



# 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](http://www.darenc.com)

## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., May 1, 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  
Finance Director, David Clawson  
Public Information Officer, Dorothy Hester  
Clerk to the Board, Gary 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](http://www.darenc.com).

The meeting was called to order at 9:03 a.m. by Chairman Woodard. He invited Rev. Keith Dey from Emmanuel Lutheran Church to share a prayer, and then he led the Pledge of Allegiance to the flag. The Chairman also asked for a moment of silence for the nation's legislators as they confront difficult challenges.

Chairman Woodard asked for a motion to amend the agenda to add the appointment and oath of Jim Tobin as the person selected by the Executive Committee of the Dare County Republican Party to fill the District 1 vacancy that was created when Margarett Umphlett resigned for personal reasons.

#### **MOTION**

Commissioners Overman, Shea, House, Ross, and Couch motioned to amend the agenda  
Chairman Woodard seconded the motion.

VOTE: AYES unanimous

#### **APPOINTMENT OF JIM TOBIN AS DARE COUNTY COMMISSIONER**

The Chairman asked for a motion to accept the selection of Jim Tobin by the Dare County Republican Party Executive Committee to fill the District 1 vacancy and appoint Mr. Tobin to serve on the Dare County Board of Commissioners.

#### **MOTION**

Vice Chairman Overman and Commissioner House motioned to appoint Mr. Tobin.  
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

## **SWEARING IN CEREMONY**

Following the Board's vote to appoint Commissioner Tobin, the oath of office was administered by the Judge Jerry Tillett as required by NCGS 153A-26 & NCGS 11-7 in the form prescribed in Article VI, Section 7 of the North Carolina Constitution.

**RECESS: 9:12 a.m. – 9:16 a.m.**

## **ITEM 1 – OPENING REMARKS – CHAIRMAN'S UPDATE**

Chairman Woodard mentioned the following items during his opening remarks –

- He congratulated Commissioner Tobin on his appointment to the Board.
- Details were given of the Bryan Cultural Series performance of the H.M.S. Pinafore.
- Village Realty was commended for their brochure with beach nourishment information.
- Reference was made to all the beach nourishment projects throughout Dare County.
- Chairman Woodard commented on the retirement of EMS Deputy Chief, George Farah.
- Provided details about the upcoming Outer Banks Relay for Life fundraiser.
- Congratulated the Town of Nags Head on the nice development of Dowdy's Park.
- Shared a note from Paul Spencer's daughter about her dad's recent certificate.

A video of the Chairman's update can be seen on the County website [www.darenc.com](http://www.darenc.com).

## **ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Shaun Barrera, Sheriff's Office, received a 15-year pin.
- 2) Carolyn Holadia, Parks & Recreation, received a 15-year pin.
- 3) Andrew Creech, Sheriff's Office, received a 20-year pin.
- 4) Robert Crawford, Public Health Division, received a 25-year pin.
- 5) Lisa Heath, Parks & Recreation, received a 30-year pin.

## **ITEM 3 – EMPLOYEE OF THE MONTH – MAY 2017**

Becky Terry received the Employee of the Month award from Jeff Deringer who described the many ways that Officer Terry is an asset to the Sheriff's Office and Dare County.

## **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](http://www.darenc.com). Following is a brief summary of the key issue that was mentioned by each speaker –

*The following comment was made in Manteo –*

1. Joseph Willis of Wanchese addressed the Conditional Use Permit for a training facility submitted by the Roanoke Island Volunteer Fire Department. He said he understands the value of training, but feels the facility should not be in a residential community. He cited lighting, noise, and safety concerns and urged the Board to deny the permit.

*The following comment was made in Buxton –*

2. Karen Eakes described repairs that are needed at the youth baseball field in Buxton. She asked the County to replace the fencing in order to keep participants safe and to provide handicap accessible restrooms at the facility.

**ITEM 5 – NCDOT UPDATE ON THE COLINTON ROAD PROJECT**

Gary Lovering, NCDOT Project Engineer, provided an update on the Colington Road project. He assured the Board that no impacts are anticipated to graves, headstones, or the retaining wall at Hilltop Cemetery. He outlined potential impacts to businesses and residential properties and added that NCDOT is trying to minimize impacts as much as possible. Mr. Lovering reported that potential impacts will be considered in public meetings that NCDOT will be conducting this summer.

**ITEM 6 – DARE COUNTY EMERGENCY MEDICAL SERVICES - PROCLAMATIONS**

Jennie Collins, Chief of Dare County Emergency Medical Services, presented an EMS Week proclamation and described a series of Open House events that will be conducted.

**MOTION**

Commissioners Shea and House motioned to adopt the EMS Week proclamation. Commissioner Tobin and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

Chief Collins informed the Board about the heroic actions of David Weaver, a Manteo High School student who along with Matthew Houser, a Kill Devil Hills Police Officer, rescued someone who was having a medical emergency while in a car that was submerged in four feet of canal water. Warren Teeple, the patient who was rescued, joined Chairman Woodard in presenting a proclamation honoring David Weaver for his courage.

**MOTION**

Vice Chairman Overman motioned to adopt a proclamation honoring David Weaver. Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – ELDER ABUSE AWARENESS MONTH & OLDER AMERICANS MONTH**

Brandi Rheubottom from Dare County Older Adult Services and Katie McCarron from Dare County Health and Human Services shared population trend information and cited statistics about elder abuse and neglect. Two proclamations were presented.

**MOTION**

Commissioner Shea motioned to adopt the proclamation for Older Americans Month. Commissioner House and Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner Shea motioned to adopt the Elder Abuse Awareness Month proclamation. Commissioner House seconded the motion.

VOTE: AYES unanimous

**RECESS: 10:40 a.m. – 10:57 a.m.**

**ITEM 8 – DARE COUNTY EXTENSION REPORT TO THE PEOPLE**

Shannon Brooks, County Extension Director, gave a comprehensive report on the services that are provided by the North Carolina Cooperative Extension Service. She said an effort is made to adapt programs and services to meet the growing needs of Dare County residents. A video was presented highlighting Extension programs and volunteers. Commissioner Tobin commended the Extension Service for the work they do.

**ITEM 9 – REPORT FROM OUTER BANKS SPORTING EVENTS (OBSE)**

Ray Robinson, Executive Director and Jenny Ash, Race Director provided the Board with information about OBSE events, their impact on shoulder season tourism, and how proceeds benefit the local non-profit groups. Commissioner Ross encouraged OBSE to develop a variety of sporting events including golf tournaments. Commissioner Couch noted that Hatteras Island would welcome and support an event. OBSE presented commemorative artwork to the Board of Commissioners in gratitude for their support.

**ITEM 10 – CITY BEVERAGE GROUP DEVELOPMENT – CUP AMENDMENT**

This agenda item was handled as a quasi-judicial proceeding. Planning Director Donna Creef, Airport Director David Daniels, applicant J.T. Dixon, and Project Engineer Victor White were all duly sworn by the Clerk to the Board before offering any testimony.

The Planning Director outlined a Conditional Use Permit (CUP) amendment that was submitted earlier this year but tabled in order to allow the Dare County Airport Authority to review the site plan. Ms. Creef reported that the FAA has reviewed the proposal and issued a determination that there is no hazard to air navigation, which was confirmed by Mr. Daniels. The County Manager asked the applicant if he agrees to the findings of fact listed in the CUP, the supporting documents on-file, and the facts presented by the Planning Director. Mr. Dixon indicated his agreement and Mr. White concurred.

**MOTION**

Vice Chairman Overman motioned to approve the CUP Amendment and site plan. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – ROANOKE ISLAND FIRE DEPT – WANCHESE TRAINING FACILITY**

This agenda item was handled as a quasi-judicial proceeding. Planning Director Donna Creef and Talmadge Jones, Chief of the Roanoke Island Volunteer Fire Department were both duly sworn by the Clerk to the Board before offering any testimony. Joseph Willis was also sworn for the testimony he would offer and the statements that he made earlier during Public Comments.

A full and complete account of the testimony offered and Board discussion on this agenda item is archived on a video that is available on the Dare County website [www.darenc.com](http://www.darenc.com). Following is a brief synopsis –

The Planning Director outlined the Conditional Use Permit (CUP) submitted by the Roanoke Island Volunteer Fire Department (RIVFD). Chief Jones explained how the facility would be used, the role of I.S.O. rating points, and his Department's training schedule. He fielded Commissioner questions about noise, vehicles that would be used, and safety precautions. Mr. Willis expressed major concerns about the training facility being in a residential neighborhood and cited it as a non-conforming use that should not be permitted. He noted that there are other sites that are more appropriate.

The County Manager asked the applicant if he agrees to the findings of fact listed in the CUP, the supporting documents on-file, and the facts presented by the Planning Director. Chief Jones indicated his agreement.

**MOTION**

Commissioner Tobin motioned to grant approval of the CUP and site plan with the following revisions – 1) requiring a solid privacy fence a minimum of 6 feet in height. 2) requiring that access to the training facility be secured with fencing also installed around the facility to limit access.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – ECONOMIC DEVELOPMENT – AGREEMENT WITH THE OUTER BANKS CHAMBER OF COMMERCE**

Mr. Outten presented an agreement that has been developed with the involvement of Commissioners Shea and Ross to have the Outer Banks Chamber of Commerce implement the first year of the Dare County Economic Development Plan.

**MOTION**

Commissioner Shea motioned to approve the agreement.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – NAGS HEAD BEACH NOURISHMENT FUNDING REQUEST (Att. #1)**

A full and complete account of the Board's discussion on this item is archived on a video that is available on the County website [www.darenc.com](http://www.darenc.com). Following is a brief synopsis –

Nags Head Mayor Edwards and Town Manager Ogburn presented a request for funding of 50% of the updated cost estimate of \$26 million for the Town's beach nourishment maintenance project with a timetable of 2018 or 2019. Mr. Ogburn described the losses that were suffered during Hurricane Matthew and voiced the need for renourishment of Nags Head beaches. Dare County Finance Director David Clawson provided detailed information about the financial models that are used for beach nourishment debt analysis. It was explained that each time there is a demand for the fund, the financial models are recalculated. Mr. Outten reviewed how beach nourishment costs are split between Dare County and the Towns. He noted that if the cost estimates for the Town's re-nourishment project prove to be low, any savings would go back into the Beach Nourishment Fund. There was lengthy Commissioner discussion of the Nags Head funding request, which resulted in the following motion –

**MOTION**

Vice Chairman Overman motioned to approve the Town of Nags Head request for funding of 50% of the cost of the Town's beach nourishment maintenance project not to exceed \$13 million with any savings that may be realized reverting back to the Dare County Beach Nourishment Fund.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – POLICY FOR NAMING OF DARE COUNTY BUILDINGS AND FACILITIES**

The County Manager cited the need to adopt a policy for handling requests to name County owned buildings and infrastructure in honor of a citizen. He presented a draft policy with several criteria and procedural points deliberately left blank for the Board to determine. It was the consensus of the Board to give further study to the draft policy.

**MOTION**

Commissioner Shea motioned to table this item until the next regularly scheduled meeting. Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – HOUSE BILL 867 – COASTAL FISHERIES CONSERVATION AND ECONOMIC DEVELOPMENT ACT (Att. #2)**

Commissioner House said North Carolina House Bill 867 represents the latest fight against our commercial fishing industry. He outlined key components of the proposed legislation noting that it would give more power to the Marine Fisheries Commission and have a devastating effect on Advisory Committees. Commissioner House warned that H.B. 867 would severely harm all of coastal North Carolina and presented a resolution opposing it. Vice Chairman Overman added that H.B. 867 needs to be defeated because it has no supporting science and would only bolster the position of zealous, special interest groups. Commissioner Ross noted that there are minor typographical and grammatical errors in the resolution that need to be corrected. Chairman Woodard and Commissioners Tobin and Couch also voiced their opposition to H.B. 867.

**MOTION**

Commissioner House motioned to adopt the resolution with staff making typographical and grammar edits prior to distribution.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – 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 (04.17.17) **(Att. #3)**
- 2) FY 2017 Lease for Computer Equipment for New EOC-911
- 3) Proclamation – Hurricane Preparedness Week 2017

4) Dare County Transportation Title VI Plan – 2017

5) Tax Collector's Report

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

## **ITEM 17 – BOARD APPOINTMENTS**

### 1) Board of Adjustment

Vice Chairman Overman motioned to reappoint Anna Creef & appoint Edward Mann, Jr  
Commissioner House seconded the motion.

VOTE: AYES unanimous

### 2) Veterans Advisory Council

Vice Chairman Overman reported that the consensus of the Veterans Advisory Council is to appoint Kelli Harmon to the vacancy caused by the resignation of Charles Read.

Commissioner Shea motioned to reappoint Jack Leonard and Marsha Brown and to appoint Kelli Harmon to the vacant seat caused by the resignation of Charles Read.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

### 3) Upcoming Board Appointments

The upcoming Board appointments for June, July, and August 2017 were announced.

## **ITEM 18 – 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](http://www.darenc.com).

Commissioner Couch – provided details about the upcoming British war graves ceremony and extended an invitation to attend.

Commissioner Shea – congratulated the service pin recipients and the Employee of the Month. He expressed gratitude that the County's economic development program is moving forward having been a long-time advocate of this endeavor.

Vice Chairman Overman – reported that the East Lake boat ramp is currently unusable. He said conditions have been reported to the North Carolina Wildlife Resources Commissioner and they are waiting for a response from FEMA. The Vice Chairman gave a status report on dredging, commented on the Saving Lives Task Force meeting in Avon, and congratulated the service pin recipients and the Employee of the Month.

Commissioner House – acknowledged the employees who received service pins and the Employee of the Month. He expressed interest in having the Board of Commissioners publically recognize employees upon their retirement. Commissioner House congratulated Commissioner Tobin on his appointment to the Dare County Board.

Commissioner Ross – extended a warm welcome to Commissioner Tobin. Commissioner Ross raised an issue involving domestic pets that are kept outdoors on vacant lots noting that County rules are not as pet-friendly as the regulations for the Town of Manteo. He asked the County Manager and staff to review the ordinances and focus on tethering, minimum conditions for housing pets, and regulations that may be needed for pets on unoccupied, vacant property. He added that, if appropriate, the County should model its rules with those of the Town of Manteo. Commissioner Ross announced an upcoming meeting of the Rural Center on May 16 at Jennette’s Pier in Nags Head.

Commissioner Tobin – thanked the Board for welcoming him and pledged to take seriously his appointment as a Commissioner and do everything he can to make Dare County a great place to live and work.

Chairman Woodard – congratulated Commissioner Tobin on his appointment. He asked his fellow Commissioners to be thinking about the important issue of offshore drilling as the Board moves forward with new members.

## **MANAGER’S/ATTORNEY’S BUSINESS**

1. Mr. Outten outlined a problem the County is having with the disposal of electronic products such as televisions, computers, monitors, and printers. He explained that these items cannot go into a landfill and must be disposed of by a specialty company, which poses a financial hardship for the County. He asked the Board to support an effort that is seeking to rewrite the regulations to allow the safe disposal of electronics in landfills that meet certain environmental requirements.

### **MOTION**

Vice Chairman Overman and Commissioner Shea motioned to authorize the County Manager to prepare and submit a letter or resolution of support.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Public Information Officer, Dorothy Hester, reported that the Buxton beach nourishment project expects sand to start pumping in 3 weeks. She outlined places where people can get more information about all the beach nourishment projects throughout Dare County.

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

### **MOTION**

Commissioner Shea motioned to adjourn the meeting.

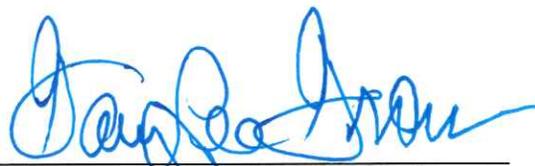
Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 1:57 p.m., the Board of Commissioners adjourned until 5:00 p.m., May 15, 2017.



Respectfully submitted,

By:   
Gary Lee Gross, Clerk to the Board

APPROVED:

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners