



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., May 2, 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.

Chairman Woodard called the meeting to order at 9:02 a.m. He invited the Rev. Tom Wilson from All Saints Episcopal Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

Note – In order to accommodate the Public Hearing scheduled for 10:00 a.m., some agenda items were handled out of sequential order.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Anicia Fontalvo, Finance Department, received a 10-year pin.
- 2) J.D. Etheridge, Sheriff's Office, received a 10-year pin.
- 3) Valerie Denigris, Emergency Medical Services, received a 10-year pin.
- 4) Bud Tillett, Public Works Department, received a 20-year pin.
- 5) Glenn Gray, Sheriff's Office, received a 25-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – MAY 2016

Pete Wright, EMS, received the Employee of the Month award from Jennie Collins who described the many ways that Mr. Wright is an asset to the Emergency Medical 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 noted that today’s Board meeting marks the launch of a video link to the Fessenden Center in Buxton that will allow public comments to be made by Hatteras Island citizens without having to travel to Manteo. The Chairman reported on several recent community events attended by Dare County Commissioners including Law Enforcement Appreciation Day, the dedication of a new NCDOT Ferry Division vessel, the celebration of education at First Flight High School, and a meet and greet reception with the new Chancellor of Elizabeth City State University. A complete video account of the Chairman’s update can be seen on the Dare 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 –

The following Public Comments were made in Manteo –

1. Greg Hamby of Kitty Hawk spoke as an advocate for the Red Wolf Recovery Program. He described the benefits of the program and outlined its potential to help promote eco-tourism. Mr. Hamby asked the Board to issue a resolution in favor of continuing the Red Wolf Recovery Program.

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

ITEM 5 – PRESENTATION ON DARE DAY CELEBRATION

Martha Wickre, Town of Manteo Commissioner, outlined plans for this year’s Dare Day celebration. She described new activities being introduced this year and showed a video promoting the event. Chairman Woodard thanked Ms. Wickre for her hard work in planning a wonderful day of celebration for the community.

ITEM 6 – EMS WEEK PROCLAMATION

Jennie Collins, Chief of Dare County EMS, presented an EMS Week proclamation with the theme “Called to Care.” In her presentation, Ms. Collins commended the dedicated team of professionals at Dare County EMS for their service to the community.

MOTION

Commissioners Shea, Judge, and Boswell motioned to issue the EMS proclamation. Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 7 – ELDER ABUSE AWARENESS MONTH & OLDER AMERICANS MONTH

Katie McCarron and Brandi Rheubottom asked the Board to issue proclamations for Elder Abuse Awareness Month and Older Americans Month. Dare County’s services to older adults were outlined and statistics were given showing dramatic projected growth of Dare County’s older adult population in the coming years.

MOTION

Commissioners Shea, Umphlett, and Judge motioned to adopt the Elder Abuse Awareness Month proclamation.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioners Shea, Overman, and Umphlett motioned to adopt the Older Americans Month proclamation.

Commissioner Burrus and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 8 – REPORT ON THE NC SENIOR TAR HEEL LEGISLATURE

Delegate Kaye White outlined the components of the legislative priorities adopted by the NC Senior Tar Heel Legislature. She described the large number of older adults that are on waiting lists for services and cited the need for additional funding to help meet the needs of the growing population of senior adults in North Carolina.

ITEM 9 – SOUTHERN SHORES REQUEST TO TERMINATE AGREEMENT FOR SOLID WASTE COLLECTION SERVICES

Peter Rascoe, Southern Shores Town Manager, requested permission to terminate the Interlocal Agreement for solid waste collection services effective June 30, 2016. County Manager Outten reported that Dare County has performed this service at cost and there would be no negative impact if the agreement were terminated. He explained that there are open positions that will not be filled and the County will not need to purchase as many trash trucks in the future. He noted that if, in the future, the Town of Southern Shores wanted to have the County resume trash pickup, the municipality would have to bear some of the cost that the County would incur to provide that service, such as truck replacement. Mr. Rascoe noted that the Town of Southern Shores has enjoyed a great relationship with Dare County and respectfully requested early termination of the agreement so the municipality could outsource their trash pickup.

MOTION

Commissioner Judge motioned to approve the Town of Southern Shores request for early termination of the Interlocal agreement for solid waste collection services effective June 30, 2016.

Chairman Woodard seconded the motion.

VOTE: AYES unanimous

RECESS: 10:32 a.m. – 10:48 a.m.

ITEM 10 – RESOLUTION APPROVING AN AMENDMENT TO THE INSTALLMENT PURCHASE CONTRACT WITH PUBLIC FACILITIES CORPORATION (Att. #1)

The Finance Director presented a resolution approving an amendment to the installment purchase contract with the Dare County Public Facilities Corporation regarding the

issuance of the Series 2016B Limited Obligation Bond for the financing of the Buxton beach nourishment project and an HVAC chiller at Cape Hatteras Secondary School. Mr. Clawson outlined the findings and statements in the resolution and summarized the financing bids for the Limited Obligation Bonds. He informed the Board that Yadkin Bank will be named in the resolution.

MOTION

Vice-Chairman Overman motioned to adopt the resolution as presented.

Commissioner Shea and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 11 – LEASE AGREEMENT FOR ATM MACHINE AT THE JUSTICE CENTER

The County Manager asked the Board to approve putting a freestanding Automated Teller Machine (ATM) at the Justice Center on a rent-free basis. He outlined the renewal provision of the lease and explained that the ATM would be located in the stairwell across from the Sheriff's Office as a banking convenience for employees and members of the public visiting the Justice Center.

MOTION

Commissioner Burrus motioned to approve the lease agreement and authorize the County Manager to execute the document.

Commissioner Boswell and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 12 – PRESENTATION OF MANAGER'S FISCAL YEAR 2017 BUDGET

Mr. Outten presented the Manager's Recommended Budget for the upcoming fiscal year. He explained that the material being presented represents the second year of the biennial budget that was submitted last year. Mr. Outten reported that the total budget for FY2017 is \$140,443,267 and the General Fund budget is \$104,202,977. He said the 2017 budget maintains the property tax rate at \$0.43 per \$100 of valuation. A summary was given of tax base growth, revenues, education funding, debt service, and various County funds. Mr. Outten invited the Board to contact him with any suggested changes and asked that a Public Hearing on the budget be scheduled.

MOTION

Commissioner Judge motioned to schedule a public hearing on the budget for 10:00 a.m., June 6, 2016.

Commissioner Shea and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 13 – PUBLIC HEARING – PROPOSED ZONING ORDINANCE AMENDMENTS TO DELETE SECTION 22-58.2 (Att. #2)

At 10:04 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments in Manteo and via the video link to the Fessenden Center in Buxton.

The following people spoke at Manteo –

- 1) Willo Kelly, on behalf of the Outer Banks Homebuilders and Realtors, expressed concern about the impact of the proposed changes on accessory structures and setback requirements, which she said could cause problems with detached garages and swimming pools. She noted that pools are important features for the rental housing market.
- 2) Jay Overton recommended that the Board of Commissioners move forward with deleting only the parts of the zoning ordinance that have been mandated by the State of North Carolina. He asked that the other issues related to accessory structures be tabled so that there can be further discussion in an effort to find an acceptable middle ground.

There were no public comments from the Fessenden Center in Buxton.

Chairman Woodard closed the hearing at 10:10 a.m.

Planning Director Donna Creef was asked to address concerns that were raised about accessory structures. Ms. Creef outlined the requirements for pools and detached garages. Commissioners discussed the impact of the proposed changes on accessory structures, which can be viewed in their entirety on the Dare County website.

MOTION

Commissioner Judge motioned to delete Section 22-58.2 with the finding that it is consistent with the policies of the 2009 Dare County Land Use Plan and other official documents by managing the impacts associated with large residential structures such as traffic, noise, density, solid waste, scale of structures, and occupancy of the structures. His motion also included a provision to send back to the Planning Board the proposed changes for Accessory Use Structures and all aspects of Accessory Structures relative to controlling house size in an effort to maintain the status quo so that discussions can be held with community stakeholders before the item is presented again to the Board of Commissioners at a future meeting.

Commissioner Shea seconded the motion.

During discussion of the motion – the Board addressed a component of Commissioner Judge’s original motion calling for a committee to be appointed. By consensus, the Board directed the Planning Director to seek input from a stakeholders group and suggested including a Planning Board Member, a County Commissioner, Willo Kelly on behalf of the Outer Banks Homebuilders and Realtors, Mr. Jay Overton, the County Manager, the Planning Director, and an at-large member. It was noted that this needs to be brought back to the Board of Commissioners in a timely manner, which the Planning Director said could likely be accomplished within 60 to 90 days. Commissioner Judge revised his motion as it is shown above.

VOTE: AYES unanimous

ITEM 14 – 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 (04.13.16 & 04.18.16) **(Att. #3)**
- 2) Easement to Dominion for Permanent Power at RECC/EOC Project
- 3) Bid Award for Phase 5 – Dare County Landfill Project
- 4) Charles Finch Gaddy Endowment Grant
- 5) Kitty Hawk Park Community Garden

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARD APPOINTMENTS

- 1) Dare County Board of Adjustment

Commissioner Judge motioned to reappoint Thomas Murphy (Hatteras Island) and David Jones (Martins Point).

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

- 2) Veterans Advisory Council

Vice-Chairman Overman and Commissioner Judge motioned to reappoint Billy Brown and Lynda Hester.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

- 3) Upcoming Board Appointments

The upcoming Board appointments for June, July, and August 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 Boswell – expressed hope that next year there will be more public turnout for Law Enforcement Appreciation Day. She reported on the dedication ceremony for the new NCDOT dredging vessel and outlined the dredging schedule for Oregon Inlet. Commissioner Boswell announced that the long term Memorandum of Agreement (MOA) for dredging was just approved.

Commissioner Judge – reported on several community events he attended including the Outer Banks Senior Games, a Special Olympics event, and a gathering at the VFW to help Billy Brown who is battling medical issues.

Commissioner Umphlett – congratulated the service pin recipients and the Employee of the Month. She commended Dare County EMS and Dare MedFlight for the loving care that they have shown to members of her family. Commissioner Umphlett thanked Kaye White for her advocacy work on behalf of senior adults and remarked on the growth that is projected for Dare County's elderly population.

Vice-Chairman Overman – acknowledged the service pin recipients and the Employee of the Month. He expressed gratitude to all the agencies that worked to control the Whipping Creek Road fire. The Vice-Chairman shared remarks that he made at the recent Law Enforcement Appreciation Day ceremony in support of Dare County's law enforcement community.

Commissioner Shea – thanked the service pin recipients and the Employee of the Month for their efforts to make Dare County a wonderful place. Commissioner Shea encouraged everyone to attend the upcoming Dare Day celebration.

Commissioner Burrus – expressed gratitude for the service pin recipients and the Employee of the Month. He commented on the projected growth for Dare County's senior adult population that was discussed during the meeting and the help that was given to Southern Shores regarding trash collection. Commissioner Burrus reported on the Waterways Commission meeting that was held on Hatteras Island. He described activity that is underway on construction of the new Bonner Bridge and voiced hope for a great tourism season this year.

Chairman Woodard – remarked on the white goods pick-up conducted by the Dare County Public Works Department, which led to discussion of the problem that is created when people put out unauthorized items for pickup. Commissioner Burrus made suggestions about the timing of future large item pickup campaigns. The County Manager said the next large item pickup is scheduled for the fall season and urged the Board to discuss this issue before then. Chairman Woodard directed that this be put on a future agenda. The Chairman thanked the Board for their service to the people of Dare County. He concluded by encouraging everyone to honor their mother for Mother's Day.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager reported on follow-up that was done concerning the 5 oceanfront lots offered to the County on a donation basis. Mr. Outten said there is a paved road that provides access to the donated lots and others and he noted that no environmental assessment has been done. He said the taxes are current and there are no other kinds of liens that would prevent moving forward with this donation as was approved by the Board at its last meeting.

2. Mr. Outten described marsh property near the water tower on Roanoke Island that the owner wants to donate to the County. He said its tax value is about \$13,000 and although he could not think of a use for the property, he presented it to the Board for their consideration. Commissioner Umphlett said she had no problem accepting it because it might be of future value to the County. The Manager said he will do the same due diligence that was done on the other donated property before accepting the deed.

MOTION

Commissioner Umphlett motioned to accept the donation.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

3. The Manager clarified that the Memorandum of Agreement (MOA) for Hatteras Inlet is still being developed. He described the status of the permitting process and dredging options.

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

MOTION

Vice-Chairman Overman and Commissioner Umphlett motioned to adjourn the meeting.

Commissioner Shea and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

At 11:58 a.m., the Board of Commissioners adjourned until 5:00 p.m., May 16, 2016 at the Fessenden Center in Buxton.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners