



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 3, 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.

Chairman Woodard called the meeting to order at 9:02 a.m. He invited Rev. Tom Wilson from All Saints Episcopal Church 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 schedules of those appearing before the Board of Commissioners.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

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 –

- Reported on the Community Meeting that the Board held in Buxton and outlined issues that were raised by Hatteras Island citizens.
- Gave a briefing on his trip to Raleigh with Vice Chairman Overman and the County Manager to speak against the requested insurance rate increase for dwelling policies.
- Congratulated Jenny Gray Jones on her well-deserved retirement as a county employee.
- Provided an update on the discussions that are underway with stakeholders in Avon to address short term and long term goals for beach nourishment in the village.
- Noted that the Buxton beach nourishment project is now complete and the contractor is nearly finished with the demobilization of their equipment.
- Congratulated 14 year old First Flight High School student Katherine Schuster on her amazing accomplishment at Augusta National Golf Club where she won the National Drive, Chip and Putt Championship.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Charlene Garrish, EMS, received a 10-year pin.
- 2) Yvette Pollock, Social Services, received a 20-year pin.
- 3) Vickie White, Social Services, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – APRIL 2018

Ray Owens received the Employee of the Month award from Allen Moran who described the many ways that Mr. Owens is an asset to the Detention Center.

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 –

The following comments were made in Manteo –

1. Paul O'Neal, on behalf of The College of the Albemarle Board of Trustees, thanked Commissioners for their great support of the College noting that exciting things are underway regarding educational opportunities for the people of Dare County.
2. Dr. Robert Wynegar, President of the College of the Albemarle (COA), gave a report on COA's enrollment and outlined new programs, projects, and plans. Dr. Wynegar expressed excitement about the new Dare County facility that is being planned and thanked the members of the COA Task Force for their efforts.
3. Perry White addressed the deadly opioid epidemic facing Dare County and the nation. He explained that based upon his 50 years of Public Safety experience where he has had to deal with drug overdoses, he is convinced that more medical oversight is needed because opioids are being overprescribed. Mr. White said people need to be more careful with what is in their medicine cabinet and called for more community openness about this important issue.

The following comments were made in Buxton –

4. Frank Miller spoke in support of expanding health care for the Veterans of Hatteras Island including the thousands of Veterans who visit each year. He noted that his restaurant has served as an information and resource center for local Veterans. Mr. Miller explained that health care for Veterans needs to be a component of the Hatteras Medical Clinic and expressed hope that this service will be provided.

ITEM 5 – PRESENTATION – ENERGY ISSUES FOR COASTAL NORTH CAROLINA

John Droz, Jr. gave a presentation on common concerns that are often expressed about seismic testing and offshore energy. He explained that coastal communities that have

passed resolutions on this issue have typically heard a one-sided litany of potential liabilities, which Mr. Droz countered by offering his perspective on the importance of seismic testing, risk analysis, energy related national security issues, and other concerns. He cited the need for a new Dare County resolution that more appropriately addresses the energy issues facing coastal North Carolina. Following his presentation, Mr. Droz fielded Commissioner questions and concerns during which time Chairman Woodard reaffirmed the Board's staunch opposition to offshore drilling under any circumstances. The presentation by Mr. Droz, including his discussion with Commissioners, can be viewed in its entirety on the video archive of the meeting that is available on the Dare County website.

ITEM 6 – PROCLAMATIONS – CHILD ABUSE PREVENTION MONTH AND WEEK OF THE YOUNG CHILD

Sara Sampson, Leigh Bracy, and Nancy Griffin appeared before the Board on behalf of the Children & Youth Partnership for Dare County and Dare County Health & Human Services. Ms. Sampson provided information about a community effort designed to raise awareness about child abuse prevention. Ms. Bracy emphasized the importance of reporting any child abuse incident and outlined resources that are available. Ms. Griffin presented a video about the impact of adverse childhood experiences and explained how these concerns are being addressed by a collaborative effort in Dare County. Commissioners were asked to adopt two proclamations that were read by the County Manager.

MOTION

Commissioner Couch motioned to adopt the Child Abuse Prevention Month proclamation. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

MOTION

Vice Chairman Overman motioned to adopt the Week of the Young Child proclamation. Commissioner Shea and Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CLOSED SESSION

The Board was asked to go into Closed Session pursuant to NCGS 143-318.11(a)(3) in order to consult with an attorney employed or retained by the County to preserve the attorney-client privilege including the matter of Lowe's v. Dare County and to approve previous Closed Session minutes.

MOTION

Commissioner Shea motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 11:02 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 1:08 p.m. and Mr. Outten reported that during the Closed Session the Board consulted with an attorney and gave guidance to preserve the attorney-client privilege including the matter of Lowe's v. Dare County.

ITEM 8 – PRESENTATION ON OPIOID CRISIS AND LITIGATION (Att. #1)

Attorney Harold Seagle introduced himself as being part of a consortium of attorneys who have joined together to litigate opioid issues on behalf of over 400 government entities throughout the nation. He summarized the magnitude of the opioid epidemic and reported that during the year 2016, more people died from opioid overdoses than the number of fatalities during the entire Vietnam War. Mr. Seagle explained how opioids are distributed and noted that fines levied by the Drug Enforcement Agency (DEA) against distributors have been ineffective in getting the companies to fulfill their obligations as the gatekeepers for opioid distribution. Mr. Seagle said the purpose of litigation is to seek civil damages in Federal Court to compensate government entities for costs related to the opioid crisis. He outlined a fee arrangement that would be on a contingent basis whereby if litigation is unsuccessful, there would be no cost to Dare County. He noted that expenses related to the litigation are being advanced by the consortium of attorneys and if there is no recovery, there would be no expenses for Dare County. He summarized that no fees or expenses would be paid with public funds. Mr. Seagle fielded Commissioner questions and confirmed the compensation percentages outlined in the Representation Agreement.

MOTION

Vice Chairman Overman motioned to adopt a resolution declaring the opioid crisis as a public nuisance and to approve a representation agreement on a contingent fee basis with a consortium of law firms that includes Seagle Law to pursue civil remedies against those responsible for the opioid crisis plaguing Dare County and authorize the Chairman to execute the document.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 9 – THELMA CALVIO HOME OCCUPATION CUP APPLICATION

This agenda item was handled as a quasi-judicial proceeding. Planning Director Donna Creef and the applicant were both duly sworn by the Clerk to the Board before offering any testimony. The Planning Director outlined a Conditional Use Permit (CUP) request submitted by Thelma Calvio to operate a nail salon at her home on Roanoke Island. 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. Calvio indicated her agreement.

MOTION

Commissioner Shea motioned to grant approval of the CUP application.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 10 – OWEN SULLIVAN HOME OCCUPATION CUP APPLICATION

This agenda item was handled as a quasi-judicial proceeding. Planning Director Donna Creef and the applicant were both duly sworn by the Clerk to the Board before offering any testimony. The Planning Director outlined a Conditional Use Permit (CUP) request submitted by Owen Sullivan to produce and package kimchi and kombucha at his home on Roanoke Island. Mr. Outten asked the applicant if he agrees to the admission into evidence of the file material submitted by the Planning Dept., the facts presented by the Planner, and the terms and conditions outlined in the CUP. Mr. Sullivan indicated his agreement.

MOTION

Commissioner Shea motioned to grant approval of the CUP application.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – UNC COASTAL STUDIES INSTITUTE – REQUEST LETTER OF SUPPORT

John McCord, Assistant Director of Engagement & Outreach for the UNC Coastal Studies Institute, asked the Board for a letter of support for the Environmental Literacy Grant proposal that the Institute is submitting to NOAA. He explained components of the grant that will be used to educate the next generation of coastal decision makers. Mr. McCord noted that the project's Science and Education Advisory Panel will include Emergency Management Director Drew Pearson and Dare County Planning Director Donna Creef.

MOTION

Commissioner Shea motioned to approve a letter of support as requested.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 12 – PUBLIC PARTICIPATION PLAN FOR LUP UPDATE

Planning Director Donna Creef presented a Public Participation Plan for the 2019 update of the Dare County Land Use Plan. She explained that public participation is an important element of updating a land use plan. Ms. Creef described the activities that will be held during the update process to gather community input and outlined a tentative timeframe.

MOTION

Commissioner Shea motioned to adopt the Public Participation Plan as submitted.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 13 – UPDATE ON CRS ACTIVITIES AND FLOOD MAPS

An update was given on Community Rating System (CRS) activities by Planning Director Donna Creef. She reported on what is being done by the local planners group and work that has been done to create a website (OBXFloodMaps.com) and design a public awareness campaign to help people learn about the recently revised flood maps. Ms. Creef showcased an informational brochure with the theme of "Low Risk is not No risk."

ITEM 14 – REQUEST FOR APPROVAL OF FY2019-2020 SUPPORT COSTS FOR STATISTICAL ANALYSIS SOFTWARE

The County Manager provided background information about a request from the Tax Assessment Office to approve support costs for statistical analysis software that will be used as part of the 2020 countywide property revaluation. He explained that the initial cost, for this fiscal year, can be covered in the department's budget, however, the annual fee for next year needs to be addressed. The Board was asked to approve the annual support cost of \$15,000 for fiscal year 2019-2020.

MOTION

Commissioner Shea motioned to approve the annual software support cost of \$15,000 for fiscal year 2019-2020.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BUXTON BEACH NOURISHMENT CSE AMENDMENT #1 TO AGREEMENT FOR PROFESSIONAL SERVICES

Finance Director David Clawson informed the Board that federal and state permit conditions for the Buxton beach nourishment project require post project monitoring. He presented an amendment to the agreement with Coastal Science & Engineering in the amount of \$566,972. Mr. Clawson outlined the scope of work that will be done under the agreement and how it will be allocated over the next five years.

MOTION

Vice Chairman Overman motioned to approve the contract and authorize the Chairman to execute the document.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 16 – 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 (03.09.18 & Community Meetings in Manteo and Buxton) **(Att. #2)**
- 2) Budget Amendment for Increased Low Income Energy Assistance
- 3) Salvo Cemetery Bulkhead Project

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 17 – BOARD APPOINTMENTS

1) Airport Authority

Commissioner Shea motioned to reappoint Vice Chairman Overman.

Commissioner House seconded the motion.

VOTE: AYES unanimous

2) Manns Harbor Commission

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

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3) Wanchese Community Center

Vice Chairman Overman motioned to appoint Tina Sherrod to fill the unexpired term of Rosie Davenport who passed away.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

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

ITEM 18 – 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 Ross

- Congratulated Katherine Schuster on being the Drive, Chip and Putt National Champion following her terrific performance at the Augusta National Golf Club. Commissioner Ross commended Ms. Schuster for having to fight through a genetic medical condition in order to win the national honor where she competed against 80,000 participants.
- Reported on the recent dementia awareness event “World Rocks Against Dementia” that featured a Rock & Roll theme to heighten awareness about memory impaired diseases.
- Commented on the upcoming event being hosted by the Dementia Task Force that will feature Governor Roy Cooper as its guest speaker to encourage local businesses and organizations to become Dementia Friendly.
- Noted that he and Vice Chairman Overman recently had a fulfilling and rewarding experience delivering Meals on Wheels to homebound seniors. He thanked the staff and volunteers at the Dare County Center for providing this much needed service.

Commissioner House

- Expressed his condolences to the family of Tommie Daniels.
- Reported on the preliminary bycatch reduction findings by the fisheries bycatch group.
- Noted that North Carolina Marine Fisheries is facing a lawsuit concerning violations of the Open Meetings law involving email exchanges between Commission members.
- Shared good news about the Trump administration focusing its attention on the importation of seafood from foreign nations that have lax standards. He said the administration’s expansion of the import monitoring program is good news for North Carolina shrimpers and thanked Congressman Walter Jones for his efforts.
- Commissioner House said he will be reporting back to the Board with information about recent revisions to the Magnuson-Stevens Fishery Conservation and Management Act, which governs marine fisheries management in U.S. federal waters.

Vice Chairman Overman

- Congratulated service pin recipients and the Employee of the Month.
- Expressed appreciation for the presentation that was made about child abuse prevention and noted that there is a link between child abuse and substance abuse.

- Reported on his dialogue with Senator Burr concerning the need for equitable federal funding for rural areas to combat the opioid crisis.
- Noted that when he and Commissioner Ross recently participated in the Meals on Wheels program it was a very rewarding experience. He thanked the Dare County Center for providing this wonderful service.

Commissioner Shea

- Thanked the service pin recipients and the Employee of the Month for their efforts in making Dare County such a great place.
- Commented on today's child abuse presentation and the need to protect children.

Commissioner Couch

- Congratulated the 2018 Entrepreneur and Small Business of the Year Award winners that were recently honored by the Outer Banks Chamber of Commerce during a ceremony where he was the keynote speaker.
- Reported on the storm debris pickup that occurred on Ocean View Drive in Avon.
- Thanked those who have participated in the COA Task Force process of gathering community input about curriculum ideas for the Dare County campus.
- He commended the Dare County Children & Youth Partnership for the great work they do helping to safeguard children against child abuse.
- Provided an update on Hatteras Inlet.

Commissioner Tobin

- Briefed the Board on a meeting that he and the County Manager had with people in the property management business concerning ocean overwash issues impacting Ocean View Drive in the Village of Avon.
- Reported on a meeting he had with Nags Head officials and Representative Boswell regarding beach erosion at the Town's southern end.
- Thanked Jenny Gray Jones for her faithful service to the Waterways Commission and Oregon Inlet Task Force noting that the retiring Dare County employee will be missed.
- Expressed gratitude for the key eye of Harry Schiffman who while boating in the sound detected a disturbance in the water that turned out to be a break in the water supply line that runs from Manteo to Nags Head. He was thanked for reporting the situation.
- Gave an update on conditions at Oregon Inlet noting that a dredge recently ran aground due to tough and dangerous conditions. Commissioner Tobin added that he will be reporting back on the latest Moffatt & Nichol report.

Chairman Woodard

- Thanked Commissioner Couch for chairing the COA Task Force and said he looks forward to the group's final report.
- Noted that he and the County Manager will be meeting with the Town Mayors and Managers to discuss beach nourishment projects, funding, and future needs.

MANAGER’S/ATTORNEY’S BUSINESS

The County Manager had no additional items. Public Information Officer Dorothy Hester reported on the recent oath ceremony for the Board of Elections and noted that early voting starts soon. She also provided information about e-notifications that are available for people to receive information about Public Works pickup schedules. Ms. Hester urged everyone to plan now for hurricane reentry and reviewed what documentation is needed for reentry following a mandatory evacuation. The Public Information Officer encouraged people to go online to help a park in Kill Devil Hills secure a grant from Disney. Finance Director David Clawson gave an update on financial matters related to the Nags Head beach nourishment project.

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

MOTION

Commissioner House motioned to adjourn the meeting.

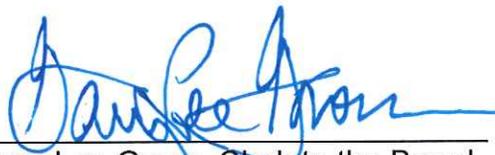
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

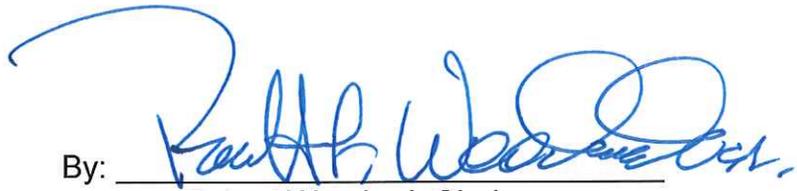
At 2:36 p.m., the Board of Commissioners adjourned until 5:00 p.m., April 16, 2018.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners