



# 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 5, 2019**

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

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, Cheryl C. Anby

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).

At 9:01 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Spottswood Graves to share a prayer, and then he led the Pledge of Allegiance to the flag.

#### **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.

- Acknowledged the lowering of the flags and requested a moment of silence for the victims in the recent violent events in both El Paso, Texas and Dayton, Ohio.
- Spoke to the Homebuilders Executive Committee to bring updates on the COA Project as to the new facility and scholarship fund. Recently met with Tim Sweeney, Travis Twiford and County staff and noted the project’s square footage will amply meet student needs.
- He will be attending the 112<sup>th</sup> Annual Conference of County Commissioners to be held in Guilford County to represent Dare County.
- Attended a luncheon with COA Foundation Executive Director and Acting President Twiford to talk about the MOU on the COA Project to be discussed further this morning.
- Met with mayors in Control Group to review hurricane preparedness and Drew Pearson will provide an update.
- The old administration buildings will be coming down in downtown Manteo during the next 45-60 days to make room for new parking and green space.
- In about three or four months some old school buildings will be razed to make room for the new COA Project construction.

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

- 1) Emily Gould, received a 10-year pin presented by Katie McCarron.
- 2) ~~Sheila Pledger, received a 15-year pin.~~
- 3) ~~Neva Lee, received a 20-year pin.~~

## **ITEM 3 – EMPLOYEE OF THE MONTH – AUGUST, 2019**

Willer Spencer, serving as Income Maintenance Supervisor with the Department of Health & Human Services, received the Employee of the Month award presented by Charles P. Lycett. He reflected how Willer had grown in her position starting as a receptionist, case worker, lead worker and now as a supervisor in 2012 with excellent motivation skills for her team. She shines as an example to motivate her quality control unit and exhibits a constant willingness to tackle challenges while she leads her supportive staff. She will have 25 years of service in February, 2020 to Dare County.

## **ITEM 4 – PUBLIC COMMENTS**

At 9:27 a.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which can be viewed in their entirety in a video on the County website –

*The following comment was made in Manteo*

1. Natalie Richardson, Sales Manager for Comfort Inns, came to recognize Ride Customs. The company had booked the entire hotel for their events this year and also booked for next year. This has brought not only great revenue returns for the two Comfort Inns, but also their patronage is valuable to the area's local businesses.

*The following comment was made in Buxton*

1. Steve McDonald, from Hatteras, commented on the culvert pipes in his area possibly buried over time and requested these drainage culverts needed to be identified and researched. The elevation on Highway 12 varies from 15-2' above sea level. As an example, he mentioned a parcel where an owner is filling in a ditch with debris to access a parcel into the swamp area. He advocated new aerial photography and an updated study of the area, to assist in locating the culvert pipes and their conditions to possibility ward off future flooding issues.

The County Manager closed Public Comments at 9:33 a.m.

## **ITEM 5 – GARAGE BAND CHARITIES PRESENTATION**

Richard Quidley, Michael Tillett and Sara Hole, representatives of Garage Band Charities, a non-profit organization, presented Chairman Woodard and Sheriff Doughtie with Certificates of Recognition for the County's assistance and continued support for their successful charitable events. With the registration fees and sponsorships realized in this year's event, the group presented donations to both the Dare County Motorsports Charity Group and the Dare County Youth and Children Partnership.

**ITEM 6 – MEMORANDUM OF UNDERSTANDING FOR DARE GUARANTEE COLLEGE TUITION SCHOLARSHIP PROGRAM BETWEEN DARE COUNTY AND COLLEGE OF THE ALBEMARLE FOUNDATION (Att. # 1)**

Mr. Outten explained that the Memorandum of Understanding had been prepared, vetted and reviewed with a few small changes having been made. A few other non-substantive changes are to be made relative to clarify verbiage relating to funding of the scholarship for this and future boards, as well as changing the scholarship from an academic year to our fiscal year. The funding should begin with COA's January semester. The Board asked and discussed various terms of the MOU as to Priority of Scholarship Award enrollment hours, definitions of eligibility requirements, The Dare Guarantee Fund and GPA requirements.

**MOTION**

Vice Chairman Overman motioned to approve the Memorandum of Understanding with any review changes the County Manager deems necessary and to authorize the County Manager to execute the final agreement.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – ECONOMIC DEVELOPMENT – EXTENSION OF AGREEMENT WITH THE OUTER BANKS CHAMBER OF COMMERCE**

Karen S. Brown, President & CEO of the Outer Banks Chamber of Commerce, along with Pat Broom, Chairwoman of the Chamber, gave an update on the Chamber's economic development accomplishments for the area. Through their OBXMADE branding efforts, our region has received both its federal and state registered trademark designation, as currently thirteen area companies showcase their OBXMADE products. The Chamber responds to proposals for new businesses with recruitment packages and business accelerator programs, offered free of charge to small businesses, while continuing efforts for existing business retention. Next year's efforts will focus on the affordable housing crisis with the expansion of much needed workforce housing. They also will be planning an OBXMADE event which will serve area foods and showcase local OBX brands.

The Chairman and Commissioners questioned the Chamber efforts concerning their offered business programs and also cited examples and urgency for continued work towards the provision of housing for the seasonal and full-time workforce, J1-Visa students, as well as local affordable housing. Commissioner Couch added with the many good professionals in our county, the municipalities should act as a coordinating entity to take the initiative in this project.

**MOTION**

Commissioner Ross motioned to approve the extension of the Economic Development Contract with Dare County from August 1, 2019 – July 31, 2020 at the rate of \$35,000 to be paid in four (4) quarterly installments.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – DARE COUNTY DHHS PUBLIC HEALTH DIVISION CHILD TELEPSYCHIATRY PROGRAM UPDATE**

Dr. Sheila F. Davies provided an overview of the East Carolina University Center for Telepsychiatry Report prepared by Dr. Sy Atezaz Saeed and Dr. John M. Diamond. The first year of the program has been very successful with a total 117 patients and their families provided services. Patients' ages range from five to seventeen with initial appointments made with both the family and child for assessment purposes and later additional time with patients. There has been a 97% show rate and the consultation benefits go beyond the services provided. Families realized ancillary savings through the time they no longer need to leave jobs, lost wages, coupled with transportation cost savings. With the current collections from Medicaid, Tricare, BCBS and other payers, the net cost to the County has been approximately \$14,000. Possible outreach into Hatteras for services may be considered once analyzing the possible area needs. Dr. Davies added Dare County is currently in line with the national average ratio of levels of mental disorders.

**ITEM 9 – ANNUAL SETTLEMENT AND CHARGES TO THE TAX COLLECTOR**

Dare County Tax Collector, Becky Huff, gave a comprehensive settlement report on tax collection activity. The total amount levied for 2018, including real estate, mobile homes, boats, rental properties and business properties was \$61,248,735.46. The department collected \$60,932,087.78 through June 30, 2018, which is a collection rate of 99.48%. They collect for five towns, as Nags Head collects their own assessments. In 2012, legal services were retained to conduct foreclosures on properties two years delinquent. The total taxes collected through the foreclosure process have been \$1,909,726.33. Various collection techniques including calls, letters, bank account attachment, automatic deductions and creating payment plans have been implemented. There are thirteen parcels in bankruptcy. The department has instituted an electronic payment system, which is working well along with the new electronic billing, which allows owners to easily pay and see their current and past account statements. She introduced her staff: Jennifer Davenport, Corrine Etheridge, Ricky Burris, Scott Nickens and Lisa Godfrey.

The Board's discussion and questions considered the collection of occupancy taxes from booking agencies. Ms. Huff acknowledged they continue to research how Airbnb and VRBO treat the required taxes and are in the process of trying to have Airbnb send the tax directly to the County rather than their current practice of remitting to the host owners. As these companies consider their host information as proprietary, it is difficult to determine what percentages of taxes are uncollected or unremitted. The department follows leads, corresponds and continues to try to reeducate property owners as to the requirement of remittance. Mr. Outten noted there is currently no legislation to enforce companies like Airbnb and BRBO to remit occupancy taxes to the municipalities. Commissioner Tobin inquired as to the status of the Roanoke Island Water Assessment special collections. Ms. Huff advised it is a ten-year program and we are currently in the eighth year of the collection process with owners utilizing payment plans.

**MOTION**

Commissioner Bateman and Commissioner House motioned to charge the Tax Collector to collect the 2019 taxes.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10– HURRICANE PREPAREDNESS UPDATE**

Drew Pearson, Director of Emergency Management, discussed the County’s preparedness and lessons learned from past storms. Shelter plans remain challenging as does commodity distribution. The State has added ability to close bridges and roads in accordance with N.C.G.S 166A and installed flood gauges at five locations. The data collected from these gauges are relayed to the federal hurricane systems and could be helpful for the purposes of future zoning, construction, etc. Citizens can also check these gauges online. Commissioner Tobin noted a gauge should be located on the mainland as soon as possible. Local efforts include the Community Outreach with a hazard mitigation plan update, flood survey and two recent hurricane forums held. James Wooten, hired as an Emergency Management Planner, is actively building a partnership with the National Weather Service. Reentry Permit applications are now transitioned to an online format with over 5,000 permits issued to date. The priority categories have not changed. Commissioner Ross inquired as to priority of homeowners who are here from May to October and are issued Priority 3 permits. Mr. Pearson and Mr. Outten explained the priority of secondary homeowners as Priority 3 was due to the fact they typically have another residence to render themselves safe. Full-time residents, essential personnel and business owners need to be able to return as soon as conditions are safe and infrastructure repairs are underway. In conclusion Mr. Pearson reiterated the “7 Simple Things to Do Now!” - Know your risk, develop an evacuation plan, get an insurance check-up, assemble disaster supplies, strengthen your home, know your trusted sources of information and complete a written hurricane plan.

**Chairman Woodard called for a Recess of the meeting at 11:29 a.m. and the meeting resumed at 11:45 a.m.**

**ITEM 11 – CONSTRUCTION MANAGEMENT AT RISK CONTRACT FOR NEW ANIMAL SHELTER WITH THE WHITING TURNER CONTRACTING COMPANY**

Mr. Clawson noted the Board approved The Whiting Turning Contracting Company to construct the new Animal Shelter and now there are three agreements to be approved: (1) Agreement between the Owner and the Construction Manager, (2) Supplemental General Conditions and (3) General Conditions of the Contract for Construction. The CMR will work with the architect and guarantee maximum price unless there are owner changes. The CMR takes bids on all of the sub packages, breaks them down into smaller units and often this produces more local participation. The Agreement Between Owner and the Construction Manager is identical to the EOC agreement done in 2015. The Supplemental General Conditions agreement sets the contractor’s fee at 7.0%. The Animal Shelter project has a few complications because of the septic requirements and the age of the HVAC system. The third document presented, the General Conditions of the Contract for Construction, is identical to that previously approved for the Regional Emergency Communications Center & EOC.

**MOTION**

Vice Chairman Overman motioned to approve the Agreement, the Supplemental Conditions and the General Conditions with any review changes the County Manager deems necessary and to authorize the County Manager to execute the final documents and to approve the amendment to the Capital Project Ordinance for the Animal Shelter and the 2020 Limited Obligation Bonds.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – PROPOSED ZONING AMENDMENTS TO SECTION 22-58.1 – SAND DUNE PROVISIONS (Att. # 2)**

Donna Creef, Planning Department Director, presented the background for the request for proposed zoning amendments as they relate to inland dunes. Property owners mine the sand, haul it off the site and the vacant lots then present challenging topography requiring stabilizing modifications. Retaining walls are put in place and some contractors use subsurface helical anchors. Although adjoining property owners sign releases to the underground encroachment, the Planning Board feels it prudent to amend the standards of this ordinance, to include an onsite meeting before land disturbance occurs and to change time requirements for slope stabilization completion before the CO (Certificate of Occupancy) is issued with more leverage for compliance. Ms. Creef clarified these standards apply to inland dunes and do not apply to the dunes protected by NC CAMA.

**MOTION**

Commissioner Couch motioned to schedule a Public Hearing on proposed amendments to Section 22-58.1, on August 19, 2019 at 5:30 p.m.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – PROPOSAL FOR DEVELOPMENT OF DREDGE MATERIAL MANAGEMENT PLAN**

Mr. Outten provided an overview of the APTIM Proposal for the Development of a Material Management Plan for the new dredge. The Corps expressed a concern with the future of spoil areas in inland areas. The State is doing a study that will take of couple of years to inventory the sites, not just for Dare, but this alone will not produce a solution. Ken Willson, President of APTIM Coastal Planning, proposed the development of the assessment services would cost \$68,975. The consideration is whether to perform the study this year or wait for the next budget cycle. Commissioner Tobin added the spoil site at the end of Wanchese still has some capacity. There are a series of small sites from Pirates Cove to Wanchese Inlet which were used by the Corps until the new regulations came into effect. If dredging became necessary, as part of a future project, a spoil site would be needed. APTIM proposes to inventory our inlets and identify opportunities for spoil placement. These sites could be thin layer placement areas over eroding marshes or creation of alternative spoil islands. As of 1957, Dare County agreed to be responsible for the spoil sites in federal channels. The Board determined it would be advantageous to withhold action until additional information is provided through a presentation to be arranged with Ken Willson, President of APTIM Coastal Planning & Engineering of North Carolina, Inc.

**ITEM 14 – GIS COMMUNITY MAP INTRODUCTION AND DEMO**

Mr. Outten presented Greg Ball, GIS Coordinator, and Kristin Stilston, GIS Specialist, to provide a demonstration of new features offered through the Dare County Community Map. Hallmarks of the system provide information such as location of Dare County owned properties and zoning maps. Kristin Stilston elaborated on the new “layers” of useful information now available on the Dare website. Kristin proceeded with a demo of the new map categories to help residents and visitors such as location of parks, beach and sound accesses, attractions such as lighthouses, walking trails, fishing information and other

services. The upgraded program also assists in providing trash and recycling schedules, public safety and community resources, contact information for Federal, State and local representatives, polling locations, and transit information with ferry schedules. There will be more features in the coming months. There are plans for an application to be available for cell phones. Commissioner discussion added that Airbnb mapping of properties would have many internal benefits.

#### **ITEM 15 – DESIGNATION OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE**

Mr. Outten, presented the Board with the form to permit the designation of the attendant of the 112<sup>th</sup> Annual Conference of the North Carolina Association of County Commissioners to vote as a delegate on behalf of Dare County.

##### **MOTION**

Commissioner Bateman motioned to designate Chairman Robert Woodard as voting delegate for Dare County at the 112<sup>th</sup> Annual Conference of the North Carolina Association of County Commissioners.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

#### **ITEM 16 – CONSENT AGENDA**

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

##### **MOTION**

Vice Chairman Overman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (07.15.19) (**Att. #4**) with correction on page 7
- 2) Town of Kitty Hawk Sanitation Contract
- 3) Report to Board on County Manager Budget Actions for Approved FY 2020 CIP
- 4) Southern Albemarle Association, Annual Meeting Invitation List
- 5) Memorandum of Understanding for the Dare Soil & Water Conservation District Partnership (**Att. #5**)
- 6) Right of Access Agreement Charter Communications
- 7) North Carolina Governor's Highway Safety Program (GHSP) Local Government Grant Award

Commissioner House and Couch seconded the motion.

VOTE: AYES unanimous

#### **ITEM 17 – BOARD APPOINTMENTS**

##### **1) Dare County ABC Board**

Vice Chairman Overman motioned to reappoint Ray White.

Commissioner Couch and Commissioner House seconded the motion.

VOTE: AYES unanimous

##### **2) Dare County Center Advisory Board**

Commissioner Ross motioned to reappoint Dan Otte', Lynda Hester and Sara Hester Smith and to appoint Reha Otte' to replace Rodney Vincent.

Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Jury Commission

Vice Chairman Overman motioned to reappoint Lou Ellen Quinn.  
Commissioner Couch and Commissioner Tobin seconded the motion.  
VOTE: AYES unanimous

4) Juvenile Crime Prevention Committee

Commissioner House motioned to appoint Lara Cate Wright for Student Representative.  
Commissioner Tobin seconded the motion.  
VOTE: AYES unanimous

5) Parks and Recreation Advisory Council

Vice Chairman Overman motioned to appoint Justin Bateman and B. Allen Poole.  
Commissioner Bateman seconded the motion.  
VOTE: AYES unanimous

6) Stumpy Point Community Center Committee

Commissioner House motioned to reappoint Sheila Golden, Jeff Griffith, Johnny Midgett and Naomi Midgett.  
Vice Chairman Overman seconded the motion.  
VOTE: AYES unanimous

7) Upcoming Board Appointments

The upcoming Board appointments for September and November 2019 were announced. There were no upcoming Board appointments for October, 2019.

**ITEM 18 – 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 Bateman

- Congratulated all our County workers award recipients.
- Thanked the Garage Band Charities for their donations and their continued selfless work to help make Dare County a great place to live.
- Noted concern over the continued loss of occupancy tax dollars from Airbnb and other rental businesses and urged a more proactive approach to preventing the loss, such as reaching out with our lobbying firm as a first step.

**MOTION**

Commissioner Overman motioned to have the County Manager begin inquiry with our lobbyist to pursue and enact legislative changes to require accurate reporting and remittance of occupancy taxes from travel website companies such as Airbnb, VRBO and others.  
Commissioner House seconded the motion.  
VOTE: AYES unanimous



#### Commissioner Couch

- Congratulated today's County employee recognitions.
- Noted the public comments from Buxton regarding availability of flood maps online would be something to explore further.
- Acknowledged the public comment made a few meetings past concerning the affect arts and craft shows may have on local businesses but noted the County monitors the events for compliance and the non-profits are communicating well with the planning staff.
- Weeks Marine had been working in Buxton to pull up the remaining subline.

#### Commissioner Tobin

- Attended quarterly visit to Peak Resources and Spring Arbor noting both facilities were working through some issues but improving.
- The 4-H held their civics class with seven participants in a mock board meeting. Congratulated Page Lilly for her continued good work with the organization.
- Fielded recent inquiries, complaints and requests by charter and recreational vessels violating the safety zone in place for the demolition of the old Bonner Bridge. Pursuant to Federal Code there is a noted enforcement period in place ruling it unlawful to be within one hundred yards of the "demolition zone", which is from 3/4/2019 to 3/30/20.
- A new Ford Bronco will be introduced next year to be named "The Outer Banks".

#### Commissioner Ross

- He will be attending a meeting of the GEM's Meaningful Days at Kitty Hawk United Methodist Church. The group meets as part of their Dementia Awareness program, which provides support to caregivers.
- August 6 is National Night Out hosted by Kill Devil Hills, Manteo and Nags Head aimed to promote community involvement in fire and crime prevention.
- He will be having a second informational gathering meeting with Suma Gupta regarding the area housing issues.
- Will be meeting with the SPCA Chair and Acting Director on wording and language in current ordinances as they relate to problems with enforcement and dealing with violations.
- On August 8, he will be attending the North Carolina, South Carolina and Tennessee Regional White House Conference in Washington, DC with the County Manager, Vice Chairman Overman and Commissioner Couch.

#### Commissioner House

- Echoed his congratulations to service pin and employee of the month recipients and noted County staff continue to receive local and national praise.
- August 4 marked the 229<sup>th</sup> anniversary of the formation of the U.S. Coast Guard and thanked all who served in that agency.
- Provided the Board with copy of the petition submitted to NC Marine Fisheries Commission, which proposes to close shrimp trawl management areas two days a week and other restrictive measures that could impact commercial fishing families. He requested the Board adopt a resolution in continued opposition to the petition, as was adopted in 2017.

**MOTION** by Commissioner House to adopt the Resolution Opposing the Designation of Special Nursery Areas and submitting it to the Southern Environmental Law Center and North Carolina Wildlife Federation. – **(Att. #6)**

Seconded Commissioner Tobin

VOTE: AYES unanimous

Vice Chairman Overman

- Congratulated today's employee service pin and employee of the month honorees.
- Agreed that affordable housing needs to be a priority and there has been a lot of interest with layouts of multi-use type housing.

Chairman Woodard concurred that changes need to be focused on zoning and citizens' perspectives and positions on providing affordable and ample housing.

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

Mr. Outten updated the Board on the Rodanthe project. The channel is open and ready to go with no immediate need to dredge. The Ferry Division ran a boat yesterday and it was fine.

Mr. Outten presented a need to create a Capital Improvement Contingency Fund. There have been several situations where unexpected changes in the cost of equipment or repairs have been higher than originally quoted or budgeted due the time lapse in the completion of a purchase or project. The Capital Improvement Contingency Fund would be initialized as a line item in the amount of \$50,000.00.

**MOTION** by Commissioner Couch to create a Capital Improvement Contingency Fund in the amount of \$50,000.00

Seconded Commissioner Bateman and Vice Chairman Overman

VOTE: AYES unanimous

Mr. Outten reported the demolition of the old administration buildings are moving forward with abatement being completed today.

**Dorothy Hester:** The Board of Elections is actively seeking poll workers and the application is online. Thanked Drew Pearson and the Board for the opportunity to conduct the flood survey. Approximately 5% of the adult population responded. The information gathered can be filtered to specific towns and the unincorporated areas. The "On the Job" video series has received over 5,000 views with good feedback. The series will continue to showcase other Dare County employees and provide citizens an opportunity to learn more about some of the responsibilities and services provided to them. She offered congratulations to Sara Small, recently promoted as Public Relations Coordinator. Once a new specialist is hired, the department hopes to develop a County E-newsletter and explore other priority initiatives.

**David Clawson:**

Meeting scheduled with Oakley Collier on August 6 regarding the DHHS Project.

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

**MOTION**

Commissioner Couch motioned to adjourn the meeting.

Commissioner Bateman seconded the motion.


VOTE: AYES unanimous

At 1:19 p.m., the Board of Commissioners adjourned until 5:00 p.m., August 19, 2019.

Respectfully submitted,

[SEAL]

By:   
Cheryl C. Anby, Clerk to the Board

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

Note: copies of attachments (Att.), ordinances, resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk to the Board.