



# 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](http://www.darenc.com)

## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**5:00 p.m., May 18, 2015**

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

Commissioners absent: Jack Shea

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

Chairman Woodard called the meeting to order at 5:06 p.m. He invited Margaret Sequeira, Consulting Minister with the Unitarian Universalist Congregation of the Outer Banks to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Woodard explained that Commissioner Shea was under the weather and unable to attend the meeting. Note – In order to accommodate the Public Hearings scheduled for 5:30 p.m., some agenda items were handled out of sequential order.

#### **ITEM 1 – OPENING REMARKS – CHAIRMAN'S UPDATE**

Chairman Woodard gave a follow-up report on what has transpired since the last meeting. He mentioned the recently held Budget Workshop and summarized the status of Oregon Inlet. He described a meeting that he and others had with Senator Cook seeking effective ways to communicate and move forward together in seeking solutions for the issues facing Dare County. A complete video account of the Chairman's update can be seen on the Dare County website [www.darenc.com](http://www.darenc.com).

#### **ITEM 2 – PUBLIC COMMENTS**

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

1. Manny Medeiros of Kitty Hawk explained that he was out of the area when a sea level rise presentation was released. He cautioned the Board about the findings of the Intergovernmental Panel on Climate Change (IPCC) because they are not a scientific body, but a political one that perpetuates hysteria and alarmism.
2. Larry Bray on behalf of the Dare County Soil and Water District outlined the group's structure and described the services they provide. He explained that county funding has been removed for a Conservationist position and expressed hope that in the future it will be funded like other NC counties do.
3. Ann Daisey echoed the theme of Mr. Bray's remarks and described their mission to protect and enhance soil and water quality and deliver effective conservation practices. She emphasized that the County Conservationist brought in \$93,000 in grants and \$36,000 to address drainage problems in Wanchese.
4. Louise Hanson from the Soil and Water District described projects that have helped residents and visitors. She explained why the Conservationist position is vital and asked the Board of Commissioners to reconsider providing funding for the staff position.
5. Ross Riley from Manns Harbor said it is vital that Dare County's inlets are kept open and safe. He suggested a multi-prong approach that does not raise taxes, but instead gets money from vessel usage, the occupancy tax, and the Visitor's Center. He emphasized that an answer is needed now for Oregon Inlet.
6. Ben Sproul, Chair of the Board of Education, said Commissioners previously agreed to develop a new funding formula; however, the recent Budget Workshop only included \$117,306 of the formula's \$631,932 leaving a \$514,626 deficit, which equates to the cost of providing state-mandated teacher salary increases. He said without these funds, cuts to programs and positions would be inevitable and strongly urged the Board to support quality education and honor the formula.

### **ITEM 3 – UPDATE ON THE PATHWAYS TO ACCESSIBLE COLLEGE EXPERIENCE (PACE) PROGRAM**

Mandy Earnest, Coordinator for the Pathways to Accessible College Experience (PACE) program at the College of the Albemarle, gave a presentation on how the endeavor is enriching student's lives. She introduced Dottie Patton, Caroline Parks, and Laura Long and explained how these and other students give back to the community through various programs. Chairman Woodard said he was proud of the students and their accomplishments.

### **ITEM 4 – REPORT FROM THE COLLEGE OF THE ALBEMARLE**

Dr. Kandi W. Deitemeyer, President of the College of the Albemarle, briefed the Board on the economic and regional impact of the college's course offerings. She highlighted opportunities that are available for County residents and explained how COA is making

a difference by changing the fabric of families. Commissioner Judge passionately called for COA to expand its Roanoke Island Campus and step up its game in Dare County so that our young people can have a viable alternative in view of the rising costs for a four-year school. Commissioner Burrus asked that heating & air conditioning courses be brought back to Dare County, where these services are in demand in the rental property marketplace, rather than having students travel all the way to Edenton.

**ITEM 5 – UTILIZING THE DESIGN-BUILD PROCUREMENT METHOD TO CONSTRUCT THE SKYCO WATER TREATMENT PLANT NANOFILTRATION PROCESS BUILDING**

Ken Flatt, Utilities Director and Derek Dail, P.E., Assistant Utilities Director, presented a request to construct the Skyco Water Treatment Nanofiltration Plant by utilizing the design-build procurement method pursuant to NCGS 143-128.1A. It was explained that this will shorten the project design and construction timeline and reduce overall costs.

**MOTION**

Commissioner Judge motioned to approve the use of the Design Build Procurement Method pursuant to NCGS 143-128.1A for the Skyco Nanofiltration Process Building. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (Att. #1)**

Chairman Woodard commended Finance Director, David Clawson, and Assistant Finance Director, Sally DeFosse, on being recognized for the 24<sup>th</sup> consecutive year by the Government Finance Officers Association of the United States and Canada. Mr. Clawson received the Certificate of Excellence for the County's Comprehensive Annual Financial Report (CAFR). Ms. DeFosse was given the Award of Financial Reporting Achievement as the person primarily responsible for preparing the CAFR.

**ITEM 7 – HVAC SYSTEM FOR THE E911/EOC CENTER**

The County Manager explained that a decision is needed on the HVAC system for the E911/EOC building project in order to finish the design phase. He outlined the merits of two systems being submitted to the Board: Option 1 - Split System Heat Pump (SSHP). Option 2 - Variable Refrigerant Flow. He explained that the SSHP system would operate like a home heat pump, which can easily be serviced, and nets out well in the long run. He said that while the VRF system is more expensive to install, it is cheaper to operate but requires specialized technicians.

**MOTION**

Commissioner Judge motioned to authorize the County Manager to move forward with the Split System Heat Pump (SSHP) system.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**RECESS: 6:34 p.m. – 6:50 p.m.**

**ITEM 8 – PRESENTATION OF MANAGER’S RECOMMENDED FISCAL YEAR 2016 BUDGET WITH PLANNED FISCAL 2017 BUDGET (Att. #2)**

Mr. Outten presented the proposed Manager’s Recommended Fiscal Year budget, which totals \$154,704,808 with a General Fund budget of \$101,870,999. He noted that without beach nourishment and inlet maintenance, the total budget is 1.58% greater than Fiscal Year 2015. The Manager explained that the proposed budget maintains the property tax rate at \$0.43 per \$100 of valuation. He outlined position changes, local costs for programs, employee compensation, new budget items, Board of Education funding, revenues, and various county funds. He explained the timeline related to the budget and called on the Board to set the date and time for a mandatory Public Hearing on the proposed budget.

**MOTION**

Commissioner Judge motioned to schedule a Public Hearing on the Manager’s Proposed Budget for 10:00 a.m. on June 1, 2015.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

**ITEM 9 (1) – PUBLIC HEARING – AMENDMENT TO REVISE DEFINITION OF TATTOO STUDIO**

At 5:35 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments. No one responded to the invitation to address the Board. Chairman Woodard closed the hearing at 5:35 p.m.

Planning Director, Donna Creef, explained the nature of the text amendment to change the definition of a tattoo studio to include body piercing. She noted that the amendment has been unanimously recommended by the Dare County Planning Board.

**MOTION**

Commissioner Judge motioned to adopt the draft amendment to Section 22-2 to revise the definition of tattoo studio as advertised for Public Hearing with the finding that this amendment is consistent with the policies of the 2009 Dare County Land Use Plan and other official documents specifically Policy LUC #5 which encourages the continued existence of locally owned businesses.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

**ITEM 9 (2) – PUBLIC HEARING – MORATORIUM ON BORROW PITS IN RODANTHE WAVES AND SALVO (Att. #3)**

At 5:37 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments. It was noted that seven emails in support of a moratorium have been submitted to the Board. The following people spoke:

1. Sam Hagedon, a builder on Hatteras Island, said that there had been one active borrow pit on the Island that was run by someone who has since retired. He said since its closure, the price of sand has gone up dramatically. He explained that he has a small piece of property in the Rodanthe area that he offered to make available to Barry Crum as a short-term solution so that Hatteras Island would have access to some inexpensive sand for maybe another year. Mr. Hagedon said a borrow pit is needed on Hatteras Island and asked the Board to consider some variances to the moratorium if one is enacted.
2. Barry Crum said his father has been selling sand for 30 years and he has been involved in the business for about 5 years. He said in the past, most of his sand has come from the sound, which is very restricted and requires permits. He said recently Dick Farrow ran out of sand and decided to retire. Mr. Crum said he proceeded to develop plans for a borrow pit on Sam Hagedon's property, which he outlined for the Board. He explained that if he cannot use the site, there is only one company that has sand and their supply is about to run out. He said this would require sand to be brought in from off the Island, which would add substantial costs and place a strain on the existing Bonner Bridge.

Chairman Woodard closed the hearing at 5:43 p.m. Commissioners discussed a moratorium that might serve as a temporary measure while the community provides input during the zoning process, which is already underway for the Villages of Rodanthe, Waves, and Salvo. The Planning Director updated the Board on the zoning timeline and expressed hope that it will be resolved by the end of the calendar year.

**MOTION**

Vice-Chairman Overman motioned to adopt the resolution enacting a moratorium on borrow pits in the tax districts of Rodanthe, Waves, and Salvo.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

Those who spoke at the Public Hearing were encouraged to get involved in the community's zoning process while the moratorium is in effect.

**ITEM 9 (3) – PUBLIC HEARING – ABOLISHING THE STUMPY POINT COMMUNITY WATER AND SEWER DISTRICT (Att. #4)**

At 5:49 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments. No one responded to the invitation to address the Board. Chairman Woodard closed the hearing at 5:49 p.m.

The Board was informed that the Stumpy Point Community Water and Sewer District was created to obtain grant funding for the project, which has since been completed. Pursuant to NCGS 160A-541, upon finding that there is no longer a need for a particular service district, the governing body may abolish the district after holding a public hearing. It was noted that abolishing the District will not affect water or sewer services.

**MOTION**

Commissioner Judge motioned to adopt the resolution abolishing the Stumpy Point Community Water and Sewer District as presented, Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – CONSENT AGENDA**

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

**MOTION**

Commissioner Judge motioned to approve the Consent Agenda:

- 1) Approval of Minutes (05.04.15) **(Att. #5)**
- 2) Road Request – Marlin Drive & Marlin Ct., Marlin Village Subdivision, Frisco **(Att. #6)**
- 3) Resolution for Approving Local Water Supply Plan **(Att. #7)**
- 4) Old Swimming Hole Lifeguard Services Contract
- 5) Tax Collector's Report

Commissioner Boswell and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – 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](http://www.darenc.com).

Commissioner Burrus – None

Commissioner Boswell – Proposed that the time allocated during Public Comments be increased to 5 minutes per person. She also reported on an open forum meeting, which provided good community input regarding possible consolidation of the Oregon Inlet Task Force and the Waterways Commission. She noted that a future session will be held in the evening so that fishermen can attend. Commissioner Boswell raised the issue of navigation lights and buoys at Oregon Inlet and how vital safety information can best be distributed. It was suggested that NCDOT Board Member Malcolm Fearing may be able to help with the navigational lights on the Bonner Bridge and the County Manager said he would have the Emergency Management Coordinator reach out to the Coast Guard. Commissioner Boswell asked for a letter to Fred Mills regarding use of his building for the legislative fish fry in Raleigh.

Commissioner Judge – reported on a meeting he attended of the Coastal Studies Institute (CSI) Board of Trustees. He said this was their first meeting since becoming part of East Carolina University. He mentioned an upcoming meeting with staff from Senator Burr's office to have a listening session with representatives from the Towns, the Chamber of Commerce, the Tourism Board, and the Board of Commissioners on the subject of offshore drilling and energy exploration.

Commissioner Umphlett – talked about the ribbon cutting ceremony earlier today for the North End Park on Roanoke Island. She shared comments that were made by NCDOT Board Member Malcolm Fearing regarding the health and wellness benefits provided by this type of infrastructure and its economic benefit to the community.

Vice-Chairman Overman – provided some background about the North End Park and recalled visiting the site with former Commissioner Virginia Tillett. He thanked the Parks & Recreation Department and Buildings & Grounds for the excellent work they have done on the site. The Vice-Chairman gave details about the Division of Marine Fisheries meeting that is being held this week on a proposal to restrict the catch of southern flounder. He encouraged people to attend and let their voices be heard.

Chairman Woodard – reported on a recent Dare County Bombing Range Advisory Committee (DBRAC) meeting and outlined dates of upcoming hunts. He added that a new gate is being developed and that it was a productive meeting. The Chairman mentioned Governor McCrory's proposal to Connect NC and asked that it be added to an upcoming agenda for the Board to consider a resolution of support. Chairman Woodard reminded the Oregon Inlet Task Force/Waterways Consolidation Committee of their mission and focused them on it by reading the minutes of the previous Commissioner's meeting where he initially outlined their assignment.

**MANAGER'S/ATTORNEY'S BUSINESS – None**

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

**MOTION**

Commissioner Judge motioned to adjourn the meeting.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

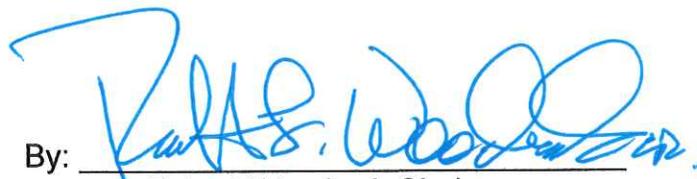
At 7:40 p.m., the Board of Commissioners adjourned until 9:00 a.m., June 1, 2015.



APPROVED:

Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners