



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., April 4, 2016

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

Commissioners absent: Allen Burrus

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 9:02 a.m. He invited the Rev. Cherrri Wheeler to share a prayer, and then he led the Pledge of Allegiance to the flag. The Chairman announced that Commissioner Burrus is unable to attend today's meeting because he is dealing with medical issues and asked that he be remembered in prayer.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Teri Carmichael, Tax Appraising Office, received a 10-year pin.
- 2) Laura Geyer, Public Health Division, received a 15-year pin.
- 3) Maggie Dennis, Tax Appraising Office, received a 20-year pin.
- 4) Charlotte Midgett, Parks & Recreation Department, received a 20-year pin.
- 5) George Farah, Emergency Medical Services, received a 30-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – APRIL 2016

Anna Gallop received the Employee of the Month award from Tammy Reber who described the many ways that Ms. Gallop is an asset to the Social Services Division of the Health and Human Services Department.

ITEM 3 – OPENING REMARKS – CHAIRMAN'S UPDATE

Chairman Woodard gave a follow-up report on what has transpired since the last meeting. He said plans are progressing to establish a video link to the Fessenden Center that will allow citizens to make public comments from Hatteras Island. He said

the system should be operational for the May 2 Board meeting. Chairman Woodard announced a day of appreciation to honor local law enforcement on April 23. A complete video account of the Chairman's update can be seen on the County website www.darenc.com.

ITEM 4 – PUBLIC COMMENTS

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

1. Virginia Tillett invited everyone to attend an April 11th Meet & Greet event with Dr. Thomas Conway, Chancellor of Elizabeth City State University, at the Dare County Center.
2. Monica Thibodeau expressed concern about the large amount of negative public feedback she has received in opposition of recent legislation that was enacted by the State. She said the legislation may cause people not to visit North Carolina.
3. Rosemarie Doshier voiced dismay about television news reports on Norfolk area stations speculating about shark activity. She asked whether the County can approach the news media about their coverage of this issue.

ITEM 5 – CHILDREN & YOUTH PARTNERSHIP – PROCLAMATION “WEEK OF THE YOUNG CHILD”

Nancy Griffin on behalf of the Children and Youth Partnership (C&YP) for Dare County gave a summary of the group's recent accomplishments and presented a proclamation establishing April 10-16, 2016 as the Week of the Young Child.

MOTION

All Commissioners motioned to adopt the Week of the Young Child Proclamation. Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PROCLAMATION – CHILD ABUSE PREVENTION MONTH

Leigh Bracy and Sara Sampson outlined the community effort to create awareness of the importance of preventing child abuse and neglect. A proclamation was presented designating April 2016 as Child Abuse Prevention Month.

MOTION

Commissioner Shea and Vice-Chairman Overman motioned to issue a Child Abuse Prevention Month Proclamation.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PRESENTATION – NATIONAL PARK SERVICE OUTER BANKS GROUP

Superintendent David Hallac gave information about the ORV Management Modification Alternatives for the Cape Hatteras National Seashore. He provided background on the 2014 Act directing that a public process be undertaken to consider changes to the Off Road Vehicle (ORV) Final Rule. Superintendent Hallac identified items that are under consideration including opening beaches earlier in the morning, extending seasonal access, and modifying the size and location of vehicle-free areas. He described access improvements and outlined new procedures that will make it more convenient to acquire beach driving permits.

**ITEM 8 – OFFER TO PURCHASE INTEREST IN AN AIRPORT AUTHORITY
TIMESHARE**

David Daniels, Airport Director, requested permission for the Airport Authority to sell its interest in a timeshare property in Nags Head. He provided background for the timeshare condo that was donated to the Airport Authority in 2002.

MOTION

Commissioner Judge motioned to approve the Offer to Purchase and Contract. Commissioners Boswell, Shea, and Overman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – PUBLIC HEARING – PROPOSED COUNTY SERVICE DISTRICT

At 10:11 a.m., a Public Hearing was held to receive input concerning this agenda item. The Manager explained that staff was instructed to move forward with creating a Service District for the oceanfront properties in the Buxton beach nourishment area, which involves 35 properties. Mr. Outten conducted the hearing and explained the procedure for making comments. The following people spoke –

- 1) Dave Dawson, owner of the Cape Hatteras Motel, said this is not a new problem and should have been dealt with a long time ago. He said he has been shoveling sand for the last 44 years. He said beach nourishment is needed and he has no problem paying a little bit more. Mr. Dawson cautioned that if the oceanfront properties are lost, taxes on remaining parcels throughout Dare County will escalate. He suggested that the state sales tax be raised, which he said would generate more money and distribute the burden equally.
- 2) James Hartshorne said he is one of the 35 oceanfront property owners. He said he wished the proposed tax district was larger. He identified an expanded area to be considered as a way of spreading out the burden. Mr. Harshorne said oceanfront property owners could have a higher rate, but should not have to bear the burden alone when others benefit. He said there are rumors that taxes could double and questioned what rate is being considered. He stressed the importance of having dunes on top of the nourished beach and urged the Board to allow property owners to do this.

- 3) Michael McDaniel a retired Navy Captain and owner of one of the 35 oceanfront properties said he appreciates the project to save NC Highway 12. He said we do not mind paying our fair share, but does not want properties that already have a slim profit margin to be priced out of the market. He urged the Board of Commissioners to be fair in what they do. He outlined the impact generated by his rental property and how it benefits the community. Mr. McDaniel also mentioned an alcohol addiction program in Washington, D.C. that he is developing.
- 4) Cindy Morgan said she owns 2 of the 35 oceanfront lots on the north end near the motels. She said she has been shoveling sand since acquiring the properties and this is an expense she has come to expect. She expressed hope that with beach nourishment that this will not be needed. Ms. Morgan said oceanfront owners have always dug out Ocean Drive at their expense. She reported that recently an owner from across Old Lighthouse Road acknowledged that their guests use the road for ocean access. She said it was good to hear that non-oceanfront owners are willing to step up and help.
- 5) Freve Pace said she used to have what was probably the oldest oceanfront house in Buxton giving her firsthand knowledge of beach erosion. She said she later bought a non-oceanfront house where she presently lives. Ms. Pace said if the Board decides to extend the Service District, it will be viewed by most people as reasonable and fair. She added that any tax should be graduated based on proximity to the oceanfront. She also asked how long such a tax would be in effect if adopted and how rates would be determined from year to year.
- 6) David Pergerson a Resort Realty agent for a homeowner in the proposed Service District said his client spent over \$20,000 in the last couple of years to make the house habitable only to have it destroyed by weather related events. He said the homeowner has no appetite for additional taxes but understands the sensitive nature of what the Board is trying to do and asks that it move forward with all due haste. Mr. Pergerson said his client would rather keep their beach house more than quibble over defining the parameters of a Service District.

Chairman Woodard closed the hearing at 10:35 a.m. and asked the County Manager to address questions that were raised during the Public Hearing. Afterward the Board discussed whether the proposed Service District area should be expanded and what might be appropriate boundaries. The County Manager was asked to gather information pertaining to the areas that were identified and the Board agreed to hold a Special Meeting at 5:00 p.m., Wednesday, April 13, 2016 to consider a County Service District related to the Buxton beach nourishment project. A full and complete account of the Board's discussion on this agenda item is archived on a video that is available for viewing on the Dare County website www.darenc.com.

ITEM 10 – DARE COUNTY ARTS COUNCIL – PLANS TO IMPROVE COURTYARD

Chris Sawin outlined plans by the Dare County Arts Council to improve the courtyard behind the Old Courthouse building in downtown Manteo. Mr. Sawin described the project, its history, and factors that were considered in making the improvement plans.

MOTION

Commissioners Judge, Umphlett, Overman, and Shea motioned to approve the Arts Council plans to improve the courtyard behind the Old Courthouse building.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 11 – REPORT FROM THE DARE SOIL & WATER CONSERVATION DISTRICT

Larry Bray, Chair of the of the Dare Soil and Water Conservation District (DSWCD), joined Community Conservationist Ann Daisey in making a presentation to the Board of Commissioners. Ms. Daisey outlined her background and experience and provided an update on soil and water conservation projects in Dare County. Commissioner Umphlett identified a need for assistance with additional problem areas on Roanoke Island. Mr. Bray encouraged the Board to use the DSWCD as a resource.

NOTE: Agenda items 12, 13, and 14 were quasi-judicial proceedings. Before any of these items were considered by the Board, each applicant along with the Planning Director and any others who might offer testimony, were duly sworn by the Clerk.

ITEM 12 – ANN JOHNSTON CUP APPLICATION FOR FAMILY CHILD CARE HOME

After all parties to this proceeding were duly sworn, Planning Director Donna Creef outlined a Conditional Use Permit (CUP) application from Ann Johnston to open a family child care home at 2204 Colington Road. She outlined the hours of operation and it was noted that the request was approved by the Planning Board. The County Manager asked the applicant if she agrees to the findings of fact as presented in the CUP and Ms. Johnston indicated her approval.

MOTION

Commissioner Judge motioned to authorize CUP 1-2016 for Ann Johnston to operate a family child care home at 2204 Colington Road.

Commissioners Umphlett, Shea, and Overman seconded the motion.

VOTE: AYES unanimous

NOTE: Prior to the Board considering Items 13 and 14, Chairman Woodard asked to be recused from discussion and voting on these items because of a business relationship that he has with the applicants.

MOTION

Commissioner Umphlett motioned to approve the Chairman's request to be recused.

Commissioner Judge and Commissioner Shea seconded the motion.

VOTE: AYES unanimous Chairman Woodard left the room at 11:31 a.m. and did not return until after the Board had finished Items 13 and 14.

ITEM 13 – WAVES VILLAGE CUP AMENDMENT AND REVISED SITE PLAN

After all parties to this proceeding were duly sworn, the Planning Director described a request from John Harris to amend Conditional Use Permit (CUP) 4-2008 for the Waves Village group development to add an adventure climbing system and to re-authorize the construction of Building A. It was noted that the Planning Board voted to recommend approval of the request. In response to a question from Commissioner Shea, Luke Bear described the safety measures and training that are proposed for the climbing system. The County Manager asked if the applicant agrees to the findings of fact as presented in the CUP and Brian Rubino, the project engineer, indicated his approval.

MOTION

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

Commissioner Shea seconded the motion.

VOTE: AYES unanimous (5 votes) - Chairman Woodard was absent from the room during discussion and voting on this agenda item.

ITEM 14 – COLINGTON POINTE GROUP HOUSING DEVELOPMENT – AMENDED CUP AND SITE PLAN

After all parties to this proceeding were duly sworn, Ms. Creef presented a request from Randy Saunders on behalf of Colington Pointe LLC to amend Conditional Use Permit (CUP) #4-2004 for a group housing development in Colington. It was noted that the developers have acquired the adjoining property and wish to incorporate it into the project as well as make some modifications to the layout and that the Planning Board voted to recommend approval. The County Manager asked the applicant if he agrees to the findings of fact as presented in the CUP and Mr. Saunders indicated his approval.

MOTION

Commissioner Judge motioned to approve the CUP amendment and revised site plan for Colington Point LLC.

Commissioner Boswell and Commissioner Shea seconded the motion.

VOTE: AYES unanimous (5 votes) - Chairman Woodard was absent from the room during discussion and voting on this agenda item.

NOTE: After the Board finished Items 13 & 14, Chairman Woodard re-entered the room at 11:41 a.m.

ITEM 15 – PROPOSED AMENDMENTS TO DELETE SECTION 22-58.2, STANDARDS FOR RESIDENTIAL CONSTRUCTION, FROM ZONING ORDINANCE

The Planning Director reported that the North Carolina General Assembly passed legislation last year to prohibit local governments from regulating building design elements for one-family and two-family residential structures. She explained that revisions to the Zoning Ordinance are needed in order to be consistent with State law and asked the Board to schedule a public hearing.

MOTION

Commissioner Judge motioned to schedule a public hearing on the proposed amendments for 10:00 a.m. on May 2, 2016.

Commissioner Umphlett and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 16 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR RECC/EOC PROJECT FOR E911 TECHNOLOGY MOTOROLA PRICING (Att. #1)

Finance Director, David Clawson, presented an amendment to the Capital Project Ordinance for the RECC/EOC Project. He said Mission Critical Partners (MCP) has revised the E911 technology budget for the Regional Emergency Communications Center (RECC) and presented a final price that is \$835,304 over budget. Mr. Clawson explained that the amount to be borrowed for the project will be increased and outlined the debt service impact for each fiscal year.

MOTION

Commissioner Shea motioned to adopt the amendment to the Grant Project Ordinance. Commissioner Umphlett and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 17 – CAPITAL PROJECT ORDINANCE FOR TOWNS' BEACH NOURISHMENT PROJECT (Att. #2)

The Finance Director outlined a Capital Project Ordinance for the Towns' beach nourishment project. He reviewed an updated beach nourishment model from DEC & Associates with a total project cost of \$41,700,367. Mr. Clawson explained the role of Special Obligation Bonds that will be issued by each of the Towns. He noted that the County originally planned to do \$12 million in cash along with \$12 million of debt, which is being changed to a recommendation of \$10 million cash and \$9,923,676 of debt.

MOTION

Commissioner Judge motioned to adopt the Capital Project Ordinance as presented. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 18 – SUPPORT FOR KILL DEVIL HILLS REQUEST FOR NC AQUATIC WEED CONTROL PROGRAM

Chairman Woodard described a request from the Town of Kill Devil Hills to support their effort to participate in the North Carolina Aquatic Weed Control Program. He said a letter of support may help the state legislature in the upcoming short session to restore the funding that the Town of Kill Devil Hills needs for this program.

MOTION

Commissioner Judge motioned to approve a letter of support to be signed by the Chairman.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 19 – CONSENT AGENDA

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

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (03.07.16 & 03.17.16) **(Att. #3)**
- 2) DCDHHS Public Health Division – Renewal of PatagoniaHealth Contract
- 3) Resolution Appointing Review Officers for the Town of Nags Head **(Att. #4)**
- 4) Tax Collector's Report

Commissioners Boswell, Umphlett, and Overman seconded the motion.

VOTE: AYES unanimous

ITEM 20 – BOARD APPOINTMENTS

1) Manns Harbor Commission

Vice-Chairman Overman and Commissioner Judge motioned to reappoint Paul Mann, Jeff James, and Troy Outland, Sr.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

2) Oregon Inlet and Waterways Commission

Vice-Chairman Overman motioned to appoint Danny Couch.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments

The upcoming Board appointments for May, June, and July were announced.

ITEM 21 – 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 Judge – congratulated service pin recipients and the Employee of the Month. He noted that drainage issues are important throughout Dare County and commended Rex Simpson and the people of Wanchese for tackling this issue in an effective grassroots way. He thanked Nancy Griffin for her presentation on behalf of the Children and Youth Partnership. Commissioner Judge expressed hope that the Tourism Board may be able to effectively address negative issues raised by Norfolk area television stations. He added his voice to comments made earlier by Monica Thibodeau concerning cancellations that are happening because of recent legislation enacted by the North Carolina General Assembly. He said this is a case where the actions of others can hurt our economic development. Commissioner Judge thanked everyone who participated in the recent Missions of Mercy Dental Clinic.

Commissioner Boswell – recognized the service pin recipients and the Employee of the Month. She gave a report on inlet dredging. She also commended the community's effort to honor local law enforcement. Commissioner Boswell noted that April 10-16 is Telecommunicator Week and described the extraordinary service that is provided by the dedicated heroes that answer 9-1-1 calls.

Commissioner Umphlett – acknowledged the service pin recipients and the Employee of the Month. She expressed gratitude for the Children and Youth Partnership as well as for the presentation that was made on increasing public awareness about child abuse prevention. She remarked on the good relationship the County has with Park Service Superintendent David Hallac. Commissioner Umphlett noted that the plans presented by the Arts Council will make their site even more enjoyable for residents and visitors.

Commissioner Shea – thanked the service pin recipients and the Employee of the Month. He also reported on a recent conference call with NC State on the economic development project and said efforts to get community input are well underway.

Vice-Chairman Overman – remarked on the 95 years of service that is represented by this month's service pin recipients and he congratulated the Employee of the Month. The Vice-Chairman reported on a productive conference call he participated in with Richie Miller of Spectrum GEO regarding possible offshore seismic testing. He said Mr. Miller was open and receptive to the concerns that were expressed about negative impacts on fishermen. He said Mr. Miller expressed skepticism that permits would even be issued in view of the federal government's decision to put a hold on offshore drilling. The Vice-Chairman said communications will continue with Spectrum GEO to help safeguard access for our watermen in the event permits are issued in the future.

Chairman Woodard – echoed comments that were made about the great relationship that exists between Dare County and NPS Superintendent Hallac. He commended the service pin recipients and the Employee of the Month. He also commented on the Arts Council plans, Telecommunicator Week, and the efforts of the Children & Youth Partnership.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager reported on conversations with Senator Cook's office concerning Hatteras Inlet and the State's effort to get agreements in place for work by the Corps of Engineers. Mr. Outten said a determination needs to be made concerning which cut-thru to the main inlet we want to use. Vice-Chairman Overman recommended getting input from those who use Hatteras Inlet. The Manager indicated that he will have staff add this item to the next Waterways Commission agenda.

MOTION

Commissioner Judge motioned to move forward with whatever recommendation is made by the Waterways Commission.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten noted that the next installment of County funds budgeted for Oregon Inlet dredging is ready to be sent to Raleigh where the money will be matched by the State. He asked for Board approval to send the \$500,000 of budgeted funds.

MOTION

Commissioner Judge motioned to authorize sending the funds.

Commissioner Boswell and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

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

MOTION

Commissioner Umphlett and Commissioner Boswell motioned to adjourn the meeting.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

At 12:55 p.m., the Board of Commissioners adjourned until 5:00 p.m., on April 13, 2016 for a Special Meeting. The next regularly scheduled Commissioners meeting will be April 18, 2016.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners