



**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

**Tuesday, February 20, 2018**

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

**AGENDA**

- 5:00 PM            CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1            Opening Remarks - Chairman's Update**
- ITEM 2            Public Comments**
- ITEM 3            NCDOT Presentation on Hatteras - Ocracoke Passenger Ferry**
- ITEM 4            Resolutions to Name NCDOT Ferries**
- ITEM 5            Report From the National Park Service**
- ITEM 6            Report From The Outer Banks Chamber of Commerce**
- ITEM 7            Proposed Zoning Amendments for Food Stands in Unincorporated Dare County**
- ITEM 8            Consent Agenda**  
                          1. Approval of Minutes (02.05.18)  
                          2. Tax Collector's Report
- ITEM 9            Commissioners' Business & Manager's/Attorney's Business**

**ADJOURN UNTIL 9:00 A.M. ON MARCH 5, 2018**



*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 Board of Commissioners will provide time on the agenda for Public Comments. Each regularly scheduled meeting begins with an opportunity for anyone to speak directly to the entire Board of Commissioners for up to five minutes on any topic or item of concern.

In an effort to encourage public participation, the Board accepts public comments from 2 locations - - -

- Public Comments can be made at the Commissioners Meeting Room in Manteo.
- Public Comments can be made via a video link at the Fessenden Center in Buxton.

**Board Action Requested**

Hear Public Comments

**Item Presenter**

Robert Outten, County Manager



*NCDOT Presentation on Hatteras-Ocracoke Passenger Ferry*

**Description**

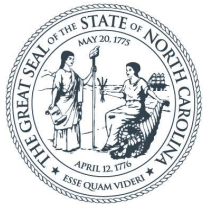
Jed Dixon, Assistant Director of the NC ferry system, will attend the meeting to brief the board on the Ocracoke-Hatteras passenger ferry. A copy of his Power Point presentation is attached.

**Board Action Requested**

Information item

**Item Presenter**

Jed Dixon, NCDOT



## **NORTH CAROLINA** Department of Transportation



# NC Ferry Division's New Passenger Ferry Service

Jed Dixon, Deputy Director

1/29/18



New passenger ferry provides more travel options on the Outer Banks.



# Background: Hatteras-Ocracoke Car Ferry re-routed in 2013

## Current Alternate Route:

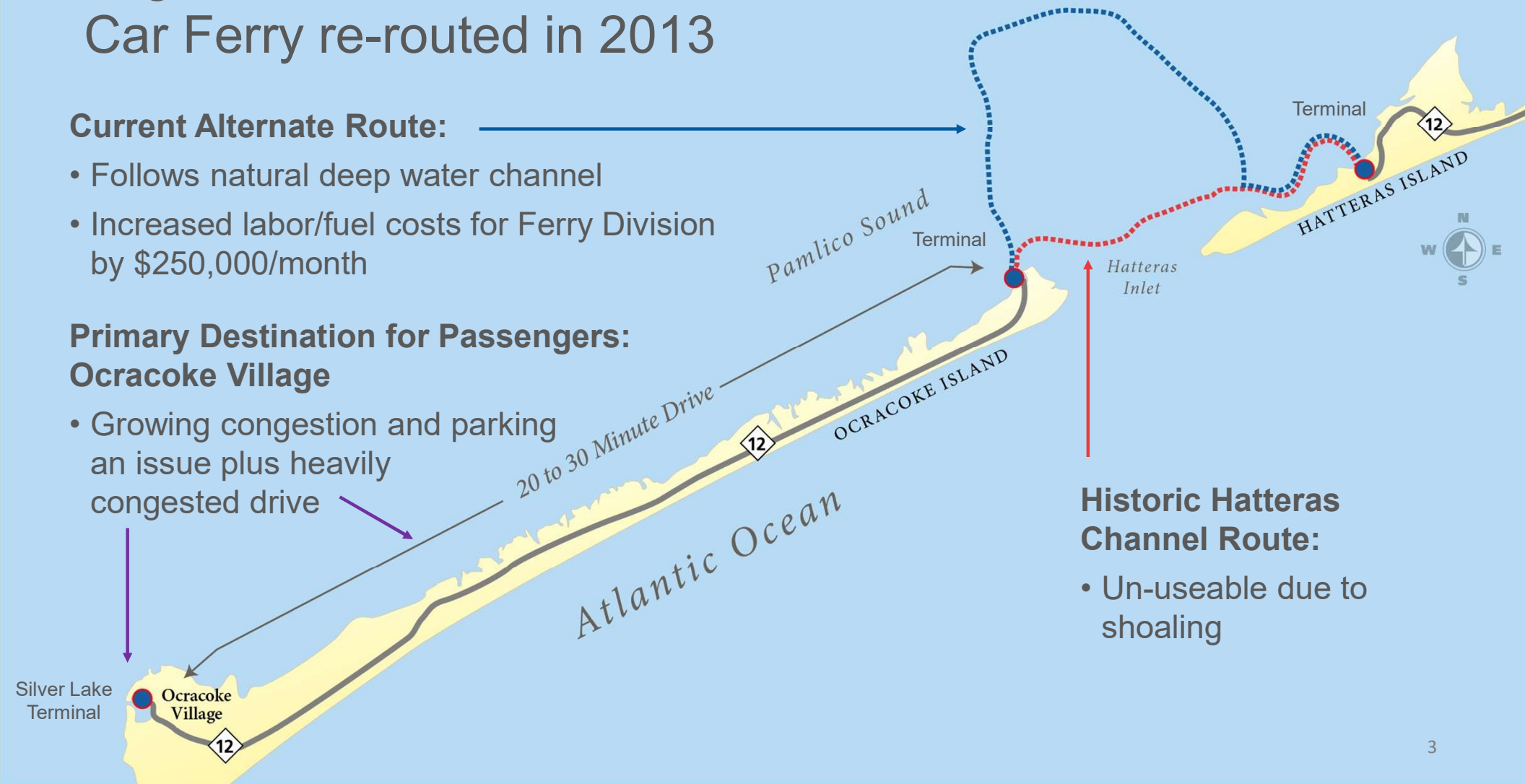
- Follows natural deep water channel
- Increased labor/fuel costs for Ferry Division by \$250,000/month

## Primary Destination for Passengers: Ocracoke Village

- Growing congestion and parking an issue plus heavily congested drive

## Historic Hatteras Channel Route:

- Un-useable due to shoaling

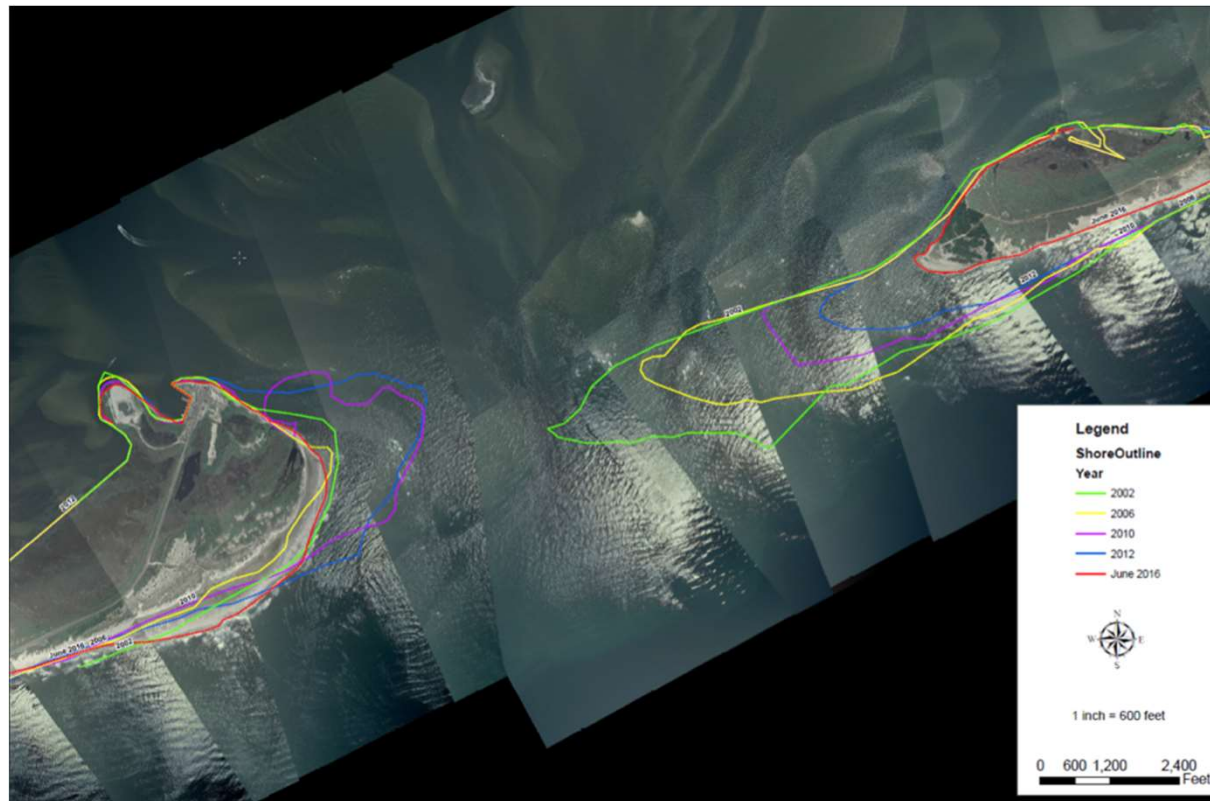


# Hatteras Inlet time lapse 1984-2016

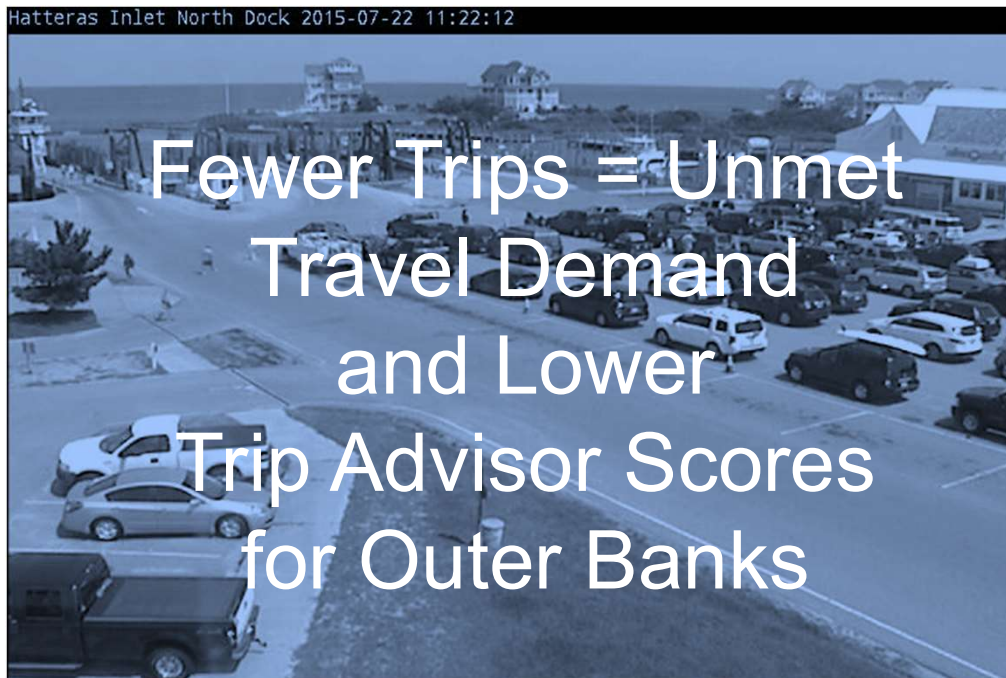




# Hatteras Inlet shoreline erosion 2002-2016



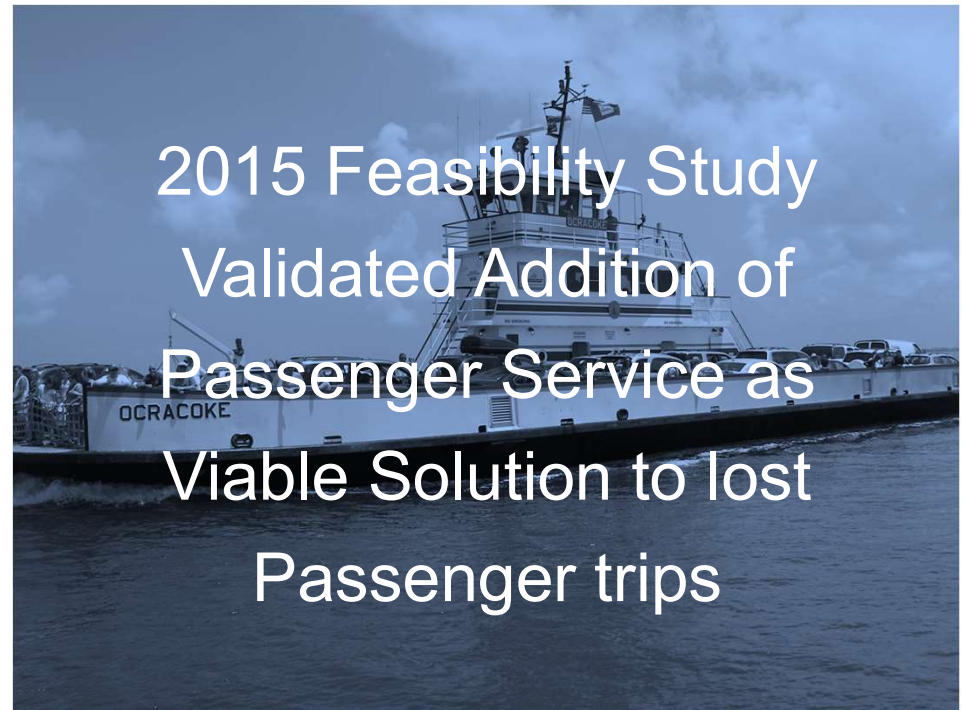
## Longer Alternate Route Impacted Passengers and the Local Economy



- Reduced daily departures from 52 to 42
- Doubled travel time between Hatteras Inlet and Ocracoke Island terminal to one hour
- Increased customer wait at terminals by 1-2 hours
- Decreased local tourism dollars spent

## The NC Ferry Division is Adapting the Way They Do Business to Meet Customer Needs

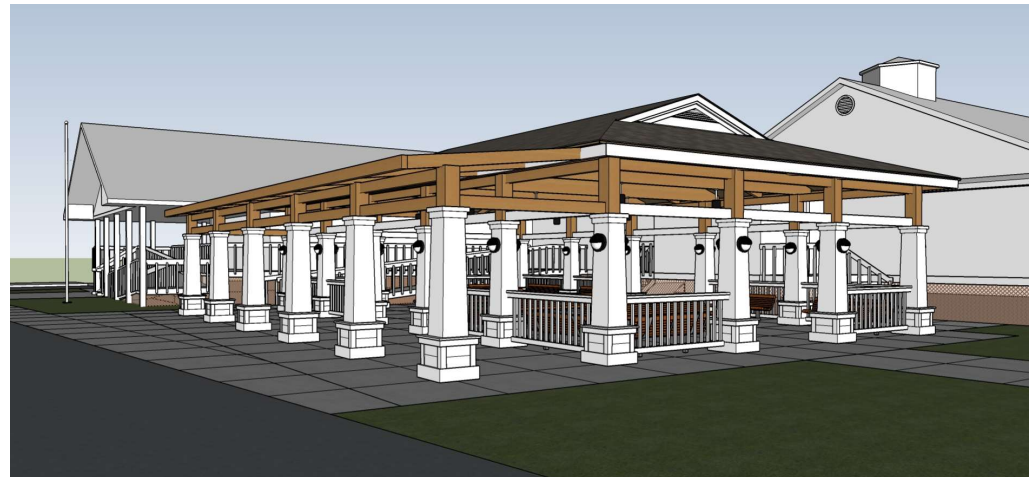
- Based on surveys of ferry riders, 20% (**61,600**) would use passenger-only ferry
- Addition of 150-passenger vessel making 4 daily round trips was recommended
- New service offsets the current wait at terminals, especially for day trippers
- \$15 round-trip fare would generate **\$924,000** in annual revenue



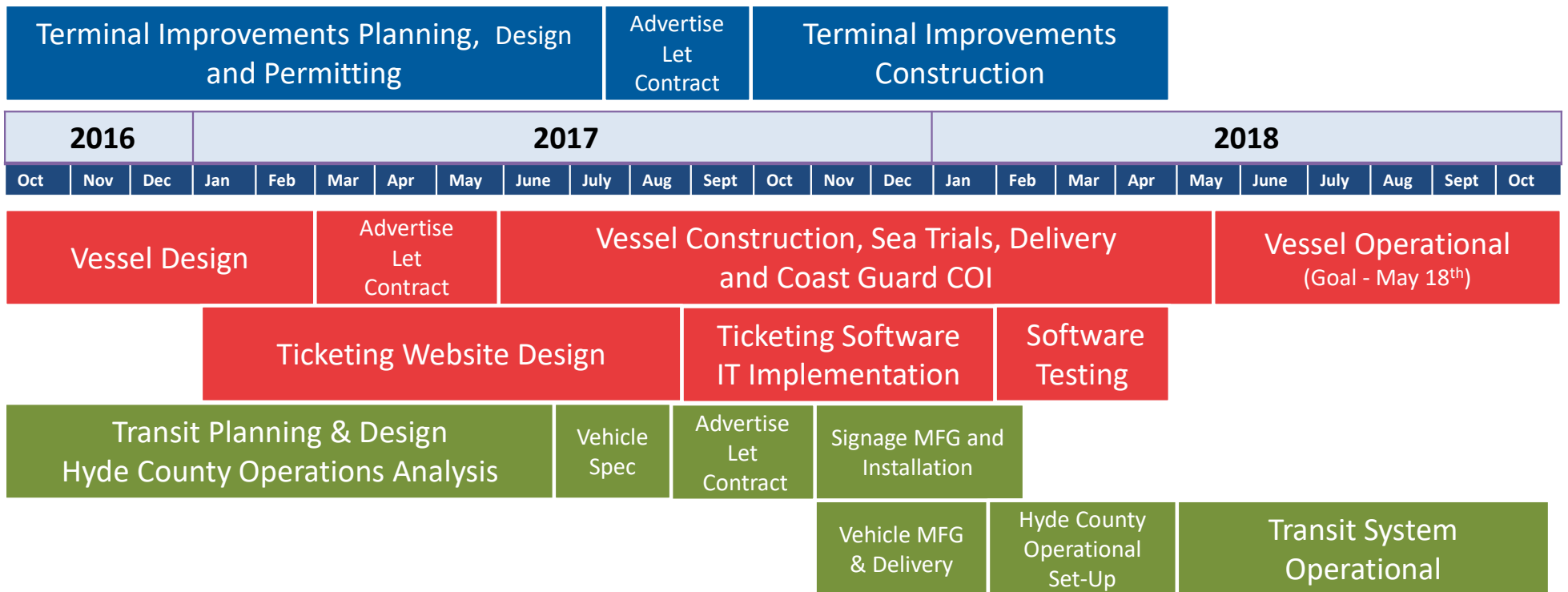
## Passenger Ferry Service to begin Summer 2018



Work is underway to build the ferry, make improvements at Hatteras Inlet Terminal and Ocracoke-Silver Lake Terminal to accommodate passenger service, and establish Ocracoke shuttle service.

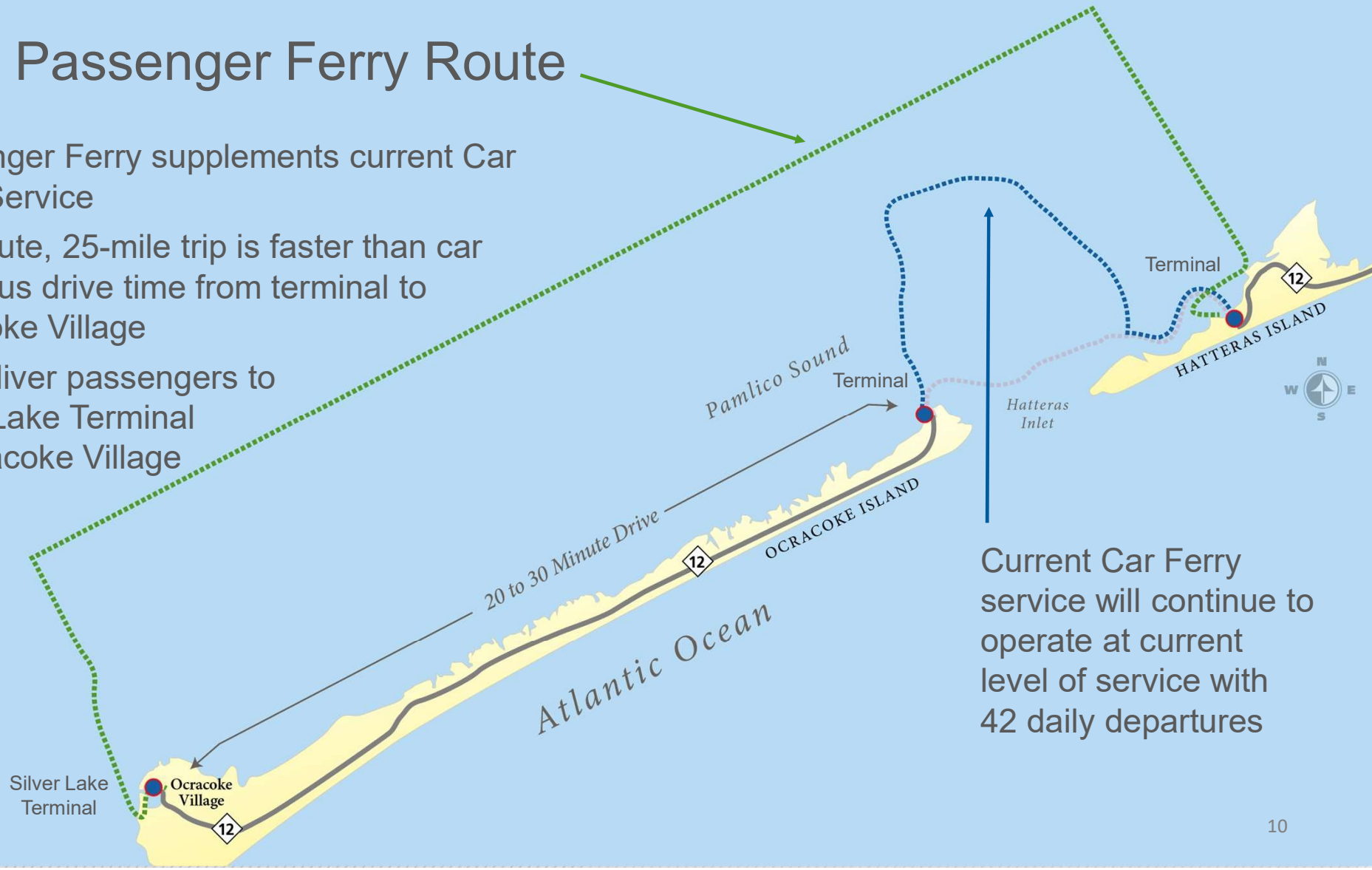


# Timeline



# New Passenger Ferry Route

- Passenger Ferry supplements current Car Ferry Service
- 70-minute, 25-mile trip is faster than car ferry plus drive time from terminal to Ocracoke Village
- Will deliver passengers to Silver Lake Terminal in Ocracoke Village

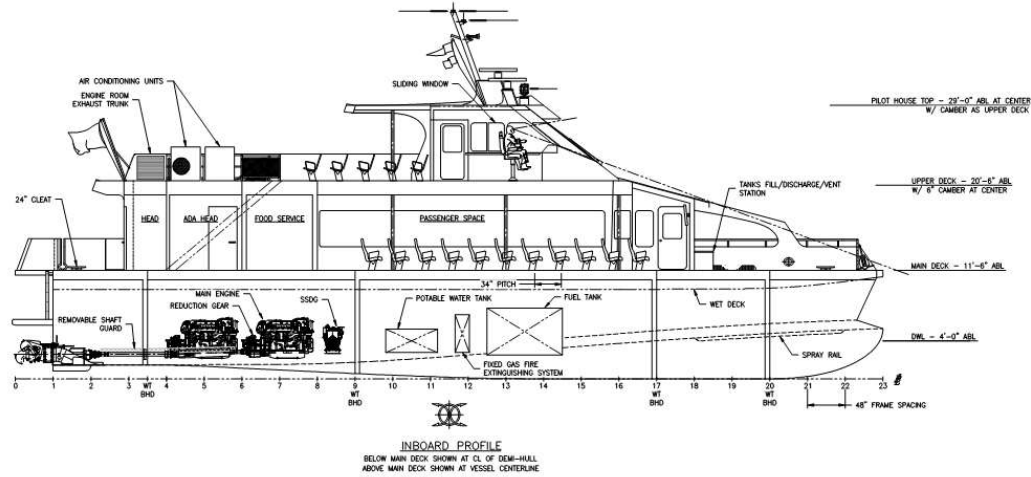


Current Car Ferry service will continue to operate at current level of service with 42 daily departures

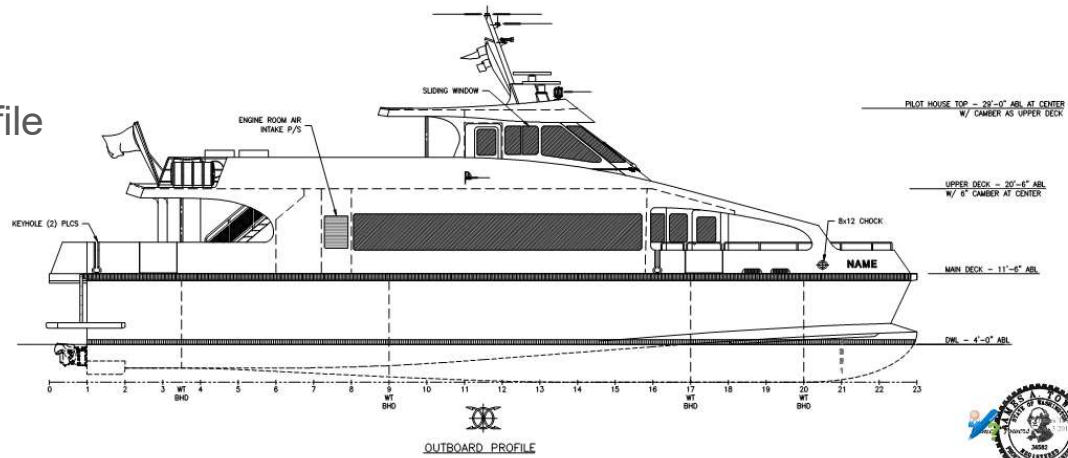


# Exterior Profile

Inboard Profile



Outboard Profile

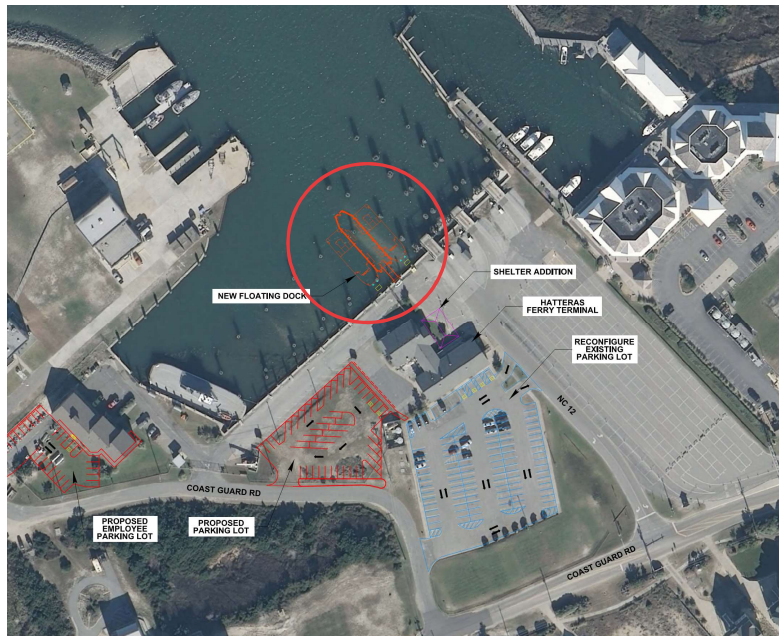




# The Ocracoke Express under construction

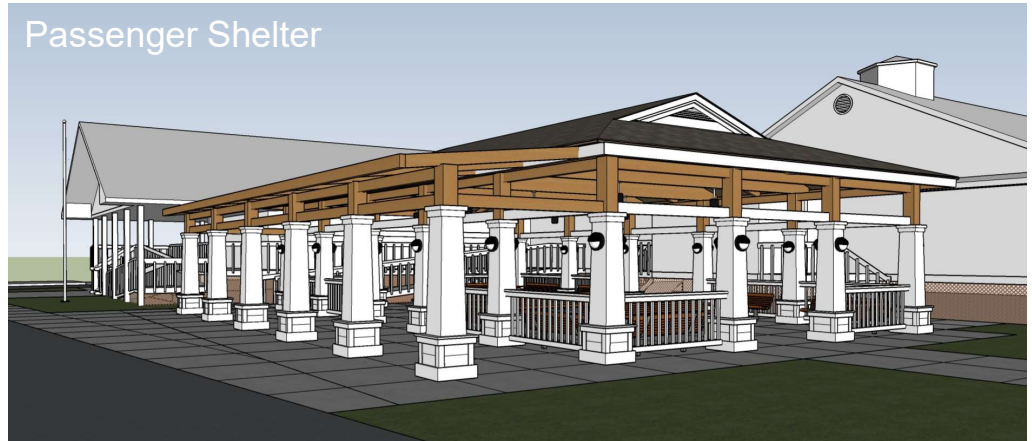


# Hatteras Terminal Improvements



- New floating dock and gangway
- 1,500 sq. ft. passenger shelter
- Additional parking

Passenger Shelter



Passenger Shelter

# Ocracoke-Silver Lake Terminal Improvements



- New floating dock and gangway
- 1,500 sq. ft. passenger shelter
- Additional restroom facilities

# A Transit Shuttle will provide service between Silver Lake Terminal and Ocracoke Village



Questions?





*Resolutions to Name NCDOT Ferries*

**Description**

The North Carolina Department of Transportation has asked the Dare County Board of Commissioners to support the naming of two ferries.

Attached is a resolution requesting that the ferry to replace the MV Baum be named the "Rodanthe."

Also attached is a resolution requesting that the passenger ferry that will provide service between Hatteras and Ocracoke be named the "Ocracoke Express."

**Board Action Requested**

Adopt Resolutions

**Item Presenter**

Robert Outten, County Manager



**A RESOLUTION  
REQUESTING THAT A NORTH CAROLINA FERRY  
BE NAMED THE "RODANTHE"**

**WHEREAS**, the County of Dare is within the North Carolina Department of Transportation (NCDOT) Division 1; and

**WHEREAS**, the County of Dare supports the NC Ferry "Baum" replacement through STI; and

**WHEREAS**, the Dare County Board of Commissioners supports the tradition of naming NC Ferries after towns and regions of coastal North Carolina.

**NOW THEREFORE BE IT RESOLVED** that the Dare County Board of Commissioners requests that the said ferry to replace the MV Baum be named the "Rodanthe".

ADOPTED this 20<sup>th</sup> day of February, 2018.

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Robert Woodard, Chairman

Attest:

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Gary Lee Gross, Clerk to the Board



**A RESOLUTION  
REQUESTING THAT A NORTH CAROLINA FERRY  
BE NAMED THE "OCRACOKE EXPRESS"**

**WHEREAS**, the County of Dare is within the North Carolina Department of Transportation (NCDOT) Division 1; and

**WHEREAS**, the County of Dare supports the NCDOT effort to provide passenger ferry service between Hatteras and Ocracoke; and

**WHEREAS**, the Dare County Board of Commissioners supports the tradition of naming NC Ferries after towns and regions of coastal North Carolina.

**NOW THEREFORE BE IT RESOLVED** that the Dare County Board of Commissioners requests that the said passenger ferry be named the "Ocracoke Express".

ADOPTED this 20<sup>th</sup> day of February, 2018.

---

Robert Woodard, Chairman

Attest:

---

Gary Lee Gross, Clerk to the Board





*Report From the National Park Service*

**Description**

The National Park Service Outer Banks Group will provide Commissioners with a 2017 Year in Review report.

**Board Action Requested**

None - Informational Presentation

**Item Presenter**

David Hallac, Superintendent, National Park Service Outer Banks Group



*Report From The Outer Banks Chamber of Commerce*

**Description**

The Outer Banks Chamber of Commerce will brief the Board of Commissioners on two issues - - -

A report will be given on the Community Housing Initiative Committee that has been formed to address the year-round housing crisis on the Outer Banks. The group includes the Chamber, Association of Realtors, Home Builders, Restaurant Association and business owners.

The Outer Banks Chamber of Commerce will also give an update report on the implementation of the first phase of Dare County's Economic Development and Diversification Program

**Board Action Requested**

None - Informational Presentation

**Item Presenter**

Karen Brown, President & CEO, Outer Banks Chamber of Commerce



# Community Housing Initiative





## Community Housing Initiative Group:

- Outer Banks Chamber of Commerce
- Outer Bank Association of Realtors
- Outer Banks Home Builders Association
- Outer Banks Restaurant Association
- County and Town Officials (Currituck & Dare)
- Business Owners/Managers
- Developers
- Realtors
- Concerned Citizens

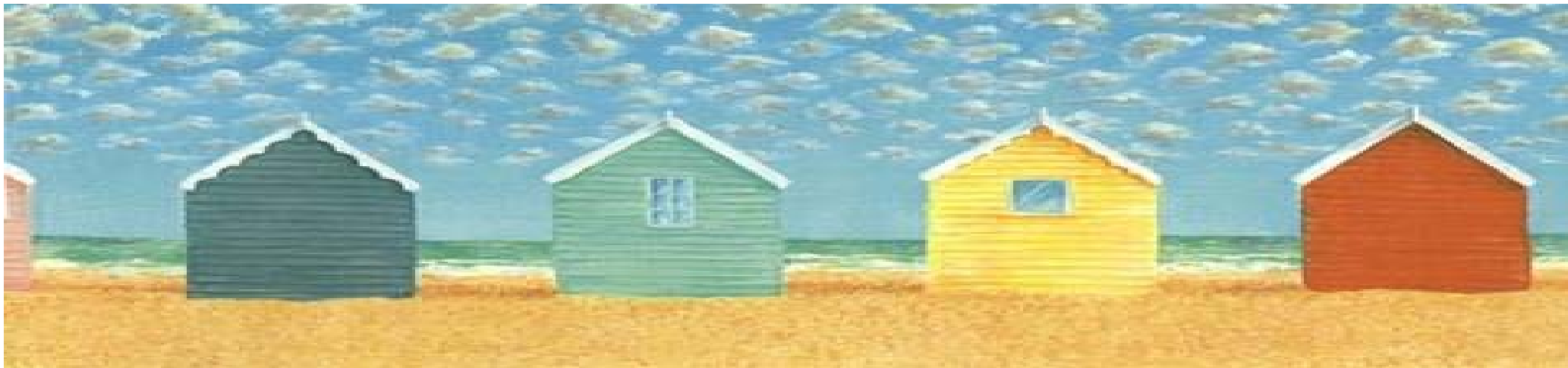




## Outer Banks Housing Crisis

Over 75% of businesses surveyed indicated that housing is a critical issue for finding and retaining their workforce.

- Year Round Housing Opportunities
- Seasonal Housing Opportunities
- Inability to fill professional jobs/loss of workforce
- Inability to fill year-round service industry and entry level positions
- Inability to fill seasonal positions





## Who needs housing.....EVERYONE!

- Teachers
- Police, ENT's, Firefighters, Ocean Rescue
- College Graduates,
- Retail, Restaurant, Hotel Staff
- Professionals – Doctors, Lawyers, Professors, Accountants, etc.
- Contractors; Technical-Skilled Labor
- Seasonal Workers





## Outer Banks Housing Crisis Impact

- Citizen Retention
- Business owner fatigue
- Economic Development opportunities
- Customer Service
  - Ability to satisfy customers
  - Impact on worker fatigue
  - Impacts visitor experience
- Economic Impact on the Outer Banks region
  - Lost revenue
  - Workforce shortage





## How is Housing Made Affordable

- Innovative thinking
- Collaboration
- Land use planning/permitting
- Zoning and Density codes
- Multi-family housing units
- Mixed use development







## Benefits of Multi-Family Housing and Affordable Housing Units (including ADU's)

- Promotes workforce housing at a small scale
- Provides workforce housing at no expense to the public
- Establishes conveniently located rental housing for the local work force
- Allows opportunities for extended families to live together (older and younger)
- Offers companionship and assistance for older/less mobile citizens
- Provides additional income for property owners
- Offers modest increases in property, sales, and occupancy tax revenues for the community
- Creates the potential for more year-round residents, increasing the vitality of the town and improving public safety by having more eyes in neighborhoods





## The Ask?

- Start the conversation at the town and county levels to address this crisis
- Engage with local Planning teams and Government Officials/ Establish a partnership to address the issue
- Work collaboratively with all stakeholders to find a solution to the crisis



# Housing Need in Dare County



Housing is affordable  
when it comprises  
no more than

30%

of a family's  
budget\*

\*including utilities

In Dare County, **37%**



**5,525 households** are cost-burdened.

**39%** of renters



(1,779 households)

**37%** of homeowners



(3,746 households)

have difficulty affording their homes.

## Average Annual Salaries



In order to afford a modest two-bedroom apartment at

**\$883 / month**

A family needs to earn:

**\$32,105 / year**



The average renter can only afford a rent of:

**\$509 / month**

## What can North Carolina do to help?

### Provide \$20 million to the NC Housing Trust Fund

The NC Housing Trust Fund is the state's most flexible source of money for affordable housing. Administered by the NC Housing Finance Agency, the Housing Trust Fund provides opportunities for a wide range of affordable housing options.

### Provide \$35 million to the Workforce Housing Loan Program

The Workforce Housing Loan Program (WHLP) is the state's primary source of funds for affordable rental housing production. The WHLP works with the federal Low Income Housing Tax Credit to leverage private equity to produce affordable rental housing across North Carolina.

**STRONGERTOGETHER**

SMART POLICY. STRATEGIC INVESTMENTS.



Stronger Together is a business model for community transformation that seeks to better housing opportunities for underserved and distressed communities. It is a partnership of the NC Housing Coalition, the NC Community Development Initiative and Initiative Capital.

# Housing Need in Currituck County



Housing is affordable  
when it comprises  
no more than

30%

of a family's  
budget\*

\*including utilities

In Currituck County, 34%



3,079 households are cost-burdened.

49% of renters



(835 households)

30% of homeowners



(2,224 households)

have difficulty affording their homes.

\*Statistics from the ACS, the BLS, and the NLIHC 2016 Out of Reach report

## Average Annual Salaries



In order to afford a modest two-bedroom apartment at

**\$1,107 / month**

A family needs to earn:

**\$40,250 / year**



The average renter can only afford a rent of:

**\$480 / month**

## What can North Carolina do to help?

### Provide \$20 million to the NC Housing Trust Fund

The NC Housing Trust Fund is the state's most flexible source of money for affordable housing. Administered by the NC Housing Finance Agency, the Housing Trust Fund provides opportunities for a wide range of affordable housing options.

### Provide \$35 million to the Workforce Housing Loan Program

The Workforce Housing Loan Program (WHLP) is the state's primary source of funds for affordable rental housing production. The WHLP works with the federal Low Income Housing Tax Credit to leverage private equity to produce affordable rental housing across North Carolina.

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## **December, January, February 2018 Economic Development Activity Report**

### **Ribbon Cuttings:**

Country Deli – relocation  
Russo’s Bistro & Bar – new owner/name change  
Pool Builder Supply – new business to area  
Roanoke Island Outfitters and Dive Shop – relocation  
JJ Brewbaker’s Restaurant – new business  
Seaside Art Gallery – Grand Re-Opening (Post Matthew)  
Austin Broackway Life Coach – new business  
Outer Banks Dermatology – new member/ new location  
Bluewater Ear Nose and Throat – new business/new member

### **RFP’s from EDPNC and the East Alliance**

- Project Precision – Plastic injection molding and assembly operation, 100-250 employees. Building requirements include 70,000 square feet, 8 acres, 24 foot ceiling, extra land to expand
- Project Lion – Ion battery processing. Building needs include 300,000 square foot existing building with warehouse, factory and office space.
- Project Balast – Paper mill operation; 1,000 jobs. Site needs include 800-1,000 acres, rail access, access and proximity to ports and interstate.

### **Business Inquiries**

- Inquiry from Lidl’s regarding local incentives
- New business owners (restaurant - looking for information on permitting, LLC’s, etc.
- Event developers/promoters – possible new large-scale event for Dare County
- Publix – met with their community development person to discuss their entry into the community.

### **OBXMADE**

- Revised papers for trademark and certification have been submitted. Developing application and criteria for use of trademark. Expected launch of program is April 2018.

## Meetings/Programs

- Presented to the EDPNC NC100 meeting on Nov 1st. The purpose of this meeting was to have an opportunity to review the economic development efforts in Dare County and update EDPNC on our target industries and available space.
- Attended and presented to the COA Task Force
- Co-hosted the Everybody Works Breakfast
- Working with Dare County staff on Current TV video on Economic Development
- Attended two East Alliance Marketing meetings (January and February)
- Attended the Regional Partnership & Leadership Development Program: a program provided by the NC Rural Center, Golden Leaf and the Friday Institute to help communities collaborate regionally on projects focused on economic development. Projects should be in one of five areas: Workforce, Education, Physical Infrastructure, Agriculture, Economic Development/Increasing access to capital.
- Joined the North Carolina Economic Development Association
- Attended a lunch and Learn hosted by the NCEDA; "Using GIS to Market Your Economic Development Assets: North Carolina Case Studies" on February 15<sup>th</sup>.





*Proposed Zoning Amendments for Food Stands in Unincorporated Dare County*

**Description**

Last year, the Planning Board studied the issue of food stands and mobile food units in unincorporated Dare County. This was in response to a request by the Planning staff to review the existing regulations to determine if adjustments were needed. The Planning Department gets numerous inquiries throughout the year about food stands and mobile food units and I felt it was appropriate to study the issue. The Planning Board recommended revisions to some of the older zoning districts-- to add food stands to the list of uses, to adopt a set of review procedures for food stands, and to revise the current zoning ordinance definitions to be more consistent with State health definitions. These recommendations are detailed in my staff report.

**Board Action Requested**

Consideration of Planning Board recommendations

**Item Presenter**

Donna Creef, Planning Director

STAFF REPORT: February 20, 2018 Board of Commissioners Meeting

ITEM: Request for Hearing – Food Stand Regulations

FROM: Donna Creef, Planning Director

The issue of food trucks and mobile food service is one that arises every year in the spring and summer months. It has reached the point where additional consideration of the County's current zoning regulations is needed. An individual with a mobile food service will receive Health Department approval and assume the use is permitted by the Dare County Zoning Ordinance. They set up for business and then the Planning Department has to intervene, often after the individual has invested time and money in their venture only to learn their site does not permit food stands (food trucks) in that zoning district.

The item was discussed at length by the Planning Board last summer with a public hearing on this issue held on July 10, 2017. The Planning Board's discussion focused on three main points:

1. Review of our current food service zoning regulations and possible amendments
2. Ice cream truck/vendors
3. Mobile food units (food trucks) and food stands

#### Review of current zoning regulations and possible amendments

The Zoning Ordinance includes three definitions for food establishments:

Food stand – Any place or premises where food and beverages, including ice cream and other frozen items, are prepared and sold or delivered to patrons for off-premises consumption only. In order to qualify as a food stand, no indoor or outdoor seating may be provided for on-premise consumption.

Drive-in restaurant or refreshment stand – any place or premises used for sale, dispensing or serving food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Restaurant – Any place or premises where food and beverages are prepared and served to patrons for on-premises consumption. Seating may be located indoors or outdoors. Delivery service and take-out service may also be offered in addition to the on-premises consumption. This term shall not include drive-in restaurant or food stand as defined elsewhere in this appendix.

Some of the older commercial zoning districts date back to 1975 when the zoning ordinance was originally adopted. These older districts (C-2, C-2H, C-3, I-1 SP-C and VC-2) only allow restaurants and do not list food stands as uses in the districts. Areas that include these older districts are Avon, Buxton, Hatteras village, Roanoke Island, Colington and Stumpy Point. Any type of food service establishment can be permitted in areas zoned S-1 (Rodanthe, Waves Salvo, and Frisco). The newer zoning districts adopted for Wanchese, Manns Harbor, and East Lake address the issue of restaurants, food stands and/or mobile food service therefore these districts do not need any amendments to address food stands. A majority of the zoning districts

prohibit drive-through window service and that restriction is not part of this effort either. The location of mobile food units at annual community events was also not a part of this discussion.

After discussing the issue, the Planning Board voted to recommend the older zoning districts (C-2, C-2H, C-3, I-1, SP-C and VC-2) be amended to add food stands to the list of uses in those districts subject to the same review procedures for restaurants established for that specific district. For example, in the C-2 district, restaurants are subject to administrative staff site plan review. Food stands in the C-2 district would be subject to the same administrative review. Restaurants in the VC-2 district are subject to conditional use permit review by the Board of Commissioners, food stands in the VC-2 district would also be subject to CUP review.

### Ice Cream Vendor Regulations

The Planning Board discussed mobile ice cream vendors and if such vendors should be subject to some sort of zoning review and approval procedures. After hearing from numerous speakers at the June 12 and the July 10 Planning Board meetings, it was the consensus of the Planning Board that ice cream vendors should not be the focus of any regulatory initiative. These vendors are not subject to regulation by the Dare County Health Department because they serve pre-packaged goods. They are generally viewed as a historical, seasonal use.

### Mobile food units (food trucks) and food stands

Under the NC health regulations, mobile food vendors must be affiliated with a restaurant for refrigeration and employee restroom access. Any mobile food service must provide a list of locations where they plan to set up and a written agreement from the affiliated restaurant owner to the Dare County Health Department. Food stands can provide up to eight customers seats.

The Planning Board felt the use of mobile food trucks as food stands was appropriate since they are approved by the Health Department and that a zoning review process should be established to address other issues such as signage, seating, solid waste disposal etc. A large part of the Planning Board discussion's focused on whether food stands should be allowed to locate at any existing business site or if they should only be allowed in the parking lot of the restaurant whose restrooms and refrigeration they are using. The majority of the Planning Board members felt location at any business was appropriate. The comments offered by the Planning Board members indicated food trucks are popular in other areas of North Carolina and provide an alternative for visitors and residents.

The new review procedures developed by the Planning Board include several conditions distinguishing a food stand from a full-service restaurant and, if adopted, would establish a review process similar to procedures for other types of land uses. The proposed regulations would limit food stand seating to eight seats as allowed by NC health laws but restrict the seating area to an unenclosed, outdoor seating area. This will preclude a deck being enclosed with screens, windows or walls. The provision of seating also triggers the need for customer public restrooms under the NC plumbing code. If the operator of a food stand chooses not to provide seating, then no public restrooms are required. Food stands must provide ten parking spaces independent of parking for other uses occurring on the site. The entire set of regulations is included with this staff report.

Following their discussions, the Planning Board voted to recommend the following:

1. No regulations are needed at this time for ice cream vendors, they are viewed as a historical use of the area and should continue to be operate as they do now.

2. Amend the C-2, C-2H, C-3 I-1, SP-C and VC-2 commercial districts to add food stands to the list of uses subject to the review procedures established in each district for restaurants.
3. Consider mobile food units (food trucks) as food stands subject to zoning review according to a new set of regulations. These amendments, if adopted, would apply to all zoning districts in unincorporated Dare County.
4. Amend the food establishment definitions for consistency with state regulations. These draft amendments are attached.

Should it be the pleasure of the Board of Commissioners to offer additional consideration to these items, then a public hearing on the draft amendments is needed. I can advertise all the proposed amendments and based on public input, the Board may choose to adopt all of them, adopt none of them, or only adopt some of the regulations. If a hearing is scheduled, then I recommend the hearing be held on March 19, 2018 at 5:30 p.m. Should the Board decide that no amendments to add food stands the six older districts is needed, then the Planning staff will continue to enforce the current zoning regulations and food stands will be approved only in the areas zoned S-1 and those districts that already specifically lists food stands and restaurants.

Motion to schedule a public hearing:

To schedule hearing on entire set of recommendations: “I move that a public hearing be scheduled on March 19, 2018 at 5:30 p.m. on the recommendations submitted by the Planning Board.

SUMMARY OF KEY POINTS of RECOMMENDATIONS

1. Amend six older districts to add food stands as follows:

- Avon – C-2 and C-3
- Buxton C-2, C-3 and I-1
- Hatteras C-2H
- Manteo Out – C-3 and I-1
- Colington -- VC-2
- Stumpy Point – SP-C

2. Amend current food service definitions to be more consistent with State health regulations.
3. Amend Zoning Ordinance to add a new section of review procedures for food stands and mobile food carts. These regulations include several conditions for food stands

- Must be affiliated with existing restaurant
- Must be located in parking lot of existing business
- Must provide 10 parking spaces
- May provide a maximum of 8 outdoor seats
- If outdoor seats provided, then public restrooms must be made available, no portable toilets.
- No storage sheds or temporary buildings used for food stands

Attachments

New section 22-58.2 review procedures for mobile food establishments  
 Proposed revisions to Section 22-2 Definitions  
 Matrix of zoning districts and current food service uses

## **Section 22-58.5 Food Stands and Mobile Food Units (New Section Proposed for ZO)**

Intent and Effect: The section shall apply to the review, approval and operation of any food stand and/or mobile food unit as permitted in the individual zoning districts of unincorporated Dare County. These regulations shall be effective (insert date of adoption) and apply to any food stand authorized by Dare County after this adoption date.

Mobile food units: Mobile food units as defined in Section 22-2 of the Dare County Zoning Ordinance may be authorized as a food stand subject to the conditions and procedures set forth in this section.

Approval procedures: A food stand listed as a “permitted” use in the applicable zoning district shall be subject to administrative approval by the Dare County Planning Department. A food stand listed as a “conditional” use in the applicable zoning district shall be subject to Planning Board review and Board of Commissioners approval according to the provisions of Section 22-68 of the Dare County Zoning Ordinance. An up-to-date site plan depicting the location of the proposed food stand shall be provided to the Dare County Planning Department as part of the review process. Approval from the Dare County Health Department shall be obtained and proof of the Health Department approval submitted to the Planning Department.

Location: A mobile food unit shall be located on a parcel of land in conjunction with an existing commercial structure or use. Only one mobile food unit shall be located on a parcel of land in conjunction with an existing commercial structure or use. Written approval from the owner of the commercial use shall be submitted as part of the site plan review process. A food stand proposed for use as a principal, stand-alone use may be permitted subject to the review procedures set forth in this section and in the applicable zoning district. Any food stand shall be limited to the seating restrictions of this section

Seating: An unenclosed, outdoor seating area may be provided for customers of the food stand. The maximum number of seats shall not exceed eight seats. The location of the seating shall be identified on the site plan submitted for the food stand and seating shall not be located in any setback area, parking area, or stormwater management area. A food stand shall not feature indoor seating.

Public Restrooms: Any food stand, both permanent and mobile food units, that provides outdoor seating shall provide public restrooms on the same site for use by their customers and employees. Public restrooms of the affiliated business or restaurant may be used to meet this requirement if the restrooms meet the requirements of the North Carolina Plumbing Code. Portable toilets shall not be used to meet this public restroom requirement.

Setbacks: Any food stand shall meet the zoning setbacks for a principal use structure applicable to the site where such food stand is to be located.

Parking: Ten parking spaces, as required by Section 22-56 for food stands, shall be identified on the site plan for the property where the food stand will be located. Parking spaces for the existing business affiliated

with the food stand may be approved for use by the food stand if the hours of operation for the food stand and the business do no overlap.

Restaurant Affiliation: A restaurant shall be affiliated with a food stand as required by NC Health regulations. The affiliated restaurant shall be located in Dare County.

Signage: A separate freestanding business sign for the food stand shall not be displayed. Temporary signage or sandwich board signs shall not be used. Advertising for the food stand may be incorporated into the freestanding sign for the existing business if such sign does not exceed the allowable square footage as established by the Dare County Sign Ordinance. Signage on the outside of the food stand attached to the unit may be authorized by the Planning Department during the approval process. One flag as defined in the Dare County Sign Ordinance may be displayed at the food stand location according to the provisions of the Dare County Sign Ordinance. Any flag displayed at the food stand shall not interfere with line of sight clearances in parking areas.

Solid Waste: Trash receptacles for customer and employee use shall be provided onsite by the food stand operator. Approval to use the solid waste containers of the affiliated business shall be submitted as part of the approval process. Solid waste containers provided at public beach accesses or other public sites shall not be used.

Hours of Operation: Hours of operation for any food stand shall be established during the approval process and noted in the approval certificate issued by the Planning Department.

Annual Review: Annual review of any mobile food unit approved as a food stand is required and shall include the submission of documentation from the affiliated business and restaurant.

Other conditions:

Any mobile food unit authorized as a food stand shall be kept in a “ready to move” state and shall not have the wheels or tires removed from the unit. Pre-fabricated accessory structures intended for storage purposes and constructed off-site or factory-built shall not be used as food stands.

No drive-thru window service whereby patrons are served while seated in vehicle shall be permitted at a food stand.

Nothing in these regulations shall be interpreted to apply to catering services or special event food vendors as approved by the Dare County Health Department or to emergency response feeding services offered as part of emergency response operations.

Proposed amendments to definitions to be consistent with State Health definitions (new text underlined, text for deletion in strikethrough)

Food establishment: an operation that is conducted in a mobile, stationary, temporary or permanent facility or location and where consumption is on premises or off the premises.

~~Food stand – Any place or premises where food and beverages, including ice cream and other frozen items, are prepared and sold or delivered to patrons for off-premises consumption only. In order to qualify as food stand, no indoor or outdoor seating may be provided for on-premise consumption.~~

Food stand: any food establishment that prepares or serves food and does not provide indoor seating facilities for customers to use while eating or drinking. A permitted food stand may elect to provide tables and not more than eight seats for customers to use while eating and drinking on the premises. Such seating shall be provided in an unenclosed, outdoor area.

Mobile food unit: a food establishment or pushcart designed to be readily moved and vend food.

Drive-in restaurant or refreshment stand – any place or premises used for sale, dispensing or serving food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises. (no change recommended)

Restaurant – Any place or premises where food and beverages are prepared and served to patrons for on-premises consumption. Seating may be located indoors or outdoors. Delivery service and take-out service may also be offered in addition to the on-premises consumption. This term shall not include drive-in restaurant or food stand as defined elsewhere in this appendix. (no change recommended)

<b>RESTAURANTS ALLOWED ONLY</b>						
<b>DISTRICT</b>	<b>C-2</b>	<b>C-2H</b>	<b>C-3</b>	<b>I-1</b>	<b>VC-2</b>	<b>SP-C</b>
<b>Avon</b>	YES		YES			
<b>Buxton</b>	YES		YES	YES		
<b>Hatteras</b>						
<b>Colington</b>					YES	
<b>Manteo Out</b>			YES	YES		
<b>Stumpy Point</b>						YES
<b>Frisco</b>	S-1 zoning – all uses permitted -- no changes needed – review procedures for mobile food units recommended					
<b>RWS</b>	S-1 zoning – all uses permitted -- no changes needed -- review procedures for mobile food units recommended					
<b>Wanchese</b>	No changes recommended – review procedures for mobile food units recommended					
<b>Manns Harbor</b>	No changes recommended – review procedures for mobile food units recommended					
<b>East Lake</b>	No changes recommended – review procedures for mobile food units recommended					





*Consent Agenda*

**Description**

1. Approval of Minutes (02.05.18)
2. Tax Collector's Report

**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., February 5, 2018**

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

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](http://www.darenc.com).

Chairman Woodard called the meeting to order at 9:00 a.m. He invited Rev. Spottswood Graves 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.

#### **ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE (Att. #1)**

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 –

- The Chairman’s opening remarks focused exclusively on the issue of offshore drilling and seismic testing. He reported on a meeting he attended at the North Carolina Governor’s Executive Mansion where the Board’s continued opposition to offshore drilling and testing was conveyed directly to Governor Cooper and U.S. Interior Secretary Ryan Zinke. The Chairman outlined the economic importance of the North Carolina shoreline and emphasized that we cannot afford an environmental disaster. He summarized the suggestions he made to Secretary Zinke to utilize the oil that is currently available onshore without the environmental risks of offshore development. He noted that this is not a partisan issue and urged everyone to make public comments opposing offshore drilling and testing because our economy and our children’s future depends on pristine beaches. The Chairman presented a resolution expressing the Board’s continued opposition to offshore drilling and seismic testing.

During discussion of the resolution, Commissioner Tobin said he felt the reference to the Prince William Sound, which was victimized by the Exxon Valdez, should be stricken from the resolution because that was a shipping disaster rather than a drilling disaster. Commissioner Couch disagreed citing the importance of safeguarding marine life.

**MOTION**

Commissioner Shea and Vice Chairman Overman motioned to adopt the resolution as presented expressing the Board's continued opposition to offshore drilling and testing. Commissioner Couch and Commissioner House seconded the motion.

VOTE: AYES unanimous

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

- 1) April Farence, Tax Assessment Department, received a 10-year pin.
- 2) Melissa Turnage, Social Services Division, received a 15-year pin.

**ITEM 3 – EMPLOYEE OF THE MONTH – FEBRUARY 2018**

Brandi Combs received the Employee of the Month award from David Clawson who described the many ways that Ms. Combs is an asset to the Finance 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. 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. Chris Hickman – thanked the Board of Commissioners for their stand in opposing the attempt of the NC Marine Fisheries Commission to redefine Commercial Fishing. He also expressed the need for additional dredging at Hatteras Inlet so that vessels can better utilize the waterway.
2. Ernie Foster – summarized a letter sent to the Marine Fisheries Commission (MFC) outlining the many reasons why the existing definition of Commercial Fishing should be kept. He said the MFC is trying to fix something that isn't broken and thanked the Dare County Board of Commissioners for taking such quick action on this vital issue.

**ITEM 5 – PRESENTATION ON THE MIRLO CENTENNIAL**

John Griffin, President of the Chicamacomico Historical Association, briefed the Board on activities that are planned to commemorate the 100<sup>th</sup> anniversary of the rescue of the British oil tanker, the S.S. Mirlo, which took place on August 16, 1918. He provided information about the rescue and invited everyone to participate in the upcoming events. Commissioner Couch thanked the Chicamacomico Historical Association and their many volunteers.

**ITEM 6 – NCDOT REPORT ON DARE COUNTY PROJECTS**

NCDOT Division Engineer Jerry Jennings gave a comprehensive update on transportation projects throughout Dare County. He reported that the new Bonner Bridge is expected to be open to traffic by end of this year. He added that the new Pea Island Bridge is complete except for demobilization and that the new bridge will be named in honor of Captain Richard Etheridge. Mr. Jennings also outlined plans for the structure known as the Rodanthe Jug Handle Bridge. Included in the report were NCDOT's efforts to rehabilitate the Alligator River Bridge and the Wright Memorial Bridge along with road projects and maintenance plans for Dare County. NCDOT Board Member Allen Moran invited Commissioners to a ceremony planned for February 20, 2018 to dedicate the Captain Richard Etheridge Bridge. Commissioner Couch voiced thanks for the assistance that NCDOT gives to those who want to have roads added to the State system. Commissioner Tobin advised Mr. Jennings of an anchor buoy problem at Oregon Inlet and asked that a meeting be set up to address this serious navigational safety issue. Chairman Woodard expressed gratitude for the County's relationship with NCDOT and thanked them for being so responsive.

**RECESS: 10:34 a.m. – 10:54 a.m.**

**ITEM 7 – DARE COUNTY LAND USE PLAN UPDATE**

Planning Director Donna Creef provided an update on the Dare County Land Use Plan (LUP), which was certified by the North Carolina Coastal Resources Commission in February 2011. She explained that it is time for work to begin on the update process and outlined the steps that are needed. Ms. Creef asked the Board to designate a Planner in Charge and appoint a Steering Committee for the update process.

**MOTION**

Commissioner Shea motioned to designate the Planning Director as the Planner in Charge, designate the Dare County Planning Board as the LUP Steering Committee, and instruct the Planning Director and Planning Board to initiate work on the LUP update.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – GIOVANNA CALVILLO CUP-HOME OCCUPATION**

This agenda item was handled as a quasi-judicial proceeding. Dare County Planner Noah Gillam and the applicant, Giovanna Calvillo, were both duly sworn by the Clerk to the Board before offering any testimony. Mr. Gillam presented a Conditional Use Permit (CUP) amendment request submitted by Giovanna Calvillo concerning her home occupation business at 1386 N. Highway 64/264 on Roanoke Island. He explained that the request seeks to amend the CUP to allow the applicant to change the business use to a beauty salon. It was noted that staff processed the application as a new CUP and that the request was reviewed by the Planning Board, which unanimously recommended approval.

The County Manager asked the applicant if she agrees to the admission into evidence of the file material submitted by the Planning Department, the facts presented by the Planner, and the terms and conditions outlined in the CUP. Ms. Calvillo indicated her agreement.

**MOTION**

Commissioner Shea motioned to grant approval of the Conditional Use Permit as recommended by the Planning Board.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – FY2018 AUDIT CONTRACT AND FOUR YEAR AGREEMENT**

The Finance Director briefed the Board on the agreement with Potter & Company to perform the County’s annual financial audit for the next four years. He reported that the Dare County Audit Committee voted to approve foregoing the Request for Proposals (RFP) process and recommend to the Board that the agreement with Potter & Company be renewed for a new 4-year term, subject to an annual fee increase of no more than 2 percent. Mr. Clawson explained that the Audit Committee’s recommendation was based on the quality of the firm’s work and number of partner hours they provide.

**MOTION**

Commissioner Shea motioned to approve the agreement as presented and authorize Chairman Woodard and Commissioner Shea, as Chairman of the Audit Committee, to execute the Contract and Engagement Letter.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – RESOLUTION SUPPORTING LME/MCO SERVICES IN NC (Att. #2)**

Vice Chairman Overman explained that services to those with mental health problems, developmental disabilities, and substance use disorders are done through a cohesive system of care by Local Management Entities/Managed Care Organizations (LME/MCO) with Trillium being the LME/MCO for Dare County. He said there is statewide discussion to consider privatizing part of these services to outside insurance type companies and expressed doubt that they would provide the same level of care that has been done so effectively by local LME/MCO’s. The Vice Chairman presented a resolution asking the North Carolina Legislature to continue the LME/MCO model rather than consider allowing privatized, for-profit enterprises to serve this vulnerable population.

**MOTION**

Commissioner Shea motioned to adopt the resolution as presented.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – PUBLIC HEARING – SUPPLEMENT TO CODE OF ORDINANCES (Att. #3)**

At 10:32 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments in Manteo and via the video link to the Fessenden Center in Buxton. No one responded to the invitation to address the Board. Chairman Woodard closed the hearing at 10:33 a.m.

Following the Public Hearing, Mr. Outten explained that although each ordinance approved by the Board during 2017 has already been adopted, the Board should vote to formally codify all the 2017 ordinances as the S-10 Supplement to the Code of Ordinances.

**MOTION**

Commissioner Shea motioned to adopt a resolution enacting and adopting the 2017 S-10 Supplement to the Dare County Code of Ordinances.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – 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 (01.22.18) **(Att. #4)**
- 2) Advertise 2017 Tax Year Liens

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – BOARD APPOINTMENTS**

1) Planning Board

Vice Chairman Overman motioned to reappoint John Finelli and Charles Read.  
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Upcoming Board Appointments

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

**ITEM 14 – 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 Tobin

- Briefed the Board on a recent meeting he attended where Oregon Inlet was discussed.

Commissioner Ross

- Reported on the meeting he attended where North Carolina's Health and Human Services Secretary discussed the disparity of employment opportunities for those with disabilities and addressed the opioid issue.
- Said he would soon be joining Superintendent David Hallac on a tour of local National Park Service facilities.
- Described the groundbreaking ceremony that was held for The Outer Banks Hospital Radiation Therapy Center.

- Mentioned the new office site for GEM, where Gail Sonnesso and a great group of volunteers provide services for those dealing with Alzheimer's disease and dementia.
- Commented on the recent Passenger Ferry Task Force meeting that he along with Planning Director Donna Creef attended where NCDOT's planning passenger ferry service from Hatteras to Ocracoke was discussed. He expressed a concern that Hatteras Village could simply become a staging and parking area for those going to Ocracoke. This subject was then discussed by the Board and others as follows - - - Ms. Creef noted that Jed Dixon with the Ferry Division is willing to speak to the Board about this issue. Commissioner Couch mentioned the importance of having representatives of Hatteras Village and the Scenic Byways Committee involved in this endeavor. Mary Helen Goodloe-Murphy added that the Hatteras Village Community Center District should have a seat at the table and suggested names of possible participants. Vice Chairman Overman said a group presentation to the Board of Commissioners would be helpful and it was the consensus of the Board to have the Planning Director arrange for a presentation to be made a future meeting.

#### Commissioner House

- Reported on a recent meeting he attended where candidates for state and federal offices were able to share their thoughts and ideas and address the recent move by the Marine Fisheries Commission (MFC) to consider redefining Commercial Fishing. He noted that word is getting out and several other counties are considering supporting Dare County's position on this issue. He added that if this measure is approved by the MFC, it will still have to go through the North Carolina General Assembly. Commissioner House said he will be attending the upcoming DMF meeting in Wrightsville Beach to convey the Board's opposition to changing the definition of Commercial Fishing.

#### Vice Chairman Overman

- Congratulated the service pin recipients and Employee of the Month.
- Mentioned the meeting where the North Carolina Health and Human Services Secretary recently addressed the "Everybody Works NC" initiative and other concerns including the opioid crisis and transportation needs.
- Encouraged everyone to attend the upcoming Town Hall meeting sponsored by the Saving Lives Task Force.
- Thanked the Board for adopting a resolution in support of LME/MCO's. (*Agenda Item #10*)

#### Commissioner Shea

- Thanked the service pin recipients and the Employee of the Month for all that they do to make Dare County a great place to live, work, and raise a family.
- Urged everyone to make comments to lawmakers and voice their opposition to offshore drilling and testing noting that there are few issues more important than the potential consequences of an oil spill off our coastline.

#### Commissioner Couch

- Noted that Dare County is a rising destination for the motor coach industry and cited the positive economic impact that each bus brings to the tourism economy of Dare County.
- Spoke against offshore drilling saying it would jeopardize our main tourism attraction.



- Expressed thanks that the Buxton beach nourishment project is nearing completion.
- Reported that the recent oyster roast sponsored by the NC Coastal Federation was a great event and mentioned the possibility of a meeting where the Federation along with the Coastal Studies Institute might be able to sit down with members of the Board.
- Gave an update on the COA Task Force and described the exhaustive effort that is underway to get community input about curriculum for the Dare County campus.

Chairman Woodard

- Expressed regret that he could not attend the Coastal Federation oyster roast because he was out of town attending his meeting with the Governor and Interior Secretary Zinke.
- Commented on the recent groundbreaking ceremony for The Outer Banks Hospital Radiation Therapy Center.
- Noted that the session with the Health and Human Services Secretary was informative.
- Urged everyone to get involved, along with the Board, in opposing offshore drilling by contacting their legislators.
- Chairman Woodard presented a list of the Board's 12 Goals & Priorities for 2018 and it was the consensus of the Board to have staff move forward in publishing the list.

**MANAGER'S/ATTORNEY'S BUSINESS - None**

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

**MOTION**

Commissioner Ross and Commissioner Shea motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 11:49 a.m., the Board of Commissioners adjourned until 5:00 p.m., February 20, 2018.

Respectfully submitted,

[SEAL]

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

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



*Tax Collector's Report*

**Description**

Jan 2018 NCVTS Refunds over \$100

**Board Action Requested**

Approved

**Item Presenter**

Becky Huff, Tax Collector



# North Carolina Vehicle Tax System

JAN 2018 REFUNDS > \$100

## NCVTS Pending Refund report

Report Date 2/9/2018 10:33:18 AM

Primary Owner	Address 1	Address 3	Refund Reason	Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
FOSTER FARM OF VA LLC	1703 CREEK ST	CHESAPEAKE, VA 23322	Tag Surrender	C99	Tax	(\$101.95)	\$0.00	(\$101.95)
				T07	Tax	(\$90.31)	\$0.00	(\$90.31)
				Refund				\$192.26
HARE, JAMES THOMAS JR	PO BOX 8067	KITTY HAWK, NC 27949	Tag Surrender	C99	Tax	(\$117.54)	\$0.00	(\$117.54)
				T20	Tax	(\$55.02)	\$0.00	(\$55.02)
				Refund				\$172.56
MCMANUS, DELIA BARBER	FOUR SEASONS DUCK BOX 12 102 BEACHCOMBER COURT	DUCK, NC 27949	Tag Surrender	C99	Tax	(\$69.34)	\$0.00	(\$69.34)
				T21	Tax	(\$33.86)	\$0.00	(\$33.86)
				Refund				\$103.20

**REFUND TOTAL: \$468.02**

Tax	District	Net Change
C99	COUNTY	(\$288.83)
T07	CITY	(\$90.31)
T20	CITY	(\$55.02)
T21	CITY	(\$33.86)
<b>TOTAL:</b>		<b>(\$468.02)</b>

**COMMISSIONERS' BUSINESS**

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