



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

5:00 p.m., May 21, 2018

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

Commissioners absent: Jack Shea, Danny Couch

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 5:02 p.m. He invited Rev. Philip Glick from St. Andrews by the Sea Episcopal Church to share a prayer, and then he led the Pledge of Allegiance to the flag. The Chairman asked everyone to observe a moment of silence to remember the victims of the recent incident of tragic school violence in Texas.

Chairman Woodard announced that Commissioner Shea and Commissioner House had excused absences from today's meeting. Note – some agenda items were handled out of sequential order to accommodate the time specific Public Hearings scheduled for 5:30 p.m.

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 –

- Congratulated Commissioner Ross and other winners in the recent primary election.
- Reported on the recent Women's Luncheon and Dessert Auction hosted by the Chamber of Commerce where Dorothy Hester, Mary Helen Goodloe-Murphy, Lorelei Costa, and Tameron Kugler were honored as outstanding women of the Outer Banks.
- The Chairman thanked Captain Ernie Foster for bringing the Working Watermen exhibit to today's meeting and noted that Representative Boswell is working to have this stunning display showcased to the General Assembly in Raleigh.
- The winners of the Dare Soil and Water 5th grade Bookmark Contest were recognized.
- Chairman Woodard along with the Mayors of Duck, Southern Shores, Kitty Hawk, and Kill Devil Hills made a joint announcement about the American Shore and Beach Preservation Assoc. naming Dare County to their 2018 list of the best restored beaches.

ITEM 2 – 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. Ricki Shepherd as one of the Trustees for the Hatteras Village Community Center District thanked the Board for the recent voter referendum on multiuse pathways, which she said passed with 94% approval. She noted that the planning process is ready to move forward pending certification by the Board of Elections. She also recommended Laura Young for appointment to the Hatteras Community Center Board. As a member of the Dare County Soil and Water Conservation District, Ms. Shepherd said hiring Ann Daisey was a great step forward and encouraged the Board to consider making this a fulltime position. She also recognized Larry Bray for his 30 years of service to the Soil and Water Conservation District.
2. Lucas Neiderlander, a student at First Flight High School, as part of his “Making a Difference” civics project presented an idea to promote safety in the turning lane of the bypass. He described the problem and provided statistics about accidents that have occurred in the turning lane. He outlined a solution involving the installation of rumble strips and provided costs for implementation. He displayed a poster that could be used to encourage people to follow the law and thereby decrease the likelihood of accidents. Chairman Woodard encouraged the student to continue the contact he has already made with NCDOT Board Member Allen Moran on this issue.

There were no comments made in Buxton.

ITEM 3 – PROCLAMATION – POSITIVITY DAY

Kate Wasniewski and Olivia Lilliston from Girl Scout troop 2139 shared information about their troop’s effort to encourage people to practice positive thinking and presented a Proclamation asking the Board to establish June 3, 2018 as “Positivity Day” in Dare County.

MOTION

Vice Chairman Overman motioned to adopt the Proclamation as presented.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 4 – RESOLUTION – SUPPORTING A REQUEST FOR EMERGENCY DREDGING OF MANTEO CHANNEL (Att. #1)

Town of Manteo Planner Melissa Dickerson on behalf of the Town, Roanoke Island Festival Park, and Friends of Elizabeth II asked the Board to adopt a resolution in support of their request for urgent assistance for emergency approval to dredge the Manteo Channel. She described conditions in the channel and outlined the need for emergency dredging.

Commissioner Tobin reported on a conversation he had with North Carolina Transportation Secretary James Trogdon about this issue and Commissioner Tobin offered to meet with stakeholders to discuss this further so things can move forward to address the situation.

MOTION

Commissioner House motioned to adopt the resolution as presented.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 5 – EXHIBIT – NORTH CAROLINA WATERMEN FOUNDATION

Captain Ernie Foster, on behalf of the North Carolina Watermen Foundation, presented an exhibit showcasing the Working Watermen that put healthy North Carolina seafood on American tables. He thanked local photographer Daniel Pullen and his wife Kate for putting the exhibit together. Joining in the presentation was Sandy Semans Ross and Russ Lay who outlined the need for a traveling exhibit to educate people about the vital service that is provided by North Carolina's Working Watermen. It was noted that efforts are underway with Rep. Boswell to have the exhibit displayed at the General Assembly in Raleigh.

ITEM 6 – PROCLAMATION – VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTH

Katie McCarron, on behalf of the Dare County Department of Health and Human Services, asked the Board to issue a proclamation establishing the time period from Mother's Day to Father's Day as "Vulnerable Adult and Elder Abuse Awareness Months" in Dare County. Ms. McCarron outlined the need for the proclamation. Chairman Woodard noted that the national statistics on elder abuse are shocking and Commissioner House added that he encountered this issue on a daily basis during his 30 years in emergency services.

MOTION

Vice Chairman Overman motioned to adopt the proclamation as presented.

Commissioner House seconded the motion.

VOTE: AYES unanimous

RECESS: 6:24 p.m. – 6:35 p.m.

ITEM 7 – DARE COUNTY SOIL AND WATER QUARTERLY REPORT

Ann Daisey, on behalf of the Dare County Soil and Water Conservation Board, gave a quarterly update on community outreach activities and efforts to address stream debris, drainage, and weed treatment. During the presentation, Larry Bray was recognized and honored for his 30 years of dedicated service to the Soil and Water Conservation District.

ITEM 8 – EAST CAROLINA RADIO – H345 DISTRICT TEXT AMENDMENT – REQUEST TO SCHEDULE A HEARING

Planning Director Donna Creef outlined a zoning text amendment request from East Carolina Radio to revise the Highway 345 District as it pertains to telecommunications towers. The revision would replace existing text that requires towers to be associated with another Highway 345 zoning use. Ms. Creef noted that the Planning Board voted to recommend favorable action on the request and advised that a Public Hearing is needed if the Board wants to consider the matter.

MOTION

Commissioner Tobin motioned to schedule a Public Hearing for 5:30 p.m., June 18, 2018. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 9 – LETTER SUPPORTING REAPPOINTMENT OF RENEE CAHOON TO THE COASTAL RESOURCES COMMISSION

The County Manager briefed the Board on a request from the Town of Nags Head seeking a letter of support for the reappointment of Renee Cahoon to the Coastal Resources Commission (CRC) and for her to continue as Chair of this important Commission.

MOTION

Vice Chairman Overman motioned to authorize sending a letter of support. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 10 – REPRESENTATION IN RALEIGH

The Board of Commissioners discussed whether to consider the engagement of representation in Raleigh to assist with legislative matters of importance to Dare County. Mr. Outten advised that there are funds allocated in the budget if the Board wants to engage a lobbying firm. Vice Chairman Overman observed that the County has had good success with McGuireWoods and Commissioner Ross said he agreed.

MOTION

Vice Chairman Overman motioned to engage the services of McGuireWoods on a month to month basis while the North Carolina Legislature is in its 2018 Short Session. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PRESENTATION OF MANAGER’S FISCAL YEAR 2019 BUDGET

Mr. Outten gave a comprehensive briefing on the budget outlining a total budget for FY2019 of \$156,602,309 with a General Fund of \$114,683,692. He said the proposed budget maintains the current property tax rate of \$0.47 per \$100 of valuation and provides current levels of service provided by County departments. The Manager reviewed items that have increased from FY2018 to FY2019 and provided a budget change list with an adjustment for the Chief Building Inspector position in the Planning Dept. The proposed budget includes a request from the Southern Shores Volunteer Fire Department, which provides service to Martin’s Point, for an increase in the Fire District Tax Rate from 4.59 cents to 5.19 cents. It was noted that the Martin’s Point Homeowners’ Assoc. has approved the requested increase. Mr. Outten pointed out that the budget addresses the second phase of the salary study implementation and provides continued funding for inlet maintenance, education, and further improvement of the fund balances for both the Insurance Fund and the General Fund. Chairman Woodard thanked the County Manager and the Finance Department staff for their hard work and diligence in preparing a budget reflecting the Board’s budget guidelines. Mr. Outten noted that a Public Hearing is required before adopting the budget and asked the Board to schedule a Public Hearing for 10:00 a.m., June 4, 2018

MOTION

Commissioner House motioned to schedule a Public Hearing for 10:00 a.m., June 4, 2018. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

The County Manager advised the Board that one item that was discussed during the Budget Workshops concerning raising the health insurance stop loss limit from \$150,000 to \$200,000 requires action today. He said approval is needed now so that the carriers will have time to make proper arrangements and have it ready to go for the next fiscal year.

MOTION

Commissioner House motioned to increase the Stop Loss limit from \$150,000 to \$200,000. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 12-1 – PUBLIC HEARING – ROANOKE SHORES HOA – RS-8 TEXT AMENDMENT

At 5:51 p.m. the Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public 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 5:52 p.m.

MOTION

Commissioner Tobin motioned to adopt the draft RS-8 revision for non-conforming multifamily structures as recommended by the Planning Board with a finding of consistency also adopted as part of this motion and that this consistency statement shall be part of the public record.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 12-2 – PUBLIC HEARING – J.D. JOHNSON REALTY AND CONSTRUCTION

At 5:53 p.m. the Board of Commissioners held a Public Hearing to receive input concerning this agenda item. 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 summary of citizen remarks, which can be viewed in their entirety in a video on the County website –

The following comments were made in Manteo –

1. Micah Daniels said she is not in favor of the zoning change. She explained to the Board that the community worked hard on getting the zoning that is now in place. She added that the requested zoning change would impact the scenic view for people traveling to Wanchese.

There were no comments made in Buxton

Chairman Woodard closed the hearing at 5:54 p.m.

Planning Director Donna Creef responded to Commissioner questions by explaining that the Planning Board reviewed the request and voted to recommend favorable action and she provided clarification on the location of the properties.

MOTION

Vice Chairman Overman motioned to adopt the Johnson request to rezone lots 2, 3, and 4 of the George Mann tract to Highway 345 Business as recommended by the Planning Board with the finding that this rezoning is consistent with the Dare County Land Use Plan and the consistency statement included in the Board's packet is adopted as part of this motion.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 12-3 – SYSTEM DEVELOPMENT FEE CALCULATION

At 5:57 p.m. the Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public 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 5:57 p.m.

MOTION

Vice Chairman Overman motioned to adopt the analysis.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 13 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room.

MOTION

Vice Chairman Overman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (05.07.18 & 05.11.18 Budget Workshop) **(Att. #2)**
- 2) Colington Road Waterline Relocation
- 3) Motorola – System Maintenance Agreement
- 4) Motorola – System Upgrade Agreement
- 5) Tax Collector's Report

Commissioner House and Commissioner Ross seconded the motion.

VOTE: AYES unanimous

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 –

Vice Chairman Overman

- Provided details about an upcoming Town Hall Meeting being conducted by Dare CASA that is designed to help parents address substance use issues.
- Reported on the awards ceremony he attended for the Hatteras Village Offshore Open fishing tournament where thanks were expressed to the Board of Commissioners for the work that has been done at Hatteras Inlet.

Commissioner Tobin

- Briefed the Board on his efforts to help the new Cooperative Extension 4-H Agent by introducing her to people throughout the County. He noted that plans are underway to have the young people involved in the local 4-H program gather in the Commissioner's Meeting Room this summer to participate in a hands-on civics activity.

Commissioner Ross

- Highlighted the Dare Day celebration planned for June 2, 2018 in downtown Manteo.
- Mentioned the Legislative Fish Fry that will take place May 23, 2018 in Raleigh.
- Expressed his disappointment that NCDOT's passenger ferry service from Hatteras to Ocracoke that was planned to begin in time for this summer season has been delayed.

Commissioner House

- Said he looked forward to the Fish Fry in Raleigh as a way to talk with Legislators about our Working Watermen.
- Noted that some recent changes by the Marine Fisheries Commission indicates that there may be more of a collaborative effort with both sides better able to work together.
- Voiced sadness about the shootings and all the bad news in the national media and contrasted that to the royal wedding this past weekend in England, which he said was positive and uplifting.
- Provided information about National Rescue Dog Day and urged everyone to consider providing a shelter dog with a forever home. Commissioner House noted that he is the proud owner of a very loving rescue dog.
- Showcased the Pet of the Week video from the Dare County Animal Shelter.

Chairman Woodard

- Remarked that the message given by Bishop Curry at the royal wedding was wonderful.
- Chairman Woodard asked everyone to remember those who have sacrificed their lives for our freedoms this Memorial Day. He said we are fortunate to live in this country and he asked God's blessing on those who serve today in the military.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten reported that the law firm that represents the County on Worker's Compensation also represents PNC Bank, a financial institution from which the County is borrowing money. He recommended that the County waive any conflict of interest and thereby avoid any adverse impact on the County's financing.

MOTION

Vice Chairman Overman motioned to waive any conflict of interest in the matter outlined by the County Manager.

Commissioner House seconded the motion.

VOTE: AYES unanimous

2. The County Manager briefed the Board on a grant opportunity that the Arts Council has involving the Old Courthouse Building that it leases from Dare County. He explained that the grant requires a 7-year lease term and although the current lease does not expire now, in order to extend the lease to the year 2025 it will require the publication of the appropriate Public Notice followed by formal action by the Board of Commissioners at a future meeting. Commissioners expressed their consensus for staff to proceed.
3. Mr. Outten noted that the annual contract with the SPCA for operation of the Dare County Animal Shelter will soon be up for renewal and informed Commissioners that unless directed otherwise he would prepare a contract for Board review and approval at a future meeting. Commissioners expressed their consensus for staff to proceed.

Public Information Officer Dorothy Hester provided information about Open House events that Dare County EMS is hosting throughout the community in recognition of EMS Week.

Chairman Woodard thanked Finance Director David Clawson for the work that he, Sally DeFosse, and the Finance Department staff have put into preparing the Manager's Budget for fiscal year 2019.

ITEM 15 – CLOSED SESSION

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

MOTION

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

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 7:57 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 8:17 p.m. at which time Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, and approved a settlement with Lowe's at \$80.00 per square foot, reflected in the following motion made in open session –

MOTION

Vice Chairman Overman motioned to approve a settlement with Lowe's at \$80.00 per square foot in the matter involving Lowe's v. Dare County.

Commissioner House seconded the motion.

VOTE: AYES unanimous

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

MOTION

Commissioner House motioned to adjourn the meeting.

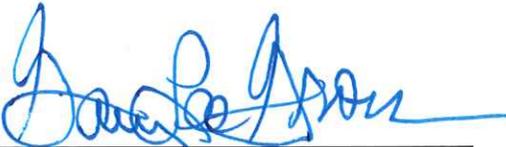
Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 8:18 p.m., the Board of Commissioners adjourned until 9:00 a.m., June 4, 2018.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners