



**COUNTY OF DARE**  
PO Box 1000, Manteo, NC 27954

**DARE COUNTY BOARD OF COMMISSIONERS**

Dare County Administration Building  
954 Marshall C. Collins Dr., Manteo, NC

**Monday, April 17, 2017**

**“HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?”**

**AGENDA**

- 5:00 PM            CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1            Chairman's Opening Remarks**
- ITEM 2            Public Comments**
- ITEM 3            2017 Governor's Volunteer Service Awards**
- ITEM 4            Public Hearing – 5:30**  
                         1. Commercial Services Zoning Text Amendment
- ITEM 5            Consent Agenda**  
                         1. Approval of Minutes (04.03.17 & 04.07.17)
- ITEM 6            Commissioners' Business & Manager's/Attorney's Business**

**ADJOURN UNTIL 9:00 A.M. ON MAY 1, 2017**



*Opening Remarks - Chairman's Update*

**Description**

Dare County Chairman Robert Woodard will make opening remarks.

**Board Action Requested**

Informational Presentation

**Item Presenter**

Chairman Robert Woodard



*Public Comments*

**Description**

The Dare County Board of Commissioners will provide time on the agenda for Public Comments.

**Board Action Requested**

Hear Public Comments

**Item Presenter**

Robert Outten, County Manager



*2017 Governor's Volunteer Service Awards*

**Description**

Presentation and Recognition of the 2017 Recipients of the Governor's Volunteer Service Awards.

**Board Action Requested**

Please recognize and congratulate the three recipients of the Governor's Volunteer Service Awards and one recipient of the Governor's Medallion Award.

**Item Presenter**

Lorelei Costa, Executive Director, Outer Banks Community Foundation

## **2017 GOVERNOR'S VOLUNTEER SERVICE AWARDS**

### **#1 -KARIN EDMOND – Individual ~ Dare County Center Nutrition Site Kitchen Assistant & Crochet Teacher**

*This volunteer is a dedicated, selfless individual that gives to many different organizations. She is always willing to help and fill in anywhere as needed. Even though she lives on a limited income, she manages to give generously of her finances, time and talents to the causes that are near and dear to her heart. She has helped in the Nutrition program for seniors at the Dare County Center for several years. She is always on time, hardworking and dedicated to helping her fellow seniors with a variety of issues. She comes in, sets up for lunch, serves lunch, cooks for special occasions and cleans up which takes about 3 hours a day every day, Monday – Friday. She then stays for another 2 hours teaching others, including persons with disabilities, how to crochet. She also makes hats for newborn babies at the local hospital as well as other hospitals in Va. and NC. She makes and donates hats and scarves to be sold at the Hotline thrift stores, which brings in money to help women and children in crisis. Even after being in a car accident this past year, she made it to her volunteer duties on time and never missed a day while not having her own transportation. She is a generous and compassionate person, always putting the needs of others before her own.*

### **#2 ANDREW DARLING – GROUP ~ Outer Banks Repeater Association**

*The members of this Organization set themselves apart from other volunteer organizations by always being available, even when the weather drives other organizations to sit back and stay out of harm's way. These volunteers make themselves available 24/7 to help their community during emergencies. They are very well trained and disciplined volunteers that willingly step up to answer calls for help from their fellow citizens under demanding conditions. During other events they are often the first to arrive and the last to leave as they set up post to coordinate communications, ensuring that the event runs smoothly. And, when needed there is a focal point to deliver seamless coordination with emergency response personnel. They unselfishly man communications positions in the Emergency Operations Center or at Fire stations and contribute from their private residencies, often leaving their loves ones alone as they support Dare County public safety agencies. Providing emergency communication services requires not just working equipment but well trained volunteer radio operators. Disciplined, patient and knowledgeable operators are the outcome of this in-depth training and licensing process, of this very cohesive group. With this group the results are an excellent resource management and smooth operations.*

**#3 DARNEL TALBERT – Individual ~ Van Driver, Senior and Disabled Person Assistant, Fitness Room Helper and Toy Drive & Santa Visit Volunteer**

***This Volunteer helps the Dare County Center staff with seniors & individuals with disabilities while on trips. He has helped many seniors be able to attend day trips because of his help with getting them on/off the vans for the various activities. Without his assistance, they would not have been able to attend. He also helps during the Annual Christmas toy drive by picking up toys from several locations throughout Dare County. He uses his own vehicle to pick up toys from various locations in Dare, which covers a large area. He then helps to count, sort and log the toys that are distributed to almost 400 kids for the evening distribution at the Dare Center. He also serves lunch at the annual Veterans Days luncheon and the Annual Volunteer Celebration. He assists patrons in the fitness room by answering equipment use questions and offering encouragement to them. He assists with the Annual Santa visit by playing games with the kids, set up and clean up, moving tables, and chairs for all events. He truly is just an all-around great and giving volunteer. He is always ready and willing to help in anyway needed and does so with a smile and extremely positive attitude. He goes above and beyond the call of duty and has a great passion and desire to help others.***

**#4 EMMETT SMITH – Individual ~ Dare County Emergency Management – Logistics Coordinator**

**HE WILL BE RECEIVING THE GOVERNOR'S MEDALLION AWARD IN RALEIGH, DTBA**

***This volunteer manages the County Receiving and Distribution, (CRDP). The CRDP supports all disaster response operations by delivering specialized equipment and commodities needed to protect and sustain the public. The CRDP is an 8200 square foot warehouse used to store, stage and distribute disaster supplies and equipment needed to ensure public safety before during and after a disaster. As the CRDP's logistics Coordinator, this volunteer has led efforts to streamline inventory management, space allocation and shipping/receiving processes.***

***His efforts paid off when Tropical Storm Hermine and Hurricane Matthew impacted Dare County. When these storms arrived, in particular Hurricane Matthew; the CRDP became a hub of activity. This volunteer without being asked and setting aside his person needs, reported for duty and began the process of receiving new supplies sand sending needed supplies to Hatteras Island.***

***Over a three week period following Hurricane Matthew, this volunteer personally oversaw the distribution of all disaster response and recovery equipment and the supplies needed by the Hatteras and Frisco Volunteer Fire departments to meet the needs of disaster survivors.***

*His efforts delivered thousands of dollars' worth of supplies, quickly and efficiently to hundreds of Dare County citizens that needed them to remove flood water impacts from their homes. Without his behind the scenes efforts, Hatteras Island disaster survivors would have faced much more demanding challenges as they worked to survive and recover from the devastating flooding experience on Hatteras Island.*



*Public Hearing – Zoning Text Amendment to Commercial Services District*

**Description**

A public hearing is scheduled for 5:30 p.m. on proposed zoning text amendments to the CS district. The applicant is Rhonda Midgett. A staff report, the draft language and other supporting documentation are included with this cover sheet. At the close of the hearing, the Board may choose to act on the amendments.

**Board Action Requested**

Conduct public hearing and act on proposed CS amendments – draft motions are included as part of the staff report. A finding of consistency should be included with any motion for adoption.

**Item Presenter**

Donna Creef, Planning Director

## STAFF REPORT

ITEM: Public Hearing -- Commercial Services (CS) Zoning Text Amendment Request – Request for a Hearing

APPLICANT: Rhonda Midgett

DATE: April 17, 2017 Commissioners Meeting

Earlier this month, the Board scheduled a public hearing on zoning text amendment to add “residential use in conjunction with a commercial use” to the listed of permitted uses in the Commercial Services (CS) district. The applicant is Rhonda Midgett. The CS district applies in Colington and currently does not permit residential uses. The intent statement for the CS district reads as follows: “The CS district is created to provide a setting for various service establishments that are more intense in the scope of activities than retail/office zoning districts but not as intense as those generally found in an industrial setting.” The CS district permits such uses as barber shops, marinas, funeral homes, indoor recreation, building contractor offices, storage warehouses and utilities. A copy of the CS district is attached which lists the complete range of uses permitted in the district. All other commercial zoning districts for unincorporated Dare County allow residential uses.

Ms. Midgett would like to construct a beauty shop/dwelling on property owned by her son. In order to accommodate the residential component, an amendment to the CS district is needed. The Planning Board conducted a hearing on this proposed text amendment at their March meeting. There were three speakers at the hearing including an adjoining property owner, Jason Hill. Mr. Hill noted that he was not opposed to the addition of residential uses to the CS district but wanted to advise the County about a property overlap with his property and the Midgett property. The issue with the deed overlap does not have any bearing on the zoning text amendment request. After the hearing, the Planning Board voted to recommend approval of the Midgett request and found the request to be consistent with the 2009 Dare County Land Use Plan. The pertinent policies from the Land Use Plan are attached. No aspect of the request is inconsistent with the commercial development policies of the Land Use Plan.

A copy of the draft language is attached to the staff report. The draft language includes a minor revision to the buffering language for commercial uses.

Following the close of the public hearing, the Board may choose to act on the proposed amendment, revise the proposal based on comments received at the public hearing or subsequent board discussion, or make take no action. Draft motions have been

included for the Board's consideration. A finding of consistency should be included with any motion for adoption.

Motion to adopt amendment: "I move to adopt the proposed amendments to the CS zoning district as recommended by the Planning Board. I find these amendments to be consistent with the policies of the 2009 Land Use Plan and other official documents specifically policy LUC #5 which encourages the development of locally owned businesses."

Motion to revise language: "I move to revise the draft text amendments to the CS district to (insert revision) and that the language be adopted as revised. I find this amendment to be consistent with the policies of the 2009 Dare County Land Use Plan and other official documents specifically Policy ICC #5 which encourages the development of locally owned businesses."

## DRAFT CS AMENDMENTS

Section 22-26.1 Commercial Services (new language is underlined,)

(b) Permitted Uses

(22) residential use in conjunction with a commercial use allowed as a permitted or conditional use in the CS district

(d) Dimensional requirements:

(2) Buffering: ~~An opaque wooden fence no less than 6 feet in height shall be required along any property line that abuts a residential use or zone. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.~~ A solid wooden or composite material fence no less than six feet in height shall be installed along any property line where a commercial use in the CS district abuts a residential use in any adjoining residential zoning district.

Dare County, NC Code of Ordinances

**SECTION 22-26.1 - CS COMMERCIAL SERVICES DISTRICT**

(a) **Intent.** The CS district is created to provide a setting for various service establishments that are more intense in their scope of activities than retail/office zoning districts but not as intense as those generally found in an industrial setting.

(This district was established as part of the Colington zoning map adopted by the Dare County Board of Commissioners on June 16, 1997.)

(b) **Permitted uses.** The following uses, and no other uses, shall be permitted by right:

- (1) Barber and beauty shops.
- (2) Marinas.
- (3) Dry cleaning and laundry pick-up stations including laundromats.
- (4) Funeral homes.
- (5) Parking lots.
- (6) Radio and television broadcasting studios.
- (7) Shoe repairs.
- (8) Storage warehouses.
- (9) Boat building and storage.
- (10) Public and private utility facilities.
- (11) Automobile sales and service.
- (12) Indoor recreation activities.
- (13) Building supply and equipment sales.
- (14) Plumbing supply and equipment sales.
- (15) Cabinet and woodworking shops.
- (16) Building contractors' offices and storage areas.
- (17) Farm machinery supplies, sales, and repairs.
- (18) Mobile home or recreational vehicle displays and sales.
- (19) Boat displays and sales.
- (20) County owned or leased facilities.
- (21) Fire stations, public and private schools, and other public buildings. (Adopted 5-16-11)

**(c) Conditional uses.** The following conditional uses, and no other uses, may be permitted, subject to the requirements of this district and additional regulations and requirements imposed by the Dare County Board of Commissioners as provided in Article IX of this chapter or Chapter 152 of this code:

- (1) Churches.
- (2) Radio, television, and other types of transmission towers.
- (3) Automobile service stations.

**(d) Dimensional requirements:**

- (1) Minimum lot size: 40,000 contiguous square feet of soil not classified as coastal wetland.
- (2) Buffering: An opaque wooden fence no less than 6 feet in height shall be required along any property line that abuts a residential use or zone. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.
- (3) Front yard: 15 feet.
- (4) Side yard: 10 feet. An additional five-foot side yard adjacent to the street is required for a corner lot.
- (5) Rear yard: 20 feet.
- (6) Maximum allowable lot coverage by principal use and all accessory uses: 60%.
- (7) Height limitation: 35 feet.
- (8) Maximum gross building size: 20,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space, for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches.

(Adopted by the Dare County Board of Commissioners on May 6, 2002)

**(9)** In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners.

(Adopted 2-19-07)

### Commercial Development

As noted in the previous section, residential development is the preferred pattern of development for unincorporated Dare County. However, some commercial development is necessary to provide goods and services to the local residents and our seasonal visitors. One objective established for commercial development is that such development should reflect the Outer Banks coastal heritage. In the Planning Board discussions of this issue, various alternatives were addressed and it was noted that this objective will be difficult to implement. Most often building design standards are used to establish architectural features, façade, and paint schemes. Reaching a consensus of appropriate building design standards is difficult and often faced with opposition from the business community. The importance of aesthetics as a quality of life issue and our continued appeal to seasonal visitors was stressed by the Planning Board in writing the policies for this topic.

One objective identified for this management topic was to keep commercial development on a neighborhood scale and of a scope that is not designed to attract regional markets. In 2003, the Dare County Board of Commissioners adopted gross floor limitations for the commercial zoning districts in unincorporated areas of the County. The zoning maps for Mann Harbor and Wanchese also included gross floor area limitations. In 2007, a gross floor area limitation was also adopted by the Board of Commissioners for the unzoned areas of Dare County. These gross floor area limitations should assist with the objective of neighborhood commercial development, not commercial development for regional markets

The Planning Board also noted that the 2003 policy encouraging the continued existence of locally owned businesses should be included in the 2009 update. Many of the locally owned businesses have been in operation for many years, and in some instances, before zoning regulations were adopted by Dare County. Some of the businesses may have been rendered non-conforming with the overlay of zoning regulations. Amendments to the Zoning Ordinance to address the non-conforming status of older, existing businesses should be considered to ensure the replacement or repair of non-conforming commercial structures in support of the policy for locally-owned businesses. The eclectic nature of the businesses in unincorporated Dare County, especially along the Highway 12 corridor on Hatteras Island, is part of the appeal of the Outer Banks. Creating a favorable environment for the business community will assist with the continued success of the small neighborhood shops and stores in existence today.

Another potential tool identified during the LUP update process to implement the County's objectives is amendment of the Zoning Ordinance to limit drive-thru window service at restaurants and food service businesses. Most franchise food service businesses, especially the fast-food industry, rely on drive-thru window service. An amendment to eliminate this option for food service establishments

would provide an additional layer of protection for the unincorporated areas from franchise businesses that often employ unoriginal, generic, or replicated corporate building designs that are inconsistent with the traditional architecture of the Outer Banks. In addition to the incompatibility of these franchise restaurants with existing coastal village atmosphere, there are secondary impacts such as trash, lines of waiting vehicles, and a decrease in the appeal of the neighborhood that accompany these commercial developments.

The first section of the LUP noted that the needs of the permanent population and the seasonal population vary in terms of what commercial services and goods are desired. Many of the commercial businesses in Dare County are solely focused on the provision of souvenirs and tourist-related goods to the visiting population. The proliferation of these tourist-oriented businesses was identified by a vast majority of the respondents to the Citizen Involvement Poll as an important issue of concern. This concern was also voiced at all of the public input workshops held at the beginning of the update process in 2007. Other jurisdictions have adopted building design standards to address concerns about the aesthetics of these tourist-oriented retail operations. Building design standards do not address the profusion of such retail establishments. The legality of targeting one segment of the retail market and how to do so was identified as an implementation strategy by the Planning Board. Although it may prove extremely difficult to craft an ordinance aimed at tourist-related businesses, there was a strong consensus among the Planning Board that such efforts were worthy of study and research.

*Policy LUC #5*

Dare County encourages the continued existence and development of locally-owned businesses in unincorporated Dare County.

*Implementation Strategy:*

1. Inventory of older existing commercial businesses and consideration of zoning amendments to ensure their replacement or repair in the event of damage from a natural disaster. (2011)

*Policy LUC #6*

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not to serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is to manage the size of the commercial structures, which serves as a disincentive for regional commercial centers for location in villages.

**Policy LUC #7**

Commercial businesses, regardless of size, should individualize their sites and building designs to reflect Dare County's coastal heritage. Adaptations of corporate or franchise designs to reflect our coastal character are encouraged. This is particularly applicable to the food service industry.

**Implementation Strategies:**

1. Identify amendments to the Dare County Zoning Ordinance and other land use ordinances that may be necessary to implement management objectives for residential and commercial development. This may include the elimination of drive-thru window restaurant service (but not all businesses employing drive-thru window service such as banks and pharmacies) in all commercial and S-1 zonings districts, building design standards for commercial structures, and amendments to Zoning Ordinance and Sign Ordinance as needed for commercial businesses. (2010-2013)
2. Rely on existing dimensional standards of the Dare County Zoning Ordinance for dwelling densities, lot coverage limitations, and commercial gross floor area limitations. These standards should be periodically examined relative to changes in technology for wastewater treatment, improved construction practices, market conditions, and demographic changes. (2011)
3. Study legality of regulations designed to address the proliferation of tourist-oriented retail establishments. (2011)
4. Work with East Lake residents to review zoning alternatives for this area. (2011)

**Re-development**

The redevelopment of under-utilized land or outdated structures will become more of an issue over the next few years. As the number of vacant tracts diminishes, redevelopment options will be considered by private owners. One factor that influences the redevelopment decision is federal flood regulations. The federal flood regulations require conformance and elevation to current base flood elevations if an older structure is remodeled to exceed 50% of its value. Because of this rule, some owners chose to demolish older structures and simply start again. Dare County encourages redevelopment activities and construction to utilize energy efficient construction methods.

Re-development activities shall be consistent with existing patterns and scale of development although this may prove to be difficult in some of the older subdivisions and neighborhoods that were platted and recorded in the 1970s before the current minimum lot sizes, current building codes, and flood standards.

**Policy LUC #8:**

Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC building codes and federal flood insurance regulations and conforms with Dare County zoning regulations. Energy efficient construction standards are encouraged.

*Implementation Strategy:*

1. Consider development of incentives for "green" building techniques and energy efficient construction standards. (2011)

**Industrial Development**

Dare County does not have any "smokestack" or manufacturing industries similar to those that are found in other areas of North Carolina and the United States. Manufacturing is limited to boat building which is a traditional industry in Dare County and is an important component of our local economy. Other traditional industries include commercial fishing and construction and are recognized as consistent with the coastal heritage of Dare County. The need to diversify the economy of Dare County was noted during public input sessions and during Planning Board workshops. Industries such as medical support services and educational and research facilities were identified as industries that would provide diversified employment opportunities and not be detrimental to our natural resources.

The location of industrial development should be evaluated for impacts on surrounding properties, especially environmentally sensitive areas such as water bodies and wetlands. While it is recognized that the traditional industry of boat building has the need for access and location adjacent to or in close proximity of water bodies, other non-traditional or non-maritime industries should be located in areas developed with similar facilities and accomplished in an environmentally sensitive manner.

*Policy LUC #9*

The siting of industrial development facilities should be evaluated relative to their impacts on environmentally sensitive natural areas and existing patterns of development. Boat building, commercial fishing, and construction are recognized as traditional occupations and employment sectors in Dare County that are consistent with our coastal heritage.

*Implementation Strategy:*

1. Rely on the standards of the Dare County Zoning Ordinance for the siting and development of industrial development of both maritime-related uses and non-maritime related uses. ( 2010-2015)

*Policy LUC #10*

Diversification of Dare County's economy to include compatible industries such as medical support services and educational and research facilities, are encouraged. These types of facilities provide employment opportunities and quality of life support for our residents without detriment to our natural resources.



*Consent Agenda*

**Description**

1. Approval of Minutes (04.03.17 & 04.07.17)

**Board Action Requested**

Approval

**Item Presenter**

County Manager, Robert Outten



*Approval of Minutes*

**Description**

The Board of Commissioners will review and approve their previous Minutes, which follow this page.

**Board Action Requested**

Approve Previous Minutes

**Item Presenter**

County Manager, Robert Outten



# 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

**9:00 a.m., April 3, 2017**

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

Commissioners absent: None  
Margarette Umphlett resigned effective 3/31/17.  
Her replacement has not yet been named.

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 9:02 a.m. He invited George Lurie from the Jewish Community of the Outer Banks to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Chairman asked for a motion to amend the agenda to add item #13-A to discuss House Bill 531 regarding the permitted uses of occupancy taxes for tourism.

#### **MOTION**

Commissioner Shea motioned to amend the agenda to add Item #13-A  
Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

#### **ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE**

Chairman Woodard mentioned the following items during his opening remarks –

- He invited everyone to attend this afternoon’s ribbon cutting ceremony for the new Regional 911 Center that will also serve as the Emergency Operations facility.
  - Chairman Woodard honored Paul Spencer, the founder of Spencer Yachts, in recognition of his family business that has enriched the local boat building business.
- A video of the Chairman’s update can be seen on the County website [www.darenc.com](http://www.darenc.com).

**ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Cara Basnight, Health & Human Services, received a 15-year pin.
- 2) Gregory Padilla, Sheriff's Office, received a 20-year pin.

**ITEM 3 – EMPLOYEE OF THE MONTH – APRIL 2017**

Stephanie Bowers received the Employee of the Month award from Chuck Lycett who described the many ways that Ms. Bowers is an asset to the Social Services Division of the Health & Human Services Department.

**ITEM 4 – PUBLIC COMMENTS**

The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center in Buxton. Citizen remarks can be seen in their entirety on the county website [www.darenc.com](http://www.darenc.com). Following is a brief summary of the key issue that was mentioned by each speaker –

*The following comments were made in Manteo –*

1. Jennifer Alexander spoke against repealing the plastic bag ban.
2. Renee Cahoon urged the Board to oppose H.B. 531 on use of occupancy taxes.
3. Susie Walters spoke against H.B. 531 noting that stakeholders were not consulted.
4. Judy Lotas asked the Board to revise and strengthen its resolution on Equal Rights.
5. Colleen Shriver requested that a Dog Park be considered for Roanoke Island.
6. Bea Basnight, Board of Education (BOE) Chair, spoke against partisan BOE elections
7. Ivy Ingram, for the Surfrider Foundation, spoke against repeal of the plastic bag ban.
8. Sheila Davies opposed partisan elections, repeal of plastic bag ban, and H.B. 531.
9. Ann Kaplan voiced support for legislation to provide independent redistricting reform.
10. Luke Mahler spoke against partisan elections for the Board of Education.
11. Amanda Hooper asked for public meetings on the project to straighten Colington Rd.
12. Matthew Bryce said the plastic bag ban is successful and spoke against repealing it.
13. Willo Kelly said local bills in Raleigh should be approved or directed by local officials.
14. Linda Kenny spoke against repeal of the plastic bag ban and partisan BOE elections
15. Kevin McSherry said repeal of the plastic bag ban is shortsighted and disrespectful.
16. John Ratzenberger noted how Tourism Board money helps transportation shortfalls.

*The following comment was made via the video link to the Fessenden Center –*

17. Savannah Mulder proposed a leash law on Hatteras Island & unincorporated Dare.

**ITEM 5 – PROCLAMATION – CHILD ABUSE PREVENTION MONTH**

Sara Sampson and Leigh Bracy presented a proclamation highlighting April as National Child Abuse Prevention Month. They described local efforts to raise awareness about preventing child abuse and neglect noting that the colorful pinwheel is a symbol of child abuse prevention. Information was given on how to report child abuse.

**MOTION**

Commissioner Shea motioned to issue a Child Abuse Prevention Month proclamation. Commissioner Couch and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – CHILDREN & YOUTH PARTNERSHIP – PROCLAMATION**

Nancy Griffin, Executive Director of the Children & Youth Partnership for Dare County gave a report to the Board of Commissioners and presented a proclamation in support of the Week of the Young Child. She described critical challenges for healthy growth and development and thanked the Board of Commissioners for their ongoing support.

**MOTION**

Commissioner Shea motioned to approve the Week of the Young Child proclamation. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**RECESS: 10:28 a.m. – 10:41 a.m.**

**ITEM 7 – ALBEMARLE COMMISSION – STEWARDSHIP REPORT**

Cathy Davison, Executive Director of the Albemarle Commission, provided Commissioners with a stewardship report highlighting the agency's programs and services. She provided statistics on the units of service provided to clients in Dare County. Ms. Davison also outlined a survey of internet services that is being conducted in the region to gather information to help entice broadband service providers to offer additional internet services especially in rural areas.

**ITEM 8 – TOURISM BOARD REQUEST FOR FIREWORKS GRANT AWARDS**

Susie Walters, Chair of the Dare County Tourism Board, along with Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, asked for approval of the following Short Term Restricted Fund requests for fireworks totaling \$40,000 –

1. Avon Property Owners Assoc - \$10,000
2. Town of Kill Devil Hills - \$10,000
3. Town of Manteo - \$10,000
4. Town of Nags Head - \$10,000

Commissioner House asked if there are grants to help Towns offset the additional cost of emergency services associated with fireworks. Ms. Walters explained that those costs are handled by the municipalities.

**MOTION**

Commissioner Shea motioned to approve the fireworks grant awards in the amount of \$40,000.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – HEALTH INSURANCE FOR FY2017-2018 & WELLNESS PLAN UPDATE**

The County Manager explained that it is now the time of year when the Health Insurance plan for the upcoming fiscal year must be approved. He called on Human Resources Director Elizabeth Reilly to outline the plan. Ms. Reilly said the current plan will remain the same with a zero percent rate increase. She noted that both PPO and HSA plans will be offered again this year. An update was given on the Wellness Program including changes to the number of required biometric and wellness points.

**MOTION**

Commissioner House and Commissioner Shea motioned to approve the 2017-2018 Health Insurance Plan.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – COMMERCIAL SERVICES ZONING TEXT AMENDMENT APPLICATION**

Planning Director Donna Creef presented a zoning text amendment application to add residential uses in conjunction with commercial uses to the Commercial Services (CS) zoning district, which applies only to Colington. Ms. Creef provided background about the request to construct a beauty shop/dwelling on a CS site. She asked that a public hearing on the matter be scheduled.

**MOTION**

Vice Chairman Overman motioned to schedule a public hearing on the proposed CS text amendment for 5:30 p.m., April 17, 2017.

Commissioner Shea and Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Ms. Creef also announced that unincorporated Dare County has achieved a better ranking in the Community Rating System (CRS) used by the National Flood Insurance Program. She said unincorporated Dare has been awarded a Class 7 designation, which represents an improvement over the previous Class 8. She explained that this new ranking will increase the discount for flood insurance policies in unincorporated Dare County from 10% to 15%.

**ITEM 11 – NORTH CAROLINA HOUSE BILL 271 TO REPEAL THE PLASTIC BAG BAN (Att. #1)**

Chairman Woodard provided an opportunity for each Commissioner to comment on House Bill 271 and Senate Bill 539, which would repeal the plastic bag ban.

Commissioner comments can be viewed in their entirety on the Dare County website [www.darenc.com](http://www.darenc.com). Following is an outline synopsis of each Commissioner's position –

- Commissioner Couch said he opposed repealing the bag ban.
- Commissioner Shea noted that the ban has been beneficial for the region.
- Vice Chairman Overman said the legislation creates an issue where none existed.
- Commissioner House said he supports the will of the people in opposing the bills.
- Commissioner Ross explained why he opposes repealing the plastic bag ban.
- Chairman Woodard said bills need local support & vetting, which has not been done.

After discussion of the proposed legislation, the following motion was made –

**MOTION**

Commissioner Shea motioned to have a resolution prepared that reflects the Board's unanimous action to oppose House Bill 271 and applicable portions of Senate Bill 539, which would repeal the plastic bag ban, and authorize the Chairman to sign and distribute the resolution.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous by show of hands

**ITEM 12 – HOUSE BILL 265 TO CHANGE BOARD OF EDUCATION ELECTIONS FROM NONPARTISAN TO PARTISAN (Att. #2)**

Chairman Woodard provided an opportunity for each Commissioner to comment on House Bill 265 and Senate Bill 94, which would change Board of Education (BOE) elections from nonpartisan to partisan. Commissioner comments can be viewed in their entirety on the county website. Following is a synopsis of each Commissioner's position:

- Commissioner Ross said based on citizen feedback he does not support the bills.
- Commissioner House addressed differences in the strength of each bill.
- Vice Chairman Overman said he was against making BOE elections partisan.
- Commissioner Shea opposed the bills quoting the expression "If it isn't broke, don't fix it."
- Commissioner Couch explained why he opposes partisan BOE elections.
- Chairman Woodard opposed the bills citing the great relationship built with the BOE.

After discussion of the proposed legislation, the following motion was made –

**MOTION**

Commissioner Shea motioned to have a resolution prepared that reflects the Board's unanimous action to oppose House Bill 265 and applicable portions of Senate Bill 94, which would change Board of Education elections from nonpartisan to partisan, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous by show of hands

**ITEM 13 – LEGISLATIVE RELIEF TO ALLOW DARE COUNTY TO ADMINISTER LOCAL COA BUILDING PROJECTS (Att. #3)**

The County Manager gave background for legislative relief that is needed to allow Dare County to administer local College of the Albemarle (COA) building projects. Mr. Outten explained that COA wants to make improvements throughout their system, including the Dare County campus. Under current law if State funds are used for a construction project, even if the majority of the funding comes from the local government, and even though the local government would own and maintain the facilities after construction, the state must administer the construction of the project. The Manager said although no decision has been made about improvements to the Dare County campus, legislation is being developed to allow counties to administer the construction of local COA building projects and asked the Board to authorize a resolution of support,

**MOTION**

Vice Chairman Overman motioned to have a resolution prepared that reflects the Board's unanimous action to support legislative relief to allow Dare County and other local government entities to administer local COA building projects, and authorize the Chairman to sign and distribute the resolution.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous by show of hands

**ITEM 13A – HOUSE BILL 531, PERMITTED USES OF OCCUPANCY TAXES (Att. #4)**

Chairman Woodard provided an opportunity for each Commissioner to comment on House Bill 531, which would narrow the use of occupancy taxes. Commissioner comments can be viewed in their entirety on the Dare County website [www.darenc.com](http://www.darenc.com). Following is an outline synopsis of each Commissioner's position –

- Commissioner Shea said he doesn't understand why it was introduced & opposed it.
- Vice Chairman Overman said this was addressed last year & facts haven't changed.
- Commissioner House said he does not agree with the bill and would oppose it.
- Commissioner Ross said Vice Chairman Overman summarized the facts very well.
- Commissioner Couch explained the safety reasons why he opposes the bill.
- Chairman Woodard said towns would have to raise taxes without use of occupancy taxes.

After discussion of the proposed legislation, the following motion was made –

**MOTION**

Commissioner Shea motioned to have a resolution prepared that reflects the Board's unanimous action to oppose House bill 531, which would narrow the use of occupancy taxes, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous by show of hands

**ITEM 14 – HATTERAS INLET DREDGING PROJECT – BUDGET AMENDMENT**

The County Manager presented a Budget Amendment authorizing the transfer of funds and expenditure of \$125,000 related to the Memorandum of Agreement (MOA) for the Hatteras Inlet dredging project, which requires a \$500,000 deposit of State funds with 25% (\$125,000) provided by Dare County. Mr. Outten noted that all permits are in place and that the MOA has been signed by officials in Washington D.C.

**MOTION**

Vice Chairman Overman motioned to approve the Budget Amendment.

Commissioner Shea and Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – CONSENT AGENDA**

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

**MOTION**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (03.06.17) **(Att. #5)**

- 2) Cooperative Extension – Juvenile Community Programs Discretionary Funds
- 3) Emergency Management Budget amendment – Alert & Notification Software
- 4) DHHS Public Health Division – Home Health/Hospice Budget Amendment
- 5) DHHS Public Health Division – State Funding for Triple P
- 6) DHHS Public Health Division – Flooring Replacement
- 7) Public Works Sanitation Budget Amendment
- 8) Budget Amendment – Sheriff Department
- 9) Outer Banks Dermatology Lease

**Note** - Prior to voting on the motion, there was Board discussion concerning the term of the Dermatology Lease. The County Manager reported that the tenant may want to reduce the term of the two-year lease. The Board authorized the County Manager to modify the agreement to reflect that the lease can be terminated with 90 days notice. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

#### **ITEM 16 – BOARD APPOINTMENTS**

1) Manns Harbor Commission

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

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Wanchese Community Center

Vice Chairman Overman motioned to appoint Bill Wilson to fill the seat held by Robin Daniels Holt who has resigned.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments

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

#### **ITEM 17 – 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).

Commissioner Couch – welcomed Robert Wynegar as the new President of the College of the Albemarle and said he looks forward to strengthening the County’s relationship with the institution. Chairman Woodard thanked Commissioner Couch for his hard work communicating issues on Hatteras Island.

Commissioner Shea – congratulated the service pin recipients and the Employee of the Month thanking them for making Dare County a wonderful place to live, work, and raise families. Commissioner Shea wished everyone a happy Passover and Easter.

Vice Chairman Overman – thanked the service pin recipients and the Employee of the Month. He gave an update on the efforts of the Saving Lives Task Force and the Children’s Community Collaborative to expand psychiatric services for children in Dare County. The Vice Chairman also reported on the dangers of new synthetic drugs that are appearing in the community. Chairman Woodard thanked Vice Chairman Overman for his tireless work on substance abuse prevention.

Commissioner House – said amidst all the activity in Raleigh there is good news and asked the Board to adopt resolutions supporting the following 3 legislative measures –

Senate Bill 432, which would delay action by the Marine Fisheries Commission

**MOTION (Att. #6)**

Commissioner House motioned to have a resolution prepared that reflects the Board’s support for Senate Bill 432, which would delay action by the Marine Fisheries Commission regarding the designation of Special Secondary Nursery Areas, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

House Bill 545, which would enhance fisheries Advisory Committees

**MOTION (Att. #7)**

Commissioner House motioned to have a resolution prepared that reflects the Board’s support for House Bill 545, which would ensure meaningful public participation in fisheries management by enhancing the role of public advisory committees, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

Senate Bill 282 & House Bill 415, for the Hatteras Village Community Center District

**MOTION (Att. #8)**

Commissioner House motioned to have a resolution prepared that reflects the Board’s support for Senate Bill 282 and House Bill 415, which would provide an election on allowing the use of tax funds for construction and maintenance of multi-use pathways in the Hatteras Village Community Center District, and authorize the Chairman to sign and distribute the resolution.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Ross – commended the service pin recipients and the Employee of the Month along with Paul Spencer who was honored earlier in the meeting. Commissioner Ross expressed support for the suggestion made by Willo Kelly during public comments in calling for a public Town Hall meeting with our North Carolina legislative delegation.

Chairman Woodard – no additional comments

**MANAGER’S/ATTORNEY’S BUSINESS**

1. Mr. Outten presented a Budget Amendment for the software of the Emergency Medical Dispatch program used by the 911 Center. He noted that the cost is covered by State E911 funds.

**MOTION**

Vice Chairman Overman motioned to approve the Budget Amendment.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

2. The County Manager outlined procedures and criteria for the scheduled pickup of large items by Dare County Public Works. He gave a detailed list of items that are eligible for pickup and those that are not. He informed the Board that staff has been told to follow the rules and not pickup unauthorized items.
3. Mr. Outten advised that use of the Public Works Convenience Site on Roanoke Island, which is designed for small quantities of residential yard debris, has experienced greater volume than can be handled due to commercial firms using the facility. He said staff has been instructed to turn away non-residential users and those who have trash mixed in with yard debris.

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

**MOTION**

Commissioner Shea motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 12:37 p.m., the Board of Commissioners adjourned until 5:00 p.m., April 17, 2017.

Respectfully submitted,

[SEAL]

By: \_\_\_\_\_  
Gary Lee Gross, Clerk to the Board

APPROVED: By: \_\_\_\_\_  
Robert Woodard, Chairman  
Dare County Board of Commissioners



# 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

## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS

Dare County Administration Building, Manteo, NC

### SPECIAL MEETING

to consider reengaging the services of McGuireWoods Consulting  
for assistance with legislative issues

**8:00 a.m., April 7, 2017**

Commissioners present: Chairman Robert Woodard  
Vice Chairman Wally Overman  
Jack Shea, Steve House, Rob Ross

Commissioners absent: Danny Couch

Note: Margarette Umphlett resigned effective 3/31/17.  
Her replacement has not yet been named.

Others present: County Manager/Attorney, Robert Outten  
Finance Director, David Clawson  
Public Information Officer, Dorothy Hester  
Clerk to the Board, Gary Gross

Chairman Woodard called the Special Meeting to order at 8:00 a.m. He offered a prayer, and afterward he led the Pledge of Allegiance to the flag.

A full and complete account of the entire Special Meeting is archived on a video that is available for viewing on the Dare County website [www.darenc.com](http://www.darenc.com).

#### ITEM 1 – OPENING REMARKS

Chairman Woodard outlined the purpose of the Special Meeting.

#### ITEM 2 – PUBLIC COMMENTS

The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center in Buxton. There were no public comments.

#### ITEM 3 – CONSIDER REENGAGING THE SERVICES OF MCGUIREWOODS CONSULTING FOR ASSISTANCE WITH LEGISLATIVE ISSUES

Chairman Woodard explained that there are a number of bills proposed in the current session of the legislature that are of interest to the people of Dare County. He asked the County Manager to outline the costs to reengage with McGuireWoods Consulting.

Mr. Outten said the fee would be the same as last year, which is \$5,000 per month through the term of the current legislative session. He noted that this arrangement can be terminated at any time and there is a budget line available for this expenditure. Commissioners discussed the scope of services that the firm will provide and how legislative information will be communicated to the County. Vice Chairman Overman said based on the outstanding job they did last year, he would support using them again. Commissioner Ross noted that the firm is competent and professional.

**MOTION**

Commissioner Shea motioned to reengage with McGuireWoods Consulting as outlined by the County Manager and authorize the Manager and Chairman to sign an engagement letter or contract with firm.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

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

**MOTION**

Commissioner Shea and Commissioner House motioned to adjourn the meeting. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 8:10 a.m., the Dare County Board of Commissioners adjourned the Special Meeting.

Respectfully submitted,

[SEAL]

By: \_\_\_\_\_  
Gary Lee Gross, Clerk to the Board

APPROVED: By: \_\_\_\_\_  
Robert Woodard, Chairman  
Dare County Board of Commissioners

**COMMISSIONERS' BUSINESS**

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