



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

9:00 a.m., November 6, 2017

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

Commissioners absent: Rob Ross

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 9:01 a.m. He invited Rev. Cherri Wheeler, a retired U.S. Air Force Chaplain who now serves as Chaplain for Dare County EMS, to share a prayer, and then he led the Pledge of Allegiance to the flag. During the meeting, Chairman Woodard announced that Commissioner Ross had an excused absence today and is unable to attend due to a prior commitment.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He asked people to remember the victims of the tragic shooting at a Texas Church.
- Provided details about the recent Outer Banks History Weekend.
- Congratulated Karen Brown and the Outer Banks Chamber of Commerce for putting on a successful Outer Banks Seafood Festival.
- Reminded everyone who hasn't yet voted to exercise their right to vote.

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

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Naomi Rhodes, Reference Librarian, received a 15-year pin.
- 2) Ricky Bascue, Detention Officer, received a 20-year pin.
- 3) Dan Hughes, Detention Assistant Shift Leader, received a 20-year pin.
- 4) Holly Meekins, Public Health Nursing Director, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – November 2017

Kelli Miller received the Employee of the Month award from Tim White who described how Ms. Miller has helped develop the County’s gymnastics program and the service she provides to Dare County residents through the Parks & Recreation Department.

ITEM 4 – 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 comments were made in Manteo –

1. Wade Wheeler asked the Board to consider a different perspective concerning the new flood maps. He explained how the new maps would be detrimental to his plans to have a swim spa on his property in Southern Shores. He asked Commissioners to remember that people are ready to move forward with the flood map now as it is.

There were no Public Comments via the video link to the Fessenden Center in Buxton.

ITEM 5 – PROCLAMATION HONORING GOOD SAMARITANS

EMS Chief Jenny Collins presented a proclamation honoring six people for their life-saving actions when an Outer Banks visitor suffered a cardiac arrest. The proclamation described the heroic efforts of bystanders Martha Lebo, Lori & Michael O’Conner, and Karen Wright along with the actions of Dominion Energy Linemen Jeremy Aycock and Quentin Conner who utilized the Automated External Defibrillator (AED) that was on their company vehicle. Chairman Woodard presented the rescuers with a framed copy of the proclamation.

MOTION

Commissioner Shea motioned to issue a proclamation honoring the good Samaritans. Vice Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – REPORT ON THE MONITOR NATIONAL MARINE SANCTUARY

Superintendent David Alberg and Research Coordinator Tane Casserley updated the Board on plans, activities, and research at the Monitor National Marine Sanctuary. They showcased how the shipwrecks in the Sanctuary provide excellent fishing locations and provide opportunities for diving, heritage tourism, and the fishing industry.

ITEM 7 – TOURISM BOARD REQUEST FOR RESTRICTED FUND SPENDING

Susie Walters Chair of the Dare County Tourism Board appeared with Lee Nettles Executive Director of the Outer Banks Visitors Bureau to present a request for spending from the Restricted Fund. Ms. Walters outlined the following items totaling \$442,886.

- \$309,351 to Town of Duck for Pedestrian Improvements
- \$119,357 to Town of Southern Shores for the East Dogwood Trail Pedestrian Walkway
- \$14,178 to Southern Shores Civic Assoc. for the Sea Oats Community Park Renewal

MOTION

Vice Chairman Overman motioned to approve the spending request as presented. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 8 – UPDATE ON THE BUXTON BEACH NOURISHMENT PROJECT

Tim Kana and Haiqing Kaczowski from Coastal Science & Engineering gave the Board an update on the Buxton beach nourishment project. They provided the milestone dates since mobilization began on May 10 and noted that the project is now 46% complete. Details were provided about the dredging vessels that have been used and plans to utilize a brand new hopper dredge, which is estimated to arrive in January 2018. Information was presented about wave heights and their impact on daily production. In view of the latest estimated completion date being mid-February 2018, the presentation included a review of key clauses in the agreement with Weeks Marine concerning liquidated damages and time extensions beyond the contract's December 15, 2017 completion date. It was noted that the contractor will be submitting a request to the County in mid-November for a contract time extension. The Board then discussed the status of the project, the contractor's performance, and the estimated completion date. Mr. Outten explained that talks are underway to extend the permit expirations. Chairman Woodard noted that the County's frustration with this project has been emphatically expressed during the weekly conferences with the contractor.

ITEM 9 – CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES – OUTER BANKS NATIONAL SCENIC BYWAY

The County Manager explained that the Board previously selected Albemarle & Associates to provide Construction Engineering Services (CES) for the Wayshowing Interpretive Project Installation Services for the Outer Banks National Scenic Byway. He presented a proposed contract with Albemarle & Associates for CES services that is subject to approval by NCDOT.

MOTION

Vice Chairman Overman motioned to approve the contract subject to approval by NCDOT. Commissioner House and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 10 – OUT OF COUNTY PARTICIPATION IN PARKS & RECREATION PROGRAMS

A proposed policy prepared by staff was presented to the Board pertaining to requests from people outside of Dare County who wish to participate in Dare County Parks & Recreation programs. Mr. Outten explained that the policy, if approved, would provide that for activities where enrollment is limited, no out of county request will be accepted if it would prohibit a Dare County resident from participating. He said the policy would allow out of county participation subject to an additional fee and suggested a 50% cost upcharge model that is done in many other jurisdictions. Commissioner House noted that the

proposed policy and 50% upcharge is a fair arrangement. Commissioner Tobin asked for clarification whether the policy would apply to adults as well as young people who wish to participate in Dare County recreational activities, which is reflected in the following motion -

MOTION

Commissioner House motioned to approve the proposed policy with the addition of including adult participants as well as youth.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 11 – GROCE HOME OCCUPATION – CONDITIONAL USE PERMIT

This agenda item was handled as a quasi-judicial proceeding. Dare County Planner Noah Gillam and the applicant, Bridgette Groce, were both duly sworn by the Clerk to the Board before offering any testimony. Mr. Gillam outlined the Conditional Use Permit (CUP) submitted by Ms. Groce to operate a hair salon at her home located at 1163 N. Highway 64/264. The Manager asked the applicant if she agrees to the admission into evidence of the file material submitted by the Planning Department, the facts presented by the Planner, and the facts and conditions outlined in the CUP. Ms. Groce indicated her agreement.

MOTION

Commissioner Shea motioned to approve the CUP as recommended by the Planning Board. Commissioner House and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – AMENDMENT TO I.G. HOLDINGS LLC – CONDITIONAL USE PERMIT

This agenda item was handled as a quasi-judicial proceeding. Dare County Planner Noah Gillam and John Delucia from Albemarle & Associates, on behalf of the applicant I.G. Holdings LLC, were both duly sworn by the Clerk to the Board before offering any testimony. Mr. Gillam outlined the Conditional Use Permit (CUP) submitted for a group development to allow additional residential housing for employees of the retail store located at 40494 NC Highway 12 in Avon. The County Manager asked Mr. Delucia if the applicant agrees to the admission into evidence of the file material submitted by the Planning Department, the facts presented by the Planner, and the facts and conditions outlined in the CUP. Mr. Delucia voiced the applicant's agreement.

MOTION

Vice Chairman Overman motioned to approve the amendment to the CUP and site plan for the proposed group development with the finding that sufficient information documenting compliance with the C-2 zoning requirements has been submitted and reasonable and appropriate conditions have been identified and applied to the proposed facility.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 13 – RECOMMENDED WATER FUND CAPITAL IMPROVEMENTS PLAN (CIP) FY2018-2024 (Att. #1)

Finance Director David Clawson along with Water Department Director Ken Flatt presented the Water Fund Capital Improvements Plan (CIP) for FY2018-2024. The

presentation included an overview of funding sources, a listing of each proposed project, and its impact on fund balances and revenue bond coverage ratios. It was noted that all projects are cash funded with no new proposed debt in the plan.

MOTION

Commissioner Shea motioned to adopt the CIP and authorize the County Manager to execute necessary budget actions for FY2018.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 14 – AMENDMENT TO CAPITAL PROJECT ORDINANCES TO CLOSE COMPLETED PROJECTS AND PROVIDE BUDGET FOR EMS HELICOPTER PROJECT (Att. #2)

The Finance Director submitted an amendment to close several capital projects that were completed under budget. Mr. Clawson explained that the amendment will provide \$169,082 to the EMS Helicopter budget, to help address the old aircraft being sold at less than the amount expected from appraisals.

MOTION

Vice Chairman Overman motioned to adopt the amendment as presented.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 15 – CONSENT AGENDA

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

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.16.17) **(Att. #3)**
- 2) Salvo Cemetery Grant Recommendation for Engineering & Construction Services
- 3) Petty Cash and Change Funds Policy and Ordinance **(Att. #4)**
- 4) Rodanthe Radio Tower Cellular Lease
- 5) Duck Water Tower Cellular Lease
- 6) Tax Collector's Report

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BOARD APPOINTMENTS

1) Dare County Youth Council

Vice Chairman Overman motioned to appoint Sandy Martin to replace Richard Martin, who resigned. Commissioner House and Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Commissioner House motioned to reappoint Linda Austin, Gail Hutchison, Hunt Thomas, and Matt Witter. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Jury Commission

Commissioner Shea motioned to appoint Lou Ellen Quinn to fill the unexpired term of Alma Clark who resigned. Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Juvenile Crime Prevention Council

Commissioner House motioned to appoint Josh Houston to fill the Youth Seat previously held by Joshua Tolson. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

4) Older Adult Services Advisory Council

Vice Chairman Overman motioned to reappoint David Faudie, Cynthia Harris, Claudia Hennessey, and Paulette Prodanchek. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

5) Zoning Board of Adjustment – Appointment of Chairman

Vice Chairman Overman motioned to appoint Jay Hart as Chairman of the Dare County Zoning Board of Adjustment. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

6) Upcoming Board Appointments

The upcoming appointments for December, January, and February were announced.

ITEM 17 – 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 House – thanked the Board for looking at the Parks & Recreation policy allowing out of county participation. Commissioner House reported on an excellent 5k run recently conducted by the Dare County Youth Council. And, an update was given on the Kitty Hawk beach nourishment project.

Vice Chairman Overman – congratulated the service pin recipients and the Employee of the Month. He reported on the October Town Hall event that was conducted on Hatteras Island by the Saving Lives Task Force. The Vice Chairman noted that a 2018 calendar of Town Hall events is being prepared. Chairman Woodard thanked Vice Chairman Overman for his tireless efforts serving on the Saving Lives Task Force.

Commissioner Shea – thanked the Employee of the Month and the service pin recipients for all that they do to make Dare County a wonderful place to live, work, and raise families. Commissioner Shea expressed hope that all those who have not voted early will do their duty and vote in tomorrow’s municipal elections.

Commissioner Couch – reported on the recent successful surf fishing tournament hosted by the Cape Hatteras Anglers Club. Commissioner Couch said he looks forward to the bridge being completed soon that will be named in honor of Captain Richard Etheridge. He noted that the Buxton beach nourishment project has been frustrating for everyone and thanked the Board and County Manager for being proactive on this issue because beach nourishment is so valuable to Dare County. Commissioner Couch commented on the recent Outer Banks History Weekend and discussion of Indian Town on Hatteras Island.

Commissioner Tobin – announced that Dare County is hosting the fall retreat for the North Carolina Cooperative State Advisory Council noting that he formerly served on that Council. He expressed thanks to Superintendent Alberg for the report that was given on the Monitor National Marine Sanctuary.

Chairman Woodard – No additional comments.

MANAGER’S/ATTORNEY’S BUSINESS

1. The County Manager reported on a \$20,125 bid that has been received for mitigation of the mold problem at the College of the Albemarle (COA) Basic Skills Building, which is used for a popular nursing program and EMS training. The Board discussed whether to invest money to fix the problem or wait for the building to be demolished in the next year or two as planned. It was noted that because COA is unable to move the nursing program to another venue, it would not be offered if the mold problem cannot be addressed. Chairman Woodard said the County is working diligently to provide new facilities for the Dare County campus contingent on COA offering a 2-year program so Dare County students will not need to travel to Elizabeth City. He noted that in the meantime, he does not want the nursing program eliminated because of the mold problem and made the following motion -

MOTION

Chairman Woodard motioned to authorize the County Manager to spend up to \$20,125 to mitigate the mold problem as presented.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten presented a request from the Wanchese Seafood Industrial Park to have Dare County take over their water system. He said an engineering study is needed, which will be paid for by the Seafood Park, but before spending money researching this they would like to know if the County has interest in proceeding pending a satisfactory engineering report. He noted that water capacity is not an issue in considering whether to take over the Park’s water system.

MOTION

Vice Chairman Overman motioned to proceed as outlined by the County Manager.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3. The Manager informed the Board that a meeting will be held November 15th in Raleigh where County Attorneys from across North Carolina will discuss the merits of litigation to address the opioid problem. Mr. Outten said he will report back to the Board on this.

Public Information Officer Dorothy Hester said the County is working with NCDOT on plans for a dedication ceremony for the new bridge on Hatteras Island to be named in honor of Captain Richard Etheridge.

Finance Director David Clawson thanked Water Department Director Ken Flatt for his efforts in preparing the Water Fund Capital Improvements Plan that was presented today.

Chairman Woodard called for a recess and announced that at 1:15 p.m. the Board would continue with agenda item #18 in the Commissioner's Conference Room for a Workshop discussion of plans for 2018.

RECESS: 11:39 a.m. – 1:16 p.m.

ITEM 18 – WORKSHOP – DISCUSSION OF PLANS FOR 2018

Chairman Woodard led the Board in a discussion about the services provided to Dare County residents and visitors along with issues to be faced in the coming year. The topics included – inlet maintenance, beach nourishment, school funding, COA plans, and economic development. Commissioners also discussed items that may arise in the upcoming legislative session in Raleigh and agreed by consensus to continue using the services of McGuireWoods Consulting on a monthly basis during the 2018 Legislative short session. Commissioners also engaged in a comprehensive review of the operation and services provided by each County Department.

During the Workshop, the Board acted on the following motion related to the County's ongoing commitment to inlet maintenance-

MOTION

Commissioner House motioned to authorize the County Manager to distribute, when needed, allocated funds for inlet maintenance up to the budgeted limits.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

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

MOTION

Commissioner House motioned to adjourn the meeting.

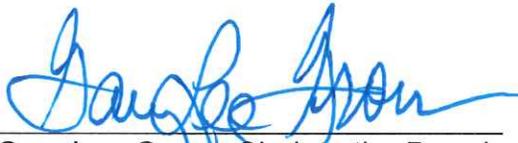
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

At 4:10 p.m., the Board of Commissioners adjourned until 5:00 p.m., November 20, 2017.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners