



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., June 19, 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.

Chairman Woodard called the meeting to order at 5:02 p.m. He invited Rev. Spottswood Graves to share a prayer, and then he led the Pledge of Allegiance to the flag.

Note – In order to accommodate the Public Hearings scheduled for 5:30 p.m., some agenda items were handled out of sequential order.

ITEM 1 – OPENING REMARKS – CHAIRMAN'S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He commented on NC House Bill 867 and thanked Commissioners House and Tobin for their efforts with Representative Boswell to protect our fishermen.
- Gave an update on the beach nourishment projects underway in Dare County.
- Extended a welcome to the new Dare County School Superintendent John Farrelly.
- He presented a certificate of appreciation to retiring Superintendent Sue Burgess.

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 of the key issue that was mentioned by each speaker –

The following Public Comments were made in Manteo –

1. Maria Wilson Midgett, on behalf of the League of Women Voters, expressed the group's opposition to legislation that would create partisan elections for the Board of Education. She said we need less partisanship, not more.
2. Judy Williams commented on the need for a fenced in dog park with shade trees in front of the new Emergency Operations Center in Manteo. She explained that travel to the Kitty Hawk Dog Park is not feasible especially during the tourism season.

The following Public Comments were made in Buxton –

3. LeRoy Reynolds, known as the alien at the Frisco UFO house, said the Futuro house is a popular attraction where visitors stop to take photographs. As a veteran, he said he just wants fair treatment and thanked everyone who has supported him.
4. Dewey Parr asked the Board to look into the Frisco UFO house saying that people are very concerned about why it will be closed down. He noted that the site has brought joy to a lot of people especially children and visitors to Hatteras Island.

ITEM 3 – DARE COUNTY SOIL AND WATER CONSERVATION BOARD REPORT

Ann Daisey on behalf of the Dare County Soil and Water Conservation Board presented a quarterly update report. She reviewed community outreach efforts and summarized statewide cost share allocations and the amount of funds that have been awarded for Dare County projects. She also provided information about upcoming forums on marine debris.

ITEM 4 – FINANCIAL REPORT & GRANT PROJECT ORDINANCE FOR HURRICANE MATTHEW & TS HERMINE (Att. #1)

Finance Director David Clawson explained that Hurricane Matthew resulted in \$2,465,532 of costs and that Tropical Storm Hermine had \$155,123. He noted that of these amounts, all but \$17,337 should be covered by FEMA, the State, or by insurance proceeds. With reimbursement still pending, Mr. Clawson presented a Grant Project Ordinance that does not expire at the end of the fiscal year.

MOTION

Vice Chairman Overman motioned to adopt the Grant Project Ordinance as presented. Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 5 – PUBLIC HEARING – PETITION TO REQUEST NCDOT TO ABANDON A PORTION OF SR1160

At 5:31 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.

The following people spoke in Manteo –

1. Harold Parker said he disagreed with the abandonment petition saying it is detrimental and not in the County's best interest and would create a hardship for several people.
2. Margarette Umphlett gave the Planning Director a petition signed by 113 residents opposed to the request, which she said would increase the applicant's property value while lowering the value for others who will no longer have nearby soundside access.
3. John Payne described the important role that the soundside access site has had for multiple generations of people in his family. He asked the Board to think about access for future generations in making their decision
4. Albert Thomas expressed concern about the abandonment proposal that he said would restrict access to the area known as "The Little Beach." He urged the Board to consider this as an issue of access.
5. Janice Booth said it was incredibly important that people have access to the soundside site that she described as a little piece of heaven on Roanoke Island. She said approving the abandonment petition would be a loss to humanity.
6. David Creef, a lifelong resident, said he has used this site to launch canoes and asked that this beautiful, quiet place not be closed off to the people who live nearby
7. Cheryl Anby explained why the soundside site is important to her family and said she cannot imagine it not being there. She spoke against the abandonment request saying it would change something that she considers to be a little piece of heaven.
8. Jason Sneed asked the board to leave the street the way because it would be a shame to lose this soundside access.

There were no comments from the Fessenden Center in Buxton

Chairman Woodard closed the hearing at 5:50 p.m.

Elizabeth Robbins on behalf of her clients, Randy and Mary Ann Hodges, described the condition of the unpaved roadway and noted that approving the request will not limit access. Ms. Robbins fielded Commissioner questions. Mr. Outten clarified that the County does not own public roads and has no maintenance duties or responsibilities. The Planning Director outlined how public notice of the abandonment request was given. Steve Thompson spoke on behalf of the National Park Service Outer Banks Group saying that he visited the site with Mr. Hodges and explained that the Park Service will not support the abandonment request or oppose it. After conducting the public hearing and discussing the item, the abandonment request failed for lack of a motion.

RECESS: 6:14 p.m. – 6:31 p.m.

ITEM 6 – PUBLIC HEARING – MANAGER’S PROPOSED BUDGET (Att. #2)

At 6:31 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.

The following people spoke in Manteo –

1. Judy Williams asked whether the increased operating costs for the Regional 911 Communications Center would be shared with the participating counties. She also asked if any thought was given to using the facility as an emergency shelter.
2. Tom Murphy commended the Board for increasing the tax rate by the proper amount instead of doing like previous Boards and raising it by an amount that was less than what was really needed. He said the Board made the right decision in addressing staff salaries and upgrading Emergency Medical Services. He noted that good government costs money and said he would gladly pay his part.

There were no comments from the Fessenden Center in Buxton

Chairman Woodard closed the hearing at 6:35 p.m.

A Budget Change List was presented outlining adjustments to Planning Department fees and to the Water Fund. Chairman Woodard asked if there were any questions and there were none. He commended the Board, staff, and department heads for participating in four budget workshops and comprehensively going through every line item of the budget.

MOTION

Vice Chairman Overman and Commissioner Shea motioned to approve the Manager’s Recommended 2018 Fiscal Year Budget incorporating the Budget Change List and including the Annual Budget Ordinance.

Commissioner Couch seconded the motion.

VOTE: AYES: 5 (Commissioners: Woodard, Overman, Shea, Ross, Couch)

NOES: 2 (Commissioners: House, Tobin)

Motion carried in a 5 to 2 vote

ITEM 7 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room. He explained that staff will be inserting data into the blank space on Consent item #6.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (06.05.17) **(Att. #3)**
- 2) Debris Management Contract

- 3) DHHS – Social Services Division, Budget Amendment – Day Care
- 4) Budget Amendment – Sheriff Department
- 5) Nags Head Fireworks Display 2017
- 6) Tax Foreclosure Attorney Contract
- 7) Tax Collector's Report

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – 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 – commented on the Buxton beach nourishment project saying that the community has welcomed the contractor's employees and that the nourishment activity has become a popular tourism attraction. Commissioner Couch described the shell collecting that is underway at the new Cape Point channel. He also thanked the Public Relations Department for their update reports on the Bonner Bridge replacement.

Commissioner Shea – thanked Dr. Burgess for years of service as Superintendent of Dare County schools and wished her a happy retirement. Commissioner Shea expressed hope that this summer will be a good tourism season.

Vice Chairman Overman – no additional comments.

Commissioner House – thanked Commissioners for going to Raleigh to show support for local commercial fishermen opposing House Bill 867. He noted that the Speaker of the North Carolina House of Representatives has asked Representative Boswell to address the tension that exists between commercial and recreational fishing interests. He added that Commissioner Tobin is working with Representative Boswell on legislation that will help create a fair playing field for everyone. During his remarks, the SPCA Pet of the Week video was presented. In addressing the budget, Commissioner House thanked the County Manager, Finance Director, and all Commissioners for their outstanding work on the fiscal year budget. He said there is nothing in that budget that is a want. He stated that everything in that budget is a need and a must have. He said the reason he voted against it was because of the tax increase, which he said he thought could have been done with a little bit less. He said that was the only reason he voted against it plus the fact that several people on the street asked him to oppose it and his vote against the budget was letting their small voice be heard. Commissioner House said other than that, he supported the budget whole-heartedly noting that everything in it is a need not a want.

Commissioner Ross – reported that the Albemarle Commission is looking at a new headquarters facility and the Executive Director will be coming to a future Board meeting to seek support for the project, which will have stringent cost control measures. He noted that he just recently learned of the UFO house on Hatteras Island.

Commissioner Tobin – reported on a productive trip to Raleigh and briefed the Board on legislative efforts that are underway with Representative Boswell to provide support for our commercial fishing industry. He informed everyone that Dare County boats did very well in the recent Big Rock Fishing Tournament and that participants were able to get out of Hatteras Inlet using the Connecting Channel.

Chairman Woodard – said he wanted it reflected in the record that four public workshops were held on the fiscal year budget where every single line item was reviewed for every department. He said during this process the Board expressed unanimous consensus in giving direction to the County Manager and Finance Director to prepare the budget as it was presented at today's meeting. The Chairman said there are no wants in the budget and everything in it represents a need. He reiterated that during the Budget Workshops the Board was unanimous in giving direction on the budget.

MANAGER'S/ATTORNEY'S BUSINESS

1. The Manager reported that the County has received the previously approved change order to add the Town of Southern Shores beach nourishment component. He asked for authorization to sign the change order.

MOTION

Commissioner Couch motioned to authorize the Manager to sign the change order.
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten gave a report on the Hatteras Inlet dredging project. He outlined additional work needed and noted that one of the dredging vessels will be out of commission for several months this fall. The Manager explained that there is a need to be able to dredge wherever there is deep water and in order to do so a Submerged Cultural Resources Study is needed at a cost of approximately \$80,000 with a cost share for Dare County of approximately \$20,000. He asked the Board to authorize the expense and approve moving forward with the recommendations of the Corps of Engineers.

MOTION

Vice Chairman Overman and Commissioner Shea motioned to approve the request.
Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

3. Mr. Outten noted that the Memorandum of Agreement (MOA) for dredging Hatteras Inlet will expire next April. He said efforts are underway to get a 10 year MOA so the document would not be redone every year.
4. The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the County in order to preserve the attorney-client privilege; and to approve the minutes of the last Closed Session.

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 7:30 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 8:01 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney, and took no action.

Prior to adjourning the meeting, Chairman Woodard asked the County Manager to address questions raised by Judy Williams during the Public Hearing on the budget about the Regional 911 Center/Emergency Operations Center. After information was given about the project's funding and emergency shelters, the Chairman asked for a motion to adjourn.

MOTION

Commissioner Tobin motioned to adjourn the meeting.

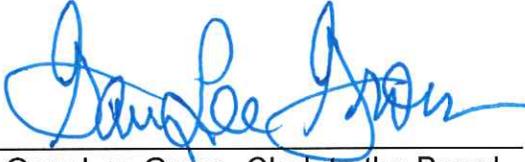
Commissioner House seconded the motion.

VOTE: AYES unanimous (Commissioner Shea was not present for voting on this motion)

At 8:05 p.m., the Board of Commissioners adjourned until 5:00 p.m., July 17, 2017.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners