



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., August 20, 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 5:01 p.m. He invited Nick Hodsdon to share a prayer, and then he led the Pledge of Allegiance to the flag.

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 a well-attended special meeting of the Board held earlier today to discuss short and long term goals regarding stormwater flooding in unincorporated Dare County.
- Summarized the results of nearly \$50,000 the County has spent for Atlantic Heating and Cooling to pump 1.9 million gallons of water from flooded properties on Roanoke Island. He added that the Forest Service has helped in the effort by removing an additional 1.4 million gallons.
- The Chairman thanked County staff for assisting flooded residents including Emergency Management, Public Works, Social Services, and Public Relations.
- Report was given on a meeting with the Outer Banks Chamber of Commerce concerning economic development. A business recruitment video was played urging business owners to locate their companies in Dare County.
- Commissioner Couch was acknowledged for serving as master of ceremonies for the impressive event that was held to mark the 100th anniversary of the Mirlo rescue.

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. Manny Medeiros spoke against Dominion Power's plans for windmills off the Virginia Coast. He said this is a foolish project that is supposedly not funded by taxpayers, however, he fears that a federal grant, subsidy, or tax write off will be used to offset the cost. He noted that wind energy, whether on land or offshore is unsustainable. He called on the Board to use their greater voice to oppose this misguided effort.
2. Nick Hodsdon suggested that Commissioner names be placed on the printed agenda and captioned on the video of the meeting. He then expressed concern about the use of one-way, single use plastic, which is on the increase while the rest of the world is cutting down on it. He said we are drowning in a sea of single use plastic and described how it clogs our drainage systems and hurts wildlife.

The following comments were made in Buxton –

3. Susan west explained that she is the wife of a commercial fisherman and gave her background as a journalist and researcher interested in commercial fishing. She said the average age of commercial fishermen is increasing because young people are not entering the field. She called on the Board to revive the Working Watermens Commission and said she and Sara Mirabilio would be willing to serve on it.
4. Debbie Bozarth, a Buxton resident, said she wanted to address a leash law and the need for a dog park on Hatteras Island. She explained that there are so many dogs running loose. She noted that there are two dog parks in other areas of Dare County and told the Board that the people of Hatteras Island would benefit from a dog park so they would have a safe place for their pets to play.

ITEM 3 – REPORT ON THE MONITOR NATIONAL MARINE SANCTUARY

Superintendent David Alberg gave an update on activities planned by the agency to preserve and honor North Carolina's maritime heritage. He explained that the Sanctuary wants to enhance the community and its commercial fishing industry and not hinder it. He added that the County will be kept involved every step of the way. He reported on scholarships that his agency has provided to the Cape Hatteras Secondary School of Coastal Studies and to Bogue Sound Elementary School in Carteret County. The Superintendent also provided information about an Education & Communication Summit that NOAA will be conducting in September at Jennette's Pier in Nags Head.

ITEM 4 – REQUEST FROM THE UNITED METHODIST YOUTH CONFERENCE

Chairman Woodard presented a request from the North Carolina Youth Conference of the United Methodist Church to support a statewide ban on non-biodegradable plastic straws. He explained that during this year’s Conference Session for Youth held at Methodist University in Fayetteville, North Carolina the group adopted a resolution asking coastal communities to support a ban on plastic straws. The Chairman presented a resolution in support of the youth’s resolution that was read by the County Manager. During discussion of the issue, Commissioner Ross said he was not opposed to it, but expressed the need for more research because plastic straws account for a small part of the overall problem of plastic in our oceans. Commissioner House provided comprehensive statistics about the vast amount of plastic pollution that is done by Asian nations and provided information about organizations advocating for a ban. He also outlined an alternative to plastic straws and noted that this issue does not have support in Raleigh. Vice Chairman Overman commended the youth for doing what they think to be right and said we need to encourage young people to remain active. Commissioner Tobin pointed out the many things at the grocery store that are wrapped in plastic and said a plastic straw will not change the flow of garbage in our oceans. Commissioner Shea said we must all concentrate our efforts on tackling the major pollution issues first. Commissioner Couch noted that in just a few years these young people will be running the world and that this discussion will help start the conversation. After lengthy Board discussion, the following motion was made –

MOTION

Commissioner Couch motioned to adopt the resolution as presented.
Chairman Woodard seconded the motion.

VOTE: AYES: 3 (Commissioners: Woodard, Overman and Couch)

NOES: 4 (Commissioners: Shea, House, Ross and Tobin)

Motion failed in a 4 to 3 vote.

ITEM 5 – SETTLEMENT OF SINK V. DARE COUNTY

Mr. Outten informed the Board that under North Carolina law, local governments are required to pay a separation allowance until the age of 65 to law enforcement officers who retire early if they meet certain requirements. He explained a situation involving a Dare County Deputy, Leary Sink, who retired before age 65, but in the County’s view did not meet the requirements of the statute. The Manager said Mr. Sink sued Dare County seeking separation allowance pay retroactive to 2012 and continuing to 2020 when he reaches age 65. It was noted that in closed session the Board gave the Manager authority to settle within certain limits. Mr. Outten reported that a settlement agreement has been reached for \$10,000 which is within the authorized limits. He added that in order to settle, the Board must approve the settlement in open session.

MOTION

Commissioners Overman and Shea motioned to approve the \$10,000 settlement.
Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6-1 – PUBLIC HEARING – GOLF CARTS IN BUXTON (Att. #1)

At 6:24 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 –

There were no comments made in Manteo –

The following comments were made in Buxton –

1. Wanda Magness spoke in favor of allowing golf carts, which motel and hotel operators would be able to make available for their customers. She asked whether golf carts would be allowed to cross NC Highway 12.
2. Mike Finnegan expressed his support for golf carts, which he said would enhance the commercial value of Buxton, bring in revenue, and help the elderly. He said although he lives where the carts would not be permitted, he sees merits in allowing it.

Chairman Woodard closed the hearing at 6:28 p.m.

Planning Director, Donna Creef, read the list of roads proposed for golf cart operation. She clarified that they cannot cross NC Highway 12 and noted that the Sheriff has serious safety concerns. Sheriff Doughtie came to the podium to answer Commissioner questions. He said if the measure passes, it will be enforced. Commissioner Shea noted that some of the material in the packet implies that golf carts might be permissible on NC Highway 12. The County Manager explained that language can be added to specifically clarify that golf carts cannot drive on or cross NC Highway 12. National Park Service Superintendent David Hallac voiced safety concerns and the temptation that people will have to cross Highway 12 on golf carts in order to enter the Park Service's Lighthouse District. Staff reported that the County may require cart registration, limit hours of operation, and require mandatory equipment. The Board discussed the popularity and increased use of golf carts, how other jurisdictions handle the issue, and the possibility of requiring seat belts. After discussion of the matter, it was the consensus of the Board to have the Planning Director include language to clarify that golf carts cannot travel on or cross Highway 12 and to include a boundary reference point to the north and south of Buxton Village, which resulted in the following motion - - -

MOTION

Commissioner Shea motioned to adopt the proposed revisions to Chapter 100 to allow the operation of golf cars in Buxton Village only on those streets listed in the draft language and to have the Planning Director include language to clarify that golf carts cannot travel on or cross Highway 12 and to include a boundary reference point to the north and south of Buxton Village.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6-2 – PUBLIC HEARING – REVISIONS TO CHAPTER 99, CAMPING (Att. #2)

At 7:02 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. Ryan Oden of Hatteras Village said he was opposed to the revision saying it takes away rights from property owners. He said people should be able to camp on their own property when they want to and allow their friends to do so. He said the current ordinance is not broken, so why fix it? Mr. Oden said he does not want his children to suffer the loss of their rights.

Staff noted that Joseph Farrow submitted an email on this issue to the Board.

There were no comments made in Buxton –

Chairman Woodard closed the hearing at 7:04 p.m.

Planning Director, Donna Creef, outlined the purpose of the proposed revisions and said they are not intended to deny property owners of their rights. She said she has talked with Mr. Oden about the unauthorized campground that he is operating, which could be addressed if he would make a request for a text amendment. Commissioner Shea asked if the language allows someone to live in their car. Ms. Creef explained that the proposed revision addresses that by taking out the words “living” and “residing.” It was noted that the revisions will still allow property owners and their families to camp on their own property.

MOTION

Commissioner Tobin motioned to adopt the proposed revisions to Chapter 99 of the Dare County Code as written.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6-3 – PUBLIC HEARING – JON MIDGETT CONSTRUCTION, TEXT AMENDMENT

At 7:11 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. Elizabeth Robbins read a letter from Bobby Harrell in support of the text amendment. It was stated that because of limited warehouse availability, many small service businesses are having to locate in Currituck County. It was noted that the person who would use the site is a conscientious businessman who has operated in a residential community for years without complaints.

2. Derek Stallings spoke in favor of the text amendment. As the person who worked on the interior of the building that is being discussed, he described the construction materials that were used and their favorable soundproofing qualities. He added that the structure is 500 feet away from the closest resident and asked the Board not to drive out our small businesses to Currituck County.
3. Jason Hill described the property he owns adjacent to the site and spoke against the text amendment expressing concern about noise, fuel spills and the potential harm to well points and wildlife. He said this business could be disturbing to someone in his family with dementia, the elderly in the neighborhood, and to those in the nearby campground. He said this operation could cause a lot of stress and mental anguish.
4. Jeff Wells asked the Board of Commissioners to allow him to operate his business from the location being discussed. He explained the nature of his marine repair business and said as his business has grown, it has become difficult to find affordable work space. He noted that his jobs have quick turnaround times and assured the Board that he is respectful of people.
5. John Robbins spoke in support of Jeff Wells saying he has known him for 25 years. He explained that Mr. Wells operates his business legally noting that his current neighbors have no complaints. He said spills are an enforcement issue and that noise associated with marine engines has gotten quieter compared to uses that are already allowed in the CS District. He asked the Board to help out a small business.

There were no comments made in Buxton –

Chairman Woodard closed the hearing at 7:26 p.m.

Planning Director, Donna Creef, provided background information about the CS District and introduced Elizabeth Robbins, the attorney for Jon Midgett Construction, the applicant seeking the zoning text amendment. Ms. Robbins referenced the business recruitment video that was played earlier in the meeting and said that is what this amendment is all about because this business service is needed. She explained that the requested use is not inconsistent with the currently allowed uses. She said although noise concerns are unfounded, they can be addressed thru conditions such as restricted hours of operation. Ms. Robbins noted that the proposed list of conditions are completely acceptable. Mr. Wells said his business is mostly mobile and confirmed that, if approved, he would be working inside the structure with the door closed. He described how most of his time is spent working on engines rather than running them, which he said would only involve about 5 or 10 minutes. Chairman Woodard said he could not support the request in view of the research done by the Planning Board, which was unable to come to decision being split 3 to 3. He added that he is sensitive to the concerns expressed by the adjacent neighbors.

MOTION

Commissioner Tobin motioned to amend the CS District to add small engine repairs/boat engine repairs/boat repairs to the list of conditional uses in the CS District with the specific conditions as outlined in Exhibit A and that a finding of consistency statement is adopted as part of this motion indicating that the proposed amendment is consistent with Policy LUC#5 of the 2009 Dare County Land Use Plan.

Vice Chairman Overman seconded the motion.

VOTE: AYES: 2 (Commissioners: Overman and Tobin)

NOES: 5 (Commissioners: Woodard, Shea, House, Ross, and Couch)

Motion failed in a 5 to 2 vote

ITEM 7 – 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 (08.06.18) (**Att. #3**)
- 2) Memorandum of Understanding – Dare County and U.S. Fish & Wildlife Service
- 3) DHHS – Emergency Food and Shelter Budget Amendment
- 4) Update List of Deputy Finance Officers
- 5) Tax Collector’s Report

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 8 – 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 House

- Gave the Board a report on the sudden resignation of North Carolina Marine Fisheries Commission Chairman Sammie Corbett and member Alison Willis.

Vice Chairman Overman

- Asked the Board to appoint Rob Ross to the Trillium Board to replace Jay Burrus who is retiring. He noted that Trillium would benefit from Mr. Ross’ strong financial background.

MOTION

Vice Chairman Overman motioned to appoint Rob Ross to the Trillium Board to replace Jay Burrus.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Shea

- Commented on the effort of the Dare County Board of Commissioners to find long term and short term ways to deal with stormwater flooding in unincorporated Dare County.

Commissioner Couch

- Congratulated Dr. Reide Corbett on being named as the new Director of the Coastal Studies Institute.

Commissioner Tobin

- Gave a report from the Oregon Inlet Task Force noting that the deadline has closed for submitting responses to the Request for Proposal (RFP) for the dredge vessel planned for Dare County. He described the RFP review process, which resulted in the selection of EJE Recycling & Disposal, Inc. located in Greenville, NC. The County Manager outlined the next step in the process.

Commissioner Ross

- Expressed gratitude for the opportunity to serve on the Trillium Board.
- Gave special recognition to Animal Control Officer Paulette Freeman who took extraordinary measures to rescue a small dog in distress. He described the efforts she took to free the puppy from harm's way.
- Urged everyone to carefully consider the constitutional amendments that will be on the ballot at the upcoming election and make a well informed choice about each issue.
- Displayed a colorful and well written book from the National Association of Counties that explains to elementary school children how county government works. He said he received the publication from a colleague on the Albemarle Commission and thought it might be something appropriate for Dare County elementary schools.
- Reported that the SPCA, with assistance from the Dare County Sheriff's Office, are following up on two animal abuse cases.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager said the Chief of the Buxton Volunteer Fire Department has asked if the County will waive the permitting fees for their new fire station. In response to a question from Commissioner Ross, Mr. Outten said the waiver would represent approximately \$10,000. The Board discussed the merits of the request, and the following motion was made -

MOTION

Vice Chairman Overman motioned to waive the permitting fees as requested.
Commissioner House seconded the motion.
VOTE: AYES unanimous

2. Mr. Outten asked the Board to approve a Memorandum of Agreement (MOA) with Dare County municipalities regarding hurricane/disaster debris management and to authorize the Manager to execute agreements with towns that request an MOA.

MOTION

Commissioner Tobin motioned to approve debris management MOA's and authorize the Manager to execute the agreements as outlined.
Commissioner House and Commissioner Shea seconded the motion.
VOTE: AYES unanimous

3. The Manager outlined two resolutions in support of State financial assistance related to Hatteras Inlet and Oregon Inlet and asked that they both be approved for the Chairman's signature.

MOTION (Att. #4 & #5)

Vice Chairman Overman motioned to approve the two resolutions as presented. Commissioner House and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

4. Mr. Outten described a Memorandum of Understanding (MOU) with the Town of Kill Devil Hills regarding Building Inspector services and asked for Board approval.

MOTION

Commissioner House motioned to approve the MOU as requested. Commissioner Couch seconded the motion.

VOTE: AYES unanimous

5. The County Manager informed the Board that a demolition company will soon be moving forward to remove the Old Administration Building in downtown Manteo.

Prior to adjourning, Chairman Woodard thanked Dorothy Hester for the work that the Public Relations Department has done to produce informative videos. Ms. Hester mentioned a community awareness poster about bear proof dumpster availability in Manns Harbor. Finance Director David Clawson told the Board that the Request for Qualifications (RFQ) has been published for the Animal Shelter facilities study.

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

MOTION

Commissioner Shea motioned to adjourn the meeting. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 8:12 p.m., the Board adjourned until 9:00 a.m., Tuesday, September 4, 2018.



APPROVED:

Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners