



# 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

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., February 5, 2018**

Commissioners present: Chairman Robert Woodard, Vice Chairman Wally Overman  
Jack Shea, Steve House, Rob Ross, Jim Tobin, Danny Couch

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten  
Deputy County Manager/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).

Chairman Woodard called the meeting to order at 9:00 a.m. He invited Rev. Spottswood Graves to share a prayer, and then he led the Pledge of Allegiance to the flag.

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

#### **ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE (Att. #1)**

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website –

- The Chairman’s opening remarks focused exclusively on the issue of offshore drilling and seismic testing. He reported on a meeting he attended at the North Carolina Governor’s Executive Mansion where the Board’s continued opposition to offshore drilling and testing was conveyed directly to Governor Cooper and U.S. Interior Secretary Ryan Zinke. The Chairman outlined the economic importance of the North Carolina shoreline and emphasized that we cannot afford an environmental disaster. He summarized the suggestions he made to Secretary Zinke to utilize the oil that is currently available onshore without the environmental risks of offshore development. He noted that this is not a partisan issue and urged everyone to make public comments opposing offshore drilling and testing because our economy and our children’s future depends on pristine beaches. The Chairman presented a resolution expressing the Board’s continued opposition to offshore drilling and seismic testing.

During discussion of the resolution, Commissioner Tobin said he felt the reference to the Prince William Sound, which was victimized by the Exxon Valdez, should be stricken from the resolution because that was a shipping disaster rather than a drilling disaster. Commissioner Couch disagreed citing the importance of safeguarding marine life.

**MOTION**

Commissioner Shea and Vice Chairman Overman motioned to adopt the resolution as presented expressing the Board's continued opposition to offshore drilling and testing. Commissioner Couch and Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) April Farence, Tax Assessment Department, received a 10-year pin.
- 2) Melissa Turnage, Social Services Division, received a 15-year pin.

**ITEM 3 – EMPLOYEE OF THE MONTH – FEBRUARY 2018**

Brandi Combs received the Employee of the Month award from David Clawson who described the many ways that Ms. Combs is an asset to the Finance Department.

**ITEM 4 – PUBLIC COMMENTS**

The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center in Buxton. Following is a brief summary of citizen remarks, which can be viewed in their entirety in a video on the Dare County website –

*There were no comments made in Manteo –*

*The following comments were made in Buxton –*

1. Chris Hickman – thanked the Board of Commissioners for their stand in opposing the attempt of the NC Marine Fisheries Commission to redefine Commercial Fishing. He also expressed the need for additional dredging at Hatteras Inlet so that vessels can better utilize the waterway.
2. Ernie Foster – summarized a letter sent to the Marine Fisheries Commission (MFC) outlining the many reasons why the existing definition of Commercial Fishing should be kept. He said the MFC is trying to fix something that isn't broken and thanked the Dare County Board of Commissioners for taking such quick action on this vital issue.

**ITEM 5 – PRESENTATION ON THE MIRLO CENTENNIAL**

John Griffin, President of the Chicamacomico Historical Association, briefed the Board on activities that are planned to commemorate the 100<sup>th</sup> anniversary of the rescue of the British oil tanker, the S.S. Mirlo, which took place on August 16, 1918. He provided information about the rescue and invited everyone to participate in the upcoming events. Commissioner Couch thanked the Chicamacomico Historical Association and their many volunteers.

### **ITEM 6 – NCDOT REPORT ON DARE COUNTY PROJECTS**

NCDOT Division Engineer Jerry Jennings gave a comprehensive update on transportation projects throughout Dare County. He reported that the new Bonner Bridge is expected to be open to traffic by end of this year. He added that the new Pea Island Bridge is complete except for demobilization and that the new bridge will be named in honor of Captain Richard Etheridge. Mr. Jennings also outlined plans for the structure known as the Rodanthe Jug Handle Bridge. Included in the report were NCDOT's efforts to rehabilitate the Alligator River Bridge and the Wright Memorial Bridge along with road projects and maintenance plans for Dare County. NCDOT Board Member Allen Moran invited Commissioners to a ceremony planned for February 20, 2018 to dedicate the Captain Richard Etheridge Bridge. Commissioner Couch voiced thanks for the assistance that NCDOT gives to those who want to have roads added to the State system. Commissioner Tobin advised Mr. Jennings of an anchor buoy problem at Oregon Inlet and asked that a meeting be set up to address this serious navigational safety issue. Chairman Woodard expressed gratitude for the County's relationship with NCDOT and thanked them for being so responsive.

**RECESS: 10:34 a.m. – 10:54 a.m.**

### **ITEM 7 – DARE COUNTY LAND USE PLAN UPDATE**

Planning Director Donna Creef provided an update on the Dare County Land Use Plan (LUP), which was certified by the North Carolina Coastal Resources Commission in February 2011. She explained that it is time for work to begin on the update process and outlined the steps that are needed. Ms. Creef asked the Board to designate a Planner in Charge and appoint a Steering Committee for the update process.

#### **MOTION**

Commissioner Shea motioned to designate the Planning Director as the Planner in Charge, designate the Dare County Planning Board as the LUP Steering Committee, and instruct the Planning Director and Planning Board to initiate work on the LUP update.

Commissioner House seconded the motion.

VOTE: AYES unanimous

### **ITEM 8 – GIOVANNA CALVILLO CUP-HOME OCCUPATION**

This agenda item was handled as a quasi-judicial proceeding. Dare County Planner Noah Gillam and the applicant, Giovanna Calvillo, were both duly sworn by the Clerk to the Board before offering any testimony. Mr. Gillam presented a Conditional Use Permit (CUP) amendment request submitted by Giovanna Calvillo concerning her home occupation business at 1386 N. Highway 64/264 on Roanoke Island. He explained that the request seeks to amend the CUP to allow the applicant to change the business use to a beauty salon. It was noted that staff processed the application as a new CUP and that the request was reviewed by the Planning Board, which unanimously recommended approval.

The County Manager asked the applicant if she agrees to the admission into evidence of the file material submitted by the Planning Department, the facts presented by the Planner, and the terms and conditions outlined in the CUP. Ms. Calvillo indicated her agreement.

**MOTION**

Commissioner Shea motioned to grant approval of the Conditional Use Permit as recommended by the Planning Board.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – FY2018 AUDIT CONTRACT AND FOUR YEAR AGREEMENT**

The Finance Director briefed the Board on the agreement with Potter & Company to perform the County's annual financial audit for the next four years. He reported that the Dare County Audit Committee voted to approve foregoing the Request for Proposals (RFP) process and recommend to the Board that the agreement with Potter & Company be renewed for a new 4-year term, subject to an annual fee increase of no more than 2 percent. Mr. Clawson explained that the Audit Committee's recommendation was based on the quality of the firm's work and number of partner hours they provide.

**MOTION**

Commissioner Shea motioned to approve the agreement as presented and authorize Chairman Woodard and Commissioner Shea, as Chairman of the Audit Committee, to execute the Contract and Engagement Letter.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – RESOLUTION SUPPORTING LME/MCO SERVICES IN NC (Att. #2)**

Vice Chairman Overman explained that services to those with mental health problems, developmental disabilities, and substance use disorders are done through a cohesive system of care by Local Management Entities/Managed Care Organizations (LME/MCO) with Trillium being the LME/MCO for Dare County. He said there is statewide discussion to consider privatizing part of these services to outside insurance type companies and expressed doubt that they would provide the same level of care that has been done so effectively by local LME/MCO's. The Vice Chairman presented a resolution asking the North Carolina Legislature to continue the LME/MCO model rather than consider allowing privatized, for-profit enterprises to serve this vulnerable population.

**MOTION**

Commissioner Shea motioned to adopt the resolution as presented.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – PUBLIC HEARING – SUPPLEMENT TO CODE OF ORDINANCES (Att. #3)**

At 10:32 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. No one responded to the invitation to address the Board. Chairman Woodard closed the hearing at 10:33 a.m.

Following the Public Hearing, Mr. Outten explained that although each ordinance approved by the Board during 2017 has already been adopted, the Board should vote to formally codify all the 2017 ordinances as the S-10 Supplement to the Code of Ordinances.

**MOTION**

Commissioner Shea motioned to adopt a resolution enacting and adopting the 2017 S-10 Supplement to the Dare County Code of Ordinances.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – 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 (01.22.18) **(Att. #4)**
- 2) Advertise 2017 Tax Year Liens

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – BOARD APPOINTMENTS**

1) Planning Board

Vice Chairman Overman motioned to reappoint John Finelli and Charles Read.  
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Upcoming Board Appointments

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

**ITEM 14 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS**

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment –

Commissioner Tobin

- Briefed the Board on a recent meeting he attended where Oregon Inlet was discussed.

Commissioner Ross

- Reported on the meeting he attended where North Carolina's Health and Human Services Secretary discussed the disparity of employment opportunities for those with disabilities and addressed the opioid issue.
- Said he would soon be joining Superintendent David Hallac on a tour of local National Park Service facilities.
- Described the groundbreaking ceremony that was held for The Outer Banks Hospital Radiation Therapy Center.

- Mentioned the new office site for GEM, where Gail Sonnesso and a great group of volunteers provide services for those dealing with Alzheimer's disease and dementia.
- Commented on the recent Passenger Ferry Task Force meeting that he along with Planning Director Donna Creef attended where NCDOT's planning passenger ferry service from Hatteras to Ocracoke was discussed. He expressed a concern that Hatteras Village could simply become a staging and parking area for those going to Ocracoke. This subject was then discussed by the Board and others as follows - - - Ms. Creef noted that Jed Dixon with the Ferry Division is willing to speak to the Board about this issue. Commissioner Couch mentioned the importance of having representatives of Hatteras Village and the Scenic Byways Committee involved in this endeavor. Mary Helen Goodloe-Murphy added that the Hatteras Village Community Center District should have a seat at the table and suggested names of possible participants. Vice Chairman Overman said a group presentation to the Board of Commissioners would be helpful and it was the consensus of the Board to have the Planning Director arrange for a presentation to be made a future meeting.

#### Commissioner House

- Reported on a recent meeting he attended where candidates for state and federal offices were able to share their thoughts and ideas and address the recent move by the Marine Fisheries Commission (MFC) to consider redefining Commercial Fishing. He noted that word is getting out and several other counties are considering supporting Dare County's position on this issue. He added that if this measure is approved by the MFC, it will still have to go through the North Carolina General Assembly. Commissioner House said he will be attending the upcoming DMF meeting in Wrightsville Beach to convey the Board's opposition to changing the definition of Commercial Fishing.

#### Vice Chairman Overman

- Congratulated the service pin recipients and Employee of the Month.
- Mentioned the meeting where the North Carolina Health and Human Services Secretary recently addressed the "Everybody Works NC" initiative and other concerns including the opioid crisis and transportation needs.
- Encouraged everyone to attend the upcoming Town Hall meeting sponsored by the Saving Lives Task Force.
- Thanked the Board for adopting a resolution in support of LME/MCO's. (*Agenda Item #10*)

#### Commissioner Shea

- Thanked the service pin recipients and the Employee of the Month for all that they do to make Dare County a great place to live, work, and raise a family.
- Urged everyone to make comments to lawmakers and voice their opposition to offshore drilling and testing noting that there are few issues more important than the potential consequences of an oil spill off our coastline.

#### Commissioner Couch

- Noted that Dare County is a rising destination for the motor coach industry and cited the positive economic impact that each bus brings to the tourism economy of Dare County.
- Spoke against offshore drilling saying it would jeopardize our main tourism attraction.

- Expressed thanks that the Buxton beach nourishment project is nearing completion.
- Reported that the recent oyster roast sponsored by the NC Coastal Federation was a great event and mentioned the possibility of a meeting where the Federation along with the Coastal Studies Institute might be able to sit down with members of the Board.
- Gave an update on the COA Task Force and described the exhaustive effort that is underway to get community input about curriculum for the Dare County campus.

Chairman Woodard

- Expressed regret that he could not attend the Coastal Federation oyster roast because he was out of town attending his meeting with the Governor and Interior Secretary Zinke.
- Commented on the recent groundbreaking ceremony for The Outer Banks Hospital Radiation Therapy Center.
- Noted that the session with the Health and Human Services Secretary was informative.
- Urged everyone to get involved, along with the Board, in opposing offshore drilling by contacting their legislators.
- Chairman Woodard presented a list of the Board's 12 Goals & Priorities for 2018 and it was the consensus of the Board to have staff move forward in publishing the list.

**MANAGER'S/ATTORNEY'S BUSINESS - None**

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

**MOTION**

Commissioner Ross and Commissioner Shea motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 11:49 a.m., the Board of Commissioners adjourned until 5:00 p.m., February 20, 2018.



APPROVED:

Respectfully submitted,

By:   
Gary Lee Gross, Clerk to the Board

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners