



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., Tuesday, May 7, 2019

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

Commissioners absent: Danny Couch

Others present: County Manager/Attorney, Robert Outten
Deputy County Manager/Finance Director, David Clawson
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 9:00 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Tom Murphy to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Woodard noted that Commissioner Couch had an excused absence due to a prior engagement.

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 –

- As a member of the College of the Albemarle (COA) Board of Trustees, Chairman Woodard gave an update on the new facility planned for the Dare County campus. He reported that the projections for the fall student enrollment are encouraging and described how dual enrollment represents a tremendous savings for Dare County families.
- Described a recent lunch meeting the school Superintendent and noted that the Dare County Board of Education is in support of the County’s efforts to promote COA.
- Reported on a trip to Raleigh where the Chairman, Vice Chairman, and County Manager worked to combat a possible adjustment of sales tax revenue that, if passed by the Legislature, would have a severe negative impact on Dare County and its municipalities.
- Congratulated Michael Tillett on a very successful OBX Rod & Custom Festival that attracted a large crowd of people.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Brooke Atwell, EMS Paramedic, received a 10-year pin.
- 2) Linda Webb, Detention Officer, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – MAY 2019

Ashley Johnson received the Employee of the Month award from Deputy Chief Terry Sheehy who described the many ways that Ms. Johnson is an asset to Dare County Emergency Medical Services. Ms. Johnson was also honored by the local Veterans of Foreign Wars (VFW) Post as their First Responder of the Year. Commissioner House congratulated the Employee of the Month and thanked the Veterans for their service noting that on this date in history Germany surrendered, which marked the end of World War 2.

ITEM 4 – PUBLIC COMMENTS

At 9:21 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. Roy Valentine outlined a series of concerns including traffic congestion, plastic bags, improvements needed for multiuse paths, and proposed North Carolina legislation that would require bicycle license plates.
2. John Robbins described an oyster lease application that is just 80 feet from the Hatteras Island shoreline and the detrimental impact it would have on the kiteboarding industry. He asked the Board to adopt a resolution opposing the application.

There were no comments made in Buxton

The County Manager closed Public Comments at 9:38 a.m.

ITEM 5 – AWARD FROM AMERICAN SHORE AND BEACH PRESERVATION ASSOC.

County Manager Robert Outten gave an overview of the beach nourishment project involving Dare County and the municipalities of Duck, Southern Shores, Kitty Hawk, and Kill Devil Hills. He reported that the collaborative effort was recognized by the American Shore and Beach Preservation Association (ASBPA) as a 2018 Best Restored Beach. Mr. Outten noted that the self-funded endeavor saved about \$10 million in mobilization costs and is being held out as a model by other jurisdictions.

ITEM 6 – PROCLAMATION FOR 2019 EMS WEEK

Emergency Medical Services (EMS) Deputy Chief Terry Sheehy presented a proclamation for the 2019 commemoration of EMS Week highlighting the theme “Beyond the Call.”

MOTION

Commissioner House motioned to approve the EMS Week Proclamation.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – REPORT FROM THE A.B.C. BOARD

Ray White, Chairman of the Dare County A.B.C. Board, briefed Commissioners on local A.B.C. activity. He gave a history of the A.B.C. system and described how everything is done in a responsible way with accountability. He noted that the Dare County A.B.C. Board strives to operate the system by providing good customer service and carefully managing expenses. The Board asked questions about revenue and profits for the local A.B.C. system. Mr. White also briefed the Board on an NC House Bill that would privatize the retail sale and wholesale distribution of liquor. He outlined why the proposed legislation would be detrimental and asked the Board of Commissioners to vehemently oppose privatization. In discussing the issue, Commissioner House noted that it will be challenging for the proposed bill to meet the crossover date under the General Assembly's procedural rules.

ITEM 8 – CLOSED SESSION

The County Manager asked for a Closed Session pursuant to 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; and NCGS 143-318.11(a)(5) 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 in the matter of the parcel adjoining the Buxton Transfer Station; and pursuant to 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 House seconded the motion.

VOTE: AYES unanimous

At 10:35 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 11:58 a.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, consulted with the County Attorney, discussed a real estate matter involving a parcel adjoining the Buxton Transfer Station, considered an employee matter and took no action.

Mr. Outten noted that during the Closed Session the Board discussed the Clerk to the Board position and considered the hiring of a replacement for the retiring Clerk.

MOTION

Commissioner Tobin motioned to approve the hiring of Cheryl Anby for the position of Clerk to the Board of Commissioners with terms established by the Human Resources Department. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONTRACT FOR DARE COUNTY DREDGE VESSEL –

The County Manager reported that this item was being pulled from the agenda in order to work on some last minute details

ITEM 10 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room.

MOTION

Vice Chairman Overman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.15.19 & 04.17.19 Budget Workshop) **(Att. #1)**
- 2) Water Line Relocation Agreement – NCDOT Hwy 12 Rodanthe Long-Term Improvements
- 3) Private Land Burning Agreement Between Dare County and U.S. Fish & Wildlife Service
- 4) Town of Manteo Request – Delegate Approval of Pyrotechnics Permits **(Att. #2)**
- 5) NCDOT Utility Relocation Agreement – Skyco Road & Toler Road
- 6) Social Services Division – 14-month Contract with Information, Inc.
- 7) Public Health Division – Contract with Outer Banks Womens Care
- 8) Register of Deeds – Software License and Support Agreement
- 9) Assistant Medical Director Agreement
- 10) Audit Contract for Fiscal Year 2019
- 11) Tax Collector's Report

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – BOARD APPOINTMENTS

1) Dare County Board of Adjustment

Commissioner Tobin motioned to reappoint Shelly Jones and Thomas Murphy.
Commissioner Ross seconded the motion.

VOTE: AYES unanimous

2) Senior Tar Heel Legislative Delegates

Vice Chairman Overman motioned to appoint Sue Kelly as Alternate.
Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Veterans Advisory Council

Vice Chairman Overman motioned to –

- o Reappoint Steve Goodheart
- o Appoint Richard Probst to the seat held by Jack Leonard who resigned
- o Appoint Robert Yanacek to the seat held by Russell Laney who resigned

Commissioner House and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

The upcoming appointments for June, July, and August were announced.

ITEM 12 – 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

- Described a disturbing situation in Wanchese where the S.P.C.A. had to step in and intervene on behalf of 81 animals. He thanked the volunteers who assisted in the community outreach effort to help the animals.
- Noted that census training is scheduled later this month at the Albemarle Commission.
- Gave an update on the plans that are in development for the new Animal Shelter.

Commissioner House

- Gave an update on the status of House Bill 486, which would redefine commercial fishing.
- Commented on the OBX Rod & Custom Festival, which he said was a great event.
- Mentioned that this week is special because it is National Nurses Week. He also noted that on this date in history, Germany surrendered marking the end of World War 2. He asked everyone to salute our veterans and remember what Memorial Day is about.
- Commissioner House presented two names, outlined in the following motion, to fill 3-year terms for vacant commercial fishing seats on the Commission For Working Watermen.

MOTION

Commissioner House motioned to approve appointing Joey Vandyke & Amanda Hooper Walters to each fill a vacant commercial fishing seat on the Commission for 3-year terms. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

Vice Chairman Overman

- Congratulated the service pin recipients and the Employee of the Month
- The Vice Chairman expressed thanks to Rev. Tom Murphy for his invocation.

Commissioner Bateman

- Reported on the inspiring session he attended for the Dare County Recovery Court and thanked the Board of Commissioners for supporting this endeavor. He noted that Vice Chairman Overman has worked tirelessly to launch the Recovery Court, which he said will help our community by changing people's lives, one at a time.
- Reported on his participation in the St. Baldrick's campaign to raise funds for childhood cancer research where over \$20,000 was raised by people having their heads shaved.
- Commended Michael Tillett on OBX Rod & Custom Festival which provided a boost for tourism related businesses.
- Asked the County Manager when the NCDOT stormwater study of Roanoke Island would be completed and was told that the report is anticipated in July.

Commissioner Tobin

- Gave a briefing on the recent North Carolina Beach Inlet and Waterway Association (NCBIWA) meeting. He said Willo Kelly gave an informative insurance update, which is worthy of press coverage. And, he noted that County Manager Outten had a well-received presentation on Dare County's dredge project.
- Reported on a special meeting of the Oregon Inlet Task Force that was held recently regarding the dredge project and mentioned that he and County Manager will be going to Raleigh to follow-up on this important project.
- Described the favorable navigational conditions at Oregon Inlet this past week and expressed hope that it is a good preview of things to come.

Chairman Woodard

- Voiced support for Dare County’s Recovery Court and noted that he has a relative who is a Circuit Court Judge and handles Recovery Court cases in another jurisdiction.
- Provided details about a Mayor’s Roundtable in opposition of offshore drilling that will be held at the Dare County Center featuring Michael Regan, Secretary of the North Carolina Department of Environmental Quality.

MANAGER’S/ATTORNEY’S BUSINESS

1. Mr. Outten reported that the COA Dare County campus building project is moving forward and the next step will be a review of architectural requests by the Capital Improvements Planning Committee.
2. The County Manager provided background information about the State of North Carolina going to a privatized Medicaid reimbursement system and the impact it could have on the County’s EMS system and Health & Human Services. He said the County has been presented with two provider contracts and advised that more may be coming. Mr. Outten noted that the participation contracts are non-negotiable with the rate being determined by the State. He reported that although Wake County has hired specialized outside counsel, other counties have signed their agreements. After discussing options available to the County, the Board took the following action -
MOTION
Commissioner Ross motioned to authorize the County Manager to sign the contract with Blue Cross and move forward on the agreement with WellCare of NC.
Commissioner House seconded the motion.
VOTE: AYES unanimous
3. Mr. Outten gave an update on the Manteo Shallowbag Bay dredging project and reported that Ken Willson is working on it.
4. Chairman Woodard led in a discussion of the oyster lease outlined by Mr. Robbins during Public Comments. The Board discussed the adverse impact that an oyster lease, less than 80 feet from the Hatteras Island shoreline, could have on the vibrant kiteboarding industry that is a significant part of the County’s tourism economy. In discussing the matter the Board identified two issues – the first being the need to oppose the oyster lease application that is now before the Division of Marine Fisheries because it interferes with a pre-existing use. Secondly, to appeal to the North Carolina legislature and the Division of Marine Fisheries to reexamine the Shellfish Lease and Franchise Program to assure that it restricts lease activity in areas with pre-existing identified public uses. Commissioners agreed to have a resolution prepared reflecting the Board’s position. Commissioner House offered to take the resolution and present it at an upcoming Division of Marine Fisheries meeting in Rodanthe.
MOTION (Att. #3)
Commissioner House motioned to authorize a resolution subject to the Chairman’s approval and signature.
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

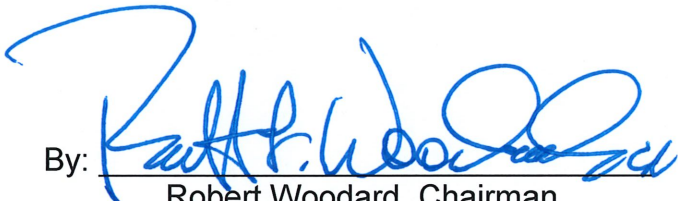
At 12:57 p.m., the Board of Commissioners adjourned until 5:00 p.m., May 20, 2019.



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 the Board.