



# 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., December 5, 2016**

Commissioners present: Chairman Robert Woodard, Vice-Chairman Wally Overman  
Jack Shea, Beverly Boswell, Margarett Umphlett,  
Steve House, Danny Couch

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten  
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](http://www.darenc.com).

Clerk to the Board, Gary Lee Gross, called the meeting to order at 9:02 a.m. He invited the Rev. Jonathan Mills from Kitty Hawk United Methodist Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Clerk outlined the procedures for the swearing-in ceremony and election of Chairman and Vice-Chairman. He noted that the oath of office would be conducted in order by district number. Mr. Gross added that there would be a brief recess at the conclusion of the elections to allow those in attendance to offer their congratulations.

#### **ITEM 1 – SWEARING-IN CEREMONY (Att. #1)**

Clerk to the Board, Gary Lee Gross, administered the oath of office to Wally Overman (District 1), Robert Woodard (District 2), Steve House (District 3), and Danny Couch (District 4). The oath was in the form prescribed in Article VI, Section 7 of the North Carolina Constitution.

#### **ITEM 2 – ELECTION OF CHAIRMAN (Att. #2)**

Gary Lee Gross, Clerk to the Board, conducted the election. He explained that in accordance with Robert's Rules of Order, no second would be necessary for a nomination and four votes would be required to win election.

#### **NOMINATION**

Commissioner Shea nominated Commissioner Woodard for Chairman. There were no other nominations.

VOTE: AYES – Seven votes by a show of hands

Commissioner Woodard was re-elected Chairman by unanimous vote.

**ITEM 3 – ELECTION OF VICE-CHAIRMAN (Att. #3)**

Newly re-elected Chairman Woodard conducted the election of Vice-Chairman.

**NOMINATION**

Commissioner Shea nominated Commissioner Overman.

There were no other nominations.

VOTE: AYES – Seven votes by a show of hands

Commissioner Overman was re-elected Vice-Chairman by unanimous vote.

**RECESS: 9:14 a.m. – 9:24 a.m.**

**ITEM 4 – RECOGNITION OF FIRST FLIGHT HIGH SCHOOL SOCCER TEAM**

Chairman Woodard presented a certificate of appreciation to First Flight High School Men's Varsity Soccer Team and commended them for winning the State Championship as the culmination of their undefeated 2016 season. Accepting the award was Head Coach Juan Ramirez and Principal Tim Albert.

**ITEM 5 – EMPLOYEE OF THE MONTH – DECEMBER 2016**

Ashley Jackson received the Employee of the Month award from Jay Burrus who described the many ways that Ms. Jackson is an asset to the Social Services Division of the Health and Human Services Department.

**ITEM 6 – OPENING REMARKS – CHAIRMAN'S UPDATE**

Chairman Woodard mentioned the following items during his opening remarks –

- He shared positive news about the rating that has been given to the Volunteer Fire Departments in Frisco and Avon, which could help property owners.
- Details were given about the upcoming Celebration of Flight and the 100<sup>th</sup> anniversary of the National Park Service.
- The Chairman congratulated newly elected Commissioners House and Couch and Commissioner Overman on being re-elected Vice-Chairman. He also congratulated Commissioner Boswell on her new position in the NC House of Representatives. He said he looks forward to working with each of them.

A video of the Chairman's update can be seen on the County website [www.darenc.com](http://www.darenc.com).

**ITEM 7 – 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](http://www.darenc.com). Following is a brief summary –

The following Public Comments were made in Manteo –

1. Van Price expressed thanks to the Board and to the County Manager for all the hard work that has been done and documents submitted for beach nourishment.

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

**ITEM 8 – TOURISM BOARD REQUEST CONSENT FOR SHORT TERM RESTRICTED FUND EXPENDITURES**

Susie Walters, Chair of the Dare County Tourism Board, appeared with Lee Nettles, Executive Director of the Outer Banks Visitors Bureau. Ms. Walters presented Short Term Restricted Fund spending requests totaling \$1,037,437 for the following projects –

- Town of Duck, \$447,887 for Pedestrian Path Improvements, Phase 1
- Town of Kill Devil Hills, \$340,125 for Bay Drive Multi-Use Path, Phases 3 & 4
- Town of Nags Head, \$226,750 for Dowdy Park, Phase 2
- Outer Banks Gun Club, \$22,675 for Special Purpose Range

Mr. Nettles noted that Tourism Board grants have resulted in over \$8,000,000 being invested back into Dare County.

**MOTION**

Vice-Chairman Overman and Commissioner House motioned to approve the Restricted Fund requests totaling \$1,037,437.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – AQUATIC WEED PRESENTATION AND RESOLUTION (Att. #4)**

Ann Daisey presented information about aquatic weeds and outlined a potential grant opportunity from the State of North Carolina that would require a 50% local match. She estimated that the cost of herbicides for the East Lake project would be \$600 and outlined sources with the proper credentials that might be used to apply the chemicals. A resolution was presented requesting that the North Carolina Aquatic Weed Control Program conduct an aquatic invasive removal project in Dare County. The County Manager noted that the language in item 4 of the resolution, which assures that the public will have access, needs to be changed to say that the Board will not do anything to impede access to the waters that are included in the aquatic weed control program.

**MOTION**

Vice-Chairman Overman motioned to adopt the resolution with the change of language noted by the County Manager.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – C-2 ZONING AMENDMENT TO ADD INDOOR RECREATION USES**

Planning Director Donna Creef outlined a zoning amendment submitted by David Perez on behalf of Woodcat LLC. She explained that the request is to add indoor recreation to the list of permitted uses in the C-2 commercial zoning district in the Villages of Avon and Buxton. Ms. Creef said the applicant has a retail structure in Avon that he would like to renovate to feature indoor recreation uses. She noted that the Planning Board has given its approval and asked the Board of Commissioners to consider scheduling a Public Hearing on the requested text amendment.

**MOTION**

Commissioner Umphlett motioned to schedule a Public Hearing on the proposed C-2 text amendment submitted by Mr. Perez for 5:30 p.m., December 19, 2016.

Commissioner Shea and Commissioner Couch seconded the motion.

VOTE: AYES unanimous

## **ITEM 11 – 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 (11.21.16) **(Att. #5)**
- 2) Resolution Removing and Appointing Review Officers **(Att. #6)**
- 3) Resolution to Declare Personal Property as Surplus **(Att. #7)**
- 4) Schedule of Meeting Dates for 2017

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

## **ITEM 12 – BOARD APPOINTMENTS**

### 1) Board of Equalization and Review

Vice-Chairman Overman motioned to reappoint Skip Jones, Jonathan Waddill, Jeffrey Scott, Terry Gore, and Charles Evans.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

### 2) Dare County Center Advisory Board

Vice-Chairman Overman motioned to appoint Samantha Brown to fill the unexpired term of Brooke McCord.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

### 3) Nursing Home Community Advisory Council

Vice-Chairman Overman motioned to appoint Diannalea Knight.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

### 4) Older Adult Services Advisory Council

Commissioner Boswell motioned to appoint Melissa Turnage to fill the unexpired term of Jonna Midgett as the Social Services Representative.

Commissioner House seconded the motion.

VOTE: AYES unanimous

### 5) Special Motor Vehicle Valuation Review Board

Commissioner Umphlett and Commissioner Shea motioned to reappoint Wally Overman, Dock Sawyer, and Lori Hageman.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

### 6) Veterans Advisory Council

Vice-Chairman Overman motioned to appoint Jeff Slaker to fill the unexpired term of Clarence Lewis.

Commissioner Couch and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

7) Upcoming Board Appointments

The upcoming appointments for January, February, and March 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 Shea – congratulated Employee of the Month Ashley Jackson. He said employees like Ms. Jackson make Dare County a great place to live, work, and raise a family. Commissioner Shea observed that there is a good Board of Commissioners in place for a successful coming year.

Commissioner Couch – acknowledged the Cape Hatteras United Methodist Men for standing in the gap to serve the community following Hurricane Matthew. He reported on the Young Life Ministry trip for middle school students. Commissioner Couch described holiday related activities coming up on Hatteras Island.

Vice-Chairman Overman – congratulated the new members of the Board of Commissioners. He commended the Employee of the Month noting the great job that is done by the Dare County Social Services Division. The Vice-Chairman acknowledged the hard work and achievement of the First Flight High School Men’s Soccer Team. He thanked the people of Dare County for reelecting him to serve on the Board and he pledged to work hard and serve everyone fairly. The Vice-Chairman reported on a debriefing meeting he attended to look back and examine the response to Hurricane Matthew and provided statistics about assistance that has been given. He noted that 25% of all flood losses occur outside of flood zones. Vice-Chairman Overman encouraged people who may receive a denial letter from FEMA to call the agency, determine why, and then resubmit corrected information. The County Manager added comments about how frustrating it has been dealing with Hurricane Matthew debris removal. He reported on dialogue that has occurred with FEMA representatives about bringing in a secondary contractor and pre-authorizing certain reoccurring actions that have always been approved in the past. Mr. Outten said although the FEMA representatives listened, they made no indication their agency policies will change. He added that there is a need for FEMA to have offices located in Dare County for a longer period of time following a storm event. Vice-Chairman Overman reported on the Hatteras Inlet dredging project and explained the involvement of the State Historical Preservation Office. The Vice-Chairman asked the Planning Director to look at reducing the lot size requirements in Wanchese to be consistent with other areas. Ms. Creef outlined the process for addressing this issue which resulted in the following motion -

**MOTION**

Vice-Chairman Overman motioned to have the Planning Director take the issue of reducing lot size requirements in Wanchese to the Planning Board and report back to the Dare County Board of Commissioners.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Umphlett – welcomed new Commissioners by recalling her experience in joining the Board just two years ago. She congratulated the Board on what has been accomplished in the past two years and said reelecting Commissioner Woodard and Commissioner Overman as Chairman and Vice-Chairman shows the confidence that the Board has in them. She said it will be difficult to replace Commissioner Boswell when she leaves the Board to serve in the North Carolina House of Representatives.

Commissioner House – thanked voters for placing their trust in him and he promised to listen to all concerns and keep an open mind. He noted that he has big shoes to fill in holding the seat held by former Commissioner Warren Judge. He congratulated the Employee of the Month. Commissioner House commented on the petition that is before the Marine Fisheries Commission for a vote in February that could have a devastating impact and lead to further regulations. He congratulated the First Flight High School Soccer Team and encouraged everyone to remember that today is Pearl Harbor Day

Commissioner Boswell – congratulated the Employee of the Month and the First Flight High School Soccer Team for doing a fantastic job both athletically and academically. She welcomed newly elected Commissioners House and Couch. Commissioner Boswell gave an update report on Oregon Inlet and expressed thanks for the videos that have been made, which will be a helpful tool in securing help from Raleigh. She thanked Commissioner House for bringing up the fisheries petition that could hurt our waterman and jeopardize our heritage. Commissioner Boswell expressed hope of being able to look at the results of the salary study at the next meeting.

Chairman Woodard – commended the student athletes of the First Flight Soccer Team for earning an outstanding average 3.90 GPA in their studies.

## **MANAGER’S/ATTORNEY’S BUSINESS**

1. The County Manager reported that flood maps were a topic of discussion at the recent meeting of the Coastal Resources Commission (CRC).
2. Mr. Outten reported on the involvement of the State Archeology Office in the permitting process for the Hatteras Inlet dredging project.
3. People were encouraged to apply for FEMA assistance before the deadline. Even those who are unsure if they may need help were advised to get in to the system because after the deadline it will be too late to apply if help is needed.
4. The Manager asked Public Works Director, Edward Lee Mann to give an update report on debris collections. Mr. Mann outlined the areas that are being addressed by the debris contractor. He explained that a software program is being used to document pickup areas. Commissioner Couch said guidelines are needed to explain the enforcement action related to debris pickup. Mr. Mann noted that this has been a frustrating process for everyone. Chairman Woodard thanked the Public Works staff for their hard work.

5. Mr. Outten reported that Dare County will continue to fight with FEMA over the issue of debris pickup in gated communities such as Colington and Martins Point. He explained that FEMA should cover this expense because the health, safety, and welfare of people in the gated communities is important.

Public Information Officer Dorothy Hester provided details about the Volunteer Service Awards application process. Finance Director David Clawson said a report on the fiscal year audit will be presented at the next meeting of the Board of Commissioners.

### **CLOSED SESSION**

Commissioner Boswell asked for a Closed Session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter and approve minutes of the last Closed Session.

#### **MOTION**

Commissioner Boswell motioned to go into Closed Session pursuant to provisions cited. Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

At 10:51 a.m., the Board of Commissioners exited the meeting room and entered into Closed Session in their Conference Room. At 11:51 a.m., Chairman Woodard reconvened the meeting and the County Manager reported that in Closed Session the Board approved previous Closed Session Minutes and discussed a personnel matter.

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

#### **MOTION**

Commissioner Shea motioned to adjourn the meeting.

Vice-Chairman Overman seconded the motion.

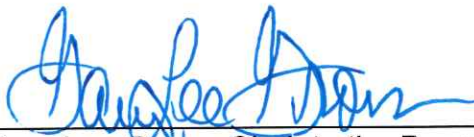
VOTE: AYES unanimous


At 11:52 a.m., the Board adjourned until 5:00 p.m., December 19, 2016.



APPROVED:

Respectfully submitted,

By:   
Gary Lee Gross, Clerk to the Board

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners