



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

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., January 20, 2015

Commissioners present: Chairman Robert Woodard
Vice-Chairman Wally Overman
Warren Judge, Jack Shea, Allen Burrus,
Beverly Boswell, Margarett Umphlett

Commissioners absent: None

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

A full and complete account of the entire Board of Commissioners meeting is archived on a video that is available for viewing on the Dare County website www.darenc.com

Chairman Woodard called the meeting to order at 5:08 p.m. He invited the Rev. Ken Simpson from Manteo Baptist Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

A report on the Board's recent Town Hall meeting was given by Chairman Woodard. He thanked those who attended and said the Board is considering holding another Town Hall meeting later this year and entertaining a date for one on Hatteras Island. In addressing one community concern, the Chairman read a letter asking NC Attorney General Roy Cooper to investigate the high gasoline prices in Dare County compared to elsewhere in the region. He asked the Board to approve sending the letter.

MOTION

Commissioner Shea motioned to approve sending a letter to North Carolina Attorney General Roy Cooper about Dare County gasoline prices.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 1 – EMPLOYEE OF THE MONTH – JANUARY 2015

Jody Lewis, School Resource Officer at First Flight Middle School, received the Employee of the Month certificate for January 2015 from Sheriff Doug Doughtie who described the award recipient as someone who is effective in building trusting relationships with students, teachers, and administrators.

ITEM 2 – PUBLIC COMMENTS

The County Manager outlined the public comments procedure. The following spoke -

1. C.P. “Buster” Nunemaker thanked the Board for supporting the 4,000 people in the “OBX Gas 2 High” group. He explained how the high gasoline prices in Dare County have widespread adverse effects throughout the entire community.

ITEM 3 – AMENDMENT TO GRANT PROJECT ORDINANCE FOR RECC (E911) & EMERGENCY OPERATIONS CENTER PROJECT (Att. #1)

The Finance Director briefed the Board on an amendment needed for the Grant Project Ordinance related to the E911/EOC building project. He explained that the changes address the \$7.0 million that was awarded by the NC E911 Board compared to the \$7.6 requested in the grant application. Mr. Clawson said the project is being adjusted to reflect the reduced amount and outlined the amended Grant Project Ordinance

MOTION

Commissioner Judge motioned to adopt the amendment to the Grant Project Ordinance Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 4 – DISCOUNT RATE FOR PRESENT VALUE CALCULATION OF TAXABLE LEASE VALUES FOR DARE COUNTY 1% LAND TRANSFER TAX (Att. #2)

The Finance Director reported that Senate Bill 716 enacted the 1% Land Transfer Tax in Dare County and made real property leases of more than 10 years subject to the tax. He said SB 716 states that the value of a lease shall be computed on the basis of the present value of the fixed lease payments. Mr. Clawson explained that this calculation requires the use of an assumed interest rate, called the discount rate, although SB 716 did not define or dictate the rate. He said that since the inception of the tax, Dare County has had rates ranging from 10% to 11.25%. Mr. Outten noted that staff wanted to establish a defensible basis for the discount calculation that is market related, rather than an arbitrary number. Mr. Clawson said that after consulting with the UNC Institute of Government, staff recommends using the 10-year Treasury rate plus 3 points.

MOTION

Commissioner Judge motioned to approve that, as of February 1, 2015, the discount rate used to calculate the present value of a lease subject to the Land Transfer Tax be the 10-year U.S. Treasury rate as published by the U.S. Treasury plus 3.00%.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – PUBLIC HEARING – ORDINANCE AMENDMENTS RELATED TO COMMUNITY RATING SYSTEM (Att. #3)

At 5:36 p.m., the Board of Commissioners held a Public Hearing to receive input concerning Ordinance Amendments Related to the Community Rating System (CRS).

The County Manager conducted the hearing and explained the procedure for making comments. The following people spoke –

- 1) Duke Geraghty, on behalf of the Home Builders Association, thanked the CRS stakeholders and the Planning Department for their efforts. He said although the Association favors the Ordinance amendments as presented, they did not support the option for yearly inspection on the non-conversion deed recordation for enclosures.
- 2) Fletcher Willey said, as a participant on the Stakeholder's Committee, this was a very worthwhile effort that will help in the long term to reduce flood insurance costs for everyone.

Chairman Woodard closed the hearing at 5:42 p.m.

Planning Director, Donna Creef explained that the Ordinance amendments have been reviewed by the Planning Board and the Stakeholder's Group. She noted that these amendments would only be applicable to construction projects that are permitted after the effective date. Ms. Creef presented 5 separate motions on components of the Ordinance amendments. For Attachment B-2, the Board chose not to impose annual inspections. Instead, they voted to require inspections as needed to verify compliance, as noted in motion B-2 below –

MOTION #1 on Attachment A (acknowledging enforcement of NC Building Code)

Commissioner Shea motioned to adopt the proposed amendment to Chapter 152, Planning and Development, as presented in Attachment A in the January 20, 2015 Board packet.

Commissioners Judge and Overman seconded the motion.

VOTE: AYES unanimous

MOTION #2 on Attachment B-1 (required submission of under construction elev. certificate)

Commissioner Judge motioned to adopt the proposed amendments to Chapter 151, Flood damage Prevention Ordinance as presented in Attachment B-1 in the January 20, 2015 Board packet. The effective date of this amendment shall be April 1, 2015

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

MOTION #3 on Attachment B-2 (non-conversion deed recordation for enclosures)

Commissioner Shea motioned to adopt the proposed amendments to Chapter 151, Flood Damage Prevention Ordinance as presented in Attachment B-2 in the January 20, 2015 Board packet. The deed restriction shall include language requiring inspections as needed to verify compliance. The effective date of this amendment shall be April 1, 2015

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

MOTION #4 on Attachment B-3 (acknowledgement forms of location in a flood zone)

Commissioner Judge motioned to adopt the proposed amendments to Chapter 151, Flood Damage Prevention Ordinance as presented in Attachment B-3 in the January 20, 2015 Board packet

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

MOTION #5 on Attachment C (Hazard disclosure amendments)

Commissioner Shea motioned to adopt the proposed amendment to Subdivision Ordinance, the Zoning Ordinance and the Mobile Home Park and travel Trailer Park Ordinance as presented in Attachment C in the January 20, 2015 Board packet

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 6 – CONSENT AGENDA

The Manager presented the Consent Agenda. The items were visually displayed in the meeting room and read into the record.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (01.05.15) **(Att. #4)**
- 2) NCDOT Utility Relocation Agreement (Stumpy Point Bridge 15 Water Line Relocation)
- 3) Hatteras Island LEPC (Local Emergency Planning Committee) 2015 Renewal
- 4) Dare Co. Cooperative Extension Proposal to Renew Folding Machine Lease
- 5) Request Permission to Apply for North Carolina Crime Commission Grant
- 6) Dare County Tobacco Free Ordinance Amendment **(Att. #5)**
- 7) Budget Amendment for Dare County Center
- 8) Budget Amendment – Donations Fund
- 9) Tax Collector Report – January 2015
- 10) FY 2015 Logicalis Lease

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 7 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioner Shea

- He read a statement expressing his concern for Dare County's inlets and stressed their economic importance. He said it is time for a full court press and attempts should be made to get a meeting with the White House Chief of Staff involving Dare County Commissioners and local stakeholders, such as the Oregon Inlet Task Force Advisory Committee, fisherman, and others. He also called for our D.C. legislative delegation to put forth a bill to keep our inlets open. Chairman Woodard noted that he recently wrote a letter to the Governor, which was forwarded to the White House. He added that he is not opposed to trying to facilitate getting a meeting with the President's Chief of Staff.

MOTION

Commissioner Shea motioned to have the Chairman facilitate setting up a meeting with the President's Chief of Staff.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

Commissioner Burrus

- He thanked NCDOT for their road and ditch work during recent storms.
- Commissioner Burrus thanked the NCDOT Ferry Division and said they are doing innovative things to keep things moving.
- He reported that the Outer Banks National Scenic Byway Committee has a federal grant for signage and maps, which should go to bid in February. He explained the purpose of the signage and maps and noted that the Byway website is also being redesigned. Commissioner Burrus said the Committee has worked hard on getting multiuse paths on Hatteras Island and that they are developing another project with NCDOT. Commissioner Burrus asked the Board to support asking the State Transportation Department for \$100,000 for engineering funds for an additional Byways project.

MOTION

Commissioner Burrus motioned to approve asking the State Transportation Department for \$100,000 for engineering funds for an additional Byways project.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- Gratitude was expressed for the quick response of the Corps of Engineers and Congressman Jones addressing the situation at Hatteras Inlet. He said the Hatteras Inlet Users Group has been meeting with the Coast Guard and will be asking for a letter about marking the channel. He outlined why this is important.

Commissioner Boswell

- She reported that she has identified grant sources that will be passed along to the Room at the Inn program, which expressed a need for a passenger van at the recent Town Hall meeting.
- Commissioner Boswell read the draft of a letter to NCDOT Board Member Malcolm Fearing regarding labelling each span of the Bonner Bridge to aid Watermen navigating the span. She added that there is a proactive plan being developed to open the inlet and keep it open.

MOTION

Commissioner Judge motioned to send a letter based on Commissioner Boswell's draft to NCDOT Board Member Malcolm Fearing.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Judge

- He reported on the Bicycle & Pedestrian Safety Coalition and asked if the County is willing to continue keeping the group's funds. By consensus, the Board agreed. He told NCDOT Board Member Malcolm Fearing that the group would like him to

attend their March meeting to hear information about pedestrian crosswalk infrastructure that a Coalition Member has seen in Raleigh.

- Commissioner Judge said Congressman Walter Jones' office requested information regarding the continuing Resolution passed by the U.S. Congress in December. He said \$42.5 million is available for small and remote inlets and outlined the qualifying factors for the funds. Chairman Woodard said he hopes that Dare County will get as much of the available funds as possible and briefed the Board on his communication with Rep. Jones' office about this matter.
- He told the Board about his participation at the Public Hearing on red wolves.
- Commissioner Judge reported on the Public Hearing held in Manteo concerning the issue of ORV access at Cape Lookout.
- He noted that along with Vice-Chairman Overman and the County Manager, he attended the second scoping meeting with regulatory agencies on the Buxton beach restoration project. Although it was a good meeting, he said concern was expressed about summertime dredging and protecting endangered species.
- Commissioner Judge provided details about plans to have the Coastal Studies Institute (CSI) become part of East Carolina University. He added that Tom Ross has announced his retirement from the University of North Carolina system.
- He said the Roanoke Island Commission is dealing with significant funding cuts and working towards a sustainable and self-supporting method of funding. He reported on negotiations underway with the Friends Group.
- Commissioner Judge reported on his meeting with the new Superintendent of the National Park Service Outer Banks Group.

Commissioner Umphlett

- She congratulated Employee of the Month, Jody Lewis.
- Commissioner Umphlett said she was pleased to see how people have gotten involved in the issue of high gasoline prices as outlined by Buster Nunemaker during Public Comments.
- She said she was sorry she had to miss the recent Town Hall meeting and has read the summary of the issues that were discussed.
- Commissioner Umphlett thanked Duke Geraghty for speaking on behalf of the Home Builders Association at the Public Hearing on the Ordinance amendments to the CRS. She said the action taken by the Board makes it less restrictive for construction in Dare County yet it protects property owners.

Vice-Chairman Overman

- He commended Jody Lewis on receiving the Employee of the Month award.
- The Vice-Chairman thanked everyone who attended the Town Hall meeting.
- He thanked Commissioner Judge for attending the meeting on the Red Wolf. He said a similar discussion occurred in the past regarding Coyotes and was glad that Dare County took a stand for our neighboring counties.
- Vice-Chairman Overman reported on a meeting with NCDOT Ferry Division officials concerning a proposal to operate a passenger ferry system between Hatteras and Ocracoke. He gave details of the NCDOT proposal that would operate a high-speed catamaran service that would carry passengers on a toll

basis. He read a Resolution of conceptual support that has been adopted by Hyde County and offered a Dare County Resolution in support of their position.

MOTION

Vice-Chairman Overman motioned to adopt a Resolution of support.

Commissioner Shea seconded the motion.

During discussion of the motion, Commissioner Burrus voiced concerns that some in the business communities of Hatteras and Ocracoke have about this issue. Commissioner Judge suggested that language be added to the Resolution indicating that our conceptual support of passenger ferries is in addition to the existing vehicular ferry service.

AMENDED MOTION (Att. #6)

Vice-Chairman Overman motioned to have the Clerk add language to the Resolution clarifying the Board's position as outlined during discussion.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Chairman Woodard

- He said in the interest of time he would reserve remarks until the next meeting.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten said Board approval is needed for tax refunds. However, in cases where people have simply overpaid their taxes, the public is inconvenienced waiting for the next Commissioners meeting in order for the Board to authorize return of the overpayment. He said the Institute of Government indicates that there is no law on overpayments and that most counties do them without Board approval. He asked for authorization to allow overpayments to be processed by staff while refunds will continue to be brought to the Board for approval.

MOTION

Commissioner Shea motioned to authorize overpayments as presented by the County Manager.

Commissioners Overman and Umphlett seconded the motion.

VOTE: AYES unanimous

2. The Manager described property that is farmed at the Dare County Landfill and outlined the benefits of this arrangement. He said the site has been leased to one farmer for a long time. However, he noted that there are now two people inquiring about the farm lease renewal. He asked the Board for guidance on whether to renew the lease, or issue an RFQ (Request for Qualification) for others who may be interested in farming the site.

MOTION

Commissioner Shea motioned to issue an RFQ as outlined by the Manager.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

3. Mr. Outten presented a request to have the well-used Park & Ride area near the Midway Intersection paved when NCDOT resurfaces Highway 345 to Wanchese.

MOTION

Commissioner Judge motioned to present the paving request to NCDOT.

Commissioners Burrus, Shea, and Overman seconded the motion.

VOTE: AYES unanimous

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

MOTION

Commissioner Shea motioned to adjourn the meeting.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

At 6:43 p.m., the Board of Commissioners adjourned until 9:00 a.m., February 2, 2015.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners