



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., April 1, 2019

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

Commissioners absent: Jim Tobin

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.

At 9:01 a.m. the Chairman called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Tanta Luckhardt-Hendricks to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Woodard announced that Commissioner Tobin was unable to attend due to a flu related medical absence.

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 –

- Announced that Dr. Wynegar has resigned as President of the College of the Albemarle (COA) and said the Board of Trustees has a game plan for finding a replacement.
- Described a recent gathering of the municipal mayors where the topic of offshore drilling and seismic testing was discussed.
- Reported on a meeting with Roanoke Island residents to address NCDOT’s timetable for the stormwater engineering study. He said the full written report is expected in July and advised that the information will be shared with the public when it is received.
- Noted that we can now move forward with the new COA facility planned for Dare County because the construction bill has been cleared through the North Carolina Legislature. The Chairman also gave an update on the presentation he is giving to groups throughout the community encouraging students to attend COA.

- Briefed the Board on a recent presentation by Peg Howell who is a knowledgeable and articulate advocate against offshore drilling and seismic testing. The Chairman noted that Acting Interior Secretary David Bernhardt previously was a lobbyist for the oil industry and urged everyone to keep the pressure on in the effort to safeguard our coastline.
- Gave a report on a meeting that was recently held in Dare County with staff from Senator Tillis' office to show them first-hand the importance of our beaches.
- Advised that on April 15 the public comments video link to Buxton will temporarily move from the Annex Building back to the Fessenden Center in order to accommodate early voting. He noted that this is a temporary measure just for early voting, after which the video link will move back to the Annex Building.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Shelia Hassell, In Home Service Aid, received a 15-year pin.
- 2) Laura Youmans, Public Health School Nurse, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – APRIL

Emily Cunningham received the Employee of the Month award from Debbie Dutton and Marge Whitley who described the many ways that Ms. Cunningham is an asset to the Public Health Division.

ITEM 4 – PUBLIC COMMENTS

At 9:27 a.m. 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 all citizen remarks, which can be viewed in their entirety in a video on the County website –

The following comments were made in Manteo –

1. Rob Rollason spoke in support of jetties, which he said would help stabilize Oregon Inlet and benefit our commercial and recreational fishermen and boaters. He urged the Board to keep fighting on this because current inlet conditions are unacceptable.
2. Mike Burrus reported that he was terminated from his job at Dare County Public Works due to coming forward to report the theft of county materials. He said there are unqualified people in leadership positions and he called for the immediate resignation of the County Manager.

There were no comments made in Buxton –

The County Manager closed Public Comments at 9:32 p.m.

ITEM 5 – PROCLAMATIONS

WEEK OF THE YOUNG CHILD & CHILD ABUSE PREVENTION MONTH

Sara Sampson and Leigh Bracy appeared before the Board with two proclamations on behalf of the Children & Youth Partnership and Dare County Health & Human Services. They presented information about the Week of the Young Child Open House and showcased an "I Make a Difference for Young Children" sticker. They also provided details about activities

that will be featured at the upcoming KidsFest celebration. A photograph was displayed of an exhibit that will appear throughout the community to create awareness about Child Abuse Prevention Month and information was provided on how to report suspected abuse.

MOTION

Vice Chairman Overman motioned to adopt the Week of the Young Child proclamation. Commissioner House seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioner House motioned to adopt the Child Abuse Prevention Month proclamation with the correction of a typographical error in the second paragraph.

Vice Chairman Overman and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – TOURISM BOARD LONG TERM RESTRICTED FUND SPENDING REQUEST

Diane Bognich, Director of Administration at the Outer Banks Visitors Bureau, presented a Long Term Restricted Fund spending request in the amount of \$2.3 million for the purchase of property in Nags Head plus \$20,000 for associated closing costs.

MOTION

Vice Chairman Overman motioned to approve expenditures totaling \$2,320,000.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – GUTMANN CLUSTER HOME GROUP DEVELOPMENT

This agenda item was handled as a quasi-judicial proceeding. Planner Noah Gillam and the applicant, Jeffrey Gutmann, were both duly sworn by the Clerk to the Board before offering any testimony. Mr. Gillam outlined a Conditional Use Permit (CUP) application for a cluster home group development on the applicant's property in Rodanthe. The County Manager asked the applicant if he agrees to the admission into evidence of the material submitted by the Planner, which is on file in the Planning Department, the facts presented by the Planner, and the terms and conditions outlined in the CUP. Mr. Gutmann indicated his agreement.

MOTION

Commissioner Couch motioned to approve the proposed cluster home group development and site plan submitted by Jeffrey Gutmann as recommended by the Planning Board.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – LETTER & RESOLUTION OPPOSING OFFSHORE DRILLING/TESTING (Att. #1)

Chairman Woodard asked the Board to consider authorizing a letter to be sent to Commerce Secretary Wilbur Ross and Department of the Interior Acting Secretary David Bernhardt. The letter outlines adverse impacts associated with the decision to issue Incidental Harassment Authorization (IHA) permits for seismic testing and the inclusion of Carolina's coast in the OCS Oil & Gas Leasing Program for 2019-2024. The Chairman also presented an updated resolution reaffirming the Board's continued opposition to offshore drilling and seismic testing.

MOTION

Commissioner House motioned to the resolution as presented
Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioner House motioned to authorize the letter as presented.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – RULES OF PROCEDURE

The County Manager presented suggested rules of procedure in follow-up to discussion that occurred at the recent Board retreat. He explained that the suggested rules are based on a model provided by the UNC School of Government. Mr. Outten noted that since Robert's Rules of Order can be very complicated, the proposed rules would provide structure in the event a procedural problem were ever to arise.

MOTION

Vice Chairman Overman motioned to adopt the suggested rules of procedure as presented.
Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 10 – 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 (03.18.19) **(Att. #2)**
- 2) Dare County Center Budget Amendment

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 11 – BOARD APPOINTMENTS

1) Airport Authority

Vice Chairman Overman motioned to reappoint William Pope.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

2) Health and Human Services Board

Vice Chairman Overman motioned to appoint Ashley Jackson.

Commissioner Couch and Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Library Board - Regional

Commissioner Ross motioned to appoint Mike Hogan.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

4) Manns Harbor Commission

Vice Chairman Overman motioned to reappoint Ladd Bayliss, Cyndy Holda, Jonathan Oglesby, and Jessie “Troy” Outland, Jr.

Commissioner House and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

5) Upcoming Board Appointments

The upcoming Board appointments for May, June and July 2019 were announced.

ITEM 12 – COMMISSIONERS BUSINESS & MANAGER/ATTORNEY BUSINESS (Att. #3)

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 Bateman

- Reported on the EMS Open House noting that the Dare MedFlight helicopter is amazing.
- Showcased a photograph featuring young people from Roanoke College who recently performed community service in Dare County.

Commissioner House

- Briefed the Board on the first meeting of the Commission for Working Watermen. He reported that Jamie Reibel was named Vice Chair of the group. He added that he was sad to announce that Sara Mirabilio has resigned from the non-voting science advisor seat on the Commission. He noted that efforts are underway to find another marine biologist to fill the position.
- Commissioner House presented a letter to the Governor expressing concern about action taken at an “Emergency Meeting” called by the NC Marine Fisheries Commission. He described the action taken and noted that it sets a bad precedent. In discussing the proposed letter, Commissioner Ross suggested changes to the final paragraph to further condemn the MFC’s action.

MOTION

Vice Chairman Overman motioned to authorize sending a letter to the Governor with amendments to be made by Commissioner Ross.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

- Commissioner House presented a resolution pertaining to geographic discrimination by federal agencies regarding blue fin tuna. He explained that the measure was discussed at the recent meeting of the Commission for Working Watermen and asked the Board to approve a resolution expressing the County’s opposition to geographic discrimination.

MOTION (Att. #3)

Vice Chairman Overman motioned to adopt the resolution as presented.

Commissioner House seconded the motion.

VOTE: AYES unanimous

- He outlined two bills under consideration in the North Carolina Legislature and advised that we will need to watch them closely as they develop.

- Commissioner House commented on the EMS Open House at Dare MedFlight by showcasing a memorial ribbon in honor of C.C. Duvall and Stephanie Willoughby who died in a fatal helicopter accident 30 years ago.

Commissioner Ross

- Mentioned the upcoming Legislative Fish Fry in Raleigh showcasing local seafood.
- Commented on tomorrow's ribbon cutting and dedication ceremony for the Marc Basnight Bridge over Oregon Inlet.
- Said Senator Steinburg will be attending the May meeting of the Albemarle Commission.
- Advised that Liza Wainwright, CEO of Trillium, will be in Dare County on April 23rd to address changes that were previously outlined in a presentation by David Peterson.
- Thanked Rev. Tanta Luckhardt-Hendricks for the moving words in her invocation.
- Noted that invitations to an upcoming event have been extended to the Chairman and Managers of the counties served by the Albemarle Commission.
- Gave an update on the design phase of the new Dare County Animal Shelter.

Commissioner Couch

- Described sensitive areas of the beach, in the area of the Cape Hatteras Lighthouse, which need to be addressed. He cited the need for jetties to be restored and bolstered.
- Called attention to House Bill 353 that would appropriate State funds for a new maritime museum in Beaufort. He noted that the Outer Banks should not be treated like second class citizens in view of our significant maritime heritage and commended the Graveyard of the Atlantic Museum on Hatteras Island, which depends on its dedicated volunteers.

Vice Chairman Overman

- Congratulated the service pin recipients and the Employee of the Month.
- Vice Chairman Overman presented a revised resolution supporting jetties, which reflected changes to the resolution that was presented and tabled at the March 18th meeting. He noted that it is time to construct a jetty system at Oregon Inlet and said the revised resolution does not conflict with any other attempt to maintain the waterway.

MOTION (Att. #3)

Commissioner Bateman motioned to adopt the revised resolution as presented.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

- Commented on the new Butterfly House exhibit at the Elizabethan Gardens.
- In the spirit of April Fools' day, he had an old photograph displayed of Commissioner Couch.

Chairman Woodard

- Chairman Woodard presented a request from the Veterans Advisory Council to appoint Ellen Aidock to the seat held by Kelli Harmon, who has resigned from the Commission.

MOTION

Vice Chairman Overman motioned to appoint Ellen Aidock to the seat held by Kelli Harmon.

Commissioner House seconded the motion.

VOTE: AYES unanimous

MANAGER'S/ATTORNEY'S BUSINESS & STAFF BUSINESS

Public Information Officer Dorothy Hester advised the Board that the presentation on offshore drilling and testing recently given by Peg Howell was videotaped and will be displayed on Current TV. She also gave an update on the Public Works large item pickup schedule.

The County Manager asked for a Closed Session pursuant to the following statutes - - -

- 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.
- NCGS 143-318.11(a)(5) to instruct the County staff, or negotiating agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract, or proposed contract, for the acquisition of real property by purchase, option, exchange, or lease.
- 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.
- And to approve the minutes of the last Closed Session.

MOTION

Vice Chairman Overman motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

- At 10:57 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 11:39 a.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney on personnel, gave guidance on a real estate matter, and took no action.

Prior to adjourning the meeting, Chairman Woodard responded to remarks made by Mike Burrus during Public Comments. He said the County is aware of the items that he raised. He noted that they are several years old and advised that appropriate action was taken. The Chairman added that he could not speak further on the issue since it is a personnel action.

The County Manager reported that tomorrow is the last day for the filing of bills at the North Carolina General Assembly. He outlined the need to be able to react quickly for any items introduced at the last minute. He asked the Board for authorization to oppose any bills that would impose an unfunded mandate on the County and direct our lobbyist accordingly.

MOTION

Commissioner Ross motioned to approve the request as outlined by the County Manager.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

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

At 11:42 a.m., the Board of Commissioners adjourned until 5:00 p.m., April 15, 2019.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners

Note: copies of attachments (Att.), ordinances, resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk to Board.