



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., September 5, 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 9:03 a.m. He invited Rev. Cherri Wheeler, a retired U.S. Air Force Chaplain, to share a prayer, and then the Chairman called for a moment of silence for the people who suffered during the recent storm that hit Texas and the Gulf Coast area. Afterward he led the Pledge of Allegiance to the flag.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He reported on a Board of Education meeting he attended with Vice Chairman Overman, Commissioner Ross, and the County Manager where John Farrelly, the new school Superintendent, conducted an enthusiastic meeting with teachers and administrators to launch the new school year.
- The Chairman noted that Dare County Emergency Management recently conducted a post incident review of the Hatteras Island power outage.
- A thank you letter was read from Lynda Wood who received a certificate of appreciation from the Board for her work with the Dare Education Foundation.
- Vice Chairman Overman was thanked for his active leadership role in addressing substance abuse issues in the community.
- Chairman Woodard commented on the recent ceremony that he attended along with Vice Chairman Overman, Commissioner Ross, Commissioner Couch, and County Manager Bobby Outten for the dedication of the football field at First Flight High School in honor of former Commissioner Warren C. Judge III.
- He encouraged everyone to pay close attention to the tropical storm activity.

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) Lynda Griggs, Public Health Division, received a 10-year pin.
- 2) Charlie Essick, Sheriff's Office, received a 20-year pin.
- 3) Mark McKay, Sheriff's Office, received a 20-year pin.
- 4) Angela Long, Social Services Division, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – September 2017

It was announced that this award will be presented at the September 18, 2017 meeting.

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 of the key issue that was mentioned by each speaker –

The following comments were made in Manteo –

1. Craig Merrill – spoke against the repeal of the plastic bag ban. He said the ban on plastic bags has worked and provided a list of references from throughout the nation and world documenting the effectiveness of plastic bag bans.
2. Ann Dwyer – made comments on behalf of Judy Williams concerning the proposed Manteo Dog Park. She explained that the consensus of dog park users is for design option #1 with some slight variations, which were outlined for the Board.
3. Robert Muller – said representation in Raleigh did not listen to the voice of the people on the repeal of the plastic bag ban. He noted that this is not a partisan issue and called for a referendum and recommended a statewide ban on plastic bags.
4. Jule Scarborough – agreed with speakers on repeal of the plastic bag ban and said she wanted to reinforce the comments made by Ann Dwyer & Judy Williams concerning the Manteo Dog Park. She outlined a simple solution for the Board to consider.
5. Jack McCombs – addressed the repeal of the plastic bag ban saying everyone on the Outer Banks is vastly in favor of keeping the ban in place. He questioned who Senator Cook and Representative Boswell really represent on this issue.
6. Fletcher Willey – on behalf of the College of the Albemarle Foundation provided details about a fundraising event to benefit the Scholarship Fund for the Dare County Campus. He also described educational opportunities available for Dare County students.
7. Patti Armistead – said the plastic bag ban has been effective and presented information documenting the disastrous effect of plastics in the ocean. She called on the Board to undermine the repeal that is being forced on the people by corporate interests.

8. Luke Mahler – said he opposes repeal of the plastic bag ban and favors a popular referendum on the issue. He noted that the repeal could be disastrous and we should be enraged and speak out against those who want to meddle and make a quick buck.
9. Jennifer Alexander – echoed what others said about the repeal of the plastic bag ban and asked the Board to consider Mr. Muller’s proposal for a referendum on the issue. She also demonstrated the effectiveness of reusable bags.
10. Bob Healy – said Rep. Boswell and Senator Cook ought to be ashamed for ignoring the wishes of the people and should be censured by the Board of Commissioners. He said the repeal will injure our environment and economy and recommended a referendum.
11. Linda Kinne expressed support for a referendum on the plastic bag issue and asked the Board of Commissioners to act on it. She suggested mandating the recycling of plastic bags and requiring companies to have affordable, reusable bags for sale.

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

Chairman Woodard thanked everyone who spoke during public comments. He explained that the Dare County Board of Commissioners adamantly opposed repeal of the plastic bag ban and sent a unanimous resolution to our elected officials in Raleigh. He said he would like to tackle this topic today and is not willing to give up on this issue without a fight. Chairman Woodard asked the County Manager to address options that may be available. Mr. Outten said he would need to do research and noted that in the past a local referendum was not possible without legislative approval.

Following is a brief summary of other Commissioner remarks on the issue of the plastic bag ban, which can be viewed in their entirety in a video on the Dare County website - - -

- Commissioner Couch said he liked the idea of accommodating the recycling of plastic bags and suggested that the Board consider some type of recycling measure.
- Commissioner Shea expressed support for a referendum or any other measure to stop this repeal and said efforts should be made to cut off the source of plastic bags coming into the county.
- Vice Chairman Overman spoke in favor of allowing people to speak through a referendum if it is legally possible to do so.
- Commissioner House cited examples of big box stores that have recycling containers inside their facility. He noted that the Legislative Rules Committee determined that the ban was unconstitutional because it did not include all of Dare County. He recommended looking deeper into the issue by including the single use plastic bags that grocery stores provide for vegetables. He added that this deeper look should include household trash bags and zip lock bags that are used for bait.

- Commissioner Ross suggested sending an invitation to Representative Boswell asking her to appear at a Commissioners meeting to let people know the rationale for repealing the ban.
- Commissioner Tobin endorsed researching whether a referendum can be done and addressing this issue on a statewide basis.

Chairman Woodard asked the County Manager/Attorney to research the legality of a referendum and procedures for a possible ban of all plastic bags. By consensus, the Board agreed that Mr. Outten should find out what authority the County has in this matter.

RECESS: 10:17 a.m. – 10:38 a.m.

ITEM 5 – PROCLAMATION – CONSTITUTION WEEK

Betty Corbin on behalf of the Virginia Dare Chapter of the Daughters of the American Revolution (DAR) presented a proclamation promoting Constitution Week in observance of the United States Constitution.

MOTION

Commissioner Shea motioned to issue the Constitution Week proclamation.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DARE LITERACY COUNCIL - PROCLAMATION

Lynn Blackburn provided information about the work of the Dare Literacy Council and asked the Board to issue a proclamation establishing September 2017 as National Literacy Month in Dare County.

MOTION

Commissioner Shea motioned to issue the National Literacy Month proclamation.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PRESENTATION FROM MANO AL HERMANO

Kay Minis, Family Literacy Director at Mano al Hermano briefed the Board on how the local non-profit group serves the Latino community of Dare County by strengthening families with an emphasis on the education and overall well-being of children.

ITEM 8 – ELDER ABUSE & LONG-TERM CARE OMBUDSMAN PROGRAM

Brandi Jordan, on behalf of the Regional Long-Term Care Ombudsman program, presented information about elder abuse, neglect, and exploitation. She described types of abuse and presented national and regional statistics about this important issue.

ITEM 9 – TOURISM BOARD LONG TERM RESTRICTED FUND REQUESTS & MID-YEAR TOURISM REVIEW

Susie Walters, Chair of the Dare County Tourism Board presented two long term Restricted Fund requests – 1) GOSPL grant award to Dare County in the amount of \$120,000 for the Pearce Tract. 2) \$15,000 award to the Graveyard of the Atlantic Museum for construction of a new exhibit and entrance signage.

MOTION

Commissioner Couch motioned to approve the Long Term Restricted Fund grant awards. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, provided a comprehensive mid-year review of how tourism impacts Dare County. He reported that the economic impact of tourism in 2016 was \$1.1 billion and accounted for 13,160 jobs. Mr. Nettles reviewed occupancy and meals tax collections, explained why social media is so important, and described marketing that was created to promote Hatteras Island visitation immediately after the power outage was resolved.

ITEM 10 – PRESENTATION OF COMMUNITY RATING SYSTEM CERTIFICATE

Dan Brubaker, representing the NC Department of Public Safety, presented a certificate recognizing Dare County on achieving a Class 7 designation in the Community Rating System (CRS). Mr. Brubaker outlined the cost savings due to the new Class 7 designation compared to the previous Class 8 status. A plaque was presented to the County and Chairman Woodard commended Planning Director Donna Creef for this accomplishment. Ms. Creef explained that it was a team effort and thanked Public Information Officer Dorothy Hester and Emergency Management Director Drew Pearson for their assistance.

ITEM 11 – CONDITIONAL USE PERMIT FOR CAPE HATTERAS OYSTERS INC.

This agenda item was handled as a quasi-judicial proceeding. Dare County Planner Noah Gillam along with the applicants, William and Ryan Belter, were duly sworn by the Clerk to the Board before offering any testimony.

Dare County Planner, Noah Gillam, presented a Conditional Use Permit (CUP) submitted by William & Ryan Belter to operate a fish house at 47382 Rocky Rollinson Road in Buxton for an oyster farming business. It was noted that the Planning Board recommends the conditions outlined in the CUP. Commissioner Couch thanked the Belter family for helping to keep alive the commercial fishing heritage of Hatteras Island. Mr. William Belter explained that they farm oysters rather than harvest them and he said their operation is committed to being good stewards of the environment. Vice Chairman Overman said he would enjoy seeing a video of their oyster farming business. Commissioner Shea added that the Board wants to see local businesses grow and succeed.

The County Manager asked the applicant if he agrees to the admission of the file material submitted by the Planning Department, the facts presented by the Dare County Planner, and the facts and conditions outlined in the CUP. Mr. William Belter voiced his agreement.

MOTION

Commissioner Shea motioned to approve the Conditional Use Permit and Site Plan with the finding that sufficient information documenting compliance with the R2-A zoning requirements has been submitted by the applicants and reasonable and appropriate conditions have been identified and applied to the proposed facility.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – PUBLIC HEALTH DIVISION, AMEND DARE COUNTY ORDINANCE
CHAPTER 91 SECTION 91.030 (Att. #1)**

The County Manager explained that several years ago, an ordinance was adopted for handling dangerous and potentially dangerous dogs and the only remedy provision in the ordinance was euthanasia. He reported that the Dangerous Animal Appeals Board would like to have options available, other than euthanasia, when circumstances warrant. Sheila Davies, Director of the Public Health Division, outlined proposed ordinance changes regarding confinement, signage, sterilization, and final determination. Chairman Woodard noted that a word is missing from the Annual Inspection by Animal Control portion of Section F to clarify that “Dare County Animal Control shall inspect...” He indicated that the word “Control” needs to be added to this sentence.

MOTION

Vice Chairman Overman motioned to approve amendments to the ordinance with the missing word added to Section F as outlined by Chairman Woodard.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – STAFF UPDATE ON POSSIBLE PLANS FOR A DOG PARK NEAR THE
EMERGENCY OPERATIONS CENTER**

County Manager Bobby Outten presented information developed by staff concerning a possible Dog Park next to the Emergency Operations Center on Airport Road in Manteo. He outlined 5 design options and cost estimates along with a staff recommendation for design option #3. Mr. Outten explained that the site is currently an unregulated field that people use as a dog park. He noted that if the venue becomes an official Dog Park, there will be formal regulations and procedures for using the facility. The Board discussed the use of the site, which resulted in the following motion - - -

MOTION

Commissioner Shea motioned to approve design option #3 for a Manteo Dog Park and authorize up to \$25,000 to fund the project.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

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 (08.21.17) **(Att. #2)**
- 2) Outer Banks Gun Club Lease

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARD APPOINTMENTS

1) Health and Human Services Board

Vice Chairman Overman motioned to reappoint - - -

the 5 nominees presented by the Health & Human Services Board, including:

Christian Lige, L'Tanya Murray, David Ryan, Kaye White, Robert Woodard

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Juvenile Crime Prevention Council

Commissioner Shea motioned to appoint Mollee Sinks to fill the unexpired term of Alejandra Monica-Sanchez.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments

The upcoming appointments for October, November, and December 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 Ross – commented on the nice ceremony that was held to dedicate the First Flight Football Field in honor of former Commissioner Warren Judge. He also commended the School Superintendent for launching the new school year in an outstanding way at the pep rally event that was held for teachers and administrators. Commissioner Ross thanked Brandi Jordan for sharing information today about elder abuse. He congratulated Planning Director Donna Creef on the improved Community Rating System (CRS) designation and expressed gratitude for the strong staff that serves in the Planning Department. Commissioner Ross said he looks forward to participating in the Board's effort to plan strategic goals for 2018.

Commissioner House – noted that the new Class 7 designation in the Community Rating System (CRS) is a great step forward. Commissioner House conveyed concern for the people in Texas dealing with the aftermath of Hurricane Harvey and urged everyone to be diligent and keep an eye on the track of Hurricane Irma.

Vice Chairman Overman – congratulated the service pin recipients. He reported on the successful forum that was recently hosted by the Saving Lives Task Force. He said the dedication of the First Flight football field in honor of Warren Judge was a fitting tribute. The Vice Chairman agreed with the comments made by Commissioner Ross about the recent pep rally event to launch the new school year.

Commissioner Shea – thanked the service pin recipients for all they do to make Dare County a great place to live, work, and raise a family. Commissioner Shea urged everyone to make preparations to protect their lives and property just in case Hurricane Irma should track in our direction.

Commissioner Couch – said the people of the Outer Banks are looking to the Board of Commissioners for leadership on the plastic bag issue and said he looks forward to tackling this issue.

Commissioner Tobin – reported on training he completed for his post on the Nursing Home Community Advisory Board and tours he has taken of our local institutions. He described a new wing at the Peak Resources facility in Nags Head, but said he was shocked to learn that there are no regulations that require a certain number of nursing assistants. He said this is a big concern and he will work with Representative Boswell and Senator Cook to address this issue. Commissioner Tobin described a recent dinner he attended at Basnight's Lone Cedar Café with North Carolina House Speaker Tim Moore, Representative John Torbett, Representative Boswell and others. He said Representative Torbett, who serves on the Appropriations Committee and as one of the Chairs of the Transportation Committee, was given a tour of Oregon inlet to see the needs related to the waterway. Commissioner Tobin also reported on a meeting that he, Representative Boswell, and Glenn Skinner from the North Carolina Fisheries Association, had with the Secretary of the North Carolina Department of Environmental Quality. He said it was a very good meeting with Secretary Regan and they were able to voice concerns about appointments to the Marine Fisheries Commission and the structure of the panel.

Chairman Woodard – thanked Commissioners for their attention to detail on the agenda items that come before the Board. He also encouraged everyone to closely watch Hurricane Irma.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten reported that Dare County will be closely monitoring Hurricane Irma. He encouraged everyone to monitor the Dare County website for the latest information from Emergency Management.
2. The County Manager commended Planning Director Donna Creef for the hard work she has done to get the improved Class 7 designation in the Community Rating System (CRS). He explained that Ms. Creef worked with a diverse group of community stakeholders in developing a consensus in pursuing CRS points.

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

MOTION

Commissioner Couch motioned to adjourn the meeting.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

At 1:08 p.m., the Board of Commissioners adjourned until 5:00 p.m., September 18, 2017.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners