



County of Dare

P.O. Box 1000 | Manteo, NC 27954

DARE COUNTY BOARD OF COMMISSIONERS

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

Monday, August 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** Report on the Monitor National Marine Sanctuary
- ITEM 4** Request from the 2018 United Methodist Church Youth Conference
- ITEM 5** Settlement of Sink v. Dare County
- ITEM 6** **Public Hearings – 5:30 p.m.**
- 1. Golf Carts in Buxton
 - 2. Revisions to Chapter 99, Camping
 - 3. Jon Midgett Construction LLC - CS Zoning Text Amendment
- ITEM 7** Consent Agenda
- 1. Approval of Minutes (08.06.18)
 - 2. Memorandum of Understanding - Dare County and U.S. Fish & Wildlife Service
 - 3. DHHS - Emergency Food and Shelter Budget Amendment
 - 4. Update List of Deputy Finance Officers
 - 5. Tax Collector's Report
- ITEM 8** Commissioners' Business & Manager's/Attorney's Business

ADJOURN UNTIL 9:00 A.M. ON TUESDAY, SEPTEMBER 4, 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



Report on the Monitor National Marine Sanctuary

Description

Superintendent David Alberg will give the Board of Commissioners an update on activity at the Monitor National Marine Sanctuary.

Board Action Requested

Informational Presentation

Item Presenter

David Alberg, Superintendent, Monitor National Marine Sanctuary

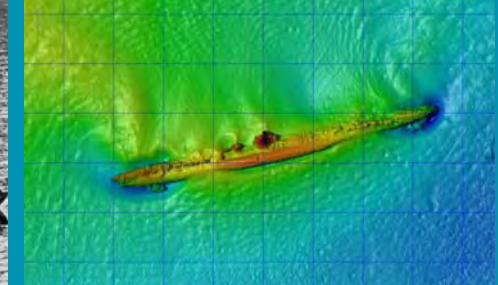
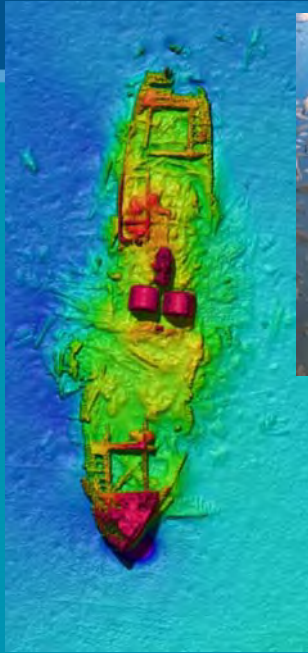
National Marine Sanctuaries
National Oceanic and Atmospheric Administration

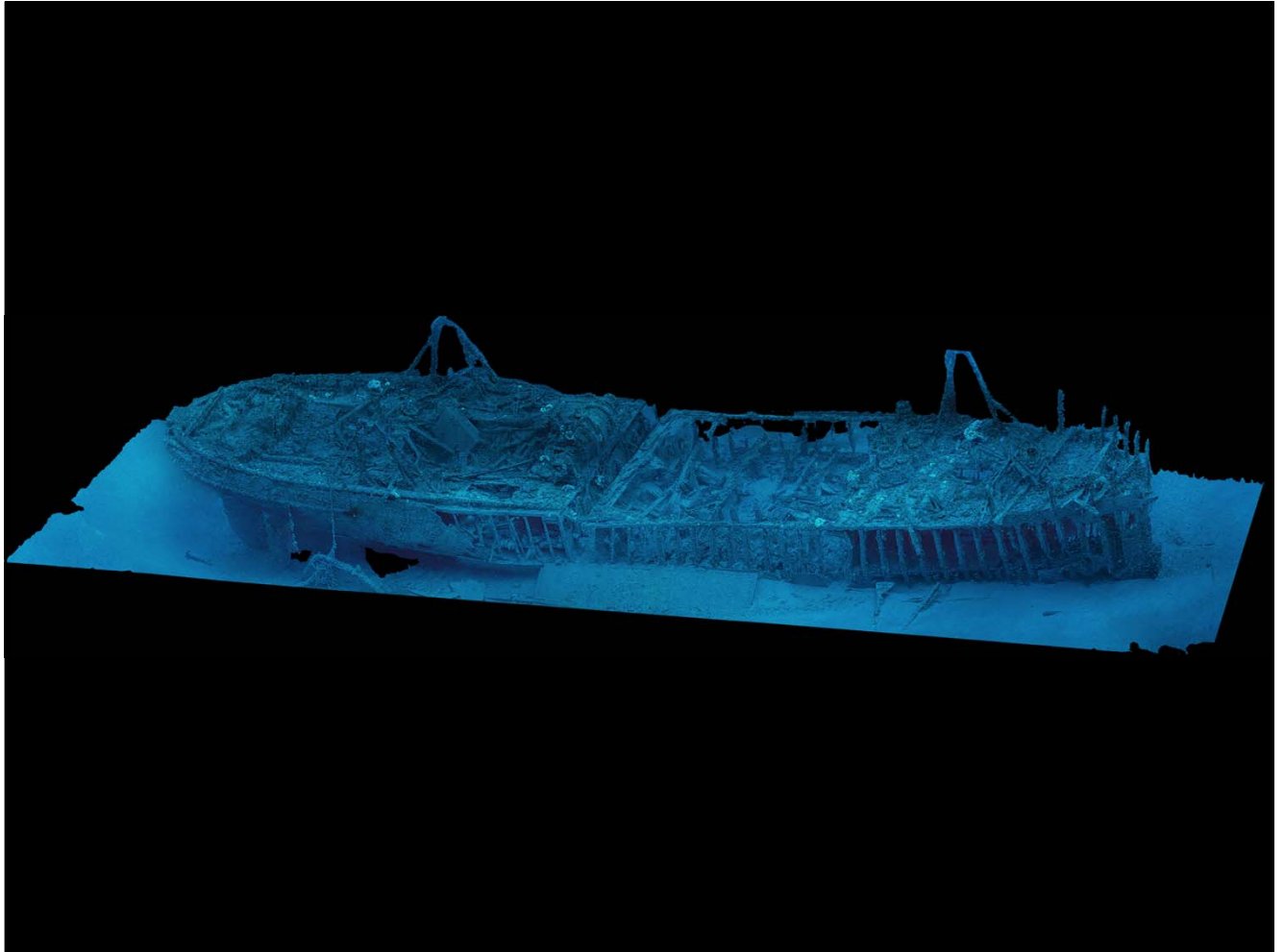


NATIONAL MARINE
SANCTUARIES

MONITOR

Preserving North Carolina's Maritime Heritage







Honoring Their Sacrifice



NOAA's goal is to protect these fragile historic resources for future generations, and to preserve the memory of the brave Allied service men and U.S. merchant mariners who fought to rid the world of tyranny during the Second World War.

National Archives

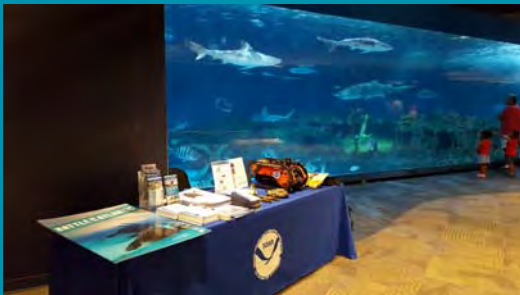
Current Expedition – NOAA Ship *Nancy Foster*
August 12-27, 2018



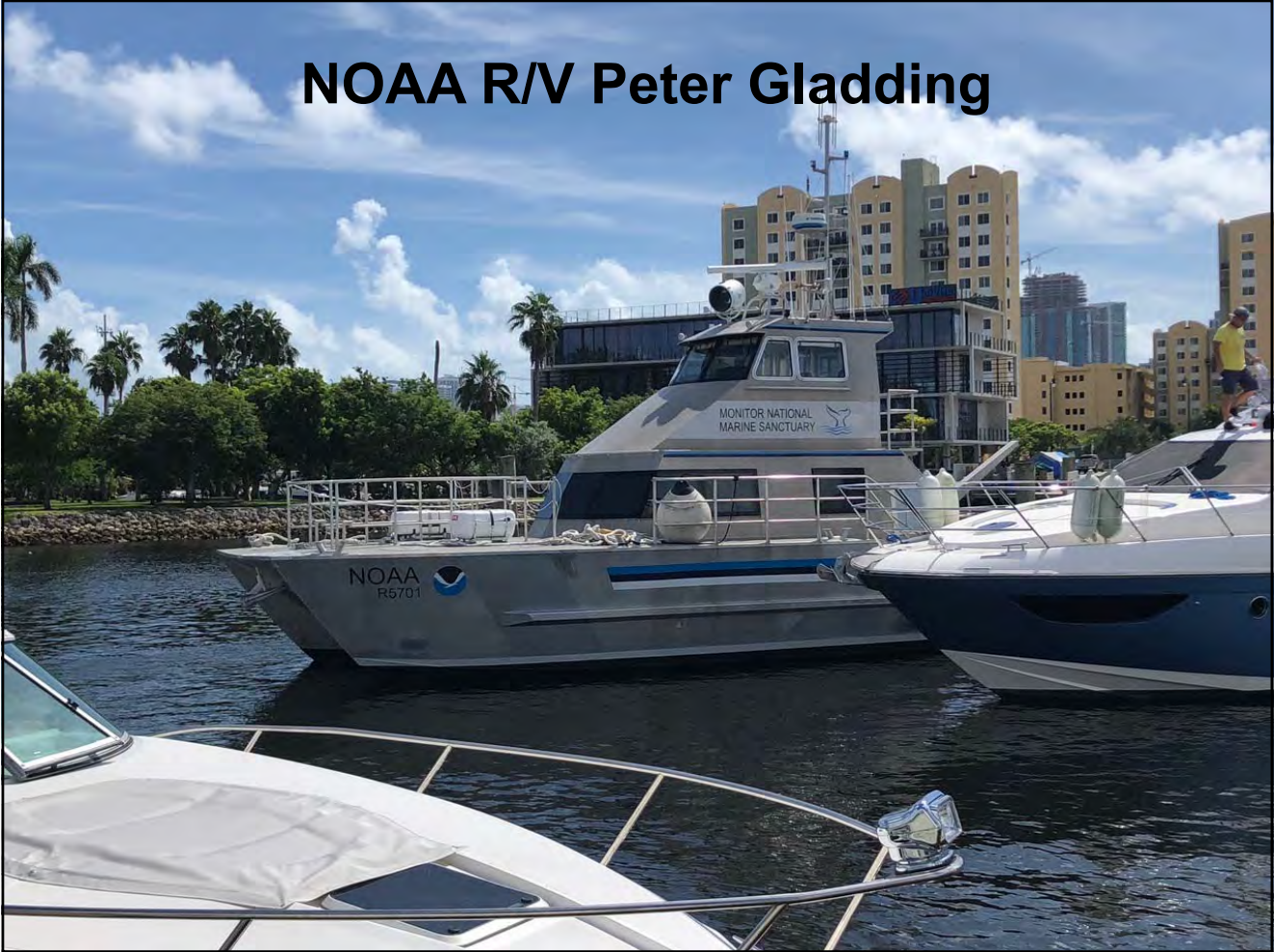
NOAA Ship *Okeanos Explorer* NC Aquarium on Roanoke Island



- Live feed from *Okeanos Explorer* as it explored a canyon south-southeast of Cape Hatteras
- Lectures by Maritime Archaeologists
- MNMS Table and Outreach



NOAA R/V Peter Gladding



World War I – 100th Anniversary

MONITOR NATIONAL MARINE SANCTUARY
NATIONAL MARINE SANCTUARIES | NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

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An illustration of WWI merchant ships & a German submarine attacking an American merchant ship. Courtesy of the Library of Congress.

100th Anniversary of World War I off North Carolina's Coast

Introduction | A World at War | The War Comes to U.S. Waters | U-Boat Attacks in American Waters

Introduction

When World War I began in 1914, neither the United States Navy nor American coastal shipping vessels were directly affected. During the next early years, the battles happened far from American shores and there seemed to be no direct danger to the United States. The people of North Carolina felt they had little to fear from Germany's new U-boat (Unterseeboot) fleet that was prowling the North Atlantic. These German submarines, or U-boats, sank crews of ships with the loss of hundreds of lives, but many Americans did not believe the U-boats possessed the range to reach the United States waters aboard. They were wrong. By the end of the war in 1918, three German U-boats, U-232, U-242, and U-277, had sunk a total of 10 vessels off North Carolina alone. When the U-232 arrived off the U.S. East Coast in May 1918, it was the first foreign enemy naval vessel to invade U.S. waters since the War of 1812. World War I had come home to North Carolina.

June 2018 marks the start of the 100th anniversary of World War I off the North Carolina coast. To honor the anniversary and the men who fought and died during World War I off our shore, Monitor National Marine Sanctuary actively conducts research on World War I and the ships that sank off our coast. Here on this site, learn the history, discover the shipswrecks, and visit often as new data and images are added.

If you want to dive a little deeper, read the full document, *The Enemy in Home Waters: How World War I Came Home to North Carolina*.

If you are an educator, be sure to check out our newest curriculum guide for grades 6-12, *World War I - Discovering and Exploring the Great War off North Carolina's Coast*.

Visit these shipswreck webpages to learn more about these World War I vessels resting off the North Carolina coast:

- Light Vessel (LV 71)
- USS Albatross
- USS Albatross (Battleship)
- USS Albatross (Battleship)

A World at War

When World War I erupted in 1914, President Woodrow Wilson pledged neutrality for the United States, a position that the vast majority of Americans favored. However, tensions began to arise between the U.S. and Germany when American passengers traveling aboard Allied nations' vessels fell victim to Germany's U-boats.

After war was declared in 1914, Great Britain used its powerful navy to blockade German ports in order to limit food, supplies, and war material from reaching Germany. Neutral vessels were permitted to continue trade but as tensions escalated, Great Britain declared German waters a war zone and seized



Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
MONITOR NATIONAL MARINE SANCTUARY

The Enemy in Home Waters

How World War I Came Home to North Carolina

Informational Product
World War I Report

<http://monitor.noaa.gov>

Download Report

When World War I began in 1914, U.S. Navy and American merchant vessels were largely unaffected as the early battles took place far from American shores. All that changed in May 1918, when the German submarine U-151 arrived off the U.S. East Coast, the first foreign enemy naval vessel to invade U.S. waters since the

- A World at War
- The War in US Waters
- U-boats
- Images
- WWI Shipwrecks Webpages


Education

<https://monitor.noaa.gov/education/teachers.html>

Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
MONITOR NATIONAL MARINE SANCTUARY

World War I
Discovering and Exploring The Great War
Off the North Carolina Coast

Educational Product	
Educators	Grades 6-12



<http://monitor.noaa.gov>

Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
MONITOR NATIONAL MARINE SANCTUARY

MARITIME ARCHAEOLOGY
Discovering and Exploring Shipwrecks

Educational Product	
Educators	Grades 6-12



<http://monitor.noaa.gov>


Education

<https://monitor.noaa.gov/education/teachers.html>

Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
MONITOR NATIONAL MARINE SANCTUARY

USS Monitor
Discovering and Exploring America's Most Historic Ironclad

Educational Product	
Educators	Grades 4-8







<http://monitor.noaa.gov>

Maritime Museum and Park

Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
MONITOR NATIONAL MARINE SANCTUARY

Battle of the Atlantic
Exploring and Discovering When the War Came Home

Educational Product	
Educators	Grades 6-12



<http://monitor.noaa.gov>

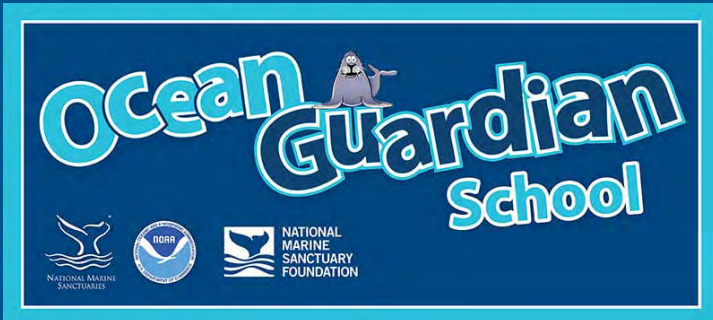


Upcoming NOAA OBX Education & Communication Summit

September 17-21, 2018



- 40-50 Sanctuary Staff from around the world
- Jennette's Pier
- UNC Coastal Studies Institute Campus
- NOAA Public Movie Night



Through local projects, Ocean Guardian Schools make a commitment to the protection and conservation local watersheds, the world's ocean, and special ocean areas.

Dare County—Cape Hatteras Secondary School of Coastal Studies
Teacher Clay Tideman
\$9,000

Carteret County—Bogue Sound Elementary
Teacher Jason Vanzant
\$9,000



NOAA Monitor National Marine Sanctuary



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NATIONAL MARINE
SANCTUARIES

MONITOR

<http://monitor.noaa.gov>



Request from the 2018 United Methodist Church Youth Conference

Description

Each year the North Carolina Conference Youth of the United Methodist Church meets in a week-long annual conference at Methodist University in Fayetteville, North Carolina. During the conference, the youth discuss current events in daily legislative affairs sessions.

Attached is a resolution adopted at the 2018 Annual Conference Session for Youth calling for a statewide ban on non-biodegradable plastic straws. Also attached is a letter from the United Methodist Church Youth Secretary asking the Dare County Board of Commissioners to consider supporting their position.

Board Action Requested

Discuss and take appropriate action

Item Presenter

Chairman Robert Woodard



Gary Gross <garyg@darenc.com>

Resolution Concerning the Use of Plastic Straws

1 message

Youth Secretary <youthsecretary@nccyouth.com>
To: DCBOC@darenc.com

Mon, Aug 6, 2018 at 10:58 AM

Dear the County Commissioners of Dare County,

I bring news from the body of the NC Conference of the United Methodist Church Youth at Annual Conference Session for Youth 2018.

Attached is a copy of a resolution that we, as a body, have approved and feel that it is important to share with you. We are sharing this with you because you are either directly involved with the issue presented and its outcome, or have been affected by the issue.

We, as a body of NC Conference Youth, meet each year at a week-long event called Annual Conference Session for Youth (ACS). This event takes place at Methodist University in Fayetteville, NC, and during this event, we meet daily in sessions of Legislative Affairs. These sessions are led by our Conference Youth President and Legislative Affairs Person, and they are in place to discuss current events that we feel as a body we should voice our opinions on.

Before ACS occurs, youth who feel strongly about an issue draft a resolution; it is presented before the body and either passed or denied. The body at ACS asked for you to receive a copy of a resolution that was passed; that resolution is attached.

We feel it is important that as equal members of the United Methodist Church that we share our views with you. We pray that you will prayerfully consider our suggestions, opinions, etc. before making a judgment. We also want to thank you beforehand for your time and open mind as you read these legislations.

In Christ,

Anna Hackett
NC Conference of the United Methodist Church Youth Secretary

**Resolution Concerning the Use of Plastic Straws.docx**

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Resolution Concerning the Use of Plastic Straws

Whereas, Americans use 500 million straws everyday in America alone, and according to the Washington Post straws are non-recyclable materials and instead degrade into smaller microplastics that are incapable of disappearing completely and settle on the ocean floor or will end up both in landfills, oceans, and the ecosystems; and

Whereas, according to the US Environmental Protection Agency, in 2014 more than 33 million tons of plastic was thrown away in the US; and

Whereas, 71% of seabirds and 30% of sea turtles have been reportedly found with plastic in their stomachs; and

Whereas, according to a report made by the World Economic Forum, by the year 2050 the amount of plastic in the oceans will outweigh the amount of fish; and

Whereas, according to NPR, there are more than 5 trillion particles of plastics in the world's oceans, and according to the B.A.N list, 7% of the plastics found in the environment are straws and coffee stirrers; and

Whereas, bamboo, paper, straw, steel, and glass are all eco-friendly, reusable, and affordable alternatives to plastic straws; and

Whereas, paragraph 160 of the United Methodist Social Principles states, "We support and encourage social policies that serve to... encourage reduction of municipal waste; provide for appropriate recycling and disposal of municipal waste" and "We support regulations that protect and conserve the life and health of animals,;" and

Whereas, Psalms 95:4-5 states "The earth's depths are in his hands; the mountain heights belong to him; the sea, which he made, is his along with the dry ground, which his own hands formed.", and as the earth is the God's, we should strive to maintain it and better it in every way possible, and;

Whereas, the tourism industry is essential to the North Carolina economy, and according to the Department of Commerce, tourism expenditures directly supported 197,690 jobs for North Carolina residents, and pollution from plastics will harm the environment which would hurt the local economy; and

Whereas, New York City, Hawaii, California, Washington, New Jersey, and Florida have all begun the process of legislation regarding the limitation of straws;

Therefore, be it resolved that we, the 67th session of the Annual Conference of the North Carolina Youth of the United Methodist Church support a ban on plastic straws across the state of North Carolina by 2020, and both encourage and implore the NC Legislature and local governments to impose a ban on non-biodegradable plastic straws for use in commercial and domestic capacities; and

Therefore, be it further resolved that this resolution be sent to North Carolina House Speaker Tim Moore, Senator Richard Burr, Senator Thom Tillis, Governor Roy Cooper, Sysco CEO William J. Delaney III, and the County Commissioners of the coastal counties: Brunswick, New Hanover, Pender, Onslow, Carteret, Pamlico, Beaufort, Hyde, Dare, Tyrrell, Washington, Bertie, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties.



Settlement of Sink v. Dare County

Description

Under North Carolina law, local governments are required to pay a separation allowance until the age of 65 to law enforcement officers who retire early if they meet certain requirements. Deputy Leary Sink retired before age 65 but in our view did not meet the requirements of the statute. He sued the County seeking separation allowance pay retroactive to 2012 and continuing to 2020 when he reaches age 65.

In closed session, the Board gave the County Manager authority to settle within certain limits. A settlement agreement has been reached for \$10,000 which is within the authorized limits. In order to settle, the Board must approve the settlement in open session.

Board Action Requested

Approve the \$10,000 settlement

Item Presenter

Robert Outten, County Manager



-Public Hearing-- Golf Carts in Buxton

Description

A public hearing is scheduled for 5:30 p.m. on proposed revisions to Chapter 100 of the Dare County Code to allow the operation of golf carts on certain streets in Buxton village. A copy of the draft revisions and list of streets is attached and a map of the streets. Upon the close of the hearing, the Board may choose to adopt the proposed revisions, make amendments to the draft language based on board discussion and/or public input, or may choose to take no action.

Motion to adopt -- "I move to adopt the proposed revisions to Chapter 100 to allow the operation of golf carts in Buxton village only on those streets listed in the draft language."

Board Action Requested

Conduct public hearing at 5:30 p.m. and act on proposed revisions to Chapter 100.

Item Presenter

Donna Creef, Planning Director

Chapter 100 STREETS AND SIDEWALKS (proposed language is underlined)

Golf Carts on Streets and Roads in Specified Areas of Unincorporated Dare County.

100.30 Operation of Golf Carts

- a. Golf carts may be operated on all streets and roads in Hatteras village west of and including Austin Road and Austin Lane where the speed limit is 35 mph or less.
- b. Golf carts may be operated on Bayview Drive and First Street in Stumpy Point village where the speed limit is 35 mph or less.
- c. Golf carts may be operated in the Village of Avon on the following streets where the speed limit is 35 mph or less: a) Harbor Road west of North End Road and the streets connected to Harbor Road located west of North End Road; b) the following streets and the streets connected to the following streets: North End Road, McMullen Road, Reef Drive, Old Main Road and Williams Road.
- d. Golf carts may be operated in Waves village in the St. Waves Subdivision on Sea Vista Court and Sea Vista Drive where the speed limit is 35 mph or less.
- e. Golf carts may be operated in Buxton Village on the following streets where the speed limit is 35 mph or less: Old Lighthouse Road; Cape Point Way, Diamond Shoals Drive, Buxton Back Road, Dippin Vat Road, Cross Way Road, Lost Tree Trail, Rocky Rollinson Rd, Webb Lane, Middle Ridge Trail, Crooked Ridge Trail, and Light Plant Road

100.31 Definitions

A golf cart is defined for the purposes of this subchapter as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. (Reference NCGS 20-4.01)

100.32 Age Restriction

No person less than the age of 16 may operate a golf cart on the streets of a specified area as authorized in subsection 100.30.

100.33 Hours of Operation

The operation of golf carts in those areas as specified in Subsection 100.30 shall be lawful during the hours of 7:00 a.m. to 5:00 p.m. eastern standard time and 6:00 a.m to 9:00 p.m. eastern (daylight) savings time until October 1 and from 6:00 a.m. to 8:00 p.m. until the end of eastern (daylight) savings time.

100.34 Method of Operation

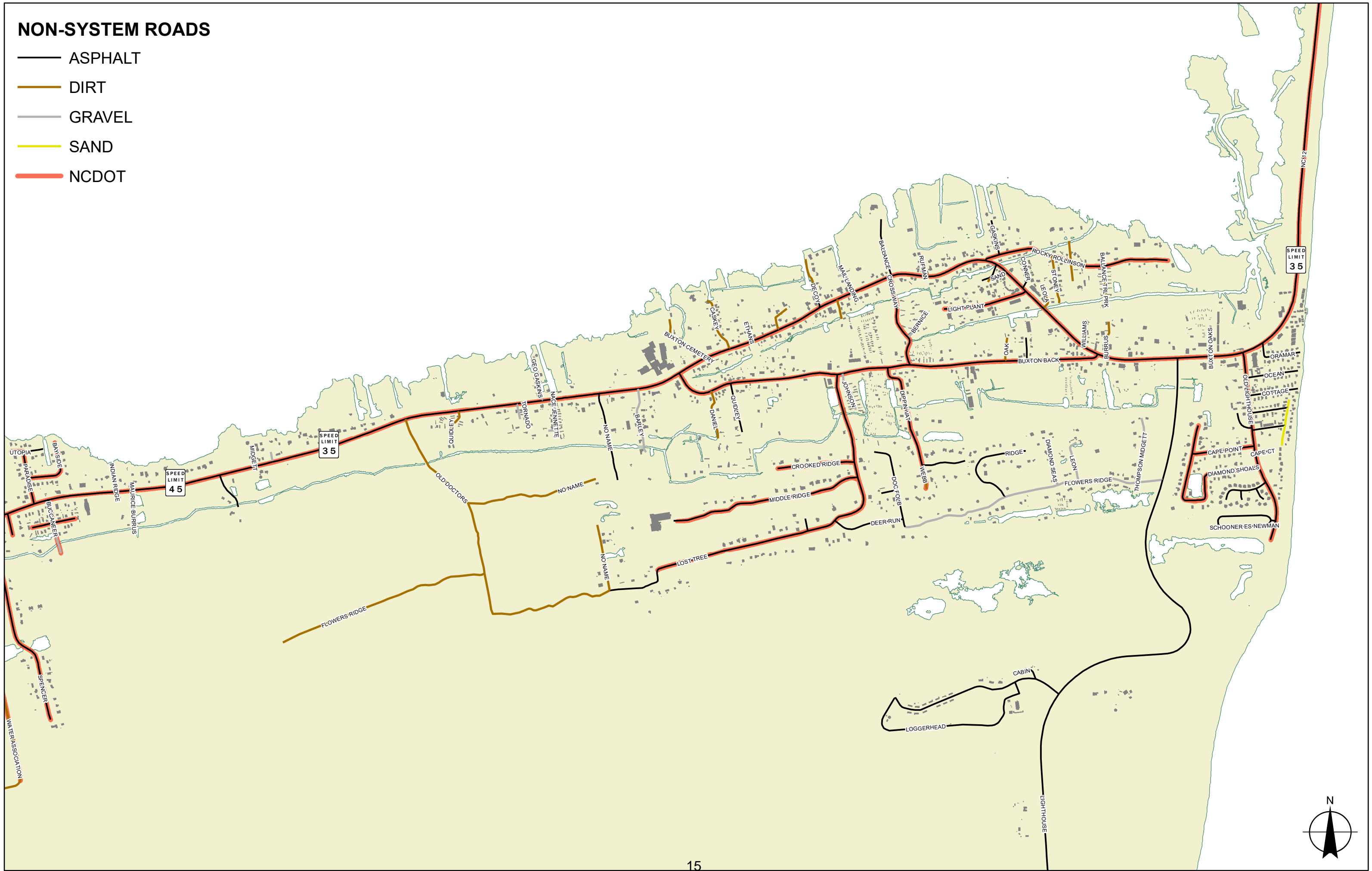
All persons operating golf carts as authorized in subsection 100.30 shall do so in a responsible and safe manner and shall obey all traffic safety laws and traffic control signage.

100.35 Violations

Any person operating a golf cart in violation of this subsection shall be guilty of a Class 3 misdemeanor and shall be fined \$50.00 for each violation.

NON-SYSTEM ROADS

- ASPHALT
- DIRT
- GRAVEL
- SAND
- NCDOT



§ 153A-245. Regulation of golf carts on streets, roads, and highways.

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a county may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within the county that is located in any unincorporated areas of the county or on any property owned or leased by the county.

(b) By ordinance, a county may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway. (2009-459, s. 1.)



Public Hearing-- Revisions to Chapter 99 Camping

Description

A public hearing on proposed revisions to Chapter 99.15 CAMPING of the Dare County Code is scheduled for the August 20 meeting. These proposed revisions are proposed to remove a conflict between the current language of Chapter 99.15 and language in the Dare County Zoning Ordinance that precludes recreational equipment and vehicles from being used for housekeeping purposes. The draft revisions to Chapter 99 are attached. The current language in Chapter 99 allows persons to live or reside in automobiles, campers or other vehicles. The revisions will still allow property owners and their families to camp on their own property. Following the hearing the Board may choose to adopt the language, make revisions, or choose to take no action. The Planning Board recommended approval on July 9, 2018.

Board Action Requested

Conduct public hearing at 5:30 p.m. and act on proposed revisions to Chapter 99. Motion to adopt -- I move to adopt the proposed revisions to Chapter 99 of the Dare County Code."

Item Presenter

Donna Creef, Planning Director

CAMPING (new language is underlined, text for deletion in strikethrough)

Section 99.15 DEFINITIONS

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~**IMMEDIATE FAMILY** Father, mother, brother, sister, son, daughter or grandparent.~~

FAMILY -- Persons related by blood or marriage

NIGHT That period of time each day from 1 hour after sunset until 1 hour before sunrise.

OPEN AIR CAMPING Any act of ~~living, residing or~~ sleeping at night in the open air or in an automobile, other vehicle, a camper or mobile home. The term **CAMPING IN THE OPEN AIR** includes, but is not limited to sleeping out of doors in a tent, sleeping bag, blanket, hammock. ~~or without any paraphernalia other than the clothes worn on the body.~~

99.16 OPEN AIR CAMPING RESTRICTED

No person shall engage in the act of open air camping ~~within the county,~~ in the unincorporated portions of Dare County, except as follows:

- (A) Open air camping is permitted on private property which is owned by the person engaged in the act of open air camping or by someone in the ~~immediate~~ family of the person engaged in open air camping. This exception applies to all members of the group or party of which the owner or member of the ~~immediate~~ family is a member.
- ~~(B) Any person may engage in the act of open air camping on private property with written permission of the owner of that private property, provided that the written permission signed by the owner, must be exhibited to any peace officer or police officer upon request.~~



Public Hearing-- Jon Midgett Construction LLC --CS Zoning Text Amendment

Description

A public hearing is scheduled for 5:30 p.m. on the zoning text amendment submitted by Jon Midgett Construction LLC. The text amendment seeks to add small engine repairs/ boat repairs/ and boat engine repairs to the list of conditional uses permitted in the Commercial Services (CS) district. A detailed staff report and other supporting documents are attached with this cover sheet

Board Action Requested

Conduct public hearing. Draft motions for consideration are in staff report.

Item Presenter

Donna Creef, Planning Director

STAFF REPORT – August 20, 2018 Board Meeting

TO: Board of Commissioners

FROM: Donna Creef

RE: Public Hearing -- CS Text Amendment to allow boat engine repair and boat maintenance as a permitted use

Last month, the Board scheduled a public hearing on proposed amendments to the CS , commercial services district, to allow small engine repairs / boat repairs and boat engine repairs as a conditional use in the CS district. The amendment has been filed by Elizabeth Robbins on behalf of Jon Midgett Construction LLC. Jon Midgett Construction owns property located at 1145 Colington Rd. A four-unit metal building is under construction on the property. Mr. Midgett has been approached by an operator of a boat engine repair business about purchasing one of the four units.

During the discussion at the Board meeting last month, it was noted by Mrs. Robbins and some of the Board members that the repair of small engines and boat engines is compatible with the other uses currently allowed in the CS district. Emails from the adjoining property owner and resident were received in opposition of the proposed text amendment. They are concerned about noise from the repair of small engines and boat motors. They have received notice of the hearing as required by NC law but as of the date of the report I have not heard from them. The Hills' property is located in the R-2B alternative residential zoning district. Issues the County experienced with another boat engine repair business in Colington were discussed last month. This other business is located in the Village Commercial (VC-2) zoning district and the adjoining residential uses are also zoned VC-2.

The CS district applies to portions of Colington Rd. Its intent statement reads as follows: "to provide a setting for various service establishments that are more intense in their scope of activities than retail/office zoning district but not as intense as those generally found in an industrial setting". Any text amendment to the CS district would apply to all lands zoned CS. Any proposed boat repair business would have to apply for a conditional use permit subject to review by the Planning Board and approval by the Board of Commissioners.

The Planning Board reviewed the Midgett request at their June 11 meeting. After discussing the text amendment, a motion to recommend adoption of the text amendment to add small engine repairs/boat engine repairs and boat repairs as a

conditional use to the CS district failed to pass on a 3-3 vote of the Planning Board members. No alternative motion was offered. Because the motion failed to pass, the Planning Board did not adopt any finding of consistency or finding of inconsistency. The applicable land use plan policy is Policy LUC #5—Dare County encourages the continued existence of and development of locally-owned businesses in unincorporated Dare County. The Midgett request can be considered consistent with this policy.

At the close of the hearing, the Board will have completed all requirements to act on the proposed amendment. If it is the consensus of the Board to act favorable on the proposed amendment, then it might be appropriate to include some specific conditions with the amendment as we have done in the past on other zoning amendments. This would ensure that anyone interested in pursuing site plan approval for such a use was aware of these conditions early in the site plan review process. I have included a list of potential conditions as Exhibit A.

Draft motions for action

Adopt the requested amendment: “I move to amend the CS district to add small engine repairs/boat engine repairs/boat repairs to the list of conditional uses in the CS district.” A finding of consistency statement is adopted as part of this motion indicating the proposed amendment is consistent with Policy LUC#5 of the 2009 Dare County Land Use Plan.”

Adopt the proposed amendment with revisions to add specific conditions as part of the amended language: “I move to amend the CS district to add small engine repairs/boat engine repairs/boat repairs to the list of conditional uses in the CS district with the specific conditions as outlined in Exhibit A. A finding of consistency statement is adopted as part of this motion indicating the proposed amendment is consistent with Policy LUC#5 of the 2009 Dare County Land Use Plan.”

Choose to not adopt the requested amendment: No action on the Board's part is needed if it is the consensus of the Board to not adopt the requested amendment. The CS district will remain unchanged.

Cc: Elizabeth Robbins

EXHIBIT A – Possible Conditions to Add to CS Language

Section 22- 26.1 Commercial Services

(c) Conditional Uses –

4. Small engine repair/ boat repair and maintenance /boat motor repair subject to the following conditions:
 1. All boat trailers, boat motors, and boats shall be stored or parked inside of a designated fenced area to be identified during the site plan review process. The identified storage/parking area shall be enclosed with solid fencing, 10 feet in height. The fencing may be comprised of two sections of fence material to reach the 10 feet of total height. The fencing shall be designed and certified by the North Carolina licensed engineer as required by the NC building code.
 2. A maximum number of boats that can be stored on the site while being repaired or pending repairs shall be determined during the site plan review process.
 3. All repair work on small engines and boat motors that require the motors to be running shall be completed within a building. Boats shall be positioned in the building so that the motor is entirely within the confines of the building. All repair work on small engines and boat motors that require the running of motor shall occur only during the hours of 9:00 a.m. to 5:00 p.m. Monday-Saturday.
 4. A water test tank shall be utilized during the repair of all boat motors that require the boat motor to be running. The propellers and lower units of outboard motors and the submersion of propellers and out drives of inboard/outboard motor that are being repaired shall be completely submerged in water while running. The test tank shall be a tank manufactured for the purpose of testing boat motors.
 5. Access to the site where boats are parked or stored shall be prohibited during those hours the business is closed.
 6. Other reasonable and appropriate conditions that may be identified during the site plan review process.

ZONING AMENDMENT CONSISTENCY DETERMINATION

On August 20, 2018, the Dare County Board of Commissioners considered a zoning text amendment application submitted by Jon Midgett Construction LLC. This zoning amendment application seeks to revise the Commercial Services (CS) district to allow small engine repairs/boat repairs and boat engine repairs as a conditional use in this district.

The 2009 Dare County Land Use Plan is the comprehensive plan for unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

A review of the Dare County Land Use Plan found the following policies to be applicable to the zoning text amendment:

Land Use Compatibility Management Topic

Policy # LUC # 5

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

Implementation Strategy for LUC #5 – Inventory of older existing commercial businesses and consideration of zoning amendment to ensure their replacement or repair in the event of damage from a natural disaster.

On June 11, 2018 the Dare County Planning Board discussed the matter but failed to garner a majority vote on a motion to recommend favorable approval. The dissenting votes were in recognition of opposition from an adjoining property owner to the proposed amendment and not inconsistency with the LUP policies.

Based on a review of the Dare county Land Use Plan, the Board of Commissioners finds the proposed Commercial Services amendment to be consistent with the 2009 Land Use Plan. The Commercial Services district permits a broad scope of uses that are compatible with small engine repairs/ boat repairs and boat engine repairs. The addition of these uses to the list of conditional uses in the Commercial Services district does not negatively impact the Commercial Services district.

The Dare County Board of Commissioners hereby adopts the Commercial Services zoning text amendment submitted by Jon Midgett Construction LLC.

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.

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)
- (22) Residential use in conjunction with a commercial use allowed as a permitted or

conditional use in the CS district.

(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: A solid wooden or composite material fence no less than 6 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 district.
- (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)

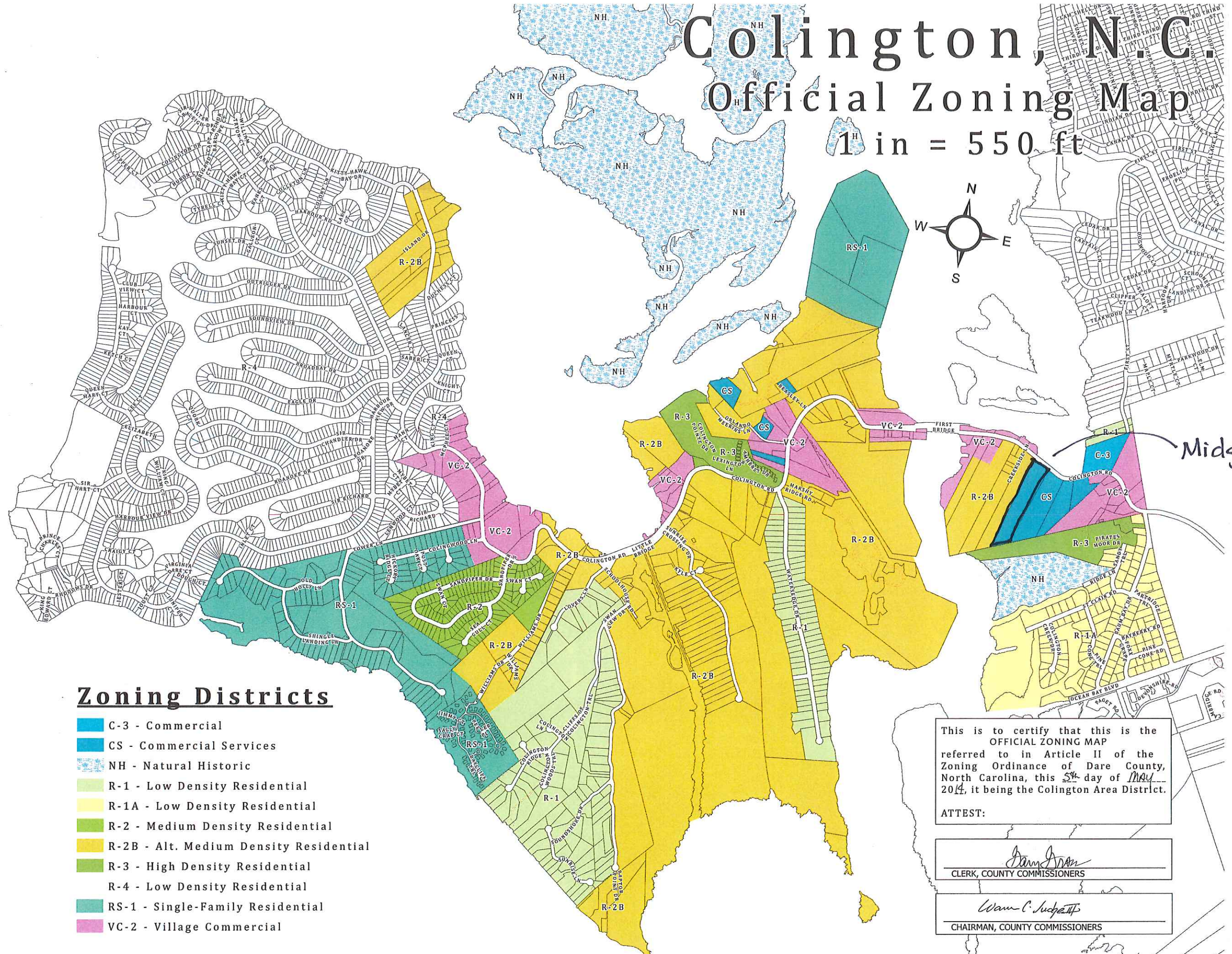
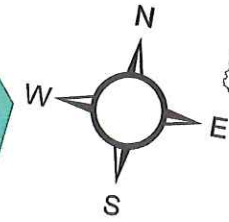
(9) In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to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

(Adopted 2-19-2007; amended 4-17-2017)

Colington, N.C.

Official Zoning Map

1 in = 550 ft



Zoning Districts

- C-3 - Commercial
- CS - Commercial Services
- NH - Natural Historic
- R-1 - Low Density Residential
- R-1A - Low Density Residential
- R-2 - Medium Density Residential
- R-2B - Alt. Medium Density Residential
- R-3 - High Density Residential
- R-4 - Low Density Residential
- RS-1 - Single-Family Residential
- VC-2 - Village Commercial

This is to certify that this is the
OFFICIAL ZONING MAP
 referred to in Article II of the
 Zoning Ordinance of Dare County,
 North Carolina, this 5th day of May,
 2014, it being the Colington Area District.

ATTEST:

Dann Swan
 CLERK, COUNTY COMMISSIONERS

Wann C. Suddeth
 CHAIRMAN, COUNTY COMMISSIONERS



Consent Agenda

Description

1. Approval of Minutes (08.06.18)
2. Memorandum of Understanding Between Dare County and U.S. Fish & Wildlife Service
3. DHHS - Emergency Food and Shelter Budget Amendment
4. Update List of Deputy Finance Officers
5. 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

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., August 6, 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.

Chairman Woodard called the meeting to order at 9:01 a.m. He invited Rev. Craig Peel 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 move item 5 and make it 1A.

MOTION

Commissioner Couch motioned to amend the agenda moving item 5 to 1A.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website –

- Gave details about local events for the law enforcement National Night Out campaign.
- Congratulated the Dare County Boys 8U baseball team on being the Tar Heel League State Champions. Chairman Woodard also commended the County’s Girls 12U All Star softball team for competing in the Babe Ruth World Series.
- Applauded the Colonial Inn in Nags Head for the way they rebounded so quickly from an electrical fire.
- Showed a video from the College of the Albemarle highlighting COA’s welding program.
- Chairman Woodard asked County Manager Outten and NCDOT Board Member Allen Moran to address the flooding that has occurred in the wake of recent rainstorms - - -.

Mr. Outten explained how the County has tried to find ways to address specific neighborhood flooding issues without creating problems elsewhere. He outlined options to either move standing water or haul it away to an acceptable location.

Allen Moran announced that NCDOT will commission a drainage study for the north end of Roanoke Island. He noted that participation will be needed by all parties and cautioned that implementation cannot happen overnight and that no system can handle 20 inches of rainwater in 10 days. He said a follow-up report will be given on the engineering options that are ascertained in the drainage study.

ITEM 1A – OUTER BANKS DISTILLING - DONATION (MOVED FROM AGENDA ITEM 5)

Public Services Director, Tim White, informed the Board that Outer Banks Distilling has raised money to help replace rusted playground equipment at Rec Park. The owners of Outer Banks Distilling, Adam Ball, Scott Smith, Matt Newsome, and Kelly Bray presented a check in the amount of \$17,500 that was raised from the sale of a specialty product. Mr. Ball explained that this endeavor was a way of giving back to the community. Chairman Woodard accepted the check and thanked Outer Banks Distilling for their amazing gift that will benefit the children of Dare County.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Debbie Francisco, EMS, received a 15-year pin.
- 2) Jeff Ambrose, Sheriff's Office, received a 15-year pin.
- 3) Eddie Harper, Sheriff's Office, received a 15-year pin.
- 4) Amy Crawford, Dare County Center, received a 15-year pin.
- 5) Aaron Felton, Sheriff's Office, received a 20 year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – AUGUST 2018

Sarah Bradshaw received the Employee of the Month award from Chuck Lycett who described the many ways that the Social Worker is an asset to Dare County.

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 –

The following comments were made in Manteo –

1. Pat Draisey described the serious flooding problem at her property on Daphne Lane. She said the situation has created a health hazard and that pipes need to be cleaned out and debris removed from ditches. Ms. Draisey said developers must be made to plan for drainage and called for a building moratorium on the north end of Roanoke Island until a solution can be found.

2. Jim Hoffner explained the steps he has taken to drain his Daphne Lane property and said he has no intention of putting water on someone else's property. He noted that the drainage line to the sound must be properly maintained. Mr. Hoffner said people are frustrated and need information. He offered to be part of the effort to fix the problem and urged the Board to work together with the community to address this.
3. J.B. Head voiced the frustration of people on Bradford lane where his house is surrounded by water and uninhabitable. He said the drainage system needs to be maintained and that the County must go to the state and get them to address this on an ongoing basis. Mr. Head noted that having to rent equipment to clean out culverts is unsatisfactory and called on the County and the State to come up with a solution.
4. Madeleine VanMiddlesworth provided details about the sewage infested water that surrounds her house on Langley Lane and vividly described how the problem is adversely impacting her family. She said people have been allowed to build without proper drainage plans being in place and urged the Board of Commissioners to develop a comprehensive plan as a matter of public safety.
5. Tom Higgins spoke about the stormwater issue on Brakewood Road by giving the history of flooding that has occurred in his area and he reminded the Board that the dry pond was breached back in 2010. He said the sad situation on the north end of Roanoke Island is disgraceful and notified the Board that it is causing people to think about selling their properties.
6. Linda Dunnigan addressed the problem on Meekins Drive by calling on the Board to consider the thoughtful statements expressed today and work with the State to find a solution for the drainage problem. She said people know where the ditches are and where they are not draining. She added that everyone needs to get on the same page and work together and urged the County to step up and take action.
7. Kathy Jorgensen spoke about Apache Street in Kill Devil Hills noting that the problem in her area is not as bad as the conditions described today by people on Roanoke Island. She provided photos and a written summary of her efforts to protect and preserve her property. Chairman Woodard encouraged Ms. Jorgensen to share her information and express her concerns with the Town of Kill Devil Hills.
8. Chrissy Simmons said she is willing to have her Brakewood Road property take on some of the water inundating her neighbors. She noted that a solution is possible and that equipment is available somewhere to solve the problem for the people that are suffering, who she said are not willing to just go away. She said she is willing to serve on a committee to address this and offered to be a point person on this issue.
9. Margarett Umphlett described in detail how the severe storm water flooding problem has impacted her property and caused approximately \$50,000 in damages without insurance coverage. She said this has been going on for nearly 3 weeks and asked how much longer will people have to suffer being out of their homes. She said there must be a solution and that she would appreciate the Board finding one quickly.

10. Carol Lee Tillett said her property on Holly Ridge Road has never before experienced flooding like this and that the situation is worse than what occurs during major hurricanes. She said toilets have been unable to flush due to standing water and people are having to wade through contaminated water. She begged the Board for help saying we are your people, and we need your help now.
11. Mike Tillett said the main problem with storm water flooding is the serious health issues that are associated with it. He said this is the number one concern. He explained that the water needs to be removed as quickly and efficiently as possible before people get sick from disease. He added that the Dare County Building Ordinances may need to be amended.
12. Priscilla Cahoon described a flooded property on Burnside Road that has caused a problem for her family. She also identified other areas that need attention. Ms. Cahoon informed the Board of Commissioners that the ditches of Roanoke Island have not been properly maintained. She noted that drainage ditches are being illegally filled up.
13. Rosemarie Doshier said she is able to feel the pain that was expressed by the people of Roanoke Island because the same stormwater issues have plagued her East Lake community for many years. She said this issue has not been properly addressed and drainage ditches continue to be clogged by vegetative debris. She noted that this is one of her hot topics of concern as a candidate for the Board of Commissioners.

There were no comments made in Buxton

Following public comments, the Board discussed the stormwater flooding problem and the health risks that were identified by area residents. Chairman Woodard voiced the Board's consensus that the County will do whatever it takes to address this problem immediately and he promised that resources would be promptly mobilized. Later in the meeting, the County Manager reported that equipment is now enroute to Dare County to address immediate short-term needs while an engineering study is undertaken by NCDOT.

ITEM 5 – OUTER BANKS DISTILLING - DONATION (MOVED TO AGENDA ITEM 1A)

RECESS: 10:47 a.m. – 11:08 a.m.

ITEM 6 – VFW AWARD PRESENTATION TO ADVANCED EMT BILL LARICOS

Representatives from Dare County VFW Post 10950 honored Dare County Advanced EMT Bill Laricos as the Dare County EMT of the Year and as the North Carolina State EMT of the Year. The awards were presented by VFW Quarter Master Jim Norell, Commander Richard Probst, and Service Officer Fred Lamm along with EMS Chief Jennie Collins and Jack Scarborough representing the Hatteras Island Rescue Squad. Mr. Laricos was commended for his dedicated service and it was noted that he has a broad range of public safety experience including law enforcement, firefighting, and emergency medical services.

ITEM 7 – NORTH CAROLINA GOVERNOR’S HIGHWAY SAFETY PROGRAM (Att. #1)

Sheriff Doug Doughtie outlined a \$20,000 grant opportunity with the North Carolina Governor’s Highway Safety Program (GHSP). He explained the purpose of the grant and stated that no local match funds are required. The Sheriff asked the Board to adopt a Resolution authorizing the grant application.

MOTION

Commissioner Shea motioned to adopt the resolution authorizing the grant as presented. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 8 – GOLF CARTS IN BUXTON

Planning Director Donna Creef gave a briefing on research that was done in follow-up to a citizen request to allow golf cart use in the Village of Buxton. She explained that North Carolina law allows golf carts on State maintained roads that have a speed limit of 35 mph or less. She reported that based on a traffic analysis done by Sheriff Doughtie, both she and the Sheriff feel that golf carts on Highway 12 would not be best for public safety, however, other subdivision roads may be appropriate. Ms. Creef noted that Chapter 100, Streets and Sidewalks would need to be amended if the Board wants to consider golf cart operation in Buxton Village and recommended that a Public Hearing be scheduled.

MOTION

Vice Chairman Overman motioned to schedule a Public Hearing for 5:30 p.m., August 20. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 9 – PROPOSED REVISIONS TO CHAPTER 99 CAMPING

The Planning Director presented a revision to the Dare County Code of Ordinances regarding open air camping to make the language consistent with the zoning ordinance. Commissioner Shea expressed concern that the County not take any action that would inadvertently create enforcement issues regarding those who are homeless. The County Manager clarified the purpose of the language change and Ms. Creef explained that the Planning Board voted to recommend the revision and asked that a Public Hearing be scheduled for 5:30 p.m., August 20, 2018.

MOTION

Commissioner House motioned to schedule a Public Hearing for 5:30 p.m., August 20. Commissioner Tobin seconded the motion.

VOTE: AYES: 6 (Commissioners: Woodard, Overman, House, Ross, Tobin, Couch)

NOES: 1 (Commissioner: Shea)

Motion carried in a 6 to 1 vote

ITEM 10 – ANNUAL SETTLEMENT AND CHARGES TO THE TAX COLLECTOR

Dare County Tax Collector Becky Huff gave a comprehensive settlement report on tax collection activity. She explained that the total amount collected through June 30, 2018 was \$60,084,062 reflecting a collection rate of 99.47%. She also updated foreclosure activity. The Board was asked to charge the Tax Collector to collect the 2018 taxes.

MOTION

Commissioners Shea and Commissioner House motioned to charge the Tax Collector to collect the 2018 taxes.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PRESENTATION OF CERTIFICATE FOR PROFESSIONAL DESIGNATION

Dare County Assessor Greta Skeen informed the Board that Assistant Assessor Hosea Wilson has received a professional designation as an Assessment Administration Specialist through the International Association of Assessing Officers (IAAO). She said the IAAO is highly respected and that a professional designation from them carries real credibility. Mr. Wilson expressed gratitude for all the support he has been given.

ITEM 12 – RESOLUTION TO ADVANCE 2021 PROPERTY REVALUATION (Att. #2)

The County Manager provided background information about the County's revaluation schedule and presented a Resolution to advance the County's revaluation of real property from January 1, 2021 to January 1, 2020 with subsequent revaluations on a five year cycle.

MOTION

Commissioner Shea motioned to adopt the resolution as presented.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 13 – RECOMMENDED 2019 CAPITAL IMPROVEMENTS PLAN (Att. #3)

Finance Director David Clawson presented the 2018 Capital Improvements Plan (CIP) as recommended by the Capital Improvements Planning Committee. He outlined the impact that the CIP will have on the Capital Reserve fund balance over the next five years and noted that it funds the total amount requested for CIP projects by Dare County Schools. Mr. Clawson outlined 23 projects included in the CIP and explained the planned debt issuances related to the CIP. Mr. Clawson also provided Commissioners with five possible scenarios for a new CIP project for construction of a new Animal Shelter. After lengthy discussion of the scenarios, the Board took action in the following motions - - -

MOTION

Commissioner Shea motioned to approve the recommended CIP with the addition of Scenario #1 of the Animal Shelter construction project as outlined by the Finance Director.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

MOTION

Vice Chairman Overman motioned to approve the revised CIP that includes Scenario #1 of the Animal Shelter construction project and authorize the County Manager to execute the necessary Capital Project Ordinances and Budget Amendments with a report to the Board of those actions on a following Board meeting Consent Agenda.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 14 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the room. He noted that a revision was needed for Consent Item #2 to reflect the current Mayor of Nags Head.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (07.16.18) **(Att. #4)**
- 2) Southern Albemarle Assoc., Annual Meeting Invitation List (with revision noted above)
- 3) DCDHHS, Public Health Division – Tobacco Prevention Funding
- 4) Resolution Approving Water Shortage Response Plan **(Att. #5)**
- 5) Approval of Stream Debris Removal Grant Contract **(Att. #6)**

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARD APPOINTMENTS

1) A.B.C. Board

Vice Chairman Overman motioned to reappoint James Clark, Bobby Owens, Joe Tauber

VOTE: AYES unanimous

2) Airport Authority

Commissioner Shea motioned to reappoint Fred Newberry.

VOTE: AYES unanimous

3) Dare County Center Advisory Board

Vice Chairman Overman motioned to reappoint – Anastacia Davis, Mary Pendill,
Flossie Tugwell, Tiffany Wescott.

VOTE: AYES unanimous

4) Parks and Recreation Advisory Council

Vice Chairman Overman motioned to appoint George Barr.

VOTE: AYES unanimous

5) Upcoming Board Appointments

The upcoming appointments for September, October and November were announced.

ITEM 16 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment –

Commissioner Ross

- Congratulated the service pin recipients, the Employee of the Month, and Bill Laricos.
- Said he was moved by remarks made during Public Comments about stormwater flooding and echoed the Board's sentiment that action be taken now to address this.
- Expressed appreciation to the Board for approving the Capital Improvements Plan with the addition of the Animal Shelter construction project.

Commissioner House –

- Thanked those who spoke during Public Comments and expressed hope that things will now get rolling faster toward a solution.
- Gave a comprehensive update on changes that have been made to the membership of the NC Marine Fisheries Commission and its leadership. He said he will try to attend their next meeting to see firsthand the dynamic that emerges for the new group.

Vice Chairman Overman

- Expressed appreciation for those who offered Public Comments. He thanked Chairman Woodard for his resilience in addressing the stormwater flooding problem and voiced support for solving the situation as soon as possible.

Commissioner Shea

- Added his thanks to those who spoke during Public Comments about their suffering and expressed confidence that the stormwater flooding situation will be properly addressed.
- Commended the service pin recipients, the Employee of the Year, Bill Laricos, and Hosea Wilson for their service, which makes Dare County such a wonderful place.

Commissioner Couch

- Said he was proud of the Board of Commissioners for addressing the flooding issue so promptly and voiced hope that good will come out of this.
- Thanked Sheriff Doughtie and the Planning Department staff for compiling material regarding possible golf use in the Village of Buxton.
- Promoted the activities planned for the upcoming 100th anniversary of the Mirlo rescue.
- Reported that options are being looked at for lighted pedestrian signs on Hatteras Island.

Commissioner Tobin

- Noted that a strategically placed bear-proof trash container is now being tested in Manns Harbor and so far so good.
- Gave an update on the Request for Proposal (RFP) process related to the public/private partnership for a dredge vessel. He said the RFP responses will soon be submitted to the Oregon Inlet Task Force.
- Said his heart goes out to all the people impacted by stormwater flooding on the north end of Roanoke Island and expressed hope that a solution will soon be in hand.

Chairman Woodard

- Thanked the Board of Commissioners saying that he is proud of how they are moving forward so quickly to address the people's concerns about stormwater flooding.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager announced that equipment is now enroute to Dare County to address the stormwater problem on Roanoke Island. He expressed hope that the situation will be resolved soon and that the engineering issues will be determined as quickly as possible.

2. Mr. Outten asked Ann Daisey to speak about stormwater from the perspective of the Dare Soil & Water Conservation District. Ms. Daisey outlined a comprehensive list of things to consider in addressing stormwater flooding and asked that Soil & Water be a voice in the long term planning process.
3. The County Manager announced that with the impending retirement of Jay Burrus, he has promoted Sheila Davies to be the Director of Dare County Health & Human Services. He explained that in her new position, Ms. Davies will continue to serve as the Health Director as she works with Social Services Director Chuck Lycett.
4. A request was presented from the Town of Kill Devil Hills for a water line easement. Mr. Outten described the easement area near First Flight High School and asked the Board to approve the request and authorize executing the easement.

MOTION

Commissioner Couch motioned to approve granting the easement as presented. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous (note: Commissioner Shea was not present for voting on this item)

5. An update was given on the County Manager's meeting with officials in Morehead City regarding the permitting process that will be needed for the dredge vessel planned for Dare County. Mr. Outten said work is being done in earnest to help expedite permitting so that things can move as quickly as possible when a contractor is selected. Commissioner Tobin summarized current conditions at Oregon Inlet.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous (note: Commissioner Shea was not present for voting on this item)

At 12:59 p.m., the Board of Commissioners adjourned until 5:00 p.m., August 20, 2018.

Respectfully submitted,

[SEAL]

By: _____
Gary Lee Gross, Clerk to the Board

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



Memorandum of Understanding between Dare County and USFWS

Description

Dare County and the USFWS have adjoining properties that need to drain water for the purpose of draining impoundments, farming, and Landfill operations. Dare County and the USFWS have cooperated in the past to accomplish each entity's mission. This MOU outlines the framework for the cooperation.

Board Action Requested

Approve agreement

Item Presenter

Shanna Fullmer / Dare County Public Works

AGREEMENT NO. F18MU0031

MEMORANDUM OF UNDERSTANDING

Between

DARE COUNTY, NORTH CAROLINA

And

U.S. DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

I. Authority:

This Memorandum of Understanding (MOU) is entered into between the Department of the Interior (hereinafter referred to as the Department), U.S. Fish and Wildlife Service (hereinafter referred to as the Service) and Dare County (hereinafter referred to as the County) under the authority of:

Fish and Wildlife Coordination Act (16 U.S.C. 661-667)

The Fish and Wildlife Coordination Act provides authority for the Secretary to enter into agreements with federal and state agencies, as well as public and private organizations, to assist in the protection of fish and wildlife and their habitats.

Fish and Wildlife Act of 1956 (16 U.S.C. 742 et seq.)

The Fish and Wildlife Act of 1956 grants the Secretary broad authority to, "take such steps as may be required for the development, advancement, management, conservation, and protection of fish and wildlife resources...." Further, the act specifically authorizes the Secretary to enter into cooperative agreements for programs and projects to benefit specific units of the National Wildlife Refuge System.

II. Background:

The Service now owns and manages approximately 153,500 acres of land in Dare and Hyde Counties, North Carolina as part of the Alligator River National Wildlife Refuge (Refuge). The Refuge's Comprehensive Conservation Plan (CCP) has a cropland objective to manage 3,481 acres of cropland on the refuge, with approximately half managed primarily to produce food for wintering waterfowl and other wildlife and half managed as filter strips to effect water quality and to provide habitat for grassland birds, ground-nesting birds, and other wildlife. The County owns approximately 836 acres of land that it operates as part of the Dare County Landfill, which lies adjacent to the eastern portion of the Refuge's Farming Units. The County land also includes fields that are leased for farming.

Prior to the current ownership, the area was logged followed by digging a canal network and using the borrow material to build the adjacent road system. The canal/road system divided the land into blocks that could be drained by pumping. Smaller v-ditches were dug to delineate individual fields within a block. The fields were graded to a crown in the middle of the field so water would follow the slope from the "headland" end towards the "collector canal" end. The system was necessary since the soils do not percolate water as non-hydric soils would. All of the land clearing and grading lowered the elevation of

the farm fields to a point that pumping is necessary to keep water off of them. The collector canals on the County land drain into the canals on the Refuge.

The Refuge operates two pumping stations to drain water off the Farming Units. The Creef Pumping Station, located at the intersection of Long Curve and Grouse Roads, drains water off the Creef Farming Unit lying between Milltail and Bear Roads (see map) and off the County land. The Creef Pumping Station has two John Deere engines and pumps that utilize diesel fuel. Fuel is stored in a 2,000 gallon above ground storage tank. The Refuge operates the Creef Pumping Station to drain the cropland when impacted by weather events and to drain impoundments that have been flooded for wintering waterfowl. The County drains water off its land to facilitate operations of the Dare County Landfill and farming operations on the property.

The Service and the County have a long history of cooperation to facilitate draining water off their adjoining properties in support each other's mission.

III. Purpose

This MOU is intended to outline a framework for cooperation and the general operations of the Creef Pumping Station for the understanding of all parties.

IV. Scope of Effort:

For a period as hereinafter set forth, the Service and the Department shall cooperate as necessary for the performance of work as set forth below:

A. General:

1. The Creef Pumping Station, located at the intersection of Long Curve and Grouse Roads, drains water off the Creef Farming Unit and off the County land.
2. The refuge has two Cooperative Farming Agreements for farming operations in the Creef Unit. In addition to leaving a share of farmed acres in standing crop in the field for wildlife, the Cooperative Farmers pay a portion fuel costs (approximately two thirds) for the Creef Pumping Station throughout the year.

B. The Service shall:

1. Provide the personnel to operate the Creef Pumping Station.
2. Perform all preventative and required maintenance or repairs to the Creef Pumping Station.
3. Notify the Cooperative Farmers or County when the Creef Pumping Station needs diesel fuel.
4. Manage the Cooperative Farming Agreements to ensure all permittees are meeting their fuel obligations.

C. Dare County shall:

1. Facilitate the pumping of water off County land by providing diesel fuel to the Creef Pumping Station, not to exceed one third of the Station's fuel needs per calendar year.
2. Communicate with the Service on pumping needs to facilitate water drainage off the County land.

V. Period of Performance

The period of performance of the MOU is from the last date of signature by all parties, through a scheduled completion date of December 31, 2021 at which time it will be subject to review, renewal, or expiration.

VI. Project Officers

A. Dare County

Shanna Fullmer, Public Works Director
PO Box 1000
Manteo, NC 27954
(252) 475- 5844
shanna@darenc.com

B. U.S. Fish and Wildlife Service

Alligator River National Wildlife Refuge
Kelley Van Druten, Assistant Refuge Manager
PO Box 1969, 100 Conservation Way
Manteo, NC 27954
(252) 473-1132 ext. 239 or (252) 475-0172
kelley_vandruten@fws.gov

VII. Modification of Agreement:

This MOU constitutes the full, complete, and entire agreement between the parties hereto. No modification or amendment of this MOU shall be binding on either party unless such modification or amendment shall be in writing executed in duplicate by both parties hereto, attached to this MOU, and incorporated in and by reference made a part of this MOU.

VIII. Termination of Agreement:

Any party to this MOU may withdraw with a 60-day written notice. Such withdrawal shall be effective 60-days from the date such written notice is provided to the other party or parties to the agreement.

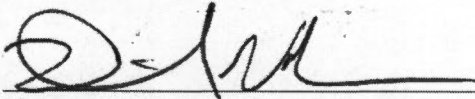
IX. Terms and Conditions:

1. This MOU in no way restricts the parties from working together or participating in similar activities with other public or private agencies, organizations, and individuals.
2. Any public notices issued by any of the parties with respect to this MOU or any related activities shall be subject to review and approval, in advance, by all parties to this agreement.
3. During the performance of this MOU the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, age, color, religion, gender, national origin, or disability.

4. No member of, or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise from, but these provisions shall not be construed to extend to this agreement if made with a corporation for its general benefits.
5. All parties will ensure that its employees have the proper training and certification required to conduct activities under this MOU.
6. This MOU is neither a fiscal nor a funds obligation document. Nothing in this agreement may be construed to obligate the Service to any current or future expenditure of resources in advance of the availability of appropriations from Congress. Any endeavor involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance to applicable regulations and procedures, including those for federal government procurement and printing. Such endeavor will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized in accordance with appropriate statutory authority. This MOU does not provide such authority.
7. It is agreed by the parties hereto that, in the performance of this MOU, employees or agents of each respective party are not to be considered employees of the other party or parties.
8. Nothing in this agreement may be interpreted to imply that the United States, the Department of the Interior, or the U.S. Fish and Wildlife Service endorses any product, service or policy of Dare County. Dare County will not take any action or make any statement that suggests or implies such an endorsement.
9. The participation of each party to this agreement in activities conducted pursuant to this MOU is not intended to place either party or its representatives in a position of incurring tort liability arising from an action of the other party. Each party is responsible for any injury or property damage to third parties caused by negligence of its own employees acting within the scope of their employment/official duty subject to such limitation as may be prescribed by applicable laws. Specifically, tort liability arising from negligent or wrongful acts or omissions of Service employees acting within the scope of employment shall be adjudicated pursuant to the Federal Tort Claims 28 U.S.C. Section 2671 et seq., the Federal Employees Compensation Act, U.S.C. Section 8101 et seq., or such other federal legal authority as may be pertinent. Likewise, tort liability arising from negligent or wrongful acts or omissions of the County employees while acting within the scope of official duty shall be governed by the provisions of the laws of the state of North Carolina.
10. The parties agree to implement the provisions of this MOU to the extent personnel are available and budgets allow. In addition, nothing in the MOU is intended to supersede any laws, regulations, or directives by which the parties must legally abide.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by an authorized official on the date and year set forth below their signature.

U.S. DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

BY: 
Signature

NAME: David Viker

TITLE: Chief, National Wildlife Refuge System, Southeast Region

DATE: 7/5/18

DARE COUNTY

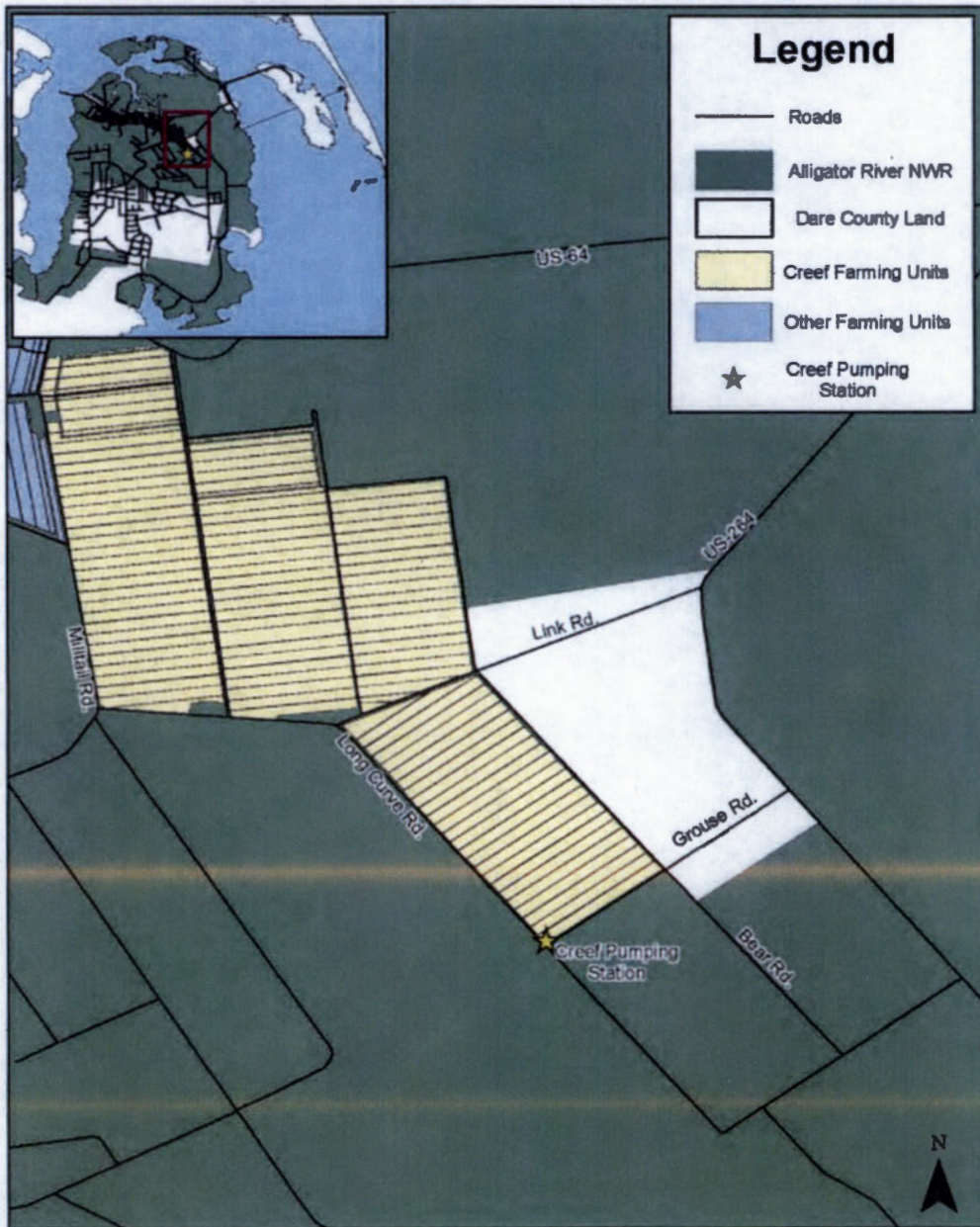
BY: _____
Signature

NAME: Shanna Fullmer

TITLE: Public Works Director

DATE: _____

Location of Creef Pumping Station





DHHS- Emergency Food and Shelter Budget Amendment

Description

This is to appropriate the initial allocation of \$6,381 in Emergency Food and Shelter funding. Funding is 100% federal and there is no effect on county dollars.

Board Action Requested

Approve amendment

Item Presenter

n/a

DARE COUNTY

BUDGET AMENDMENT

F/Y 2018/2019

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<u>Department:</u>					
<u>Revenues:</u>					
Emerg. Food & Shelter	103026	423016		6,381	
 <u>Expenditures:</u>					
Emerg. Food & Shelter	104611	581401		6,381	

Explanation:

This is to appropriate the initial allocation of \$6,381 in Emergency Food and Shelter funding. Funding is 100% federal and there is no effect on county dollars.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



Update List of Deputy Finance Officers

Description

Delete Jay Burrus (retirement) and add Sheila Davies as DHHS Director per the attached Item Summary.

Board Action Requested

Approve the attached updated list of deputy finance officers by deleting Jay Burrus and appointing Sheila Davies.

Item Presenter

David Clawson, Finance Director

Item Summary: Update List of Deputy Finance Officers

NCGS 159-28(a) permits the appointment of deputy finance officers who may then sign preaudit certifications. Examples include:

- The Assistant Finance Director for day to day operations and as a backup;
- The Purchasing Agent for signing the preaudit certification on purchase orders;
- Social Services personnel for emergency assistance accounts and funds; and
- Health Department personnel for Health Department contracts that the Health Director is authorized to execute.

With each change the Board will be requested to update the listing of deputy finance officers. This change drops Jay Burrus as HHS Director and adds Sheila Davies as HHS Director.

- Sally Defosse Deputy Finance Director
- Dustin Peele Purchasing Agent
- Sheila Davies H&HS Director
- Chuck Lycett Assistant H&HS Director for Social Services
- Tammy Reber H&HS Administrative Officer
- Delrene Seegot H&HS Business Manager

Approved list of deputy finance officers as of 8/20/2018.



Tax Collector's Report

Description

July 2018 Releases over \$100
July 2018 Refunds over \$100
July 2018 NCVTS Refunds over \$100

Board Action Requested

Approved

Item Presenter

Becky Huff, Tax Collector

Release Report for REAL ESTATE, PERSONAL PROPERTY and MOTOR VEHICLE

(Releases over (\$100.00))

MONTH: July

DATE RANGE: 7/1/2018 - 7/31/2018

SUBMITTED BY: Becky Huff

Taxpayer Name	Parcel#	Bill Year	Reason	Released Value	Tax Released
WATSON, ROBERT C	936939000	2018	DUPLICATE LISTING	-225,000.00	-1,890.00
COPPERSMITH, III, WILEY BURGESS	962924000	2018	DUPLICATE LISTING	-29,100.00	-205.86
JACK, BRIAN PATRICK	963158000	2018	PROPERTY LOCATED IN VA	-14,550.00	-136.19
MCGINNIS, TERRENCE T.	814234218	2018	KEYING ERROR ON VALUE	-97,458.00	-600.82
SCALL, BRIAN CARL	936791000	2018	DOES NOT OWN BOAT	-32,495.00	-236.60
HALL, WILLIAM CURTIS	936702000	2018	PERSONAL PROPERTY SOLD IN 2017	-14,550.00	-113.98
JASON O BURKE	963004000	2018	PROPERTY LOCATED IN FL	-19,643.00	-181.50
ALLWEIN REAL ESTATE	015811002	2018	DUPLICATE LISTING	-14,349.00	-104.48
OCHS, JUANITA I	014004000	2018	HOUSE DESTROYED IN 2012	-77,300.00	-493.56
		2018	ADJUST OAE EXEMPTION	0.00	-395.56
CROATAN WOODS HOMEOWNERS ASSOC	024423998	2018	REVISE TO EXEMPT - CLERICAL ERROR	-27,400.00	-808.23
KAMLA GANESH BISRAM	963213000	2018	DUPLICATE LISTING	-79,055.00	-730.47
NEAL, WILLIAM D SR	025516011	2018	CORRECT GRADING ISSUE	-109,100.00	-794.37
Total Released:				-740,000.00	-6,691.62

Refund Report for REAL ESTATE, PERSONAL PROPERTY and MOTOR VEHICLE

(Refunds over \$100.00)

MONTH: July

Date Range: 7/1/2018 - 7/31/2018

SUBMITTED BY: Becky Huff

Taxpayer Name	Parcel	Bill Yr	Reason	Refund Amount
FOREMAN HOLDING, LLC	017777000	2013	Land size correction	-496.40
FOREMAN HOLDING, LLC	017777000	2014	Land size correction	-510.00
FOREMAN HOLDING, LLC	017777000	2015	Land size correction	-523.60
FOREMAN HOLDING, LLC	017777000	2016	Land size correction	-520.60
FOREMAN HOLDING, LLC	017777000	2017	Land size correction	-550.80
				<hr/>
				-2,601.40



North Carolina Vehicle Tax System

NCVTS Pending Refund report

Report Date 08/03/2018

Payee Name	Address 1	Address 3	Reason	Date	Tax	Change	Int	Total			
AUSTIN, BRUCE NORWOOD JR	135 WEIR POINT DR	MANTEO, NC 27954	Assessed In Err	07/09/2018	C99	(\$78.23)	\$0.00	(\$78.23)			
					F51	(\$7.24)	\$0.00	(\$7.24)			
					S99	(\$17.15)	\$0.00	(\$17.15)			
								Refund			\$102.62
GUNS, KENNETH WILLIAM SR	108 E SAINT CLAIR ST	KILL DEVIL HILLS, NC 27948	Tag Surrender	07/12/2018	C99	(\$83.58)	\$0.00	(\$83.58)			
					T07	(\$67.73)	\$0.00	(\$67.73)			
								Refund			\$151.31
LEROY, STEPHAN LOUIS	5111 BARLOW LN	KITTY HAWK, NC 27949	Tag Surrender	07/23/2018	C99	(\$92.73)	\$0.00	(\$92.73)			
					T08	(\$59.19)	\$0.00	(\$59.19)			
					T08BN	(\$7.89)	\$0.00	(\$7.89)			
								Refund			\$159.81
SMITH, WILLIAM EDWARD	3140 BRIDGEWATER ST	LANCASTER, SC 29720	Tag Surrender	07/31/2018	C99	(\$100.69)	\$0.00	(\$100.69)			
					F50	(\$29.80)	\$0.00	(\$29.80)			
					S99	(\$22.06)	\$0.00	(\$22.06)			
								Refund			\$152.55
SMITH, WILLIAM EDWARD	3140 BRIDGEWATER ST	LANCASTER, SC 29720	Tag Surrender	07/31/2018	C99	(\$72.33)	\$0.00	(\$72.33)			
					F50	(\$21.40)	\$0.00	(\$21.40)			
					S99	(\$15.85)	\$0.00	(\$15.85)			
								Refund			\$109.58
STAFFORD, JEFFREY SCOTT	1211 W KITTY HAWK RD	KITTY HAWK, NC 27949	Tag Surrender	07/12/2018	C99	(\$67.69)	\$0.00	(\$67.69)			
					T08	(\$43.20)	\$0.00	(\$43.20)			
					T08BN	(\$5.76)	\$0.00	(\$5.76)			
								Refund			\$116.65
WALTERS, JOHN BARRON	6718 DUNKARD RD	DUBLIN, VA 24084	Tag Surrender	07/27/2018	C99	(\$87.76)	\$0.00	(\$87.76)			
					S99	(\$19.23)	\$0.00	(\$19.23)			
								Refund			\$106.99
								T08BN			CITY
WEEKS, ROBERT EDWARD	4015 CREEK RD	KITTY HAWK, NC 27949	Tag Surrender	07/17/2018	C99	(\$95.17)	\$0.00	(\$95.17)			
					F22	(\$9.30)	\$0.00	(\$9.30)			
					S99	(\$20.85)	\$0.00	(\$20.85)			
								Refund			\$125.32
								S99			SPECIAL
Refund Total:								\$1024.83	Total	(\$1,024.83)	

COMMISSIONERS' BUSINESS

MANAGER'S / ATTORNEY'S BUSINESS