



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., June 4, 2018**

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

Commissioners absent: 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](http://www.darenc.com).

Chairman Woodard called the meeting to order at 9:03 a.m. He invited Rev. Keith Dey from Emmanuel Lutheran Church to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Woodard asked for a moment of silence to remember a 79-year-old visitor from Pennsylvania who died over the weekend while swimming off Hatteras Island.

It was reported that Commissioner Couch was unable to attend due to an excused absence.

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

- Provided a report from National Park Service Superintendent David Hallac on increased visitation to local NPS attractions, status of ORV permits and access to the seashore.
- Reported on the most recent Avon beach nourishment meeting, which included representatives from Senator Burr’s office to discuss short term and long term solutions.
- Noted that the State Legislature has approved their fiscal year budget. The Chairman expressed excitement about a provision that will allow the County to do a public/private partnership for a local dredge vessel to maintain Dare County waterways.
- Commented on a Bill, sponsored by Representative Boswell, to provide flexibility to the College of the Albemarle to use State Funds for a construction project to expand the

COA Dare County campus. He thanked Commissioner Couch for chairing the COA Task Force that worked to gather community input on curriculum ideas.

- The Chairman commended Captain Trey Piland, the Communications Director with the Sheriff's Office, for his courageous, swift, and heroic action in rescuing a child who was swimming on Roanoke Island.
- Chairman Woodard, along with Dare Day organizer Martha Wickre, announced that Commissioner Jack Shea is the Dare County "Citizen of the Year" and honored the retiring Commissioner for his distinguished service to the people of Dare County.
- Three student athletes from First Flight High School were recognized and presented certificates for winning State Championships - - -
  - Alex Rodman, 1600 Meter Indoor Track State Championship
  - Skylar Stultz, 1000 Meter Indoor & 1600 Meter Outdoor State Championships
  - Jeremiah Derby, 126 pound Wrestling State Championship
- Members of the First Flight High School Womens Soccer Team were saluted for winning a State Championship. Head Coach Juan Ramirez and the team presented Chairman Woodard with a framed, autographed team picture.
- Dr. Walter Holton, M.D. was honored for his 44 years of dedicated service during which time he provided much needed medical care, championed the development of 24 hour emergency medical services, and served the community as a School Board Member.

**RECESS: 9:46 a.m. – 10:01 a.m.**

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

- 1) Jennifer Davenport, Deputy Tax Collector, received a 10-year pin.
- 2) Julie Anderson, EMS Captain, received a 15-year pin.
- 3) Donna Creef, Planning Director, received a 30-year pin.

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

This item was postponed until a future meeting.

**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. Bob Peele, on behalf of the Outer Banks Chamber of Commerce, read a letter asking the Board to direct the Planning Director and Planning board to review zoning ordinances to determine where changes may be appropriate to allow for less restrictive lot sizes and higher densities in an effort to facilitate the development of affordable housing. Mr. Peele provided a written list of specific requests related to Accessory Dwelling Units, Duplexes, and Multi-Family Structures.

Following his remarks, Mr. Peele along with Chamber President & CEO Karen Brown fielded Commissioner questions. It was noted that Accessory Dwelling Units (ADU's), also known as mother-in-law suites, represent an area where the Chamber sees the potential for flexibility that could have an impact. Mr. Outten gave an overview of the process that would need to be undertaken by County and Town Planning Boards, which would involve the scheduling of public hearings prior to formal Board approval.

2. Paul Alexander, as an active volunteer at the Dare County Animal Shelter, thanked Commissioners for their generosity and support of the facility. He outlined the Shelter's community outreach efforts and described things that have been done to place animals into loving homes. Mr. Alexander told Commissioners that their ongoing support of the Animal Shelter has saved the lives of many animals and that the facility has become a model that others emulate.

*There were no comments made in Buxton –*

#### **ITEM 5 – PROCLAMATION – DARE COUNTY HURRICANE PREPAREDNESS 2018**

Drew Pearson, Dare County Emergency Management Director, presented a proclamation encouraging everyone to plan and prepare for hurricanes so that residents, visitors, and businesses will be ready for the dangers of hurricanes. He reviewed the County's ongoing preparedness activities and outlined outreach efforts to keep people well informed. Mr. Pearson showcased information about a "Love the Beach, Respect the Ocean" campaign that was developed to warn people about the life threatening danger of rip currents.

#### **MOTION**

Commissioner Shea motioned to adopt the proclamation as presented.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

#### **ITEM 6 – PUBLIC HEALTH DIVISION – LEASE FOR HATTERAS PROPERTY**

Public Health Director, Dr. Sheila Davies, presented a one-year agreement with Gail Covington to lease a portion of the county-owned property located at 57635 NC Highway 12 in Hatteras Village. The County Manager explained that the space that will be leased by the tenant is for her to have a base of operation for the mobile health care service that she provides. Dr. Davies noted that the tenant focuses on acute care and the Public Health Division is still in negotiations to secure a primary care provider for the Hatteras facility.

#### **MOTION**

Commissioner Shea motioned to approve the lease.

Commissioner House seconded the motion.

VOTE: AYES unanimous

#### **ITEM 7 – PUBLIC HEALTH DIVISION – UPDATE ON CHILD TELE-PSYCHIATRY**

Dr. Sheila Davies provided an update on the County's child telepsychiatry partnership with Surf Pediatrics and the Brody School of Medicine at East Carolina University. She outlined the number of patient evaluations and provided a breakdown of ages. Dr. Davies also gave a financial overview of the child telepsychiatry service and reported positive feedback from

parents and health care providers who describe it as a model for coordinated care. She added that Vice Chairman Overman was instrumental in putting the relationships together to form this effective partnership arrangement. Commissioner Shea noted that early identification of mental health issues is very important.

**ITEM 8 – ECONOMIC DEVELOPMENT – EXTENSION OF AGREEMENT WITH THE CHAMBER OF COMMERCE**

The County Manager presented an extension to the agreement between Dare County and the Outer Banks Chamber of Commerce for implementation of the Economic Development and Diversification Strategic Plan that was developed for the County by consultants at NC State University. Chairman Woodard recommended that the County sit down with the Chamber leadership to establish measurable goals and objectives before extending the agreement. He also noted that the need for affordable housing, as a key component of economic development, has been an issue on everyone’s plate for years.

**MOTION**

Vice Chairman Overman motioned to postpone action on extending the economic development agreement so that the County can first meet with Chamber leadership to discuss establishing goals and objectives and to direct the Dare County Planning Director and Planning Board to move forward in reviewing the affordable housing items that were presented by the Chamber during today’s Public Comments.

Commissioner House and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – RENEWAL OF AGREEMENT WITH OUTER BANKS SPCA**

Mr. Outten outlined a renewal agreement with the Outer Banks SPCA reflecting the same terms and conditions pertaining to operation of the Dare County Animal Shelter and enforcement of title 9: Section 91 of the Dare County Code of Ordinances.

**MOTION**

Commissioner Tobin motioned to approve the renewal agreement and authorize the County Manager to execute the document.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – RESOLUTION – IMPLEMENTING THE RESULTS OF THE HATTERAS VILLAGE VOTER REFERENDUM (Att. #1)**

The County Manager explained that pursuant to Session Law 2017-50 (House Bill 415) an election was held on May 8, 2018 on the question of allowing the Hatteras Village Community Center District to expand the uses of ad valorem tax funds for the construction and maintenance of multiuse pathways around the village. It was noted that a majority of the qualified voters on May 8 voted in favor of the referendum and that result has been certified by the Board of Elections. Mr. Outten presented a Resolution to implement the results of the voter referendum.

**MOTION**

Vice Chairman Overman and Commissioner House motioned to adopt the resolution.  
Commissioner Shea seconded the motion.  
VOTE: AYES unanimous

**ITEM 11 – RESOLUTION AMENDING INSTALLMENT PURCHASE CONTRACT WITH THE DARE COUNTY PUBLIC FACILITIES CORPORATION (Att. #2)**

Note: Item 13(1) “Public Hearing” was done prior to the Board taking action on this item - - - Finance Director David Clawson presented a Resolution related to the issuance of the Series 2018 Limited Obligation Bonds (LOBs) for the financing of the County’s share of the 2019 Nags Head Beach Nourishment project and renovations and improvement to Manteo High School. It was noted that prior to the meeting, the Dare County Public Facilities Corporation met to adopt the necessary Corporation Resolution. Mr. Clawson added that the application will be on the Local Government Commission’s July 10 agenda, and the financing is expected to close on July 19, 2018.

**MOTION**

Vice Chairman Overman motioned to adopt the resolution.  
Commissioner Shea seconded the motion.  
VOTE: AYES unanimous

**ITEM 12 – CAPITAL PROJECT ORDINANCE, NAGS HEAD BEACH NOURISHMENT & AMENDMENT FOR MANTEO HIGH SCHOOL (Att. #3)**

The Finance Director outlined a Capital Project Ordinance (CPO) related to the County’s share of the 2019 Nags Head beach nourishment project. He explained that the CPO establishes the budget for the project and outlines the debt costs of issuance, and the debt proceeds from the Series 2018 LOBs. He also presented an amendment to the Capital Project Ordinance for Manteo High School, which was originally adopted on Sept. 18, 2017.

**MOTION**

Commissioner Shea motioned to adopt the Capital Project Ordinance and the amendment to the School Capital Project Ordinance.  
Commissioner Ross seconded the motion.  
VOTE: AYES unanimous

**ITEM 13(1) – PUBLIC HEARING – SERIES 2018 LIMITED OBLIGATION BONDS**

At 10:29 a.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 10:29 a.m. and the Board then took action on agenda item 11. (See notes above)

**ITEM 13(2) – PUBLIC HEARING – MANAGER’S PROPOSED BUDGET (Att. #4)**

At 10:32 a.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 10:33 a.m. A list of changes since the presentation of the budget was given to the Board, which was followed by a motion to approve the budget.

**MOTION**

Commissioner Shea motioned to approve the Manager’s Proposed 2019 Fiscal Year Budget incorporating the changes that were outlined since the presentation of the Budget and to adopt the annual Budget Ordinance.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – 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 (05.21.18) **(Att. #5)**
- 2) Juvenile Crime Prevention Council – Standards & Funding Plan for FY2018/2019
- 3) DCDHHS, Public Health Division – Clinic Equipment for Nags Head Office
- 4) Budget Amendment – Crisis Intervention Program Increase
- 5) Resolution Approving Local Water Supply Plan **(Att. #6)**
- 6) Fireworks Display – Avon Property Owner’s Association
- 7) Fireworks Display – Town of Nags Head
- 8) Fireworks Display – Town of Manteo
- 9) Road Request – Raleigh Wood Drive **(Att. #7)**
- 10) Contract for Postage Machine
- 11) Jail Commissary Increase

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – BOARD APPOINTMENTS**

1) Dare County Transportation Advisory Board

Commissioner House motioned to reappoint Jay Burrus, Kenny Kee, Brandi Rheubottom, and Nessie Siler. And, appoint Alex Chandler to replace John Winston, Jr. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Dare County Waterways Commission

Vice Chairman Overman motioned to reappoint Danny Couch, Ernie Foster, Steve Coulter. And appoint Natalie Kavanagh to replace Ronald Lowe. Commissioner House and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Chairman Woodard noted that with the previous resignation of Charles Earley, the Waterways Commission is now back to its proper composition of seven members.

- 3) Extra Territorial Jurisdiction (ETJ) District – Town of Southern Shores  
Commissioner House motioned to reappoint John Finelli.  
Commissioner Shea seconded the motion.  
VOTE: AYES unanimous
- 4) Fessenden Center Advisory Board  
Vice Chairman Overman motioned to reappoint Danny Couch, Steve Jennette, William A. Lengyel, Forrest Paddock, and Marcie Shoemaker. And, appoint Robyn Easley to fill the unexpired term of Mary Ellen Ballance.  
Commissioner House seconded the motion.  
VOTE: AYES unanimous
- 5) Hatteras Community Center Board  
Vice Chairman Overman motioned to reappoint Rom Whitaker and appoint Laura Young.  
Commissioner House seconded the motion.  
VOTE: AYES unanimous
- 6) Juvenile Crime Prevention Council (JCPC)  
Chairman Woodard motioned to reappoint Melinda Mogowski, Stephen Wescott, Michael Lewis, Tim White, Marsha Ribner-Cady, Josh Houston. And, appoint Edward Hall to replace LaQreshia Bates-Harley who has transferred out of the area.  
Vice Chairman Overman seconded the motion.  
VOTE: AYES unanimous  
In making the motion, Chairman Woodard questioned why the JCPC wanted to wait to fill the seat held by John Gardner, who did not seek reappointment.
- 7) Library Board - Dare  
Commissioner House motioned to reappoint Heath Haithcock.  
Commissioner Ross seconded the motion.  
VOTE: AYES unanimous
- 8) Manns Harbor Community Center  
Commissioner House motioned to reappoint Clyde Gard and Bonny Sawyer.  
Commissioner Shea seconded the motion.  
VOTE: AYES unanimous
- 9) Roanoke Island Community Center  
Vice Chairman Overman motioned to reappoint Kelli Harmon and Daniel Selby. And, appoint Lynette Ford to replace Doris Creecy. And, appoint Clarence Lewis to replace Willer Spencer.  
Commissioner Shea seconded the motion.  
VOTE: AYES unanimous
- 10) Rodanthe, Waves, Salvo Community Center Board  
Vice Chairman Overman motioned to reappoint Susan Gray and J.W. Kierzkowski.  
Commissioner House seconded the motion.  
VOTE: AYES unanimous

11) Veterans Advisory Council

Commissioner Shea motioned to reappoint Russell Laney. And appoint Blake Salmon to replace Gary Kierney, who did not seek reappointment.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

12) Upcoming Board Appointments

The upcoming Board appointments for July, August, and September were announced.

**ITEM 16 – 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 Shea

- Thanked the service pin recipients for making Dare County a great place.
- Expressed gratitude on being named the Dare County “Citizen of the Year”

Commissioner Tobin

- Gave an update on House Bill 1035, sponsored by Representative Boswell, which would provide flexibility for the College of the Albemarle to use State funds for constructing educational facilities in Dare County.
- Reported that Senate Bill 99 was successfully passed, which includes a provision for a public/private partnership for a dredge vessel to maintain our local waterways, including both Oregon Inlet and Hatteras Inlet, on a proactive basis. Appreciation was expressed for the efforts of Senator Cook and Representative Boswell related to this matter. Commissioner Tobin then presented a Resolution delegating duties to the Oregon Inlet Task Force pursuant to Senate Bill 99. The Board discussed whether the delegable duties should be specifically identified and it was the consensus of the Board that the Resolution should include amendments delineating the delegable duties as outlined by the County Manager, which resulted in the following motion - - -

**MOTION (Att. #8)**

Commissioner Tobin motioned to approve the Resolution with the inclusion of the amendments mentioned by the County Manager to delineate the duties that are being delegated to the Oregon Inlet Task Force.

Commissioner House seconded the motion.

VOTE: AYES unanimous (note: Commissioner Shea was not present for voting on this item)

Commissioner Ross

- Commented on the significance of Dare County being able to have a dredge vessel.
- Said the material provided by the School Superintendent on the Dual Language Immersion Program for next school year was very thorough and informative.
- Commissioner Ross commended everyone who received recognition at the start of today’s meeting including the service pin recipients, the student athletes, the soccer team, Trey Piland, and Dr. Holton.

- Congratulated Gail and Angelo Sonnesso on GEM (Gentle Expert Memory Care) being highlighted by the Southern Gerontological Society and thanked them for their work to raise awareness and community support for dementia, which affects many elderly.
- Thanked the County Manager for resolving a dispute concerning the use of the Baum Center at Christmas time for the Angel Tree program by negotiating a workable solution.
- Said he has reached out to Senator Cook about a topic being discussed in Raleigh concerning Marsy's Law, a legislative measure to protect the rights of crime victims, which he said he is inclined to support. It was noted that the Board previously adopted a resolution in support of Marsy's Law.

#### Commissioner House

- Congratulated all the State Champions from First Flight High School that were honored at today's meeting.
- Expressed gratitude that provision for a local water testing office in Nags Head was included in the State's budget for the upcoming fiscal year.
- Reported on a very successful Legislative Fish Fry that was recently held in Raleigh where Dare County watermen had the opportunity to educate and enlighten legislators about the commercial fishing industry.
- Briefed the Board on House Bill 1063 that seeks once again to change the definition of commercial fishing. He explained that he has reached out to Raleigh on this issue and presented a resolution renewing the Board's opposition to any action that would change the definition of commercial fishing or cause harm to our Working Watermen.

#### **MOTION (Att. #9)**

Commissioner House motioned to approve the Resolution as presented.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous (note: Commissioner Shea was not present for voting on this item)

#### Vice Chairman Overman

- Congratulated the service pin recipients.
- Thanked Martha Wickre for organizing a very successful Dare Day celebration.
- Noted that Commissioner Shea is a fine person to have been selected as the Dare County "Citizen of the Year" and well deserving of this honor.
- Recognized Trey Piland for his heroic action in saving the life of a young child.
- Congratulated all the First Flight High School athletes honored at today's meeting.

#### Chairman Woodard

- Explained that House Bill 717, pending in the NC Legislature, would eliminate one of the five District Court Judge positions for our district, which encompasses seven counties. He presented a request from Judge Edgar Barnes for a letter asking that all five judgeships be retained. The Chairman read a letter and asked for approval to send it.

#### **MOTION**

Vice Chairman Overman motioned to approve sending a letter to Legislators in Raleigh in support of retaining all five District Court Judge positions as outlined by the Chairman. Commissioner Ross seconded the motion.

VOTE: AYES unanimous (note: Commissioner Shea was not present for voting on this item)

**MANAGER’S/ATTORNEY’S BUSINESS**

1. The County Manager asked if the legislative matters that Commissioners mentioned today, including House Bill 717, House Bill 1063, and House Bill 1035 should be directed to our lobbyist in Raleigh for follow-up. It was the consensus of the Board to reach out to McGuireWoods on these issues.

Public Information Officer Dorothy Hester noted that yesterday was “Positivity Day” in Dare County. She then outlined public awareness efforts that are underway concerning hurricane preparedness. Commissioner House suggested that a special message be created for visitors so they will be hurricane ready. Ms. Hester reported on material that is made available to property management companies on this issue.

Finance Director David Clawson noted that he will have several financial items on the next agenda regarding federal and state policies and rules that need to be put in place.

Before asking for a motion to adjourn, Chairman Woodard thanked the Board for all their hard work and dedication. He thanked Commissioner House for his efforts on behalf of Working Watermen and thanked Commissioner Tobin for what he has done for dredging.

**MOTION**

Commissioner House motioned to adjourn the meeting.

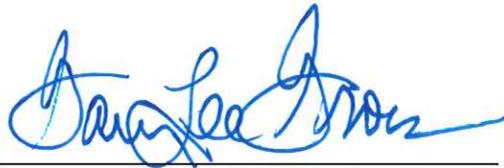
Commissioner Ross seconded the motion.

VOTE: AYES unanimous (note: Commissioner Shea was not present for voting on this item)

At 12:27 p.m., the Board of Commissioners adjourned until 5:00 p.m., June 18, 2018.



Respectfully submitted,

By:   
Gary Lee Gross, Clerk to the Board

APPROVED:

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners