



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., January 7, 2019

Commissioners present: Chairman Robert Woodard, Vice Chairman Wally Overman
Rob Ross, Steve House, Jim Tobin, Danny Couch, Ervin Bateman

Commissioners absent: None

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 9:06 a.m. He invited Rev. Tom Wilson to share a prayer, and then he led the Pledge of Allegiance to the flag.

Note – some agenda items were handled out of sequential order to accommodate the time specific Public Hearing scheduled for 10:00 a.m. & the presentation of the audit at 11:00 a.m.

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 –

- Provided information about a special presentation he is taking to civic groups, service organizations, parent-teacher associations, and others about the affordable educational opportunities that are available for Dare County students at The College of the Albemarle.
- Announced that he and the County Manager will be going to Raleigh next week to represent Dare County at the NCACC Legislative Goals Conference for 2019.
- Invited everyone to attend the upcoming celebration of the life and vision of Dr. Martin Luther King, Jr. at the Dare County Center. He said he was honored to be asked to be the guest speaker for this year’s event and thanked the Lewis family for faithfully hosting this important community gathering for 28 years.
- Gave details about the “State of Our County” stewardship presentation that he will be giving at an upcoming breakfast hosted by the Outer Banks Chamber of Commerce.
- Reported on the recent swearing in ceremonies for Sen. Steinburg and Rep. Hanig.

- Presented a certificate of appreciation to Emanuel Davis for his outstanding record of achievements as a Canadian Football League All-Star. The Manteo High School graduate and East Carolina University football star was commended for being a good role model.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Allison Woodard, Social Services, received a 10-year pin.
- 2) Kenneth Melton, Detention Center, received a 15-year pin.

ITEM 3 – EMPLOYEE OF THE YEAR – 2018

Tom Hollis and Ray Griggs, on behalf of the Employee of the Month Committee, introduced all the 2018 Employees of the Month before announcing Michael Hill from Dare MedFlight as the 2018 Employee of the Year.

ITEM 4 – EMPLOYEE OF THE MONTH – JANUARY 2019

Jeff Deringer received the Employee of the Month award from Sheriff Doug Doughtie who described the many ways that Major Deringer is an asset to the Sheriff's Office.

ITEM 5 – 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 –

There were no comments made in Manteo –

The following comments were made in Buxton –

1. Grace Hallenbeck asked the Board to provide a printed copy of information pertaining to Public Hearings when they are scheduled on the meeting agenda. She said since the Fessenden Annex is an extension of the Commissioner's meeting room, the Board has an obligation to provide a printed copy of information which will help citizens to be better informed to make comments about the subject matter of the Public Hearing.

ITEM 6 – PRESENTATION FROM THE COASTAL STUDIES INSTITUTE

Dr. Reide Corbett, Executive Director of the Coastal Studies Institute (CSI), provided an update on the programs and strategic areas of interest at the multi-institutional coastal and marine science partnership. He outlined academic and public education programming at CSI and course offerings for students in grades 5 through 12. He also briefed the Board on plans to expand faculty at the Institute. Commissioner Tobin asked if CSI has any plans to address housing as part of their faculty expansion. Dr. Corbett said they are working to address this issue. Vice Chairman Overman asked whether CSI could undertake research on beach stabilization such as hard structures, which currently are not allowed. Dr. Corbett explained the challenges in directing individual researchers and noted that a lot of work needs to be done to understand both ocean and soundside dynamics. The Vice Chairman emphasized that stabilization needs to be considered so our nourished beaches can last longer.

ITEM 7 – MONDAY NIGHT ALIVE – FUNDING REQUEST

The County Manager introduced Betty Selby representing the Monday Night Alive program. Ms. Selby gave a history of the community based tutoring program for students in grades 3 through 12, many of which she said are considered at-risk. Mr. Outten noted that the group is not currently funded by the County and reported that Ms. Selby often has to buy supplies and other needed resources out of her own pocket. The Board was asked to consider providing \$1,500 in funding with an appropriate budget amendment subject to the group submitting the required application and documentation. In discussing the request, many Commissioners commented on the positive work that is done by Monday Night Alive.

MOTION

Vice Chairman Overman motioned to approve \$1,500 in funding and authorize any necessary budget amendments subject to the Monday Night Alive program submitting the required application and documentation.

Commissioner Bateman seconded the motion.

During discussion of the motion, Commissioners expressed willingness to increase funding beyond the requested amount of \$1,500 in order to help the students of Dare County. The original motion was withdrawn and replaced by the following motion - - -

MOTION

Commissioner House motioned to approve \$3,000 in funding and authorize any necessary budget amendments subject to the Monday Night Alive program submitting the required application and documentation.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 8 – HATTERAS RECYCLE LLC PROPOSAL FOR REDUCING TIPPING FEES

Mr. Outten explained that Hatteras Recycle, as a private firm on Hatteras Island, diverts approx. 425 tons of material from going to the landfill. It was noted that the tipping fee for disposing recycled material has increased dramatically to the point that Hatteras Recycle may have to shut down, which would increase the tonnage that will have to be disposed of by the County at a cost of \$73 to \$85 per ton. Mr. Outten outlined a proposal from Hatteras Recycle whereby they would be able to continue offering their pay by the can service to consumers, if the County would pay them \$30/ton, which would represent a \$43/ton savings.

MOTION

Commissioner Tobin motioned to authorize the Manager to enter into contract with Hatteras Recycle as outlined, execute the agreement & approve any necessary budget amendments. Commissioner Couch seconded the motion.

VOTE: AYES unanimous

RECESS: 10:46 a.m. – 11:03 a.m. During the recess Commissioner Tobin needed to leave the meeting

ITEM 9 – GOLF CARTS IN MARTIN’S POINT AND MANNS HARBOR

Planning Director Donna Creef reported that requests have been made to allow the operation of golf carts in Martin’s Point and Manns Harbor. She noted that although the roads in Martin’s Point are private, they are patrolled by the Dare County Sheriff’s Office. Ms. Creef

outlined what roads might be appropriate for golf carts in Manns Harbor. She explained that in order to allow golf cart operation in Martin's Point and Manns Harbor it would require Board approval of amendments to Chapter 100 of the Dare County Code of Ordinances. Ms. Creef recommended that a Public Hearing be scheduled for 5:30 p.m., January 22, 2019.

MOTION

Commissioner House motioned to schedule a Public Hearing for 5:30 p.m., January 22.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

ITEM 10 – COMMERCIAL SERVICES ZONING DISTRICT – REVIEW OF USES

The Planning Director explained that the Planning Board has reviewed each of the permitted and conditional uses in the Commercial Services Zoning District, which applies only to the Colington area. She outlined a series of changes recommended by the Planning Board and asked that a public hearing be scheduled for 5:30 p.m., January 22, 2019.

MOTION

Vice Chairman Overman motioned to schedule a Public Hearing for 5:30 p.m., January 22.

Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

ITEM 11 – FLOOD MAP UPDATE

Planning Director Donna Creef explained that the County is now waiting for FEMA to issue a letter of final determination on the new flood maps. Ms. Creef reported that the State Floodplain Mapping Office has indicated that FEMA may be issuing final determination letters for several North Carolina counties in April 2019. She noted that Dare County could be included in this group, but the State is doubtful that FEMA can handle the workload if Dare County is included. She recommended that letters be sent to our delegation in Washington requesting their help in urging FEMA to release the Dare County maps in a timely way.

MOTION

Commissioner House motioned to authorize staff to draft letters to our congressional delegation for the Chairman's signature.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

ITEM 12 – NCDOT RIGHT OF WAY & TEMPORARY CONSTRUCTION EASEMENTS

The County Manager explained that NCDOT, on behalf of their Colington Road project, has asked for a Right of Way and Temporary Construction Easements at the County owned Water Tower site on Colington Road. He explained the terms of the offer, which will net Dare County \$14,825 and noted that the item has been favorably reviewed by both the County's Tax Appraisal Office and the Water Department.

MOTION

Vice Chairman Overman motioned to approve the Right of Way and Temporary Construction Easements and authorize the County Manager to sign all necessary documents.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

ITEM 13 – CONSULTING ASSISTANCE FOR LEGISLATIVE ISSUES

The County Manager asked whether the Board wanted to continue using a firm to provide assistance with legislative issues impacting Dare County. He presented a proposal from McGuireWoods Consulting to provide lobbying and government relations services for the period January through December of 2019 at a fixed fee of \$50,000 to be paid in \$5,000 monthly installments during the months of January through October.

MOTION

Vice Chairman Overman motioned to approve retaining McGuireWoods based on the quality of work that the firm has done for the County in the past and authorize the agreement. Commissioner Couch seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

ITEM 14 – PRESENTATION OF JUNE 30, 2018 AUDIT RESULTS AND COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director David Clawson introduced Bob Taylor, a Partner with Potter & Company, and together they presented a detailed report on the audit results and the County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2018. Commissioners were told that the unassigned fund balance in the General Fund was \$24,991,118 or 23.77% of General Fund expenditures, which is up from 19.86%, and exceeds the County's current policy range of 19% to 21%. It was also reported that the audit of Dare County's grant activity determined that there were no findings and no questioned costs. And, it was noted that the Insurance Fund no longer has a deficit. A report was also given on other County funds including the Water Fund and Beach Nourishment Fund. The Finance Director and his team were commended for the outstanding audit report that was given to the Board. The entire CAFR is available for viewing on the Dare County website.

ITEM 15 – PUBLIC HEARING – REVISION OF ORDINANCE CHAPTER 91

SECTION 91.033 – GENERAL CARE AND TETHERING OF DOGS (Att. #1)

At 10:16 a.m. the Board held a Public Hearing to receive input concerning this agenda item. 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 summary of citizen remarks, which can be viewed in their entirety in a video on the County website –

The following comments were made in Manteo –

1. Mandy Shapira informed the Board that while walking she had been attacked by a dog running loose with its owner. She explained that this incident resulted in cracked ribs and medical expenses and noted that this has happened to others. Ms. Shapira raised the issue of dogs being leashed and called for proper signs to be displayed.

The following comments were made in Buxton –

2. Sandy Dowdy described the layout of her property where her dog is on a cable run. She noted that there has never been a problem using a cable run. She told the Board that the 3-hour time limit on tethering is unacceptable and unrealistic. Ms. Dowdy added that more investigation is needed and the ordinance penalty is unacceptable.

Chairman Woodard closed the hearing at 10:21 a.m.

Health and Human Services Director Sheila Davies outlined the proposed changes to the Ordinance, which address the penalties for first and second offenses. She noted that the existing ordinance already provides that a dog may not be tethered for more than 3 hours. Vice Chairman Overman asked whether it would be reasonable to extend the time limit if a proper shelter was provided for a dog on a cable run. John Graves, from the SPCA Animal Shelter, outlined the potential dangers involved and recommended a 10 ft. by 10 ft. kennel instead. Ms. Davis advised that Animal Control and Sheriff Doughtie both approve of the proposed changes. Commissioner Ross agreed that the changes will make it a more effective ordinance.

MOTION

Commissioner Ross motioned to adopt the revised ordinance as presented.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 16 – 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 (12.03.18) **(Att. #2)**
- 2) NCDOT Colington Rd. Project – Agreement, Capital Project Ordinance, Budget Amendment **(Att. #3)**
- 3) Emergency Management LEPC & HSGP Grants
- 4) Systel Statement of Work

Commissioner Ross seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

ITEM 17 – BOARD APPOINTMENTS

- 1) Albemarle Commission – Board of Directors

Commissioner Couch motioned to reappoint Commissioner Rob Ross.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

- 2) Juvenile Crime Prevention Council

Commissioner Bateman motioned to appoint –

- o Jennifer Alexander to the vacant Business Community seat.
- o Melanie Gonzalez to the vacant Student Representative seat.

Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

- 3) Nursing Home Community Advisory Council

Commissioner Couch motioned to reappoint Mary Jernigan and Melissa McCarter.

Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

4) Older Adult Services Advisory Council

Vice Chairman Overman motioned to appoint Kenneth Bukantas.
Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

5) Dare County Tourism Board – 6 Appointments

Chamber of Commerce Representative - - -

Vice Chairman Overman motioned to reappoint Myra Ladd-Bone.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

Town of Duck Representative - - -

Vice Chairman Overman motioned to appoint Chuck Burdick.
Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

Hotel/Motel Association Representative - - -

Vice Chairman Overman motioned to appoint Jamie Chisholm.
Commissioner Couch seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

Town of Southern Shores Representative - - -

Vice Chairman Overman motioned to reappoint Christopher Nason.
Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

Town of Manteo Representative - - -

Vice Chairman Overman motioned to reappoint Bobby Owens.
Commissioner Couch seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

At-Large Representative - - -

Vice Chairman Overman motioned to reappoint Pat Weston.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

6) Upcoming Board Appointments

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

ITEM 18 – 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 Ross

- Thanked the Board for the action taken to revise the tethering ordinance.
- Gave an update on the search for a new Executive Director at the Albemarle Commission.
- Reported on the holiday Toy Night for kids at the Dare County Center and thanked staff.
- Congratulated all the employees that were honored today with service pins and awards.
- Asked about the status of the design contract for the new Animal Shelter and was told that it will be on the next meeting agenda.
- Commended Finance Director David Clawson, Sally DeFosse and the outstanding team in the Finance Department for a job well done on the audit.

Commissioner House

- Thanked the employees that were honored today and praised their caliber of service,
 - Expressed hope that 2019 will be even better than 2018.
 - Reported on his efforts to reorganize the Commission for Working Watermen.
- He outlined several proposed bylaw revisions and presented five names for appointment: (Commissioner Seat, Charter Boat Seat, 2 Commercial Fishing Seats, Science Advisor)
He noted that three additional names will be presented at a future meeting for: (Fish House Dealer with a 3-year term, Two Commercial Fishing Seats with 3-year terms)
In response to Commissioner House's request, the following motions were made - - -

MOTION

Commissioner House motioned to change the bylaws to add a non-voting Science Advisory Seat. Commissioner Bateman seconded the motion.
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Commissioner House motioned to change the bylaws to meet quarterly & as needed, not monthly. Vice Chairman Overman seconded the motion.
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Commissioner House motioned to change the bylaws to establish a quorum with 4 members, instead of 5, with the provision that in the event of a tie vote, the item will be tabled. Vice Chairman Overman seconded the motion.
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Chairman Woodard motioned to appoint Commissioner House & make him Chairman of the group. Commissioner Bateman seconded the motion.
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Chairman Woodard motioned to designate Commissioner House's appointment as a 2-year term. Commissioner Bateman seconded the motion.
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Commissioner House motioned to appoint Jamie Reibel, Charter Boat Capt., 2-year term. Commissioner Bateman seconded the motion.
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Commissioner House motioned to appoint Joe Wilson, Commercial Fisherman, 1-year term. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Commissioner House motioned to appoint Dewey Hemilright, Commercial Fisherman, 1-year term. Commissioner Couch seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

MOTION

Commissioner House motioned to appoint Sara Mirabilio, non-voting Science Advisor, 3-year term. Commissioner Couch and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

Vice Chairman Overman

- Congratulated service pin recipients, Employee of the Month & Employee of the Year.
- Reported to the Board on the wonderful Christmas celebration at the Baum Center.
- Described the nicely done anniversary ceremony at the Wright Brothers Memorial.
- Thanked Finance Director David Clawson and his team for their work on the audit.

Commissioner Bateman

- Expressed gratitude that the County's rainy day reserve fund is now nearly 24%.
- Said he looks forward to working together with everyone on the Board of Commissioners.
- Voiced appreciation for County employees and said recognizing them is a very good thing.
- Asked that consideration be given to naming the Bonner Bridge replacement in honor of Marc Basnight. He asked the Board to think about this, gather community input, and consider a resolution of support. Commissioners expressed willingness to receive community support and discussed a timetable for addressing it.

Commissioner Couch

- Gave a positive report on recent and current real estate market activity on Hatteras Island.

Chairman Woodard

- Reminded everyone about the upcoming event celebrating the life of Dr. Martin Luther King.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager gave an update on the contract status for the local dredge project. He told Commissioners that a final document will soon be ready for Board review and approval. Mr. Outten explained that because the dredge vessel is a ship, there is a need to engage the services of a legal firm with experience in admiralty law, which is a highly specialized field of practice. He asked the Board to authorize engaging a law firm he has located with admiralty law expertise to provide this service.

MOTION

Vice Chairman Overman motioned to engage the law firm as requested by the Manager. Commissioner House seconded the motion.

VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Bateman seconded the motion.

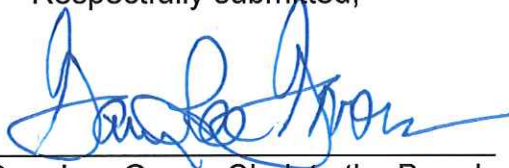
VOTE: AYES unanimous (Note: Commissioner Tobin was not present for voting on this item)

At 12:41 p.m., the Board adjourned until 5:00 p.m., Tuesday, January 22, 2019.



APPROVED:

Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners