



# 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., May 7, 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 9:02 a.m. He invited Rev. Cherri Wheeler, a retired U.S. Air Force Chaplain to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Woodard commented on the death of Trip Hobbs, the Chief Operating Officer for Dare County Schools. He asked everyone to keep the Hobbs family in their thoughts and prayers and led the audience in observing a moment of silence.

The Chairman asked for a motion to amend the agenda to add item 4-A for EMS Week.

#### **MOTION**

Vice Chairman Overman motioned to amend the agenda.

Commissioner Shea 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 –

- Reported on a meeting held with National Park Service Superintendent David Hallac.
- Commented on the opening ceremonies for the Dare County Senior Games.
- Mentioned the luncheon that was recently held at the Dare County Center to recognize and honor the incredible people who volunteer their time at the facility.
- Noted that a meeting was held with stakeholders regarding beach nourishment issues in the Village of Avon.

- Briefed the Board on a meeting that he and Commissioner Tobin had in Raleigh with Senator Cook to discuss potential beach nourishment funding issues.
- Gave an update on the Health and Human Services Task Force that is looking at regionalization of services throughout the State.
- Reminded that tomorrow is Election Day and urged people to exercise their right to vote.
- Presented a certificate of appreciation to Katherine Schuster in recognition of her achievement in winning the National Drive, Chip and Putt Championship in Augusta.

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

- 1) Joseph Shull, Detention Center, received a 10-year pin.
- 2) Tim White, Parks & Recreation, received a 10-year pin

#### **ITEM 3 – EMPLOYEE OF THE MONTH – MAY 2018**

Michael Hill received the Employee of the Month award from Jennie Collins who described the many ways that the Dare MedFlight Pilot 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. Martha Wickre provided detailed information about the 43<sup>rd</sup> celebration of Dare Day which will take place on Saturday, June 2 in downtown Manteo.
2. Gail Sonnesso briefed Commissioners on the Harmony Cafe program that GEM (Gentle Expert Memorycare) is conducting throughout Dare County.

*There were no comments made in Buxton –*

#### **ITEM 4A – EMS WEEK PROCLAMATION**

Jennie Collins, Chief of Dare County Emergency Medical Services, explained the important role of prehospital medical care and expressed gratitude to the Board of Commissioners for their ongoing support of Dare County EMS and Dare MedFlight. A Proclamation was presented establishing May 20-26, 2018 as Emergency Medical Services Week.

#### **MOTION**

Commissioners Shea and House motioned to approve the EMS Week Proclamation. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – REPORT FROM OUTER BANKS SPORTING EVENTS**

Race Director Jenny Ash outlined the mission of Outer Banks Sporting Events (OBSE) and provided statistics concerning the group’s activities for 2017. She reported that the economic impact of OBSE events during 2017 is estimated at \$8.4 million. It was noted that since 2010, OBSE has generated over a million dollars for each of its founding charities. In response to a question from Commissioner Couch, Ms. Ash reported that plans are under consideration for a future sporting event to be held on Hatteras Island.

**ITEM 6 – PUBLIC HEALTH DIVISION – PRESENTATION ON ADULT DAY CARE**

Kaye White, Dare County Delegate to the NC Senior Tar Heel Legislature, and Public Health Director Sheila Davies gave a report on the need for Adult Day Care Centers in Dare County. They outlined possible service models and cited statistics about those who use these facilities. Information was provided about potential funding sources and it was noted that the national average rate for Adult Day Care Centers is \$61 per day. The results of a local needs survey that was done were also presented. Commissioner Ross requested specific information regarding what resources it would take to make an Adult Day Care facility a reality in Dare County.

**RECESS: 10:21 a.m. – 10:42 a.m.**

**ITEM 7 – PUBLIC HEALTH DIVISION – LEASE WITH PORT HUMAN SERVICES**

The County Manager and Public Health Director Sheila Davies presented a 3 year lease with PORT Human Services to provide services at the Medical Building located at 57635 NC Highway 12 in Hatteras Village. Mr. Outten noted that there is no rental amount and that hopefully the site will include other medical providers in the future. Ms. Davies introduced Michelle Hawbaker, Program Supervisor for PORT Human Services, who commented on the creation of a Community Advisory Committee for the Hatteras facility. Vice Chairman Overman expressed gratitude to PORT for the much needed services they will be providing to the people of Hatteras Island.

**MOTION**

Commissioner Shea motioned to approve the lease as presented.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – ROANOKE SHORES HOMEOWNERS ASSOCIATION – PROPOSED RS-8 ZONING TEXT AMENDMENT**

Planning Director Donna Creef outlined a zoning text amendment request submitted by the Roanoke Shores Homeowners Association to amend the RS-8 District regulations to add non-conforming language specific to property at 117 Old NC 345. She explained that the requested language change would allow all 21 condominium units now located on the property to be rebuilt if damage was sustained in excess of 50% of its value. She noted that in order to consider the proposed amendment, a Public Hearing is required.

**MOTION**

Commissioner House motioned to schedule a Public Hearing for 5:30 p.m., May 21, 2018. Commissioners Tobin and Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – J.D. JOHNSON REALTY – WANCHESE ZONING MAP AMENDMENT**

Donna Creef, Planning Director, summarized a zoning map amendment submitted by J.D. Johnson to rezone lots 2, 3, and 4 of the George Mann Subdivision from its current classification of Baumtown Traditional to Highway 345 Business. Ms. Creef briefed the Board on the composition of the property and the recommendation of the Planning Board. She explained that a Public Hearing is required if the Board wishes to consider the request.

**MOTION**

Commissioner Shea motioned to schedule a Public Hearing for 5:30 p.m., May 21, 2018. Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – SYSTEM DEVELOPMENT FEE CALCULATION REQUIRED BY NCGS 162A ARTICLE 8**

Finance Director David Clawson explained that HB 436 requires a calculation of the System Development Fee, formerly known as the Impact Fee for a local government water system. He said the County has contracted with Raftelis Financial Consultants to perform the calculation and described the effects of the study. He outlined the maximum allowed fee for each meter size and noted that a Public Hearing is required, after which the fee structure may then be adopted as of July 1, 2018 as part of the annual budget ordinance.

**MOTION**

Commissioner House and Commissioner Shea motioned to schedule a Public Hearing for 5:30 p.m., May 21, 2018.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – SERIES 2018 LIMITED OBLIGATION BONDS – DECISION ON ISSUANCE TYPE, STRUCTURE, AND FINANCING AWARD**

The Finance Director, provided background on the Series 2018 Limited Obligation Bonds (LOBs) that will be issued for part of the County's contribution to the Nags Head beach nourishment project and for improvements to Manteo High School. He explained the approval timeline for the Local Government Commission (LGC) and noted that the County's financial advisor and its underwriter/placement agent recommend a private placement. Mr. Clawson described the difference between a current settlement and a forward settlement and asked the Board to award the LOBs as a private placement with a current settlement on or about July 19, 2018 to Regions Bank at a rate not to exceed 2.72%.

**MOTION**

Commissioner Shea motioned to award the Series 2018 LOBs as a private placement with a current settlement on or about July 19, 2018 to Regions Bank at a rate not to exceed 2.72% Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – INTERLOCAL AGREEMENT – DARE COUNTY AND TOWN OF NAGS HEAD**

The County Manager outlined an Interlocal Agreement between Dare County and the Town of Nags Head for the Town's 2019 beach nourishment project.

**MOTION**

Commissioner Shea motioned to approve the Interlocal Agreement and authorize the Chairman to execute the document.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – RESOLUTION REQUESTING FUNDING OF THE COASTAL STORM DAMAGE MITIGATION FUND (Att. #1)**

Chairman Woodard presented a resolution asking the North Carolina General Assembly to fund the Coastal Storm Damage Mitigation Fund. He explained that during 2017, HB56 included a provision to create the fund, however, the Legislature has not yet allocated a funding source. It was noted that the Coastal Storm Damage Mitigation Fund would match local dollars on a cost-shared basis thus allowing beach nourishment funds to be effectively leveraged for maximum benefit. The resolution was read by the County Manager.

Commissioner Ross asked if this item has the support of Senator Cook and Representative Boswell and was assured by Commissioner House that they are in support of it. Vice Chairman Overman recommended that the resolution be revised to include a provision in the final paragraph indicating that no current local revenue streams be used for the purpose of funding the Coastal Storm Damage Mitigation Fund.

**MOTION**

Vice Chairman Overman motioned to adopt the resolution with the revision that no current local revenue streams be used for the purpose of funding the Coastal Storm Mitigation Fund. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – LETTER OF SUPPORT FOR TOWN OF KITTY HAWK GRANT APPLICATION**

Mr. Outten presented a request from the Town of Kitty Hawk for a letter of support for their grant application to the North Carolina Division of Parks & Recreation for two trail connections to the existing 1.8 mile Birch Lane Trail in the Kitty Hawk Woods Preserve.

**MOTION**

Commissioner House and Commissioner Couch motioned to approve the letter and authorize the Chairman to sign it.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – NCDOT RIGHT OF WAY AND UTILITY EASEMENT**

The County Manager informed the Board that NCDOT seeks to acquire a Right of Way and Utility Easement on County owned property on Colington Road. He said the total offer from NCDOT is \$4,375 and noted that the values have been confirmed as being fair and reasonable with the Dare County Tax Office.

**MOTION**

Commissioner Shea motioned to approve the Right of Way and Utility Easement and authorize the County Manager to execute all necessary documents.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – CIVIL COMPLAINT SEEKING REMEDIES AGAINST THOSE RESPONSIBLE FOR THE OPIOID CRISIS**

Mr. Outten presented a civil complaint that was prepared by the consortium of law firms that the County selected on April 3, 2018 to pursue civil remedies against those responsible for the opioid crisis. He explained that the law firm consortium is responsible for the costs of the suit and said they would get paid out of the recovery, if there is a recovery. He added that this is not a class action lawsuit and noted that the filing is not without risk due to the potential for recovery of the defendant's attorney fees in the event there is an adverse ruling on the unfair trade practices claim that is included in the complaint. After discussing the risks, the following motion was made -

**MOTION**

Vice Chairman Overman motioned to approve filing of the civil complaint.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – CONSENT AGENDA**

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

**MOTION**

Commissioner Couch motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.16.18 & Budget Workshop) **(Att. #2)**
- 2) Detention Center – Willo Service Contract for Mechanical Doors
- 3) Detention Center – Thyssen Krupp Service Contract for Elevator

Commissioner House and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 18 – BOARD APPOINTMENTS**

- 1) Extra Territorial Jurisdiction (ETJ) District – Town of Nags Head

Vice Chairman Overman motioned to reappoint Perry White.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

2) Zoning Board of Adjustment - Dare

Commissioner House motioned to reappoint Jay Hart to the Zoning Board of Adjustment and reappoint him as its Chair.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments

The upcoming Board appointments for June, July and August 2018 were announced.

Note: During Commissioners Business an Appointment was made to the Veterans Advisory Council

**ITEM 19 – 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 Couch

- Reported on the recent opening of the Rodanthe-Waves-Salvo Skateboard Park.
- Noted that people on Hatteras Island are working hard to ramp up for the upcoming tourism season.
- Announced that a final report from the COA Task Force will be presented to the Dare County Board of Commissioners at a future meeting.

Commissioner Tobin

- Outlined work that is being done at the State Capital trying to get legislation to authorize funding of a local dredging vessel that would operate under a private/public partnership with its activities being directed by the Oregon Inlet Task Force. Commissioner Tobin explained that the private/public partnership would provide dredging services at a discounted rate for both Oregon Inlet and Hatteras Inlet. Commissioner Couch suggested that the Dare County Waterways Commission be involved in some fashion. Mr. Outten added that a Memorandum of Agreement (MOA) setting forth all the terms and conditions would need to be done with the private contractor and then approved by the Dare County Board of Commissioners. During discussion of the item, it was noted that maintenance of the vessel would be the responsibility of the private entity.
- Commissioner Tobin presented a resolution supporting the State of North Carolina to increase dredging in Dare County and adjacent waterways. During the reading of the resolution it was discovered that there was a repetitive paragraph on page 2 which would need to be deleted. **(Att. #3)**

**MOTION**

Commissioner House motioned to approve the resolution with the repetitive paragraph deleted.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

Commissioner Ross

- In follow-up to the presentation that was given on Adult Day Care, Commissioner Ross asked the County Manager and Finance Director to assemble financial data. The County Manager reported that senior staff at Dare County Health & Human Services will gather information, which will then be presented by the Manager and Finance Director.
- Commissioner Ross congratulated David Clawson and the Dare County Finance Department on the latest bond rating thanking them for a job well done.
- Echoed the comments made by the Chairman about the recent luncheon to honor the wonderful people who generously volunteer their time at the Dare County Center.
- Congratulations were extended to Michael Hill the May 2018 Employee of the Month.

Commissioner House

- Noted that people are actively getting ready for the upcoming summer tourism season.
- Commissioner House commented on the EMS Week Proclamation and thanked everyone who participated in the search for a four year old child that was involved in the recent tragedy at the beach in Kitty Hawk.

Vice Chairman Overman

- Congratulated the service pin recipients and the Employee of the Month.
- Reported on the recent ceremony for the Outer Banks Senior Games and shared comments that were made by a State official about Dare County's outstanding Senior Games program.
- The Vice Chairman briefed the Board on the excellent conference that was held this month in Pine Knoll Shores by the North Carolina Beach Inlet & Waterway Association.

Commissioner Shea

- Commended the service pin recipients and the Employee of the Month thanking them for making Dare County such a wonderful place.
- Commissioner Shea asked the Board to approve the appointment of Norman St. Laurent to the Dare County Veterans Advisory Council.

**MOTION**

Commissioner Shea motioned to appoint Norman St. Laurent to the Veterans Advisory Council to replace Fred Lamm who did not wish to be reappointed.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

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

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

**MOTION**

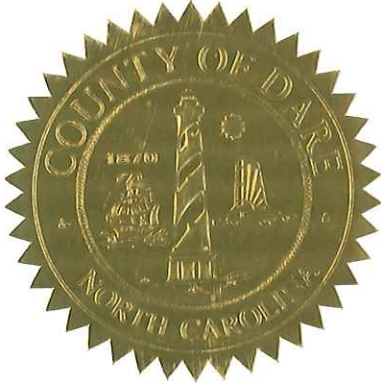
Commissioner Shea motioned to adjourn the meeting.

Commissioner Ross seconded the motion.


VOTE: AYES unanimous



At 12:03 p.m., the Board of Commissioners adjourned until 5:00 p.m., May 21, 2018.



Respectfully submitted,

By:   
Gary Lee Gross, Clerk to the Board

APPROVED:

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners