



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., May 4, 2015

Commissioners present: Chairman Robert Woodard
Vice-Chairman Wally Overman
Warren Judge, Jack Shea, Allen Burrus,
Beverly Boswell, Margarett Umphlett

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Finance Director, David Clawson
Public Information Officer, Dorothy Hester
Clerk to the Board, Gary 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 9:09 a.m. He invited the Rev. Keith Dey from the Emmanuel Lutheran Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Chairman asked for a motion to amend the agenda to remove agenda item #12 (Consolidation of Oregon Inlet & Waterways Commission and the Oregon Inlet Task Force) and indicated that it would be presented at a future meeting.

MOTION

Commissioner Judge motioned to remove item #12 from the agenda.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Wendy Parks, Office Support Specialist, Sheriff's Office received a 10-year pin.
- 2) Joann Selby, Public Information Asst., Social Services, received a 10-year pin.
- 3) Sandra Shull, Warehouse Technician, Public Works, received a 15-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – MAY 2015

Eileen Selby, Communications, received the Employee of the Month certificate for May 2015 from Trey Piland who described her work ethic, dedication, and helpful attitude.

ITEM 3 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard gave a report on what has transpired since the last meeting. He explained progress on Oregon Inlet dredging, described a meeting with the local Park Service Superintendent, and called for the public to make comments on the recently released Park Service document. He also reported on the Rodanthe beach access dedication, mentioned the Relay for Life event, and commended Social Services staff. He read a letter from Russ Pace praising the professionalism of Sandy Scarborough, Alex Barker, and Amy Etheridge during the Dare County Center’s trip to New Orleans. A video of the Chairman’s update can be seen on the county website www.darenc.com.

ITEM 4 – PUBLIC COMMENTS

The Manager outlined the public comments procedure. Citizen remarks can be seen in their entirety on the county website www.darenc.com. Following is a brief summary –

1. Ross Riley spoke in favor of Sunday hunting on private property. He said with people working many jobs, they have limited time off to hunt and called on the Board to respect private property rights and vote for Sunday hunting
2. Dan Oden said the inlets are open and urged that everything related to dredging tax dollars be for all county inlets and waterways. He said any appointed group should have equal representation of the entire county for fair money distribution.
3. Derek Taylor reminded that there are two inlets in Dare County and asserted that any appointed Commission must have representation from both inlets so that tax dollars are appropriated proportionately.
4. Lee Setkowsky read a statement from Ernie Foster, who was unable to attend, expressing extreme concern about the proposed elimination of Hatteras Island representation on the proposed new oversight committee.
5. Jeff Aiken said the Oregon Inlet Task Force is an issue of fairness and transparency. He said impromptu meetings have been held and decisions made without Hatteras Inlet representation. He called for all waterways to be included.
6. Beth Midgett said the new Oregon Inlet entity should have a name and mission reflecting all of Dare County with at least one member who depends on Hatteras Inlet. She added that the group needs to meet at a time convenient for watermen.
7. Sheryl Bradstetter reminded that Hatteras is vital to Dare County’s economy and we need to work together to make sure our needs are not overlooked. She said we are dependent on marine businesses and are in a tenuous position.
8. Chris Sawin on behalf of the Dare County Arts Council asked the County to officially recognize Jake McFarlane, Michelle Seelow, Brian Edwards, Bob Seelow, and David Creef for their work on the historic Dare County Courthouse.
9. Sandy Semans Ross requested that Hatteras Inlet be added to the dredging bill. She adamantly objected to the Board’s lack of transparency and called for the Board and its bodies to comply with the law and share information.

10. Mikey Daniels as a Member of the Oregon Inlet Task Force said nobody wants to exclude Hatteras. He said this problem has existed for 40 years and both inlets need a dredge year round and called for people to work together.
11. Jim Tobin, Chairman of the Oregon Inlet Task Force said he wanted to clarify a remark made by Dan Oden concerning the status of Oregon Inlet. Mr. Tobin said Oregon Inlet has been virtually closed while Hatteras Inlet has been open.
Commissioner Burrus interjected that Mr. Tobin's remark was not true and said Mr. Tobin was part of the problem. Mr. Tobin called for all groups to work together to get funding to keep Oregon Inlet and Hatteras Inlet open.
12. Cliff Barker said Hatteras Village and Hatteras Island needs a spokesperson on any committee that addresses problems with Dare County inlets. He said the people of Hatteras will not appreciate being excluded.
13. Willo Kelly, on behalf of the Outer Banks Assoc. of Realtors & the Homebuilders Assoc., called for transparency, fairness, and involvement of all parties in open dialogue related to these issues rather than a closed-door perception.
14. Harry Schiffman said the proactive plan for Oregon Inlet is designed to prevent the problem rather than just trying to solve it. He said the local, regional, and state economies are at risk and that windows of time for dredging are closing.

ITEM 5 – PROCLAMATION – ELDER ABUSE AWARENESS MONTH

Kaye White from the North Carolina Senior Tar Heel Legislature, and Melanie Corprew on behalf of Dare County Health and Human Services described the need to protect older adults from abuse, exploitation, and neglect. They encouraged everyone to be alert to it, recognize it, and report it. A proclamation was read establishing May 8 to June 22 as Vulnerable Adult and Elder Abuse Awareness Month.

MOTION

Commissioner Judge motioned to issue the proclamation as presented.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DARE COUNTY COOPERATIVE EXTENSION ANNUAL REPORT

Katherine Irby, 4-H and Youth Development Extension Agent, introduced members of the Cooperative Extension Advisory Council and presented a video depicting the many activities sponsored by the Dare County Cooperative Extension during the last year.

ITEM 7 – VETERANS STATUS, WW II COASTWISE MERCHANT MARINERS (Att. #1)

J. Don Horton, President of the WW II Coastwise Merchant Mariners presented a resolution supporting efforts to give Veterans status to Coastwise Merchant Mariners. He described the service and sacrifice of these men and women while German U-Boats

were causing havoc off the Atlantic coastline. He explained the resolution's call for congressional inquiry and action to honor the WW II Coastwise Merchant Mariners.

MOTION

Commissioner Shea motioned to approve the resolution as presented.

Commissioner Burrus and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – NCDOT ROAD MAINTENANCE BUDGET & 3 YEAR RESURFACING AND RETREATMENT PLANS

Sterling Baker, NCDOT Division 1 Maintenance Engineer, reviewed the department's road maintenance budget and presented the 3-year Resurfacing and Retreatment Plans for Dare County roads. In response to a Commissioner question, he outlined NCDOT's policy for naming roads. Mr. Baker also gave a report on the efforts to repair the recent storm damage done to Highway 12 in Kitty Hawk.

ITEM 9 – WICKED PARROT TATTOO STUDIO – REQUEST TO AMEND CONDITIONAL USE PERMIT 1-2009

This agenda item was handled as a quasi-judicial proceeding. Prior to offering testimony, Planning Director Donna Creef and the applicant Jim Caldwell were duly sworn by the Clerk to the Board. Ms. Creef summarized the requested amendment to allow Sunday hours from 12:00 p.m. to 9:00 p.m.

MOTION

Commissioner Umphlett motioned to approve the amendment to the Conditional Use Permit to allow hours of operation on Sunday from 12:00 p.m. to 9:00 p.m.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 10 – ZONING TEXT AMENDMENT – REQUEST TO AMEND SECTION 22-2 DEFINITION OF TATTOO STUDIO

The Planning Director presented a request to have the definition of tattoo studio amended to allow body piercing. She explained that the current definition prohibits body piercing. Ms. Creef advised the Board that a Public Hearing is required to amend the definition.

MOTION

Commissioner Judge motioned to schedule a public hearing for 5:30 p.m. May 18, 2015
Commissioners Overman, Umphlett, and Shea seconded the motion.

VOTE: AYES unanimous

ITEM 11 – AUDIT CONTRACT FOR FISCAL YEAR TO END JUNE 30, 2015

Finance Director, David Clawson, presented the audit contract, engagement letter and peer review report for Potter & Company pertaining to the fiscal year 2015 audit. He outlined the audit fees and described two new state requirements that could affect future auditing costs.

MOTION

Commissioner Judge motioned to approve the contract and authorize Commissioner Shea and Chairman Woodard to execute the documents.

Commissioner Burrus and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

RECESS: 10:54 a.m. – 11:17 a.m.

ITEM 12 – CONSOLIDATION OF OREGON INLET & WATERWAYS COMMISSION AND THE OREGON INLET TASK FORCE

At the onset of the meeting, the Board voted to amend the agenda to remove this item and have it presented at a future meeting.

Following the recess, Chairman Woodard said in light of discussion and comments this morning, he asked that a special committee be formed consisting of the following – Commissioner representing the Board on the Oregon Inlet Task Force (Commissioner Boswell), Commissioner representing Hatteras Island (Commissioner Burrus), and Commissioner Judge on behalf of the northern beaches. He directed them to discuss the Oregon Inlet Task Force and the Waterways Commission and come back to the Board of Commissioners within 30 days with a recommendation on names and membership for a consolidated group. The three Commissioners agreed to serve.

ITEM 13 – BEACH NOURISHMENT CONTRACT – PRE-CONSTRUCTION SERVICES

The County Manager presented a contract for beach nourishment pre-construction services. He explained that this is the first in a series of contracts with Dare County serving as the contracting body pursuant to the Interlocal Agreement between the Towns of Duck, Kitty Hawk, and Kill Devil Hills regarding beach nourishment projects.

MOTION

Commissioner Judge motioned to approve the contract and authorize the Chairman to execute it on behalf of Dare County.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 14 – SUNDAY HUNTING (Att. #2)

Chairman Woodard indicated that Commissioner Boswell asked to revisit the issue of Sunday hunting. Commissioner Boswell then told the Board that multiple hunters have asked that Sunday hunting on private property be approved. She explained that many need this because of their busy schedules during the week working multiple jobs. She added that hunting is also an important food source for families. During discussion, some Commissioners voiced support for the House bill to allow Sunday hunting on private property as a property rights issue, while Commissioner Burrus explained his opposition to it for principles of resource management.

MOTION

Commissioner Boswell motioned to support the House bill to allow Sunday hunting on private property.

Chairman Woodard seconded the motion.

VOTE: AYES: 6 (Commissioners: Woodard, Overman, Judge, Shea, Boswell, Umphlett)

NOES: 1 (Commissioner Burrus)

ITEM 15 – CONSENT AGENDA

The Manager presented the Consent Agenda. The items were visually displayed in the meeting room and read into the record.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.20.15 & 04.22.15) **(Att. #3)**
- 2) Withdrawal from Public School Building Capital Fund (Lottery Funds)
- 3) Budget Amendment, 4H Out of School Time Program
- 4) Proclamation - Older Americans Month
- 5) Older Adult Services Budget Amendment
- 6) DHHS Email Encryption Agreement
- 7) Tax Collector's Report

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BOARD APPOINTMENTS

1) Dare County Board of Adjustment

Commissioner Judge motioned to reappoint Jay Hart.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Extra Territorial Jurisdiction (ETJ) District

There were no applications on file and no appointment was made.

3) Veterans Advisory Council

Commissioner Judge motioned to reappoint Frank Draper and Clarence Lewis.

Commissioner Burrus seconded the motion.

VOTE: AYES: 5 (Commissioners: Woodard, Overman, Judge, Burrus, Boswell)

NOES: 2 (Commissioners: Shea, Umphlett)

4) Upcoming Board Appointments

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

ITEM 17 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Following is a brief outline of items raised during this segment. Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety on a video archived on the Dare County website www.darenc.com.

Commissioner Boswell – thanked the public for attending and congratulated the service pin recipients. She apologized for what she described as the outburst directed at Mr. Tobin (during public comments). She said she hoped this would not deter other public comment speakers. Commissioner Boswell reported on dredging progress at Oregon Inlet. She expressed thanks for being appointed to a Committee to collaborate on absorbing the Waterways Commission into the Oregon Inlet Task Force. She noted that the emergency dredging that has been done is not part of the proactive plan and called for additional funding so that spots on the dredging schedule can be secured.

Commissioner Burrus – complimented the service pin recipients and the Employee of the Month. He thanked those who attended the recent dedication ceremony for the Rodanthe Beach Access facility. He complimented NCDOT for their prompt response in addressing road repairs on Highway 12 in Kitty Hawk. In referring to the Oregon Inlet Task Force, Commissioner Burrus explained that when someone acts inappropriately, he will confront them. He added that the Oregon Inlet Task Force was established to take care of the jetty and now has an expanded role, which causes concern and nervousness for many. He thanked the Chairman for being proactive in trying to straighten this out and expressed hope that this can be resolved.

Commissioner Shea – reported on a recent meeting in Southern Shores to discuss season traffic back-ups with representatives from Dare and Currituck counties. He outlined a comprehensive list of findings to prevent traffic congestion and gridlock including restricting right-turn-on-red activity from Northbound Highway 158 onto Highway 12, signage to prevent intersection blocking, law enforcement presence, and other recommendations. Commissioner Shea also reported on issues discussed at the recent RPO meeting that he and Vice-Chairman Overman attended to include RPO opposition to a legislative bill to charge a fee for priority ferry boarding, a new dredge under construction, and funding support materials for bicycle and pedestrian safety.

Commissioner Judge – commented on the recent storm damage sustained in Kitty Hawk. He also described the severity of the water depth in Buxton and sympathized with the residents that are impacted by it. He noted that the Buxton beach nourishment project remains on target. Commissioner Judge reported that the National Park Service is holding a series of public meetings seeking input on their proposed response to congressional legislation passed in December, which would minimize buffers and create access for people in the Cape Hatteras National Seashore Recreational Area. He explained how comments can be submitted and encouraged people to participate in the process. He thanked the Chairman for appointing a committee to work on the Oregon Inlet consolidation and reminded everyone that we are one Dare County and that each harbor and inlet is critically important.

Commissioner Umphlett – acknowledged the service pin recipients and the Employee of the Month. She thanked Kaye White and Melanie Corprew for their efforts on behalf of elderly abuse prevention. Commissioner Umphlett complimented Dare County Cooperative Extension for their informative video and report. She also thanked the

public for attending today and speaking during public comments and noted that the Board of Commissioners is working for the betterment of all Dare County waterways.

Vice-Chairman Overman – encouraged residents and visitors to use the Rodanthe beach access facility. He thanked NCDOT for their efforts to restore service to Highway 12 in Kitty Hawk. The Vice-Chairman expressed hope that dredging money will be left over in the event a storm front that is developing should materialize. He congratulated service pin recipients and the Employee of the Month. Vice-Chairman Overman urged people to attend Park Service access meetings or submit comments by email.

Chairman Woodard – reported on a meeting he had with a Buxton property owner whose cottage has been devastated. He remarked on the man's positive attitude and genuine concern for how the appearance of his property might impact visitors. He noted that the man was complimentary of the Board of Commissioners for their efforts to fast track the Buxton beach nourishment project. The Chairman thanked the Board of Commissioners for their time, commitment, and dedication. He closed by wishing everyone a happy Mother's Day and acknowledged his mother who is approaching 90 years of age.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten explained that the Stumpy Point Sanitation District was created in order to obtain funding for the project. He said now that the project has been completed the Sanitation District needs to be dissolved and operate out of the Dare County Water Fund. He noted that there would be no impact on residents and that the dissolution only affects bookkeeping efficiencies. He added that dissolving the District requires a public hearing before the end of the fiscal year.

MOTION

Commissioners Judge, Overman, Burrus, and Shea motioned to set a Public Hearing for 5:30 p.m. on May 18, 2015.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

The next item was the subject of extensive Board discussion. A full and complete account is archived on a video available for viewing on the County website www.darenc.com. Following is a brief synopsis –

2. The Manager outlined a series of options that have been explored for securing dredging funding, including the status of the legislative request to allow the levying of a quarter cent sales tax. Mr. Outten then outlined a possible plan that would use money from the Beach Nourishment Fund augmented by some borrowing. It was noted that the proposal had been discussed with municipal mayors and managers. The County Manager and the Finance Director fielded questions about the proposal and the Board engaged in a lengthy discussion about it.

MOTION

Commissioner Boswell motioned to move forward with the model outlined by the County Manager.

Vice-Chairman Overman seconded the motion.

During discussion, Commissioner Judge suggested an alternative approach. He recommended taking the proceeds of the previous one percent sales tax, which was collected for six months, and using it for inlet dredging. Board Members discussed the merits of the alternative and Commissioner Judge offered the following substitute motion -

SUBSTITUTE MOTION (Att. #4)

Commissioner Judge motioned to adopt a resolution requesting that the North Carolina General Assembly with due haste amend the bill that authorized the previous one cent sales tax to allow use of the proceeds for inlet dredging.

Commissioner Burrus seconded the motion.

VOTE: AYES: 4 (Commissioners: Judge, Burrus, Woodard, Shea)

NOES: 3 (Commissioners: Overman, Boswell, Umphlett)

Substitute Motion passed 4 to 3, with no action being taken on the original motion

3. During Manager's/Attorney's Business, Commissioner Burrus addressed concerns about a potential borrow pit in the Rodanthe area. The Board discussed the negative impact of such a use in view of the work that is underway by the Planning Department to develop a zoning map for the Rodanthe, Waves, Salvo area. Planning Director, Donna Creef, said Chapter 159 can be amended or the Board could take steps to enact a moratorium to preclude borrow pits, which has been done twice in the past.

MOTION

Vice-Chairman Overman motioned to conduct a public hearing on a possible moratorium at 5:30 p.m., May 18, 2015.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 18 – CLOSED SESSION

MOTION

Chairman Woodard motioned to go into Closed Session 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 & pursuant to the provisions of 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 & to approve previous Closed Session minutes.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

At 1:26 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 1:52 p.m. and Mr. Outten reported that during the Closed Session the Board and County Attorney discussed a personnel matter and consulted with the Attorney with regard to a personnel matter in order to preserve the attorney-client privilege, approved previous Closed Session minutes, and took no other action.

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

MOTION

Commissioner Shea motioned to adjourn the meeting.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

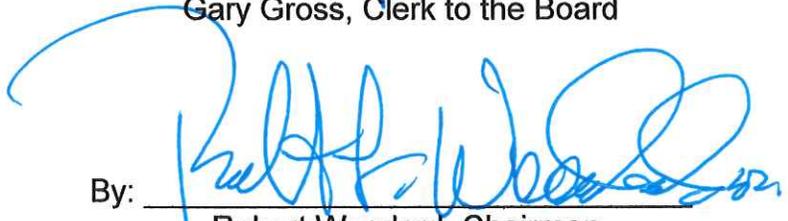
At 1:53 p.m., the Board of Commissioners adjourned until 5:00 p.m., May 18, 2015.



APPROVED:

Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners