



# 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

**5:00 p.m., February 15, 2016**

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

Commissioners absent: Margarett Umphlett

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 5:01 p.m. He reported that Commissioner Umphlett was absent due to her daughter having heart surgery today and he noted the recent death of Supreme Court Justice Antonin Scalia. He asked that both of these families be kept in prayer. The Chairman then invited the Rev. Phillip Glick from St. Andrews By-the-Sea Episcopal Church to share a prayer, and afterward he led the Pledge of Allegiance to the flag.

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

Chairman Woodard invited everyone to view an exhibit organized by the Keeping Current initiative to help prevent teen substance abuse. He thanked those who attended the Hatteras Town Hall and described plans to establish a two-way video link at the Fessenden Center so Hatteras Island residents will not have to drive to Manteo in order to make public comments. Chairman Woodard commented on the Oden’s Dock and Stumpy Point oyster roast events. He read a letter sent to Attorney General Roy Cooper expressing dissatisfaction with the way that Dare County’s high gasoline prices are being investigated by the Attorney General’s Office. The Chairman described topics that were addressed at the Board’s recent retreat and he thanked Congressman Jones for obtaining additional dredging funds for Hatteras Inlet and Oregon Inlet. Chairman Woodard read a resolution adopted at the retreat that seeks federal assistance for storm stricken Buxton. A complete video account of the Chairman’s update can be seen on the Dare County website [www.darenc.com](http://www.darenc.com).

## **ITEM 2 – 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. Lorelei DiBernardo, on behalf of the League of Women Voters of Dare County presented Commissioners with copies of the 2016 Citizens Guide. She expressed appreciation for the Board's support of the project and provided information about the League of Women Voters.

## **ITEM 3 – WATCH4meNC CAMPAIGN**

Jody Lewis, Community Relations Officer with the Kill Devil Hills Police Department, briefed Commissioners on the Watch4meNC campaign, which is an NCDOT initiative to promote bicycle and pedestrian safety. He described Dare County's involvement with the campaign and asked Commissioners to continue backing the endeavor. Chairman Woodard presented a letter expressing the Board's continued support of Watch4meNC.

### **MOTION**

Commissioner Judge motioned to reaffirm the Board's support of Watch4meNC. Commissioner Shea and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous (Commissioner Burrus was not in the room during voting on this item)

## **ITEM 4 – BUXTON BEACH NOURISHMENT PROJECT – UPDATE REPORT**

Dr. Tim Kana with Coastal Science & Engineering presented an update on the Buxton beach nourishment project. He described the 2.9 mile project area and listed the steps that have already been completed. Dr. Kana outlined work that remains to be done before beach nourishment can begin. In discussing the project's timetable, he explained that there is no way to know the contractor's schedules until the project is put out to bid. But, he expressed hope that because of the limited size of the Buxton project, a contractor may be able to fit it in their schedule in a timely way. Dr. Kana answered Commissioner questions about the life expectancy of the nourished beach, the type of equipment that will be used, and the planned slope of the beach. He thanked Commissioners for their active involvement throughout the permitting process, which he said has been extremely helpful.

## **ITEM 5 – DISCUSSION OF A TAX SERVICE DISTRICT FOR UNINCORPORATED DARE COUNTY**

The Manager outlined the statutory requirements and timeline for establishing a tax service district. He explained that all property owners in a proposed service district must be notified by mail at least 4 weeks prior to a mandatory public hearing.

Commissioners Woodard, Overman, Shea, and Boswell expressed support for moving forward with steps toward creating a tax service district. The Board then engaged in extensive discussion about possible geographical scenarios for defining the boundaries of a tax service district. Mr. Outten explained that the more specific a service district is, the easier it is to define and defend. Commissioner Burrus noted that other portions of Hatteras Island have trouble spots that may need beach nourishment projects in the

future. Commissioner Judge said he could not support a service district without knowing the rate and asked what financial contribution it is expected to generate. The Dare County website contains a video with a full and complete account of the Board's discussion of this issue that resulted in the following motion –

**MOTION**

Commissioner Shea motioned to move forward with establishing a tax service district for the oceanfront properties in the Buxton project area, numbering approximately 34 lots that will receive greater benefit from the project. Motion is made with the finding of the following 4 items based on information and evidence received by the Board –

1) That there is a demonstrable need for providing in the district the services listed for beach nourishment. 2) It is impossible or impracticable to provide those services on a countywide basis. 3) It is economically feasible to provide the proposed services in the district without unreasonable or burdensome annual tax levies. 4) There is a demonstrable demand for the proposed services by the persons residing in the district. Vice-Chairman Overman seconded the motion.

*During discussion on the motion – Commissioner Boswell clarified that the Board can still consider other projects in the future, which would be handled on an individual basis. Mr. Outten noted that voting on this motion is not a final action on a tax service district. He explained that the motion gives guidance for staff to proceed, which will result in a public hearing being scheduled prior to the Board considering a resolution that would then formally implement a tax service district.*

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

NOES: 2 (Commissioners: Judge, Burrus)

Motion carried in a 4 to 2 vote

**ITEM 6 – RESOLUTION AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT (Att. #1)**

Finance Director, David Clawson, distributed a revised resolution that reflects changes to the one that was in the meeting packet. He explained that the revision is due to the recent bid opening for the municipal beach nourishment projects, which has resulted in a determination that the beach nourishment portion will be financed later. He outlined the collateral described in the revised resolution and outlined the benefits of refunding.

**MOTION**

Commissioner Judge motioned to adopt a resolution authorizing the negotiation of an installment financing contract as presented by the Finance Director and directing the publication of notice setting a Public Hearing for 10:00 a.m. on March 7, 2016. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**RECESS: 7:13 p.m. – 7:24 p.m.**

**ITEM 7 – DARE COUNTY WILKENS ON BUILDING LEASE**

Mr. Outten explained that public notice has been given on the County's intent to lease the property. He asked the Board to approve the lease and authorize it to be signed by the County Manager.

**MOTION**

Commissioner Judge motioned to approve the lease and authorize the County Manager to sign the document.

Commissioner Shea and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – CONSENT AGENDA**

The Manager announced the Consent Agenda items as they were visually displayed. Mr. Outten presented a revision to the Grant Project Ordinance for Consent Item #2 in order to update reference numbers that were originally in the Board's meeting packet.

**MOTION**

Commissioner Judge and Commissioner Shea motioned to approve the Consent Agenda with the revision that was outlined by the County Manager:

- 1) Approval of Minutes (02.01.16 & 02.04.16 Town Hall) **(Att. #2)**
- 2) RECC/EOC Project Budget Amendments & Capital Project Ordinance Amendments Approved 2/1/16 **(Att. #3)**
- 3) Hurricane Recovery, Elevation Mitigation Project – Budget Ordinance **(Att. #4)**
- 4) Public Health Division – Partnerships to Improve Community Health Grant
- 5) Public Health Division – Maternal and Child Health Planning Grant
- 6) Budget Amendment – Sheriff Department
- 7) Charles Finch Gaddy Endowment Grant
- 8) Tax Collector's Report

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – 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 Shea – thanked citizens for expressing their views and said it is important that Dare County residents have ongoing dialogue with the Board.

Commissioner Burrus – expressed appreciation for the grant opportunities provided by the Charles Finch Gaddy Endowment.

Commissioner Boswell – gave a report on dredging activity at Oregon Inlet. She presented the SPCA Pet of the Week and thanked the organization for their service.

Commissioner Judge – thanked everyone for attending the public meeting in Buxton. He commented on community efforts to improve bicycle and pedestrian safety and cited the need for increasing cyclist visibility. Commissioner Judge reported on a recent meeting he attended regarding expansion of the Monitor National Marine Sanctuary.

Vice-Chairman Overman – thanked the NCDOT Ferry Division for their dredging work in Hatteras Inlet. He explained that the recent temporary suspension of the project was due to safety issues and not funding. The Vice-Chairman also reported on a meeting he attended with fishermen regarding opposition to mandatory logbooks. He also commented on the recent oyster events on Hatteras Island and Stumpy Point.

**MANAGER’S/ATTORNEY’S BUSINESS – None**

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

**MOTION**

Commissioner Shea motioned to adjourn the meeting.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

At 7:38 p.m., the Board of Commissioners adjourned until 9:00 a.m., March 7, 2016.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners