



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., November 5, 2018

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

Commissioners absent: Rob Ross

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 retired U.S. Air Force Chaplain Rev. Cherri Wheeler to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Woodard thanked Mayor Sheila Davies for the timely and effective way Kill Devil Hills responded to the recent tropical storm. He also advised that Commissioner Ross had an excused absence from the meeting due to being out of town.

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 the Chamber of Commerce on hosting a successful Seafood Festival.
- Commended the Lions Club for its VIP Fishing Tournament to help the visually impaired.
- Described a presentation he is making to guidance counselors, PTA’s, and civic groups throughout Dare County to provide information about the savings that parents can experience by having students get a two-year degree from the College of the Albemarle and then move on to a 4-year institution to complete their education.
- The Chairman mourned the death of Ronnie Lee Beacham, a dedicated Firefighter and hard-working General Contractor who touched the lives of many in the community.
- Reported on damage assessments from Hurricane Michael now pegged at \$7.3 million.
- Commented on the grand reopening of the Wright Brothers Memorial Visitors Center and encouraged people to visit the site to see first-hand the incredible renovations that have been made by the National Park Service.

- Congratulated the students and coaches involved in athletic programs at Dare County Schools and complimented them on their most recent achievements.
- Chairman Woodard expressed sadness about the synagogue shooting in Pittsburgh. He said we need to pray that this type of tragedy will cease and that deranged people will get the help they need.
- He honored Gray's Department Store, which he said has been an Outer Banks goodwill ambassador for 70 years. The Chairman commended Larry, Ronnie, and Julie Gray for the way they are carrying on the legacy of their parents, Walter and Estelle Gray.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Carol Copeland, Social Services Division, received a 10-year pin.
- 2) Ashley Johnson, Emergency Medical Services, received a 15-year pin.
- 3) Doug Oberbeck, Sheriff's Office, received a 20-year pin.
- 4) Heather Gardiner, Public Health Division, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – NOVEMBER 2018

Andy Dunton received the Employee of the Month award from Jerry Lofland who described the many ways that Mr. Dunton is an asset to the Dare County Water 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 Annex 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. John Head voiced support for the Hatteras Shores project saying that it fits within the rules and has been passed by the Planning Board. He said development is needed and urged the Board of Commissioners to push this through as quickly as possible.

The following comments were made in Buxton –

2. Danny Ansell – addressed the Hatteras Shores project by cautioning the Board to take a close look at this and make sure it is done in an appropriate way. He outlined density related issues that he believed were not understood by the Planning Board.

ITEM 5 – NCDOT FERRY DIVISION UPDATE & DISCUSSION OF FERRY NAMES (Att. #1)

Jed Dixon, Deputy Director of NCDOT's Ferry Division, briefed the Board on NCDOT's ferry replacement schedule and explained that the replacement ferries for the MV Kinnakeet and MV Chicamacomico cannot have that same name while both vessels are simultaneously in operation. He added that NCDOT will consider using these names for future ferry vessels. Commissioner Couch thanked Mr. Dixon for the clarification noting that these names have historical significance to the Native American heritage of Hatteras Island. Mr. Dixon also provided Commissioners with a detailed update on the passenger ferry service that NCDOT plans to have in operation next year between Hatteras Village and Ocracoke Island.

The Board was asked to approve a resolution supporting naming the ferry to replace the MV Kinnakeet the “Avon” and the ferry to replace the MV Chicamacomico the “Salvo.” The resolution included a request that NCDOT consider the names Chicamacomico and Kinnakeet for future replacement ferries.

MOTION

Commissioner Shea motioned to approve the resolution as presented.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PRESENTATION ON THE NC COMPLETE COUNT COMMISSION

James Cofield, a member of the NC Complete Count Commission (NCCCC) explained their mission to create awareness about the 2020 Census. He outlined the ways Dare County benefits when its residents are properly counted and encouraged people to participate in the upcoming census. Mr. Cofield fielded Commissioner questions about languages, literacy issues, and unauthorized residents and welcomed any suggestions the Board may have on these or other census related issues. Chairman Woodard invited Mr. Cofield to reach out to the Public Information Officer to help promote the census on the Dare County website.

ITEM 7 – REQUEST FOR LATE APPLICATIONS - PROPERTY TAX EXEMPTION/EXCLUSION

Assistant County Assessor Hosea Wilson outlined three late applications for tax relief. He noted that the Roanoke Island Volunteer Fire Department request was being withdrawn by staff after it was determined that they had filed a timely application. Mr. Wilson then outlined a request from John Receveur and explained the circumstances related to its late filing.

MOTION

Commissioner Shea motioned to accept the late application from John Receveur.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioner Tobin motioned to approve the 2018 property tax relief request from John Receveur as outlined by the Assistant County Assessor.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Mr. Wilson advised that a clarification is needed on the Disabled Veteran Exclusion before considering the request from Brian Allsworth. While other agenda items were handled, staff did research and came back later in the meeting to report that Mr. Allsworth is eligible.

MOTION

Commissioners House & Shea motioned to accept the late application from Brian Allsworth.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioner Shea motioned to approve the 2018 property tax relief request from Brian Allsworth as outlined by the Assistant County Assessor.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Note: Agenda items 8 and 9 were quasi-judicial proceedings. Before either of these items were considered by the Board, each applicant along with the Planning Director and any others who might offer testimony, were duly sworn by the Clerk to the Board.

ITEM 8 – EAST CAROLINA RADIO – CUP APPLICATION FOR TOWER

Planning Director Donna Creef and Rick Loesch, on behalf of East Carolina Radio, offered testimony on a request to construct a 75 foot tall radio tower at 2865 Highway 345. Ms. Creef provided background information about the Conditional Use Permit (CUP) and noted that the tower has been approved by the FCC and the FAA. The County Manager asked the applicant if he 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. Mr. Loesch indicated his agreement.

MOTION

Commissioners Shea and Overman motioned to approve the CUP for East Carolina Radio to construct a 75 foot tall radio transmission tower.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 9 – HATTERAS SHORES GROUP HOUSING DEVELOPMENT – CUP APPLICATION

Planning Director Donna Creef, developer Sumit Gupta, and project engineer Mike Robinson appeared before the Board to offer testimony. Ms. Creef outlined a request from SAGA Construction for a Conditional Use Permit (CUP) for a proposed group housing development on oceanfront property in Hatteras Village. She explained that requests for group housing and properties in a VE Flood Zone are subject to a higher level of review. Ms. Creef noted that septic requirements will be determined by the Health Department and a site specific review later will address parking. She advised that there is consistency with the Dare County Land Use Plan and that the Planning Board recommended approval. The Manager outlined a verbiage change needed for CUP item #6 pertaining to common areas, to which the applicant agreed. The applicant also agreed 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.

MOTION

Vice Chairman Overman motioned to approve the CUP and site plan for Hatteras Shores group housing development with the verbiage change outlined by the Manager addressing the common areas described in CUP Condition #6.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 10 – GOLF CARTS IN WANCHESE – INITIAL DISCUSSION

Ms. Creef, in response to a request made by the Board at a previous meeting to look into the possibility of golf carts being allowed in the Village of Wanchese, explained that under the North Carolina General Statutes golf carts are permitted on public roads where the speed limit is 35 mph or less. The Planning Director added that there are 25 State maintained roads in Wanchese and advised that an amendment would be needed to the Dare County Code of Ordinances in order to consider allowing golf carts in Wanchese.

MOTION

Commissioner Shea motioned to schedule a Public Hearing on the draft amendment at 5:30 p.m., November 19, 2018.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – TOWN OF DUCK – TEMPORARY EASEMENT

The County Manager outlined a request from the Town of Duck for a temporary, one-year easement at the Dare County water tower property at 1230 Duck Road. He explained that the easement is part of the Town's plan for a multi-use path in front of the water tower. Mr. Outten advised that a verbiage change is needed to assure that the Town must maintain access for the County at all times during the temporary easement period.

MOTION

Commissioner House motioned to approve the temporary easement with the verbiage change outlined by the Manager to assure that the County maintains access at all times.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 12 – CONSERVATION EASEMENT

Mr. Outten briefed the Board on a request from the owners of the Water Front Shops in Duck to expand their parking area within their existing conservation easement. He explained that in order to do this, they need to relocate a portion of their conservation easement to an alternate location, which they would like relocated to the wetlands on the Dare County water tower site adjacent to the Water Front Shops. Mr. Outten said they propose to buy the necessary amount of wetlands from Dare County for \$10,000 and donate it back to the County with a conservation easement. He noted that the County Assessment Office confirms that the wetlands portion of the water tower site is unsuitable for construction and that the Water Department says there will be no negative impact. He added that, if approved, the placement of the conservation easement and access area would be arranged in a mutually agreeable location at the water tower site.

MOTION

Commissioner Shea motioned to approve the Conservation Easement donation arrangement for \$10,000 as outlined and authorize the County Manager to execute the required documents.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

RECESS: 11:15 a.m. – 11:25 a.m.

ITEM 13 – DISCUSSION OF ARCHITECTURAL AND DESIGN SERVICES FOR THE NEW ANIMAL SHELTER

The Manager reminded that at a previous meeting the Board selected Guernsey Tingle, which was one of five firms that responded to the Request for Qualifications (RFQ) for architectural and design services for the new Dare County Animal Shelter. He explained that since then, Commissioner Ross and staff have met with the firm, and he voiced a

concern that Commissioner Ross has about some of the information provided by Guernsey Tingle and whether there is an appropriate level of comfort with the firm. He then briefed Commissioners on a subsequent meeting that was held with Waller, Todd & Sadler, which is one of the other architectural firms that responded to the RFQ. Mr. Outten said although both are fine firms, the level of comfort and detail of information given was better with Waller, Todd & Sadler. After discussing the matter, the following motion was made –

MOTION

Commissioner Shea motioned to rescind the Board's previous decision to select Guernsey Tingle for architectural and design services for the new Dare County Animal Shelter and authorize the County Manager to negotiate with the firm of Waller, Todd & Sadler and prepare an agreement to be brought back to the Board of Commissioners for approval.

Vice Chairman Overman 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 House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.15.18) **(Att. #2)**
- 2) Appointment of Firefighters Relief Fund Board Member of Hatteras Vol. Fire Dept.
- 3) Road Request – France Court, Kay Court, Violet Court, Kellam Court **(Att. #3)**
- 4) DHHS – Emergency Food & Shelter Budget Amendment
- 5) 4-Year Computer Lease for Dare County Sheriff's Office
- 6) 4-Year Computer Lease for Dare County Libraries
- 7) Schedule of Meeting Dates for 2019

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARD APPOINTMENTS

1) Older Adult Services Advisory Council

Commissioner Shea motioned to reappoint Linda Lengyel, Mary Pendill, Melissa Turnage. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

2) Rodanthe-Waves-Salvo Community Center

Commissioner Couch motioned to reappoint Roberta Midgett and appoint Jason Heilig. Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Stumpy Point Community Center

Vice Chairman Overman motioned to reappoint David Midgett.

Commissioner House seconded the motion.

VOTE: AYES unanimous

4) Veterans Advisory Council

Vice Chairman Overman motioned to appoint Jack Shea as a “Counselor” to the Veterans Advisory Council upon his retirement as a Dare County Commissioner. Commissioner House seconded the motion.

VOTE: AYES unanimous

5) Youth Council

Vice Chairman Overman motioned to –

Reappoint – Catisha Bryant, Kathy Burrus, Steve House, Sandy Martin.

Appoint – Jordan Allen, Genesis Rain Gregory, and Gerardo Velasquez.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

6) Upcoming Board Appointments

The upcoming appointments for December, January, and February 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 House

- Commented on an action taken by President Trump to address plastic debris in our oceans, calling it a major step in the right direction.
- Expressed condolences to the family of Ronnie Beacham, who he described as a role model as a fire fighter and well respected in the construction industry
- Presented his recommendation, based on lengthy discussions, for the reorganization of the Commission for Working Waterman. He outlined a Commission structure, which is reflected in the following motion. He explained why membership should not be based on the type of gear that is used and that adding a recreational seat would not be consistent with the objective of the Commission to advise the Board on Working Watermen issues. Commissioner House noted that the recommended non-voting science seat will help give objective, scientific input on important fisheries issues. He said he will be vetting membership applications and present them to the Board in December. Chairman Woodard thanked Commissioner House for his hard work on this initiative.

MOTION

Commissioner House motioned to set up the reorganization of the Commission for Working Watermen with seven voting members, plus one additional non-voting science seat. The composition of the seven voting members will consist of – one Dare County Commissioner, one Fish House Dealer, one Charter Boat Captain, and four North Carolina Commercial Fishermen. And, the goal will be to have the four Commercial Fishing seats represent geographical areas as follows - one from Hatteras Island, one from Roanoke Island, one from the Dare County Mainland, and one from the Northern Beaches area.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Vice Chairman Overman

- Congratulated the service pin recipients and the Employee of the Month.
- Thanked County staff for the efficient job that is being done cleaning up storm debris.

Commissioner Shea

- Thanked the service pin recipients and Employee of the Month for making Dare County such a wonderful place to live, work, and raise families.
- Reminded everyone to exercise their right to vote as a civic duty.

Commissioner Couch

- Echoed comments made on the importance of voting calling it a sacred duty.
- Joined Vice Chairman Overman in expressing gratitude about the pickup of storm debris.
- Commented on the passing of Ronnie Beacham and advised the Board of the death of Licia Midgett Kee and described her remarkable 33-year teaching career in Dare County.

Commissioner Tobin

- Reported on a meeting that he and the County Manager had in Wilmington with the U.S. Army Corps of Engineers on the new dredge vessel for Dare County.
- Noted that Spring Arbor recently received good news about the lifting of the State moratorium on allowing new patients at the facility.
- Commissioner Tobin encouraged people to vote and urged candidates to promptly remove their campaign signs following the election.

Chairman Woodard

- Provided information about the 2019 Legislative Goals Conference being planned by the North Carolina Association of County Commissioners (NCACC) and asked the Board to consider designating him as Dare County's Voting Delegate to the Conference.

MOTION

Commissioner Couch motioned to name Chairman Woodard as the Dare County Voting Delegate to the 2019 NCACC Legislative Goals Conference.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten asked the Board to name David Clawson and Sandy West as the County's Designated Agent for seeking storm relief and to approve an agreement with North Carolina Emergency Management, which will be signed by Mr. Clawson.

MOTION (Att. #4)

Vice Chairman Overman motioned to approve a resolution designating the Applicant's Agent for storm relief (David Clawson, Primary & Sandy West, Secondary) and to approve an agreement with North Carolina Emergency Management and authorize Mr. Clawson to sign the document.

Commissioner House seconded the motion.

VOTE: AYES unanimous

2. The County Manager gave an update report on the status of storm debris pickup. He identified the hardest hit areas and explained that they were scheduled last for pickup in order to give those property owners ample time to stage their items. He added that the Public Works Department will only be making one debris pickup pass through each community in unincorporated Dare County, therefore people should not put out more debris after their area has been picked up because there will not be any second passes.
3. Mr. Outten briefed Commissioners on the national conference he recently attended for the American Shore & Beach Preservation Association where he participated in a panel and presented Dare County's local beach nourishment funding model as a case study.
4. The Manager asked for authority to send Dare County's share of the funds that are needed in order to get dredging done at Hatteras Inlet.

MOTION

Commissioners House and Shea motioned to approve sending \$136,400 to the Inlet Management Fund as Dare County's share for dredging that is needed at Hatteras Inlet and authorize any necessary budget amendments.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

Public Information Officer Dorothy Hester gave details about the Thanksgiving Basket Program sponsored by the Roanoke Island Women's Club in cooperation with Dare County Health and Human Services. She said information about making donations will be posted on the Dare County website.

ITEM 17 – CLOSED SESSION

The County 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 in the matter of Dare County v PCL Civil Constructors, Inc.; and pursuant to NCGS 143-318.11(a)(6) to review the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; and to approve the minutes of the last Closed Session.

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 12:02 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 12:35 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, consulted with the County Attorney on the PCL matter and a personnel issue, and took no other action.

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

MOTION

Commissioner Couch motioned to adjourn the meeting.

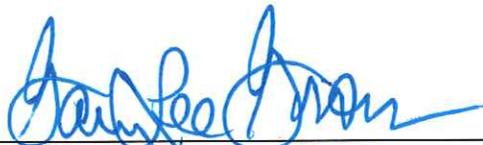
Commissioner House seconded the motion.

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

At 12:35 p.m., the Board of Commissioners adjourned until 5:00 p.m., November 19, 2018.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners