



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., December 7, 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.

Clerk to the Board, Gary Gross called the meeting to order at 9:02 a.m. He invited the Rev. Craig Peel to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – ELECTION OF CHAIRMAN (Att. #1)

The Clerk to the Board, Gary Gross, conducted the election. He explained that in accordance with Robert's Rules of Order, no second would be necessary for a nomination and four votes would be required to win election.

NOMINATION

Commissioner Shea nominated Commissioner Woodard for Chairman.

There were no other nominations.

VOTE: AYES – Seven votes by a show of hands

Commissioner Woodard was reelected Chairman by unanimous vote.

ITEM 2 – ELECTION OF VICE-CHAIRMAN (Att. #2)

Newly reelected Chairman Woodard conducted the election of Vice-Chairman.

NOMINATION

Commissioner Umphlett nominated Commissioner Overman.

There were no other nominations.

VOTE: AYES – Seven votes by a show of hands

Commissioner Overman was reelected Vice-Chairman by unanimous vote.

ITEM 3 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Dustin Walston, Sheriff's Office, received a 10-year pin.
- 2) David Saffell, Sheriff's Office, received a 10-year pin.
- 3) Mary Moynahan, Health & Human Services Dept., received a 15-year pin.
- 4) Deborah Parker, Health & Human Services Dept., received a 15-year pin.
- 5) Jack Flythe, Health & Human Services Dept., received a 30-year pin.

ITEM 4 – EMPLOYEE OF THE MONTH – DECEMBER 2015

Leigh Bracy received the Employee of the Month award from Melanie Corprew who described the many ways that Ms. Bracy is an asset to the Social Services Division of the Health and Human Services Department.

ITEM 5 – OPENING REMARKS – CHAIRMAN'S UPDATE

Chairman Woodard gave a follow-up report on what has transpired since the last meeting. He began by calling for a moment of silence in honor of the Paris and San Bernardino victims of terrorism and for Brianna Blumenthal and the driver of the vehicle that was involved in the accident that claimed Bri's life. Chairman Woodard then asked Gwen White, Becky Cade, and Leigh Bracy to join him at the podium to talk about the Outer Banks Woman's Club effort to provide Christmas gifts to local children in need. The Chairman reported that Dare County is working with the Towns of Kill Devil Hills and Nags Head to obtain 100 bicycle helmets for children through an NCDOT initiative. He cited statistics documenting the effectiveness of wearing helmets while cycling and thanked NCDOT Board Member Malcolm Fearing for this program and for his report that NCDOT will be making some changes at the intersection where Bri Blumenthal lost her life. Chairman Woodard summarized the latest Consolidation Committee meeting, gave an update on beach nourishment projects, and recapped work that is being done on economic development. The Chairman commended the Town of Manteo for their Christmas tree lighting and parade. A complete video account of the Chairman's update can be seen on the Dare County website www.darenc.com.

ITEM 6 – 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. Jamie Reibel, on behalf of North Carolina Watermen United, thanked the Board for their efforts to keep Dare County inlets open for fishermen. He commented on the recent decision of Marine Fisheries Commission to use the Supplement Process to restrict the harvest of southern flounder. On a personal note, he commended the Dare County Home Health staff for the wonderful way they helped him during his recovery.

ITEM 7 – PLAQUE PRESENTATION TO THE DARE COUNTY CENTER

Gail Sonnesso presented a plaque to Sandy Scarborough and the staff of the Dare County Center in recognition of their work to support people living with dementia. Ms. Sonnesso commended the Dare County Center staff for proactively addressing the challenges facing those living with dementia.

ITEM 8 – SOIL AND WATER CONSERVATION – MEMORANDUM OF AGREEMENT

The County Manager gave an overview of Dare County's recent history regarding soil and water conservation services. He outlined an arrangement whereby these services could be provided through a partnership arrangement with the North Carolina Coastal Federation. He said the cost to the County would be \$6,400 and not the \$10,000 amount that was listed in the Board's meeting packet. Mr. Outten described the renewal and termination provisions of the Memorandum of Agreement (MOA). Erin Fleckenstein, Coastal Scientist and Regional Manager with the North Carolina Coastal Federation, presented a PowerPoint showcasing various soil and water conservation programs that have been done in Dare County. Commissioner Boswell said the County's soil and water services should be separate from the Coastal Federation because the County does not always see eye to eye with them. Mr. Outten clarified how the soil and water services were delineated in the MOA and noted that Planning Department staff will continue to monitor these activities. Vice-Chairman Overman suggested that periodic updates from the Coastal Federation would be beneficial.

MOTION

Commissioner Judge motioned to approve the Memorandum of Agreement with a change in Dare County's amount from \$10,000 to \$6,400 as outlined by the County Manager.

Commissioner Shea seconded the motion.

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

NOES: 1 (Commissioner Boswell)

Motion carried in a 6 to 1 vote

ITEM 9 – DARE COUNTY REPETITIVE LOSS AREA ANALYSIS (Att. #3)

Planning Director Donna Creef presented the Repetitive Loss Area Analysis (RLAA) as part of the County's Community Rating System (CRS) program. She said the analysis follows the five-step process outlined in the 2013 CRS manual and summarized it with a PowerPoint presentation.

MOTION

Commissioner Judge motioned to approve the 2015 Repetitive Loss Area Analysis for unincorporated Dare County as prepared by the Dare County Planning Department and the resolution adopting it.

Commissioner Burrus and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – REQUEST FOR HEARING – 2015 S-8 SUPPLEMENT TO CODE OF ORDINANCES

The Planning Director said an Ordinance update is needed in order to incorporate all the recent amendments that have been adopted by the Board but not yet included in the published Code of Ordinances. Ms. Creef recommended that a Public Hearing be held on the complete S-8 supplement to the Code of Ordinances.

MOTION

Commissioner Judge motioned to schedule a Public Hearing for 5:30 p.m., on Monday, December 21, 2015.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PRESENTATION OF FY2015 AUDIT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director David Clawson and Bob Taylor a Partner with Potter & Company presented the 2015 audit results and Comprehensive Annual Financial Report (CAFR). Mr. Taylor informed the Board that 2015 was a very good audit year and commended Dare County's finance staff for their excellent work. He said his auditing firm was giving an opinion on the audit without any qualifications or exceptions. Mr. Taylor reported that progress has been made in the General Fund balance attributable to an improving economy and good financial management by Dare County. Mr. Clawson gave a PowerPoint presentation on the CAFR that included details about the County's various funds and highlighted changes in revenues and expenditures. He noted that the General Fund experienced a \$1,771,914 increase and reported an improvement in the Insurance Fund balance deficit of \$682,065. The audit presentation can be viewed in its entirety at the Dare County website www.darenc.com.

RECESS: 11:09 a.m. – 11:20 a.m.

ITEM 12 – BUDGET AMENDMENT TO MOVE UNUSED LAND TRANSFER TAX FUNDS BACK TO THE CAPITAL RESERVE FUND

The Finance Director presented a Budget Amendment to move unused Land Transfer Tax funds back to the Capital Reserve Fund. He reviewed school capital projects from 2001 to 2007 and identified \$457,205 as the amount to be transferred.

MOTION

Vice-Chairman Overman motioned to approve the Budget Amendment to return the Restricted Land Transfer Tax Funds back to the Capital Reserve Fund.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 13 – RECOMMENDATIONS FROM THE CAPITAL IMPROVEMENTS PLANNING COMMITTEE

The County Manager asked Tim White from the Parks and Recreation Department to brief the Board on the skateboard park project for the Fessenden Center. Mr. White said five firms responded to the Requests for Qualifications (RFQ's) for the design build of the project and explained how they were evaluated by staff. It was noted that the Capital Improvements Planning Committee (CIPC) reviewed the staff's evaluation and recommended Artisan Skateparks of Kitty Hawk as the design build firm for the project.

MOTION

Commissioner Burrus motioned to approve the recommendation of the Capital Improvements Planning Committee and select Artisan Skateparks of Kitty Hawk, NC as the Design Build firm for the Skateboard Park planned for the Fessenden Center. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

County Manager Outten reported that costs need to be trimmed for the E911/EOC Building project because the construction management firm has received bidding that is in excess of the architect's design estimate by approximately \$3,000,000. It was explained that this is due to improving economic conditions in the construction industry. Mr. Outten said staff and the CIPC has reviewed the project plans and identified a list of items that can be changed for a net cost savings of \$916,171. He presented an analysis that showed how the remaining amount would be funded with \$1,212,376 to be financed. He noted that staff is still evaluating other possible cost reductions including an effort to determine whether glass can be used that meets the North Carolina code rather than the international code. He said any further cost savings would reduce the amount to be borrowed.

MOTION

Vice-Chairman Overman motioned to approve the design changes recommended by the Capital Improvements Planning Committee for the E911/EOC Building project and authorize the County Manager to make further cost savings changes that may be possible and approve the use of glass that meets the State code rather than the International code if possible.

Commissioner Shea and Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 14 – ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

The County Manager presented an amendment to the Authority's charter resolution to add Washington County to the Solid Waste Management Authority and make it easier to add future members, which provides a cost savings.

MOTION

Commissioner Judge motioned to approve the amendment to the Resolution establishing the Albemarle Regional Solid Waste Management Authority and add Washington County as a member of the Authority.

Commissioner Boswell and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 15 – DARE COUNTY FARM LEASE

Mr. Outten reported that two responses were received for the Request for Proposal (RFP) for tenants to lease county owned farm land. The current tenant, Alexander Farms, proposed an annual lease amount of \$18,140. The other proposal was from Sow and Reap Farms for \$29,663. The Manager asked Commissioners to select one of the proposals and authorize staff to publish the required public notice and bring the matter back to the Board at a later date for approval.

MOTION

Commissioner Judge motioned to select Sow & Reap Farms LLC and authorize the publication of the required public notice.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 16 – 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 (11.12.15 & 11.16.15) **(Att. #4)**
- 2) Engagement of Outside Counsel for Property Tax Appeal

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 17 – BOARD APPOINTMENTS

1) Board of Equalization and Review

Commissioner Shea motioned to reappoint Skip Jones, Bette Gray, Talmadge Jones, Terry Gore, and Michael Davenport.

Commissioner Burrus and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

2) Nursing Home Community Advisory Council

Commissioner Umphlett motioned to reappoint Cyrithia Kalongi.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3) Special Motor Vehicle Valuation Review Board

Commissioner Shea motioned to reappoint Wally Overman, Dock Sawyer, and Lori Hageman.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

The upcoming Board appointments for January, February, and March were announced.

ITEM 18 – 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 Shea – congratulated the service pin recipients and the Employee of Month. He reported on the recent meeting of the Albemarle Solid Waste Management Authority where he voted to admit Washington County to the group. Commissioner Shea reported that economic development talks are ongoing with the NC State as part of the effort to attract jobs to Dare County.

Vice-Chairman Overman – shared remarks he made at the recent meeting of the Marine Fisheries Commission when they enacted the Supplement Process to restrict southern flounder. He explained how this will have a devastating effect on all coastal counties and presented a resolution condemning the action.

MOTION (Att. #5)

Vice-Chairman Overman motioned to approve a resolution condemning the action of the North Carolina Marine Fisheries Commission to use the Supplement Process to restrict southern flounder.

Commissioners Burrus, Shea, and Judge seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Overman also reported on NCDOT’s dredging progress at Hatteras Inlet and thanked them for their efforts. He described a letter that Senator Bill Cook sent to Colonel Landers at the U.S. Army Corps of Engineers asking that the Corps amend the existing Federal Authorization to be more inclusive of the entire Hatteras Inlet waterway. The Vice-Chairman said a resolution from the Board of Commissioners might be helpful and asked for approval to have one created and authorize the Chairman to approve and sign it for distribution.

MOTION (Att. #6)

Commissioner Burrus motioned to have a resolution created asking the Corps to amend the existing Federal Authorization for Hatteras Channel/Inlet and authorize the Chairman to approve and sign the resolution.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Umphlett – urged the community to support the Christmas toy drive that is underway at the Dare County Center. She complimented Food for Thought on the large number of students they serve and provided their contact information so people can be supportive. Commissioner Umphlett provided details and statistics about the scope of work that is done by the dedicated staff of social workers at the Dare County Health and Human Services Department. She noted that Dare County is taking care of the elderly and doing things for youth and children in the community. She called on everyone to be givers during this Christmas season.

Commissioner Judge – commented on the Marine Fisheries Commission (MFC) action that Vice-Chairman Overman referenced in his remarks. Commissioner Judge said the MFC has become a toy for special interest groups rather than protecting the jobs of our fisherman. He expressed hope that the Board's resolution will help change this crime that has been committed against our commercial fishermen. Commissioner Judge also provided background information about skateboard parks in Dare County.

Commissioner Boswell – complimented the SPCA and called on the County to provide them greater exposure. She expressed her appreciation of the Board's action to support local fishermen regarding the restrictions on southern flounder. Commissioner Boswell remarked on the successful 5 on 5 meetings that have been held with the Board of Education. She commented on the work of the Oregon Inlet Task Force and its proactive dredging plan, which is the first that Brigadier General Turner at the Army Corps of Engineers has ever seen. In looking back over the past year, she said the Board of Commissioners has increased public involvement, improved its funds, and prioritized fiscal accountability. Commissioner Boswell congratulated the service pin recipients and the Employee of the Month.

Commissioner Burrus – thanked the service pin recipients and the Employee of the Month. He reminded everyone that today is Pearl Harbor Day and thanked all those who risked their lives and served. He commented on the CAMA permits that have been received on the beach nourishment projects. Commissioner Burrus said he looks forward to the dredging of Hatteras Inlet and noted that the Waterways Commission will be asking the Visitor's Bureau for money to conduct a study on the economic impact of Hatteras Inlet. Commissioner Burrus commented on the Marine Fisheries Commission saying we need to say no to their misguided effort to take away net fishing, which hurts our watermen as well as seafood consumers. He thanked the Board for its vote on the Stakeboard Park for the Fessenden Center. Commissioner Burrus concluded his remarks by saying that he has decided not to seek reelection due to ongoing health issues. He said it has been an honor to serve the people and thanked everyone for their support. He said he will complete his current term as the District 4 Commissioner and continue serving to the best of his ability. Commissioner Judge and Chairman Woodard thanked Commissioner Burrus for his service.

Chairman Woodard – thanked the Board for reelecting him as Chairman. He called on everyone to be extra diligent while driving during the holiday season. He said he is looking forward to the County's participation in the NCDOT initiative to provide bicycle helmets for children. He thanked Vice-Chairman Overman for the resolution to help our fishermen regarding southern flounder. He expressed thanks for the efforts that have been made for dredging of both Oregon Inlet and Hatteras Inlet. Chairman Woodard announced that in the coming year he will be giving a stewardship report and that he would like to conduct another Town Hall Meeting to help set goals and objectives for 2016.

MANAGER'S/ATTORNEY'S BUSINESS

1. County Manager Outten summarized activity that is underway to submit a timely application for the program referenced earlier for children's bicycle helmets.
2. Mr. Outten identified a contact in the North Carolina Department of Commerce that may be able to help Dare County pursue economic development opportunities.
3. In follow-up on an item from the last meeting, the Manager reported on research he has done on the ballot the County received from the U.S. Department of Agriculture Farm Service Agency concerning voting for a Farm Service Representative. By consensus, the Board agreed not to vote on the ballot.

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

MOTION

Commissioner Shea motioned to adjourn the meeting.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

At 12:31 p.m., the Board of Commissioners adjourned until 5:00 p.m., Dec. 21, 2015.



APPROVED:

Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners