



# 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., January 4, 2016**

Commissioners present: Chairman Robert Woodard  
Vice-Chairman Wally Overman  
Warren Judge, Jack Shea, Allen Burrus,  
Beverly Boswell, Margarett Umphlett

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).

Chairman Woodard called the meeting to order at 9:04 a.m. He invited the Rev. Fran Peel to share a prayer, and then he led the Pledge of Allegiance to the flag. Afterward the Chairman called for a moment of silence on behalf of Commissioner Umphlett's daughter who is having a health problem. He asked that the Umphlett family be kept in everyone's thoughts and prayers.

#### **ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Crystal Ambrose, Health & Human Services, received a 10-year pin.
- 2) Jessica Davenport, Health & Human Services, received a 10-year pin.
- 3) Ron Mills, Buildings & Grounds, received a 20-year pin.
- 4) Cidnea Causey, Health & Human Services, received a 20-year pin.
- 5) Bonnie Drewry, Health & Human Services, received a 25-year pin.

#### **ITEM 2 – EMPLOYEE OF THE YEAR – 2015**

Larry Grubbs as the 2014 Employee of the Year introduced all the 2015 Employees of the Month before announcing Renee Austin from the Public Works Department as the honored recipient of the Employee of the Year Award for 2015.

**ITEM 3 – EMPLOYEE OF THE MONTH – JANUARY 2016**

Tom Francisco, Emergency Medical Services, received the Employee of the Month certificate for January 2016 from George Farah who described the many ways that Mr. Francisco is an asset to the EMS Department.

**ITEM 4 – OPENING REMARKS – CHAIRMAN’S UPDATE**

Chairman Woodard gave a follow-up report on what has transpired since the last meeting. He began by honoring Elmer Midgett for his service as Chairman of the Dare County Planning Board. Chairman Woodard read a Resolution paying tribute to Mr. Midgett on behalf of the Board of Commissioners and Representative Paul Tine announced him as a recipient of the prestigious Order of the Long Leaf Pine.

Following the special ceremony for Mr. Midgett, Chairman Woodard displayed a photograph of a boat traveling through Oregon Inlet and called it a welcome sight made possible because of the proactive dredging plan that is underway for Dare County inlets.

Chairman Woodard gave details about the Town Hall meeting scheduled for January 19 in Manteo and announced that the Board will also be conducting a Town Hall meeting on Hatteras Island February 4. He explained that after the Town Hall meetings are completed the Board will conduct a retreat to consider the items that were presented by the public. He also noted that the County is working on a way to stream future Commissioner meetings to Hatteras Island so that residents there will be able to give public comments without having to travel to Manteo.

The Chairman said the Board’s goal for 2016 is to continue providing quality services without a tax increase. He identified several areas where Dare County has made progress in the past year including beach nourishment, increasing the Fund Balance and paying down insurance debt. He said he will review the past year in a Stewardship Report at the January 19 Commissioner’s meeting. The Chairman also described plans for the Board to address County employee salaries. He commended Commissioners for their commitment and thanked the public for their input. A complete video account of the Chairman’s update can be seen on the Dare County website [www.darenc.com](http://www.darenc.com).

**MOTION**

Commissioner Judge motioned to adopt the resolution honoring Elmer Midgett. Commissioners Shea, Overman, and Boswell seconded the motion.  
VOTE: AYES unanimous

**ITEM 5 – PUBLIC COMMENTS**

The Manager outlined the public comments procedure. Citizen remarks can be seen in their entirety on the county website [www.darenc.com](http://www.darenc.com). Following is a brief summary –

1. Kelly Guido commented on a problem with feral cats in her Frisco neighborhood. She said there is an individual in the community whose efforts have caused a dramatic increase in the cat population, which raises serious public safety concerns. Ms. Guido said the individual has been threatening to her and her renters. She asked who will liable if he hurts someone or if harm is caused by the cats. She urged the Board to adopt a feral cat ordinance so that the Sheriff can take action to address the problem.
2. John Guido raised private property issues related to the feral cat problem. He asked what gives someone the right to enter another person's property and feed animals. He described the difficulty that is involved in getting someone removed from private property. Mr. Guido said he is committed to Hatteras Island for the long haul and thanked the Sheriff's Office for their efforts to keep everyone cool and calm. He called on the Board to adopt a much-needed feral cat ordinance.
3. James Craddock reported that he was able to bring a boat through Oregon Inlet last week. He said it was a good feeling looking at the photograph that was displayed earlier in the meeting by Chairman Woodard. Mr. Craddock said he wanted to personally express his gratitude to the Board of Commissioners for what they have done to make the inlet passable. He said the efforts of the Dare County Commissioners have prevented the inlet from closing up entirely.
4. Sandy Ross raised questions about a bid to lease the farm property owned by Dare County. She said there has been a lack of due diligence done on the bid submitted by Sow and Reap, which she said does not match the parameters of the Request for Proposal (RFP). She identified issues related to the involvement of former Commissioner Mike Johnson and expressed concern that his hunting history may be the reason for the bid. Ms. Ross called on the Board to reject the Sow and Reap bid even though it represents more money for the County.
5. Tamara Wescott addressed a problem with someone living on an abandoned site near her property. She voiced her concern directly to the County Manager and said she was upset about how the matter was being handled. She described the problems that are being caused by the person living at the abandoned site and pleaded for Dare County to do something to address this problem so that her tenants will not have to suffer.

Following Ms. Wescott's comments, Chairman Woodard asked the Manager to give a report on what the County has done about the abandoned site. Mr. Outten explained that action cannot be taken on private property without a court order. He said the legal process has been delayed because the owner lives out of state. He described the effort that is being made to have legal papers properly served and outlined the timetable that is involved. The Manager said he understands Ms. Wescott's frustration and assured her that the County is taking action and going through the legal channels that are necessary for something to be done.

**ITEM 6 – ECONOMIC DEVELOPMENT PROPOSAL FROM NC STATE UNIVERSITY**

Chairman Woodard summarized meetings that he, Commissioner Shea, the County Manager, and the Finance Director have had looking into economic development resources. He called upon Dan Parks and Rex Raiford from the NC State University Office of Outreach & Engagement to make a presentation to the Board on their proposal to prepare an economic diversification strategic plan for Dare County. They outlined the process for preparing a plan and explained the steps that will be done to identify strategies that Dare County and its community partners can use to expand its economic base. Commissioner Shea made a motion to approve the proposal as presented. However, after the County Manager pointed out that a public hearing was required; he amended his motion to the following –

**MOTION**

Commissioner Shea motioned to schedule a Public Hearing for January 19, 2016 on an appropriation of \$58,640 to the NC State University Office of Outreach & Engagement to develop an economic diversification strategic plan for Dare County.

Commissioners Judge, Umphlett, and Overman seconded the motion.

VOTE: AYES unanimous

**RECESS: 11:12 a.m. – 11:34 a.m.**

**ITEM 7 – CHRISTIAN LENDING LLC – CUP EXTENSION REQUEST**

This agenda item was handled as a quasi-judicial proceeding. Planning Director Donna Creef and the applicant, Sam Hagedon of Christian Lending LLC, were both duly sworn by the Clerk to the Board before offering any testimony. Ms. Creef explained that Christian Lending was issued a Conditional Use Permit (CUP) in December 2014 for building a self-service fuel facility in Avon. She said the original CUP had a 12-month period in which construction was to begin. Ms. Creef reported that Mr. Hagedon was unable to begin construction and has requested a 3-year extension. She noted that the Planning Board voted to recommend approval. She added that all conditions of the original CUP remain in place and there are no changes to the site plan.

**MOTION**

Commissioner Judge motioned to grant a 3-year extension for CUP 4-2014 as recommended by the Planning Board.

Vice-Chairman Overman and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – PROPOSED AMENDMENTS TO SECTION 22-29.2 WIRELESS TELECOMMUNICATIONS SYSTEM**

The Planning Director presented proposed zoning amendments to address the use of distributive antenna systems (DAS), which are being used extensively in the wireless telecommunications industry. Ms. Creef said DAS is considered to be a stealth way of providing wireless service by using a single antenna or a network of spatially separated antenna nodes connected to a common source. She asked that a Public Hearing be scheduled on the proposed amendments.

**MOTION**

Commissioner Shea motioned to schedule a Public Hearing on the proposed amendments for 10:00 a.m. on February 1, 2016.

Commissioner Judge and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – PROPOSED S-1 TEXT AMENDMENT – FLOOR AREA RATIO FOR MULTIFAMILY DEVELOPMENT**

At the onset of this agenda item, Chairman Woodard announced that he has a business relationship with the applicant and asked to be recused from discussion and voting.

**MOTION**

Commissioner Judge motioned to approve Chairman Woodard's request to be recused. Commissioner Shea and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous (Chairman Woodard left the room at 11:39 a.m.)

After Chairman Woodard departed from the room, the Planning Director reported that John Harris has submitted a zoning text amendment for S-1 multifamily development and parking regulations. Ms. Creef said the request, if adopted, would replace the S-1 unit per acre dwelling density range with a floor area ratio (FAR) standard. She explained how the ratio would be calculated and said the applicant is requesting a FAR of 0.4. She added that it would also amend the parking regulations to 1 parking space per bedroom versus the current 2.5 parking spaces per unit. Ms. Creef summarized the history of Mr. Harris' multifamily project in Rodanthe and advised that changing to a floor area ratio from a unit per acre density method represents a substantial change. She noted that the Planning Board voted to recommend approval of the amendments.

**MOTION**

Commissioner Judge motioned to schedule a Public Hearing for 10:00 a.m. on February 1, 2016.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous – (6 votes) Chairman Woodard was absent from the room during discussion and voting on this agenda item. He returned at 11:50 a.m.

**ITEM 10 – DRAFT ORDINANCE TO ADDRESS FERAL CATS**

The County Manager presented a draft ordinance to address feral cats, which he said was collaboratively prepared by the Dare County Planning Department, the Outer Banks SPCA, and the Dare County Sheriff's Office. Mr. Outten explained that the group had two goals in preparing the ordinance – 1) Respect the property rights of the individuals involved. 2) Recognize the feral cat problem and deal with the issue in a responsible way. He said the SPCA has some concerns about the ordinance having a registration requirement and the 100-yard rule. He noted that if the ordinance is too general it presents enforcement challenges for the Sheriff's Office. John Graves from the SPCA and Deputy Ruth with the Sheriff's Office joined the County Manager in fielding Commissioner questions. During discussion of the draft ordinance John Graves expressed concern that requiring registration would create a financial burden for the

SPCA. Deputy Ruth commented in favor of keeping the 100-yard rule in the final version of the ordinance. Mr. Outten outlined options for moving forward. He said the Board could adopt the draft ordinance today or some variation of it, or, set a public hearing although one is not required. Chairman Woodard noted that typically the Board would conduct a Public Hearing on something of this magnitude; however, adopting the ordinance today will enable the issue to now be addressed in a more timely way.

**MOTION**

Commissioner Boswell motioned to approve the draft ordinance with the removal of a registration requirement, and with the addition of a limitation of 1 cat for every 400 square feet of lot size.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – CONSENT AGENDA**

The Manager announced the Consent Agenda items as they were visually displayed.

**MOTION**

Commissioner Umphlett motioned to approve the Consent Agenda:

- 1) Approval of Minutes (12.21.15) **(Att. #1)**
- 2) DCDHHS – Public Health Division, Radon Action Month

Commissioner Burrus and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – BOARD APPOINTMENTS**

1) Airport Authority

Commissioner Shea motioned to appoint Fred Newberry to fill the unexpired term of Jack Thomson as recommended by the Airport Authority.

Vice-Chairman Overman and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

2) Albemarle Commission Board of Directors

Commissioner Judge motioned to reappoint Terry Gore.

Chairman Woodard seconded the motion.

VOTE: AYES unanimous

3) Community Child Protection Team & Child Fatality Prevention Team

Vice-Chairman Overman motioned to appoint –

Lt. Wade Styons (Sheriff's Office Representative)

Michael Lewis (Member At-Large)

Nancy Griffin (Children & Youth Partnership)

Commissioner Shea and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

4) Juvenile Crime Prevention Council (JCPC)

Vice-Chairman Overman motioned to approve the JCPC recommendations by –

Appointing John Gardner to fill the unexpired term of Ron Bennett

Appointing Keith Letchworth to fill the unexpired term of Adam Leggett

Appointing Ryan Henderson to fill the vacant At-Large seat

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

5) Nursing Home Community Advisory Council

Commissioner Umphlett motioned to –

Reappoint Janet Jordan and Appoint Mary Jernigan

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

6) Tourism Board

Restaurant Association representative –

Commissioner Judge motioned to appoint Bambos Charalambous.

Commissioner Boswell and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Outer Banks Association of Realtors representative –

Vice-Chairman Overman motioned to appoint Stuart Pack.

VOTE: AYES: 4 (Commissioners Woodard, Overman, Umphlett, Boswell)

Commissioner Judge motioned to appoint Monica Thibodeau.

VOTE: AYES: 3 (Commissioners Judge, Shea, Burrus)

Stuart Pack was appointed with 4 votes

Town of Kitty Hawk representative –

Commissioner Judge motioned to reappoint Ervin Bateman.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Town of Kill Devil Hills representative –

Commissioner Judge motioned to appoint Brandi Rheubottom.

VOTE: AYES: 2 (Commissioners Judge, Burrus)

Commissioner Boswell motioned to appoint Travis Appleman.

VOTE: AYES: 5 (Commissioners Woodard, Overman, Shea, Umphlett, Boswell)

Travis Appleman was appointed with 5 votes

Town of Nags Head representative –

Commissioner Judge motioned to reappoint Susie Walters.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Member At-Large –

Vice-Chairman Overman motioned to appoint George Banks III.

VOTE: AYES: 5 (Commissioners Woodard, Overman, Shea, Umphlett, Boswell)

Commissioner Judge motioned to appoint Dennis Robinson

VOTE: AYES: 2 (Commissioners Judge, Burrus)

George Banks III was appointed with 5 votes

Dare County Board of Commissioners representative –

Commissioners Umphlett & Shea motioned to reappoint Vice-Chairman Overman

VOTE: AYES unanimous

7) Upcoming Board Appointments

The upcoming Board appointments for February, March, and April were announced.

**ITEM 13 – 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 Burrus – congratulated the service pin recipients, the January Employee of the Month, and the 2015 Employee of the Year. He complimented Elmer Midgett for doing a great job over the years as Chairman of the Dare County Planning Board. He reported that boats are getting through Hatteras Inlet. Commissioner Burrus criticized the Board of Commissioners for some of the appointments that were made today to the Tourism Board. He thanked Chairman Woodard for all that he has done.

Commissioner Shea – thanked the service pin recipients, the 2015 Employee of the Year, the January Employee of the Month, and Elmer Midgett. He credited them with being part of the reason why Dare County is such a great place to live, work, and visit. He expressed hope that the economy will continue to improve in 2016 and wished everyone a successful year.

Vice-Chairman Overman – commended the service pin recipients, the January Employee of the Month, the 2015 Employee of the Year, and Planning Board Chairman Elmer Midgett. The Vice-Chairman gave an update report on Hatteras Inlet and shared good news that so far the dredging effort is under the allocated budget.

Commissioner Umphlett – reported that she has been impressed with the care and treatment that her daughter has received from Dare County EMS and Dare MedFlight. She thanked the service pin recipients, the 2015 Employee of the Year, and the January Employee of the Month. Chairman Woodard reminded everyone to keep Commissioner Umphlett's daughter in their prayers.

Commissioner Judge – noted that the economic diversity plan is a good step forward. He said government is a service industry and the people of Dare County have been well served by the EMS Department. Commissioner Judge said he considers Elmer Midgett to be a consummate public servant and has enjoyed working with him. He wished everyone a happy new year.

Commissioner Boswell – said there are many positive things to remember as we start a new year. She said the community is enriched by our County employees and recognized the service pin recipients, the 2015 Employee of the Year, and the January Employee of the Month. On behalf of the Oregon Inlet Task Force, she advised that boats are moving cautiously through the inlet. She gave a progress report on dredging activity and the effort to get a Memorandum of Agreement (MOA). Commissioner Boswell thanked everyone for the hard work that has been put into the dredging project.

Chairman Woodard – thanked the Oregon Inlet Task Force and recognized the service pin recipients. He commended Elmer Midgett for his outstanding service and leadership on the Planning Board. He reminded everyone about the upcoming Town Hall meetings in Manteo and on Hatteras Island. The Chairman added that he will soon be presenting a stewardship report and summarized some of the issues Dare County is facing. He thanked Commissioners for their service and commitment and wished everyone a happy and successful new year.

## **MANAGER'S/ATTORNEY'S BUSINESS**

1. County Manager Outten briefed the Board on the latest in a series of bids that have been received for the Scenic Byway sign project. He said the County has finally received acceptable bids that he is presenting now in order to get the work started quickly so it can be completed before the summer season begins. He outlined four project components that need action by the Board - - -

- a. Contract for Sign Installation –

Mr. Outten said Hatchell Concrete was the low bidder at \$70,800. The Board was asked to approve the bid with the caveat that there be a per unit cost of \$7,500 for sign erection that could be removed from the bid amount in the event the NCDOT Ferry Division is able to install the sign at their facility.

### **MOTION**

Commissioner Judge motioned to approve the Hatchell Concrete bid in the amount of \$70,800 with the caveat described by the Manager.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- b. Contract for Retroreflective (Roadway) Sign Manufacturing –  
The Manager presented a bid by Korman Signs in the amount of \$50,987.

**MOTION**

Commissioner Judge motioned to approve the \$50,987 bid by Korman Signs.  
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- c. Fiberglass Embedded Orientation Panels & Frames –  
A bid from Pannier was presented for \$13,665.

**MOTION**

Commissioner Shea motioned to approve the \$13,665 Pannier bid.  
Commissioner Judge and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

- d. Project Manager –

Mr. Outten explained that a Project Manager is required under the federal grant guidelines. He said Albemarle & Associates has agreed to do the work at a cost of \$14,000. He noted that the amount is within the State's budget guidelines. He asked the Board to accept Albemarle & Associates subject to NCDOT approval.

**MOTION**

Commissioners Overman, Judge, Shea, Burrus, Umphlett, and Boswell motioned to approve Albemarle & Associates in the amount of \$14,000 subject to the approval of NCDOT.

Chairman Woodard seconded the motion.

VOTE: AYES unanimous

2. The County Manager reported on discussions with Kitty Hawk and Southern Shores concerning trash collection costs, which during a recent quarter were higher than normal based on increased hourly costs due to staff turnover at Dare County Public Works. He said each municipality had an increase of approximately \$15,000. He noted that the agreement requires that the Towns pay the County's costs for trash collection; however, because this is an anomaly the Towns ask that it be brought to the Board's attention. Mr. Outten said one option to consider might be to split the increased cost for each of the Towns. He added that during the period in question, Southern Shores also had an increase in tonnage, which would have to be taken into consideration in calculating any labor cost adjustment. Commissioner Umphlett cautioned that the County may be setting a precedent by splitting the increased costs with the Towns. Commissioner Boswell said she believes that the Towns should pay the full amount of the costs for their trash collection.

**MOTION**

Commissioner Shea motioned to split the cost with the two Towns as outlined by the County Manager with an adjustment to be made based on the increased tonnage.  
Commissioner Judge seconded the motion.

VOTE: AYES: 4 (Commissioners: Overman, Judge, Shea, and Burrus)

NOES: 3 (Commissioners: Woodard, Umphlett, and Boswell)

Motion carried in a 4 to 3 vote

3. Mr. Outten advised the Board that work is still underway to review costs on the E911/EOC Building project. He said most of the bidding is in and the contractor hopes to soon have a guaranteed price, at or below budget. He added that groundbreaking is slated for this January and said the contractor anticipates having the facility completed for occupation in March of 2017. At the request of Chairman Woodard, the County Manager explained how the project is being funded. Mr. Outten noted that the Capital Improvements Plan (CIP) for capital items, such as buildings, are funded by proceeds of the Land Transfer Tax, which according to the NC General Statutes can only be used for capital items on the CIP.

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

**MOTION**

Commissioner Boswell motioned to adjourn the meeting.

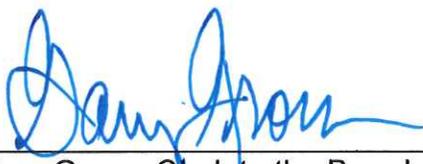
Commissioner Shea and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

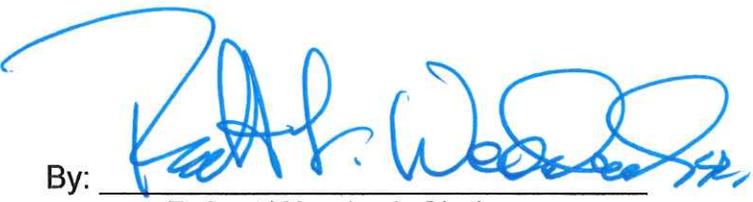
At 1:26 p.m., the Board adjourned until 5:00 p.m., Tuesday, January 19, 2016.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners