



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., July 17, 2017

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

Commissioners absent: Note - Vice Chairman Overman was only able to attend the first portion of the meeting. A notation is listed with each motion indicating whether he was present for voting on the item.

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 5:03 p.m. He invited Rev. Jody Moore from the Outer Banks Presbyterian Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Chairman asked for a motion to amend the agenda to move Item #12 (Ordinance to allow the sale of alcoholic beverages before noon on Sundays) to item 5A.

MOTION

Commissioner Shea motioned to amend the agenda as requested.

Commissioner Tobin and Commissioner House seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was present for voting on this item)

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He gave an update on beach nourishment projects throughout the County.
- Commented on the death of two special people, George Spence and Dwight Wheless.
- Gave details about the recent dedication of the Blue Star Highway honoring veterans.
- Reported on a presentation he made to the Kitty Hawk Kiwanis Club on County issues.

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) Felisha Norman, Social Services, received a 10-year pin.
- 2) Sally Helms, Social Services, received a 10-year pin.
- 3) Wanda McMahon, Health Department, received a 15-year pin.
- 4) Terence Sheehy, Emergency Medical Services, received a 20-year pin.
- 5) Sandy Scarborough, Dare County Center, received a 20-year pin.
- 6) Veronica Brickhouse, Dare County Library, received a 25-year pin.
- 7) Heidi Wescott, Sheriff's Office, received a 25-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – JULY 2017

Tommy Hollis received the Employee of the Month award from Edward Lee Mann who described the many ways that Mr. Hollis is an asset to the Public Works 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. Gail Sonnesso spoke in support of NC Senior Tar Heel Legislature Delegates Kaye White and Mary Ellen Hawthorne. She described the challenges facing families dealing with dementia and spoke of the need for a licensed day care center for seniors. Ms. Sonnesso called on the Board to be open to providing this service.
2. Doug Kenyon told Commissioners that something different needs to be done about substance abuse. He said money is being squandered on tactics that don't work. Mr. Kenyon said only a small amount of money is allocated for preventative care compared to what is spent dealing with the problem later in our courts and jails.

The following comments were made in Buxton –

3. James Bagwell asked about getting a six inch water line and fire hydrant on a street in Buxton Woods as a matter of public safety and public welfare. He also described problems on Deer Run Circle and Flowers Ridge Road that need attention.

ITEM 5 – INTRODUCTION OF THE NEW SUPERINTENDENT OF SCHOOLS

John Farrelly, the new Superintendent of Dare County Schools, was introduced by School Board Chair Bea Basnight. Superintendent Farrelly, who started his career as a teacher, said he is thrilled to be serving the children of Dare County. He said he looks forward to continuing a close relationship with the Dare County Board of Commissioners and working with the community to develop a shared vision for our schools.

ITEM 5A – ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS (Att. #1)

This item was moved from #12 on the agenda. Mr. Outten explained that Senate Bill 155, known as the Brunch Bill, was enacted by the North Carolina General Assembly and authorizes local governments to adopt an ordinance to allow the sale of alcoholic beverages before noon on Sundays. Dan Lewis, on behalf of the Outer Banks Restaurant Association, asked the Board to adopt an ordinance to allow the sale of alcoholic beverages at 10:00 a.m. on Sunday as a matter of economic importance for local restaurants and retailers. The County Manager read the ordinance.

MOTION

Commissioner House motioned to adopt the ordinance as presented to allow the sale of alcoholic beverages before noon on Sundays at licensed premises in unincorporated areas of Dare County effective July 17, 2017.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was present for voting on this item)

RECESS: 6:12 p.m. – 6:28 p.m.

ITEM 6 – REPORT ON THE NC SENIOR TAR HEEL LEGISLATURE

Kay White, Delegate to the NC Senior Tar Heel legislature, and Alternate Mary Ellen Hawthorne, gave an update report to the Board of Commissioners. Legislative priorities were outlined and concerns were identified including a consumer warning about online pharmaceutical purchases and the need to have more adult day care services.

Commissioner Couch asked for more information about adult day care as outlined by Gail Sonnesso. Commissioner House echoed the recommendation for an adult day care facility saying that he knows from personal experience that this is a burdensome issue for families. Ms. White said she will prepare information for the Board of Commissioners.

ITEM 7 – JOHN DODARO ZONING TEXT AMENDMENT – SOLAR ENERGY SYSTEMS

Planning Director Donna Creef outlined a zoning text amendment request from John Dodaro and Maria Clemente to place a solar energy system at their residence in Rodanthe. She explained that the Planning Board felt additional standards were needed and instructed staff to draft new regulations for inclusion in the Zoning Ordinance. She asked for a Public Hearing on the proposed zoning text amendment.

MOTION

Commissioner Shea motioned to schedule a Public Hearing for 10 a.m. on August 7, 2017. Commissioner Couch seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

ITEM 8 – SUBDIVISION ORDINANCE AMENDMENTS – REQUEST FOR A HEARING

The Planning Director reported that the State of North Carolina has recently adopted revisions to the General Statutes that define a subdivision. She described the changes and asked for a Public Hearing on an amendment to the Subdivision Ordinance.

MOTION

Commissioner Shea motioned to schedule a Public Hearing for 10 a.m. on August 7, 2017. Commissioner House seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

Note: Agenda items 9, 10, and 11 were quasi-judicial proceedings. Before any of these items were considered by the Board, the Planning Director and any others who might offer testimony were duly sworn by the Clerk to the Board.

ITEM 9 – MARITIME WOODS GROUP DEVELOPMENT

After all parties to this proceeding were duly sworn, Ms. Creef presented a revised site plan and Conditional Use Permit (CUP) for the Maritime Woods group development located off Driftwood Drive on Roanoke Island. She said a previous CUP has expired and a revised site plan has been submitted with a request to reauthorize a CUP to allow development of the site. Ms. Creef noted that the site plan has been approved by the Dare County Airport Authority and reported that the Federal Aviation Administration has issued a determination letter that there is no hazard to air navigation. She added that the item was unanimously approved by the Planning Board. The County Manager asked if the applicant agrees to the admission of the file material submitted by the Planning Department, the facts presented by the Planning Director, and the facts and conditions outlined in the Conditional Use Permit. Mr. Chesson indicated his agreement.

MOTION

Commissioner Shea motioned to approve the CUP and revised site plan as recommended by the Planning Board.

Commissioner House seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

ITEM 10 – JONATHAN MIDGETT GROUP DEVELOPMENT – CUP APPLICATION

After all parties to this proceeding were duly sworn, Ms. Creef outlined a Conditional Use Permit (CUP) and associated site plan submitted by Jonathan Midgett to develop property on Colington Road. In discussing the CUP, the Board noted the need for a verbiage change for items #3, #4, #8 concerning fencing, lighting, and the deed overlap issue. Chairman Woodard asked if the applicant agrees to the terms and conditions of the CUP. Victor White from Landmark Engineering indicated his agreement.

MOTION

Commissioner Shea motioned to approve the site plan and Conditional Use Permit with the changes that were discussed for #3, #4, and #8.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

ITEM 11 – BELLE ACRES GROUP DEVELOPMENT – CUP APPLICATION

After all parties to this proceeding were duly sworn, Ms. Creef presented a Conditional Use Permit (CUP) and site plan submitted by Colingwood Development for a 10-unit residential project in Colington. The County Manager asked if the applicant agrees to the facts that were presented, the admission of the file material submitted by the Planning Department, and the facts and conditions outlined in the Conditional Use Permit. Project Engineer Mike Robinson indicated his agreement.

MOTION

Commissioner Shea motioned to approve the CUP and site plan as recommended by the Planning Board.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

ITEM 12 – ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS This item was moved to #5A on the agenda

ITEM 13 – OUTER BANKS GUN CLUB LEASE

The County Manager explained that the lease is now due for renewal and the Gun Club has requested a five year lease agreement. He explained that a Public Notice needs to be published outlining the term of the proposed lease. He asked for authorization to publish the notice and later bring the 5 year lease agreement back to the Board for approval.

MOTION

Commissioner Shea motioned to authorize publication of a Public Notice stating intent to enter into a 5 year lease agreement.

Commissioner House seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

ITEM 14 – 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 (06.19.17) **(Att. #2)**
- 2) Reimbursement Resolution – FY2017-2018 Vehicle & Equipment Financing **(Att. #3)**
- 3) Dare County Transportation Department – Drug and Alcohol Testing Policy
- 4) 2017 Community Waste Reduction and Recycling Grant
- 5) Tax Collector’s Report

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

ITEM 15 – BOARD APPOINTMENTS

- 1) East Lake Community Center Board

Commissioner Shea motioned to reappoint Ted Hemilright.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

2) Game and Wildlife Commission – 4 Appointments

Commissioner Tobin motioned to appoint Kyle Perry.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

Commissioner Tobin motioned to appoint Missy McPherson.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

Commissioner Tobin motioned to appoint Robert Owens.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

Commissioner Shea motioned to reappoint George Henderson.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

3) Wanchese Community Center Board

Commissioner Shea motioned to reappoint Rosie Davenport, Bill Wilson, Sally DeFosse, Becky Beacham, and Ulysses S. “Lish” Meekins.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

4) Upcoming Board Appointments

The upcoming appointments for August, September, and October were announced.

ITEM 16 – 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 Tobin – gave an update on conditions at Oregon Inlet and the need for caution by mariners. He commented on the recent Cooperative Extension Service meeting. Commissioner Tobin reported that he participated in training for the Nursing Home Community Advisory Board. He also noted that he has been appointed to serve on the North Carolina Industrial Park authority. Commissioner Tobin thanked Nancy White for all that she accomplished during her tenure at the Coastal Studies Institute.

Commissioner Ross – noted that Cathy Davison, on behalf of the Albemarle Commission, will be appearing before the Board in August to present plans for a new headquarters facility in Hertford. He mentioned that he will be attending an upcoming meeting about Senior Memory Care with Gail Sonnesso. Commissioner Ross complimented EMS providers for the positive letters that have been received from patients about the care that they received. He expressed his appreciation for the professionalism of Dare County Planning Director Donna Creef. Commissioner Ross reported on attending his first meeting of the Dare County Library Board.

Commissioner House – congratulated the service pin recipients and the Employee of the Month. He agreed with comments that were about Dare County employees going above and beyond the call of duty on a daily basis as evidenced by the positive letters regarding EMS. He noted that Dare County EMS is receiving favorable recognition from EMS consultants nationwide. Commissioner House expressed regret that there will not be a Pet

of the Week video tonight. He recommended that the Board consider holding a meeting on Hatteras Island in the near future. Commissioner House expressed his condolences on the death of George Spence. He fondly recalled the many ways that Mr. Spence served the community and outlined the acting, television, and film credits he achieved.

Commissioner Shea – thanked the service pin recipients and Employee of the Month for all that they do to make Dare County a great place to live, work, and raise a family. He observed that there appears to be more visitors on the Outer Banks this summer.

Commissioner Couch – commented on the death of Dwight Wheless noting that he had the pleasure of serving with him on several community boards. He also mentioned the death of George Spence. An update was given on the Hatteras to Ocracoke passenger ferry project. Commissioner Couch made a motion on behalf of the Waterways Commission, which was seconded by Commissioner Shea, to have the Board initiate an economic impact study of Hatteras Inlet. After discussing the matter, the motion and its second were withdrawn by their makers, and the Board agreed by consensus to have the County Manager explore costs and possible funding sources and develop a plan to be submitted to the Board of Commissioners for approval.

Chairman Woodard – thanked his fellow Commissioners for their dedication and loyalty. On behalf of Vice Chairman Overman, he presented a request to fund child tele-psychiatry services and asked Public Health Director Sheila Davies to provide details. Ms. Davies outlined information about how the pilot program would operate and projected an annual cost of \$22,000 to \$25,000.

MOTION

Chairman Woodard motioned to approve up to \$25,000 for child tele-psychiatry services. Commissioner House and Commissioner Shea seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

MANAGER’S/ATTORNEY’S BUSINESS

1. Mr. Outten outlined a problem at the recycling center in Rodanthe caused by people dumping non-recyclables and construction debris. He noted that someone shot out the security camera. He reported that effective August 1 the operating hours will be 8:00 a.m. to 5:00 p.m. and described what items are acceptable at the Rodanthe site. He cautioned that if this problem cannot be controlled, it could result in closing the facility.
2. An update was given on conditions at Hatteras Inlet. The Manager reported that the dredge vessel will be out of service later this year and may not be available until spring of 2018. In view of this, he explained the need to move funds under the cost share program in order to secure dredging now for the inlet. He asked the Board to authorize \$110,000 as the County’s portion of the State matching fund for Hatteras Inlet.

MOTION

Commissioner House motioned to approve the expenditure as outlined. Commissioner Shea seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

- 3. The Manager reported that he was recently asked by the Corps of Engineers if Dare County would be willing to contribute funds for addressing navigational access from Cedar Island to Ocracoke. Mr. Outten informed the Board that he told the Corps that funds would not be designated for this out of Dare County purpose. By consensus, the Board agreed with the Manager's response to the Corps.

Chairman Woodard thanked Dorothy Hester and the Public Relations Department for the More Beach to Love campaign. Commissioner Couch thanked staff for supporting meetings on the Buxton beach nourishment project. Mr. Outten said timing and deadline concerns have been expressed to the contractor and they have assured the County that they are looking to meet the deadlines outlined in the contract.

- 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 Couch seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

At 8:09 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 8:44 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, consulted with the County Attorney, and took no other action.

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

MOTION

Commissioner House and Commissioner Couch motioned to adjourn the meeting.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous (Vice Chairman Overman was not present for voting on this item)

At 8:44 p.m., the Board of Commissioners adjourned until 9:00 a.m., August 7, 2017.



APPROVED:

Respectfully submitted,

By: 
 Gary Lee Gross, Clerk to the Board

By: 
 Robert Woodard, Chairman
 Dare County Board of Commissioners