



# 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., November 16, 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](http://www.darenc.com).

Chairman Woodard called the meeting to order at 5:01 p.m. and asked for a moment of silence for the people of France in the wake of recent terrorist attacks. Afterward he invited the Rev. David Morris from the Unitarian-Universalist Congregation of the Outer Banks to share a prayer, and then he led the Pledge of Allegiance to the flag.

### EMPLOYEE OF THE MONTH – NOVEMBER 2015

Russell Kiddy from the Public Works Department received the Employee of the Month certificate for November 2015 from Clyde Gard who described the helpful way that Mr. Kiddy serves by dependably handling any job that needs to be done.

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

Chairman Woodard gave a follow-up report on what has transpired since the last meeting. He mentioned that he and others spoke at a recent meeting of the Chamber's Leadership Group. The Chairman explained that he, Commissioner Shea, and County Manager Outten met with Currituck County officials to discuss economic development opportunities. He added that an economic development meeting was also held with Karen Brown of the Outer Banks Chamber of Commerce. Chairman Woodard reported on the recent Commissioner tour of the Hatteras Island schools. He said we are fortunate to have good school leaders and administrative staff, and quality teachers. In commemoration of Veterans Day, Chairman Woodard asked all Veterans in the

audience to stand and be recognized. He also thanked all county employees who have served in the military. He commented on the death of Board of Education Member David Oaksmith calling him a true patriot who was devoted to the education of our children. The Chairman described the work that is underway at Hatteras Inlet and gave a status report on activity at Oregon Inlet. He informed everyone that no action will be taken tonight concerning the agenda item to discuss a possible Tax Service District related to the Buxton beach nourishment project. He explained that although information will be presented tonight by the County Manager, there will be ample time for public comments before any decision is made. 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. Kathy Pettit of Salvo advised the Board that education is the key to getting the word out more effectively about the impact of possible consequences concerning rezoning of the Rodanthe, Waves, and Salvo villages. She said most people are opposed to it and more restrictions make people feel like they do not have a say.
2. Ron Tasso, President of the Kinnakeet Shores Property Owners' Association, said their 163 property owners are directly impacted by beach erosion problems in Avon. He reported that Joe Thompson and his businesses are also concerned about this. He asked the Board to be proactive regarding beach erosion in Avon.
3. Eric Stump with two Salvo businesses said the people, especially the long-time residents, are generally opposed to any further zoning regulation. He said not many will benefit from further zoning and urged a more common sense approach for the small, unique community rather than unneeded outside regulation.
4. Joe Wells said it was his right to say no to zoning. He explained that zoning will add more expense to his automotive related business. He urged the Board to keep things uncomplicated and help the people who are struggling. He also reported that the Water Plant is contaminating the nearby creek.
5. Ross Riley outlined problems with the Red Wolf Program. He said it has had an impact on deer, wild turkey, and quail. He added that heartworms are taking a toll on the species and reported that coyotes are interbreeding with red wolves. With people's livestock being killed, he called for an end to the program.
6. Pat Weston, on behalf of Avon property owners, asked the Board to remember that all of Hatteras Island is threatened by beach erosion. She recommended that a study be done from the northern villages to Hatteras Village so that a proactive plan can be developed instead of waiting until something dire happens.

### **ITEM 3 – PRESENTATION FROM HYDE COUNTY ON FERRY TOLLING**

Bill Rich, Hyde County Manager, asked the Dare County Board to rescind their vote supporting tolling of the Hatteras to Ocracoke ferry route. He explained that the replacement of ferry vessels should go before the North Carolina General Assembly and not have to be funded by the Rural Planning Organization (RPO). Mr. Rich said Hyde County is like a little brother to Dare County and as such, faces the same challenges. Commissioner Judge noted that opposing ferry tolling is not a criticism of NCDOT or the Governor and asked the Board to reverse its position.

#### **MOTION**

Commissioner Judge motioned to reverse the Board's decision of Oct.19, 2015 and adopt a position in opposition of tolling on the Hatteras to Ocracoke ferry route, and to encourage the RPO to stand strong in their position that the North Carolina Legislature should resolve this issue and not pass the ferry toll burden to the RPO.

Commissioner Burrus seconded the motion

There was lengthy Board discussion that is available for viewing on the county website.

VOTE: AYES: 2 (Commissioners: Judge and Burrus)

NOES: 5 (Commissioners: Woodard, Overman, Shea, Boswell, and Umphlett)

Motion failed in a 5 to 2 vote

During discussion, Commissioner Burrus said NCDOT is an important part of our community; however, they are wrong on the issue of ferry tolling. Commissioner Shea explained that the consensus at the recent RPO meeting was to not vote on tolling so that the North Carolina legislature could address ferry funding. Chairman Woodard noted that the Board's previous vote on this issue was based on information it had from NCDOT and was designed to give our RPO representative guidance if the matter came up for action at the RPO meeting. Vice-Chairman Overman outlined options that may need to be considered if the North Carolina Legislature is unable to do something about ferry funding. Commissioner Burrus said voting for tolling is a vote against the citizens of southern Hatteras Island. Commissioner Shea said the vote was not against the economic interest of Hatteras Island and Vice-Chairman Overman added that we stand with the people of southern Dare County whether or not there is ferry tolling.

### **ITEM 4 – TOURISM BOARD REQUEST CONSENT FOR SPENDING FROM RESTRICTED FUNDS**

Tim Cafferty, Chairman of the Dare County Tourism Board and Lee Nettles, Executive Director, of the Outer Banks Visitors Bureau presented two requests for spending from Restricted Funds. Mr. Cafferty outlined \$300,000 in Short Term requests (line item 4100) including \$50,000 for the Hatteras Island Ocean Center, and \$250,000 for Phase 1 of the Town of Nags Head's Dowdy Park project. He noted that the awards are reimbursable grants.

#### **MOTION**

Commissioner Judge motioned to approve a total of \$300,000 in Short Term Restricted Fund spending requests as presented with \$50,000 for the Hatteras Island Ocean Center, and \$250,000 for Phase 1 of the Town of Nags Head's Dowdy Park project.

Commissioner Umphlett and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Mr. Nettles described a request for line item 4525 for up to \$428,000 for initial work on Phase 2 and a portion of Phase 3 of the Soundside Event Site. He said this will address an open-air pavilion and provide additional parking.

**MOTION**

Vice-Chairman Overman motioned to approve the request for line item 4525 for up to \$428,000 for initial work on Phase 2 and a portion of Phase 3 of the Soundside Event Site as presented.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – RODANTHE, WAVES, SALVO ZONING (Att. #1)**

Planning Director, Donna Creef, summarized steps that have been taken to develop a draft of use-specific zoning for the villages of Rodanthe, Waves, Salvo (RWS) that are now zoned S-1, which permits all uses. She explained that notices have been sent and reported on the outcome of community meetings that have been held. Ms. Creef said in view of the wishes expressed by the community; the Planning Board voted to recommend that the S-1 zoning for RWS be kept in place with no changes. Chairman Woodard and other Commissioners thanked those who spoke on this issue and complimented Ms. Creef and the Planning Board for their efforts.

**MOTION**

Commissioner Shea motioned to accept the Planning Board's recommendation that the S-1 zoning for Rodanthe-Waves-Salvo be kept in place with no changes.

Commissioner Burrus and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – DISCUSSION OF A TAX SERVICE DISTRICT FOR UNINCORPORATED DATE COUNTY**

County Manager, Robert Outten, outlined the steps required by the North Carolina General Statutes in order to establish a Tax Service District related to the Buxton beach nourishment project. He reviewed the current tax rates for Dare County and its municipalities. He also described possible alternatives for defining a service district. Mr. Outten fielded Commissioner questions and explained that if one part of the county is taxed rather than another, the benefit to the taxed area must be specified. Following the County Manager's presentation there was no action taken by the Board. However, Chairman Woodard indicated that Commissioners will be thinking about this issue and the material that was presented.

**ITEM 7 – MEETING DATES FOR 2016**

The County Manager offered a list of dates for the 2016 regularly scheduled meetings of the Dare County Board of Commissioners.

**MOTION**

Commissioner Judge motioned to adopt the 2016 meeting schedule as presented.

Commissioner Shea and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

### **ITEM 8 – 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 (11.02.15) **(Att. #2)**
- 2) DCDHHS, Public Health Division, Drug Screenings for Municipalities
- 3) Amendment to Section 14 of the FY2016 Budget Ordinance **(Att. #3)**
- 4) FY2016 Lease for Computer Equipment
- 5) Tax Collector's Report

Commissioner Judge seconded the motion.

VOTE: AYES unanimous (Commissioner Burrus was out of the room during voting on this item)

### **ITEM 9 – BOARD APPOINTMENTS**

- 1) Airport Authority

Commissioner Shea motioned to approve the recommendation of the Airport Authority by appointing Jack Thomson to fill the seat held by Deke Bolte with a term to expire in August 2018.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous (Commissioner Burrus was out of the room during voting on this item)

### **ITEM 10 – 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).

Vice-Chairman Overman – clarified dates for the school tours by outlining when the Rachel's Challenge program will be presented at county schools. He described the utility line problem effecting Hatteras Inlet dredging and described the steps that are being taken. He also commented on the opportunity he had to make remarks at the dedication ceremony for the Keepers of the Light Amphitheater. Russell Kiddy was congratulated on receiving the Employee of the Month Award. The Vice-Chairman reported on his tour of Cape Hatteras schools and described the impressive work that is being done by the students. He reported on grant opportunities offered by Trillium Health Resources.

Commissioner Boswell – congratulated Employee of the Month Russell Kiddy. She said the Oregon Inlet Task Force will be meeting in the morning and described dredging activity that is underway at Hatteras Inlet and Oregon Inlet. She noted that the Memorandum of Agreement (MOA) is still being worked on. Commissioner Boswell reported that she has had very positive dealings with the SPCA and made a suggestion to help increase awareness about adopting and fostering animals. The County

Manager indicated that the Public Relations Department may be able to help by increasing the SPCA's exposure on the Dare County website.

Commissioner Judge – expressed appreciation for the moment of silence that was observed for the people of Paris. He remarked on the recent observances in the community that honored Veterans. Commissioner Judge then read an eloquent and powerful speech written by an eighth grade student on the meaning of Veterans Day. Afterward, with grandfatherly pride he announced that it was written by his granddaughter Emily Grace Dixon.

Commissioner Umphlett – acknowledged the Employee of the Month Russell Kiddy. With the Thanksgiving Holiday just a few days away, she expressed her gratitude for the freedoms we have living in the United States. She added that she considers it a blessing to live in Dare County. Commissioner Umphlett said we need to thank our Creator for the number of years that we have been spared the type of violence that the people of Paris recently suffered.

Commissioner Burrus – clarified the definition of the area being dredged when referring to Hatteras Inlet. He said in addition to Buxton, there are other Hatteras Island locations that have beach erosion problems. He said he is glad the Board is moving slowly on whether to create a Tax Service District related to Buxton beach nourishment. He added that he is not happy about the idea that an additional tax may be coming. Commissioner Burrus asked the County Manager to check on the water runoff problem at the Rodanthe water plant that was identified during Public Comments. He concluded by wishing everyone a Happy Thanksgiving and thanked those who will be working in soup kitchens and helping those who are less fortunate.

Commissioner Shea – congratulated Russell Kiddy on receiving the Employee of the Month Award. He noted that employees like Mr. Kiddy are responsible for making Dare County such a great place to live, work, and raise families. Commissioner Shea reported on economic development meetings that have been held with representatives of Currituck County, the NC State Industry Expansion Solutions, and the Economic Development Program at UNC. He also wished everyone a Happy Thanksgiving.

Chairman Woodard – acknowledged Employee of the Month Russell Kiddy. He commented on the funeral service for David Oaksmith, which caused him to reminisce about his Father. The Chairman noted that Thanksgiving is his favorite holiday and read a Thanksgiving message that he will be sending to all Dare County employees.

## **MANAGER'S/ATTORNEY'S BUSINESS**

1. County Manager Outten described a ballot that he received from the U.S. Department of Agriculture Farm Service Agency concerning voting for a Farm Service Representative. He asked if any Commissioner was familiar with this. Otherwise, he said he would look into this item and bring it back to the Board.

2. Mr. Outten reported on talks that have been held with the Soil and Water District and the Coastal Federation concerning a possible cooperative arrangement to provide local soil and water services. He explained that the County has budgeted \$10,000 for this and rather than create another full time position, it may be advantageous to consider a Memorandum of Agreement (MOA) that would allow the Coastal Federation to hire someone as their employee who would then perform the soil and water duties for Dare County.

**MOTION**

Commissioner Shea motioned to approve entering into an MOA as described. Commissioner Burrus seconded the motion.

--- In discussing the motion questions were raised about whether the entities involved have equal purposes and how such an arrangement might work. It was the consensus of the Board that additional information was needed and the suggestion was made to have principals of the groups come to the next meeting and discuss this further. The motion was withdrawn by its maker along with the seconding of the motion.

3. The Manager shared good news that Dare County EMS has received its system certificate from the State of North Carolina. He said this reflects the hard work and dedication of the EMS Department that does a difficult job and performs it very well.
4. Mr. Outten asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege, and to approve the Minutes of the previous Closed Session

**MOTION**

Commissioner Judge motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

At 7:36 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 8:03 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes and gave the County Attorney guidance and took no other action.

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

**MOTION**

Vice-Chairman Overman and Commissioner Umphlett motioned to adjourn the meeting. Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

At 8:03 p.m., the Board of Commissioners adjourned until 9:00 a.m., December 7, 2015.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners