts on the repeal of the plastic bag ban. Ms. Daisey said she could not speak for the Supervisors, however, she noted that they are all environmentally inclined. She shared her personal experience as someone who actively picks up trash and said she believes the plastic bag ban has made a difference.

ITEM 4 – DARE STORAGE LLC – ZONING TEXT AMENDMENT

Planning Director Donna Creef reported that Dr. William Adams, the owner of Dare Storage LLC, has filed a zoning text amendment application to add "group developments" to the list of uses allowed in the Skyco Neighborhood Commercial (SNC) District. She

explained that Dr. Adams owns a storage warehouse facility comprised of several buildings on three parcels off Highway 324. She said after discussing with Dr. Adams his interest in constructing additional structures on the property, he applied for a text amendment to clarify the language to add group developments to the Skyco Neighborhood Commercial (SNC) District. Ms. Creef noted that the Planning Board voted to recommend approval of the text amendment and advised that a Public Hearing would be required in order for the Board of Commissioners to take action on the request.

MOTION

Vice Chairman Overman motioned to schedule a Public Hearing for November 20, 2017 on the proposed text amendment submitted by Dare Storage LLC.

Commissioner Shea and Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 5 – OUTER BANKS DARE CHALLENGE LLC – ZONING TEXT AMENDMENT

The Planning Director presented a zoning text amendment application submitted by Outer Banks Dare Challenge LLC to add “residential recovery and treatment centers” to the list of uses allowed in the Highway 345 District since it does not allow this type of use. Ms. Creef reported that the Planning Board recommended approval and said a Public Hearing would be required in order for the Board of Commissioners to take action on the request.

MOTION

Vice Chairman Overman motioned to schedule a Public Hearing for November 20, 2017 on the proposed text amendment submitted by Outer Banks Dare Challenge LLC.

Commissioner Couch and Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – FLOOD MAP STATUS REPORT

Planning Director Donna Creef briefed the Board on the status of the flood maps and Community Rating System (CRS) outreach activities. She showcased a campaign that has been developed to create awareness of the importance of flood insurance featuring the catchphrase “Low Risk is not No Risk” so property owners are not lulled into a false sense of security due to the new flood maps. Ms. Creef also described work that is being done to address the Local Elevation Standard. By consensus, the Board directed the Planning Director to proceed with development of the Local Elevation Standard and bring back amendments that may be needed to zoning districts.

ITEM 7 – PUBLIC HEARING – TRANSPORTATION DEPARTMENT NCDOT GRANT APPLICATIONS FOR FY2019 (Att. #1)

At 5:46 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments in Manteo and via the video link to the Fessenden Center in Buxton. No one responded to the invitation to address the Board. Chairman Woodard closed the hearing at 5:46 p.m.

MOTION

Commissioner Shea motioned to approve the grant applications and authorize the signing of all necessary resolutions and documents.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PUBLIC FORUM – PUBLIC INPUT ON PLANS FOR DEVELOPMENT OF THE COLLEGE OF THE ALBEMARLE (COA) DARE COUNTY CAMPUS

At 5:47 p.m., the Dare County Board of Commissioners held a Public Forum to receive input concerning this agenda item. The Manager conducted the forum and explained the procedure for making comments in Manteo and via the video link to the Fessenden Center in Buxton. Following is a brief summary of the comments that were made - - -

The following people spoke at Manteo –

1. Tom Murphy recommended changes in the governance structure of how decisions are made about the Dare County campus of COA. He recommended that a steering committee be created to take local concerns and recommendations to the COA Board of Trustees in Elizabeth City and offered to be part of this discussion.
2. Rogelio Lopez said he was inspired by his teacher to see how local government operates and noted that he would like to see more participation by the general public. He added that other students will be very interested in hearing about this.
3. Willo Kelly, on behalf of the Outer Banks Homebuilders Association, advocated that COA consider a skills based education. She noted that jobs exist for various trades in the home building industry and explained that trade skills need to be taught in Dare County. She asked that these important trade skills not be overlooked.
4. Dr. Robert Wynegar, President of the College of the Albemarle, said COA is grateful for the opportunity to partner with Dare County to upgrade facilities and provide more and better services to the people of Dare County. He noted that COA has an administrator at the Dare County campus who makes local decisions in addition to those made in Elizabeth City. Dr. Wynegar explained that community colleges contribute to economic development and expressed optimism that COA will have a positive impact on this for Dare County.
5. Malcolm Fearing cited the value of various educational assets on Roanoke Island noting that competition for funds is very stringent. He said we need a conversation about each of our Roanoke Island assets and what can be accomplished by coordinating educational offerings from elementary school to high school and beyond.
6. Joe Tauber, a member of the Dare County School Board, reminded that it is our obligation to assure the success of all Dare County students and expressed hope

that COA will be able to play a role in this. He explained that not every student will go to college, which is why training for trade skills is so important. He said the value of a trade skill education needs to be an important topic of discussion between parents and students. Mr. Tauber said we cannot let an opportunity like this slip by because we are at a crossroads in engaging the future of Dare County students.

7. Ervin Bateman, on behalf of the restaurants he owns and operates, cited the need for an educational curriculum that offers a culinary program to assist our businesses. He said this would be beneficial for the hospitality and tourism industry of Dare County. Mr. Bateman explained that our young people are the greatest asset we have and noted that he has employees that attend COA who had to drive all the way to Elizabeth City during a recent storm in order to attend classes.

There were no comments from the Fessenden Center in Buxton

The Chairman thanked everyone who spoke and closed the Public Forum at 6:09 p.m.

ITEM 9 – CONSENT AGENDA

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

Note: a separate motion, shown below, made changes to Consent Item 6 (2018 Schedule)

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.02.17) **(Att. #2)**
- 2) NCDOT Encroachment Agreement – Nor Banks Inc., 1310 Duck Road
- 3) DCDHHS, Public Health Division – Additional Healthy Communities Funding
- 4) DCDHHS, Public Health Division – Community Health Grant
- 5) DCDHHS, Public Health Division – Tobacco Prevention
- 6) Schedule of Meeting Dates for 2018

Commissioner House seconded the motion.

VOTE: AYES unanimous

During the presentation of the Consent Agenda, the Board discussed making changes to the January dates on the proposed 2018 meeting schedule due to the holidays. The Board agreed to revise the January schedule as reflected in the following motion -

MOTION

Commissioner Couch motioned to adopt the proposed 2018 meeting schedule with a change in the January dates for meetings to be held on January 8 and January 22.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BOARD APPOINTMENTS

- 1) Veterans Advisory Council

Commissioner Shea motioned to appoint Frederick Lamm to fill a vacancy.

Commissioner House seconded the motion.

VOTE: AYES unanimous

2) Zoning Board of Adjustment

Commissioner Couch motioned to appoint Shelly Jones to fill a vacancy.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 11 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

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

Commissioner Couch – expressed condolences regarding the death of Jim Weston. He thanked Commissioner Ross for his willingness to participate in the stakeholder meetings for the upcoming NCDOT passenger ferry service. Commissioner Couch gave an update on Shelly Island.

Commissioner Shea – voiced hope that people will contribute generously to the relief effort to help those that were impacted by recent storms. He reminded everyone that but for the grace of God; Dare County could have suffered a direct hit.

Vice Chairman Overman – no additional comments.

Commissioner House – briefed the Board on the Dare County Youth Council science fair. He also shared results of an analysis of youth crime that was presented at a recent meeting of the Juvenile Crime Prevention Council. Commissioner House reported on an impromptu meeting that he and Harry Schiffman had with Senator Burr about Oregon Inlet. It was noted that the Kitty Hawk beach nourishment project is going well. Congratulations were extended to Clyde Gard on his upcoming retirement. Commissioner House wished Kitty Hawk Fire Chief Spivey a happy retirement. As the Pet of the Week video was showcased, Commissioner House encouraged people to consider adopting a pet from the Dare County Animal Shelter.

Commissioner Ross – cited the tremendous success of this year’s Student Summer Reading Program at Dare County Libraries. He acknowledged the efforts of the dedicated library staff and thanked them for spearheading a program so that children without library cards will be able to access online material. Commissioner Ross announced that he will be attending the upcoming meeting of the SPCA Board of Directors. He said the Albemarle Commission is working on a new building initiative and considering leasing a facility. He added that as plans develop he will bring back an update. Commissioner Ross mentioned the upcoming Outer Banks Seafood Festival and gave details about the annual Festival of Winter Lights.

Commissioner Tobin – made remarks about the status of Oregon Inlet and cited theories as to why shoaling is occurring at the center span during construction of the Bonner Bridge. Commissioner Tobin gave a positive report about the inspection he recently did of Peak Resources as a member of the Nursing Home Community Advisory Board. He noted

that he and others will be attending a dredging meeting in New Bern. Commissioner Tobin briefed the Board on a call he received from Representative Boswell about the status of Senate Bill 656, known as the Electoral Freedom Act. He also commented on the Public Forum concerning plans for the COA Dare County Campus and added that he and Rep. Boswell are interested to see if Vidant might be willing to participate in a public/private endeavor to provide x-ray technician training and opportunities for Dare County students.

Chairman Woodard – noted that he and Vice Chairman Overman recently spent time with Senator Burr addressing Dare County issues. The Chairman expressed willingness to reach out to NCDOT Secretary Trogdon with Congressman Jones' office concerning the issues that were raised about Oregon Inlet and asked Commissioner Tobin to keep him posted on survey results. The Chairman thanked each Commissioner for being totally involved and giving of their time and talent by faithfully serving on committees throughout the community. Chairman Woodard announced the appointment of a Governance Committee to work in conjunction with the Audit Committee. He said the group will consist of Commissioner Shea, Commissioner Ross, and CPA Teresa Osborne, all of which he said already serve on the Audit Committee.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager explained that the County has a contract with SouthData to provide mailing and printing services for the Tax Department, which needs Board approval because it is a multi-year agreement.

MOTION

Commissioner Shea motioned to approve the contract.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten reported that motor vehicle records of new employees are verified as part of the hiring process. He said an agreement is already in place with NCDOT and presented a recurring contract with Virginia DMV to provide the same service. He requested Board approval since it is a recurring contract that renews automatically.

MOTION

Commissioner Shea motioned to approve the agreement.

Vice Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 12 – CLOSED SESSION

The need was announced for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the County to preserve the attorney-client privilege including the matter involving Sink v. Dare County and Linc v. Dare County, and pursuant to NCGS 143-318.11(a)(5) to consider the acquisition of real property, and pursuant to NCGS 143-318.11(a)(6) to consider a personnel matter, and approve previous Closed Session minutes.

MOTION

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

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 7:09 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 9:21 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, consulted with the County Attorney including the matter involving Sink v. Dare County and Linc v. Dare County, considered the acquisition of real property, considered a personnel matter, and took no other action.

Prior to adjournment, Public Information Officer Dorothy Hester provided details about One-Stop early voting.

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

MOTION

Commissioner Shea and Commissioner House motioned to adjourn the meeting.

Commissioner Tobin and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 9:22 p.m., the Board of Commissioners adjourned until 9:00 a.m., November 6, 2017.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners