



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

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MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., April 21, 2014

Commissioners present: Chairman Warren Judge, District 3
Vice-Chairman Allen Burrus, District 4
Virginia Tillett, District 1; Wally Overman, District 1
Max Dutton, District 2; Robert Woodard, District 2;
Jack Shea, District 5

Commissioners absent None

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

Chairman Warren Judge called the meeting to order at 5:09 p.m. He invited the Rev. Nick Hodsdon from the Unitarian Universalist Church to share a prayer, and then he led the Pledge of Allegiance to the flag. The Chairman then asked for a motion to add item #8-A to the agenda for a discussion of Oregon Inlet.

MOTION

Commissioner Shea motioned to add item #8-A to the agenda for a discussion of Oregon Inlet.

Commissioner Dutton and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

Note: Vice-Chairman Burrus arrived after the meeting started during agenda item #3

ITEM 1 – PUBLIC COMMENTS

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

1. Christian Miller and Cecille Ernst, students at Kitty Hawk Elementary, together explained to the Board that local Dare County teams have been invited to participate in the Odyssey of the Mind World Competition being held in Iowa. They informed the Board of the creative problem solving opportunities that the Odyssey of the Mind program offers to students of all ages. They also outlined ways that people in the community can support the effort to raise funds for the student's trip to Iowa State University.

ITEM 2 – 2014 GOVERNOR’S VOLUNTEER SERVICE AWARDS (Att. #1)

Bob Muller, on behalf of the Outer Banks Community Foundation, recognized this year’s recipients of the Governor’s Volunteer Service Awards and described how each one works for the betterment of the community through their volunteer activities. The prestigious award was presented to Lisa Crumpler, Jean-Paul Neiderlander, Becky Brown, Beverly Chambers, E.J. Koeleveld, Karen Clark, Carl Curnutte, and Dare County Teen Court.

ITEM 3 – PRESENTATION FROM FIRST FLIGHT HIGH SCHOOL STUDENTS TO IMPROVE SAFETY ON HIGHWAY 345 (Att. #2)

A group of Civics students from First Flight High School made a presentation seeking Board support for recommendations that they believe will reduce the number of collisions on NC Highway 345. Participating in the presentation was Nathan Butcher, Samantha Rogers, Jesenia De La Cruz, Katrina Grier, Rebecca Ayers, and Alyssa Ewers. They described the impact that the death of local student, Weymouth Chace had on them and how they felt that something had to be done to improve safety on the highly traveled road to and from Wanchese. They recommended that NCDOT consider improved signage, erecting guardrails, and changing the road gradient to improve traction and provided cost estimates. Chairman Judge introduced Malcolm Fearing, the Division 1 Representative on the North Carolina Transportation Board. He thanked the students for the passion and presentation and described how he will follow-up on their behalf. The students asked the Board of Commissioners to adopt a Resolution in support of their request to NCDOT. Commissioner Shea as the Commissioner Representative to the Rural Planning Organization said he would present the student’s recommendations to the RPO.

MOTION

Commissioner Shea and Commissioner Tillett motioned to adopt a Resolution supporting the student’s recommendation to NCDOT that changes be made to reduce the number of collisions on NC Highway 345.

Commissioner Dutton and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

ITEM 4 – ATM PROPOSAL FOR THE DARE COUNTY JUSTICE CENTER

County Manager Outten presented a request to place an ATM machine in the parking lot of the Justice Center. He introduced Jonathan Crane from the State Employees Credit Union who explained how employees and those needing to pay court fees would benefit. Mr. Outten described the parking lot area being considered for the ATM.

MOTION

Commissioner Tillett motioned to authorize the County Manager to proceed with the placement of a walk-up ATM machine in the parking lot of the Justice Center.

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 5 – 2014 GRANT APPLICATIONS – DARE COUNTY SHERIFF’S OFFICE

The County Manager outlined two grants for which the Dare County Sheriff’s Office has been selected to proceed to final application. He described how the grant funds would provide equipment that would help Deputies gather license plate information.

MOTION

Vice-Chairman Burrus motioned to approve proceeding to final application for the two grant opportunities as presented on the condition that there is no obligation of new County money and that the Sheriff’s budget has sufficient funds to cover any match that may be required.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 6 – CONTRACT FOR WAYSHOWING ON THE OUTER BANKS NATIONAL SCENIC BYWAY

Mr. Outten presented a contract with Albemarle & Associates for Wayshowing on the Outer Banks National Scenic Byway. Commissioner Woodard asked for clarification of the reimbursement provision of the contract and was briefed on how the reimbursements differ from the hourly rate for professional services. He expressed concern that the total amount is a lot of money. Mary Helen Goodloe-Murphy explained that the Scenic Byways project encompasses other counties and described the complicated process that the Wayshowing contract entails.

MOTION

Vice-Chairman Burrus motioned to approve the contract with Albemarle & Associates pending concurrence by the North Carolina Department of Transportation.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 7 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR MANTEO ELEMENTARY SCHOOL ADDITION FOR CONSTRUCTION ITEMS (Att. #3)

Finance Director, David Clawson, presented a summary from the Board of Education outlining their April 8, 2014 approval of three contracts related to construction of the addition to Manteo Elementary School: 1) Ocean Builders, LLC in the amount of \$2,550,000 for construction of the addition. 2) GET Solutions, Inc. for \$20,983.50 to do special inspections, field engineering and materials testing. 3) C & W Tesco for \$8,410 for HVAC commissioning services. Mr. Clawson presented an amendment to the Capital Project Ordinance for the Addition to Manteo Elementary and noted that other items will be presented to the Board in the future.

MOTION

Vice-Chairman Burrus motioned to adopt the amendment to the Capital Project Ordinance for the addition to Manteo Elementary School.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PUBLIC HEARING – BILL’S MARINE – PROPOSED VC-2 TEXT AMENDMENT AND CUP REVISIONS

This agenda item involved a large number of public comments, staff and applicant testimony, and extensive Board discussion that can be heard and viewed in its entirety on the Dare County website www.darenc.com

At 5:59 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning Bill’s Marine – Proposed VC-2 Text Amendment and Conditional Use Permit (CUP) Revisions.

The County Manager conducted the hearing and explained the procedure for making comments. At the onset of the Public Hearing, the Clerk administered an oath to all those who expressed an interest in addressing the Board of Commissioners on this matter. This included Planning Director Donna Creef, the applicant Bill Meyer, and the following twelve individuals who spoke during the Public Hearing –

1. Albert Douglass spoke in favor of allowing Bill’s Marine to sell boats.
2. Terri Nunemaker said an 8 to 10 foot solid fence should be required between Bill’s Marine and her adjoining property. She also called for an adequate test tank to reduce boat motor noise and provided a packet of photographs that she cited as violations of the existing CUP.
3. Maynard Outlaw, a neighbor of Terri Nunemaker, said he agreed with everything she said. He expressed concern that bottom paint, which contains arsenic, is being washed into the ground and should be retained and disposed of properly.
4. Ava Johnson said she lives behind Bill’s Marine and cited privacy and noise concerns. She said the existing fencing is inadequate and forces her to live with her blinds down and windows closed due to excessive noise.
5. Charles Parker referenced a letter on behalf of Bill’s Marine saying that allowing Bill’s Marine to sell boats would be beneficial to the community. He said the location is safe for ingress and egress and the Board should support a local business that is helping the community.
6. Jim McQueen said that as a boater he has been provided good service by Bill’s Marine and would like to see the applicant maintain his business and be able to sell from his location.
7. Daphne DeGabrielle explained that as a Realtor she has encountered many clients who need the services provided locally by Bill’s Marine. She expressed hope that the Board would grant his request.

8. Pete Hunter said he supports Bill's Marine. He added that allowing the applicant to concentrate on sales would be less burdensome to his neighbors than service.
9. Darrell Beasley spoke on behalf of Bill's Marine, which he said is one of the best things to happen to Colington. He added that Bill is a good mechanic who works at a reasonable price.
10. Billy Beasley said Bill's Marine does a great job and he outlined the help that his boat has received from the business. He also described Bill's Marine as the best thing to happen to Colington.
11. Dale Beasley said he likes Bill's Marine, which provides a convenient place where he can take his boat.
12. Joe Moran supported Bill's Marine and said the applicant is a good mechanic who is doing a good thing.

Planning Director, Donna Creef, reported that the applicant does not have a good track record of CUP compliance and that he has already been selling boats at his business. In regards to complaints about parking, noise, and privacy, Ms. Creef said she has advised Mr. Meyer to be proactive in addressing parking concerns and to use a test tank so engines can be properly submerged. She described the recommendations of staff and the Planning Board to address these concerns. Ms. Creef also outlined recommendations for fencing requirements. Commissioner Shea expressed concern about hazardous materials that were mentioned during the Public Hearing. Mr. Outten clarified that the text amendment involves whether or not to change a use in the entire VC-2 zone and is not specific to Mr. Meyer's property. He added that the applicant's CUP compliance has no bearing on the text amendment.

Mr. Meyer addressed the Board and explained the history of the property and said the complaints are related to a property line discrepancy. He reported that NCDOT has been to his site and told him that there were no line of sight issues. He noted that he has posted no parking signs and encourages his customers to comply. Mr. Meyer said he has done his best. He described how various containers can be used to properly test motors based on their size. He added that the majority of his boats have the quieter 4 stroke engines. In addressing the environmental concern, Mr. Meyer said that bottom painting is not a major part of his business. He reported that an agency, whose name he could not recall, had inspected his site and did not find a problem. The applicant explained that he is selling boats; however, it was not part of his original business plan. He said it is not his intention to deliberately do anything wrong and that he has done everything he has been required to do. He asked for permission to sell boats and motors because it is a service that is needed in his community.

Chairman Judge closed the evidentiary portion of the Public Hearing at 6:59 p.m.

RECESS: 6:59 p.m. – 7:18 p.m.

The County Manager directed the Board to first consider the text amendment and then take up the matter of the CUP revisions. He noted that if additional testimony is needed, the applicant and the Planning Director will still be under oath.

The Board discussed the requested change to the VC-2 zone and the Chairman reminded that the text amendment is not site specific. After Board discussion of the matter, Commissioner Woodard recommended a change to the proposed text amendment to raise the fence height.

MOTION

Commissioner Woodard motioned to adopt the proposed VC-2 Text Amendment with a language change for fence height in (8)(a) to read, "shall be 10 feet." He also moved that he finds the VC-2 text amendment to be consistent with policies of the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County are applicable and in the public interest of Dare County since this amendment provides for the continued existence of locally-owned businesses designed to serve the villages of unincorporated Dare County.

Commissioner Overman seconded both parts of the motion.

During discussion of the motion, Commissioner Woodard said he wanted to amend his motion to include that "this fence must be erected prior to the sale of boats, boat motors, or boat trailers." Commissioner Overman agreed to second the amended motion.

The County Manager outlined the procedure for taking action. Commissioner Woodard then Called the Question, which was approved unanimously. Chairman Judge summarized the motion and its amendment, at which time Commissioner Woodard again Called the Question, which was unanimously approved. The Board then voted.

VOTE on the VC-2 Text Amendment as amended: AYES unanimous

Next, the Board considered the Conditional Use Permit (CUP) and discussed at length ways it could be amended to address the identified issues of parking, noise, privacy, and environmental concerns. The Board agreed to the following –

- Hours of 9:00 a.m. to 5:00 p.m., Monday through Saturday, for repairs that require running the motor.
- All operations must be in compliance with federal and state environmental regulations.
- No boats shall be parked in front of the fenced area on Colington Road and that signage shall be prominently displayed.
- Water test tanks must be used that allow the propellers and lower units of outboard motors, and inboard motor out drives, to be completely submerged.
- The required 10 foot fence shall be completed by June 21, 2014.

- Repair work requiring the running of boat motors shall be within the designated area on the site plan.

Commissioner Overman asked Mr. Meyer if he understood the CUP conditions. Mr. Meyer said that he did. Commissioner Overman told him the Board has been very specific with him because of his past performance and inability to follow the rules. Mr. Meyer said there were gray areas in the past and delays caused by property line issues. Commissioner Overman told Mr. Meyer that now there are clearly defined rules, which need to be followed. He said if they are not followed, it will not be pretty. Mr. Meyer said he did not have a problem with that and invited Commissioners to visit his property.

MOTION

Commissioner Woodard motioned to approve the CUP with the additional conditions that were added during Board discussion of the matter and to include the sale of boats, boat motors, and boat trailers as a condition.

Commissioner Overman seconded the motion.

VOTE: AYES unanimous

Chairman Judge reminded Mr. Meyer that the fence needs to be up by June 21, 2014 and that he cannot sell boats, boat motors, or boat trailers until the fence is up. The agenda item ended at 8:37 p.m.

ITEM 8-A – DISCUSSION OF OREGON INLET (This item was added to the agenda at the onset of the meeting)

Chairman Judge summarized efforts to get U.S. Army Corps of Engineers and congressional assistance in D.C. to address the problem at Oregon Inlet. He said this is a serious issue that goes back many years. He recalled a Public Hearing held in 2001 by the Council on Environmental Quality (CEQ) that lasted for hours. He said the CEQ findings are something that may be beneficial now in the effort to seek solutions for the problems at Oregon Inlet. He also suggested drafting a letter to the President of the United States.

Commissioner Overman said the crisis at Oregon Inlet impacts the fabric of life in Dare County. He said with Oregon Inlet virtually closed there is an extremely high risk of charter boats moving away from the area. He said the government has failed in its commitment to keep the federal channel open. Commissioner Overman called on legislative and executive leadership at the federal and state level to step up and take meaningful action. He said something different needs to be tried to stabilize the inlet and that the time has come for immediate solutions, even if we have to do it ourselves.

Commissioner Shea described Oregon Inlet as one of the major problems the County faces. He said dredging is not the answer and called for a short term and a long term solution. He said that with the constant movement of sand by the tides, we need something, such as jetties or other technology constructed, that will block sand

movement. He said the federal government finds millions to give aid to foreign countries, many of which are not even our friends. He said we need to insist that the President of the United States get involved and find funds for Oregon Inlet. Commissioner Shea said this would have a lasting benefit by sustaining jobs, revenue, and the regional economy. He said we need action now, not rhetoric.

Commissioner Tillett thanked everyone who has worked on this problem. She credited Chairman Judge as being the glue that keeps everyone informed and in the loop concerning Oregon Inlet. She said people forget that Oregon Inlet is a highway to work for our watermen. She expressed hope that something will happen and challenged people to work together and not pull against each other.

Vice-Chairman Burrus said he has witnessed the continuous struggle at Oregon Inlet all his life. He agreed that we cannot continue like we have done. He said if we want something done, we may have to look at it ourselves and find innovative ways to get what we need. The Vice-Chairman said he wants the federal government to do it, but we need to be able to dredge faster than their bureaucracy can allow. He said we need to look at this differently and try to find ways to divert money.

Commissioner Dutton said the problem has been well described and agreed with Commissioner Shea that we must come up with a permanent solution. He said millions of dollars have been spent putting a Band-Aid on a bad cut.

Commissioner Woodard expressed agreement with the other Commissioner comments. He echoed Commissioner Tillett's observation about Chairman Judge being on top of this issue and commended him for his efforts. He expressed hope that the Task Force and the State will be able to find some out of the box solutions for Oregon Inlet.

Chairman Judge noted that it was good to hear everyone united on this issue and said we will continue to pursue this.

ITEM 9 – CONSENT AGENDA

The County Manager presented the Consent Agenda.

MOTION

Commissioner Tillett motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.07.14) **(Att. #4)**
- 2) NCDOT Utility Relocation Agreement – Thicket Lump Road Water Line
- 3) NCDOT Utility Relocation Agreement – NC Highway 12 Frisco Water Line
- 4) Contract for Security Management System at Detention Center
- 5) NCDOT Contract for Scenic Byways Interpretive Project
- 6) Budget Amendment for 4H Out of School Time Program
- 7) Withdrawal from Public School Building Capital Fund (Lottery Funds)

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Commissioner Dutton – None

Commissioner Tillett

- She expressed support for the children who spoke during Public Comments about the Odyssey of the Mind and encouraged people to make donations through the Dare Educational Foundation.
- Commissioner Tillett complimented the Civics students for their efforts to improve safety on Highway 345. She thanked Malcolm Fearing and Commissioner Shea for following-up with NCDOT and the RPO.
- She extended Happy Birthday greetings to Tess Judge.

Vice-Chairman Burrus

- He thanked NCDOT for the work they have done keeping Highway 12 open. He also praised Cape Hatteras Electric Cooperative for working diligently on the electrical line under adverse conditions.

Commissioner Shea

- He thanked the children for their great presentation.
- Commissioner Shea congratulated the recipients of the Governor’s Volunteer Service Award.
- He cited four problems facing Dare County – Oregon Inlet, Bonner Bridge replacement, coastal erosion, and beach access. He said nothing seems to be moving forward because of roadblocks and suggested requesting a meeting with the President of the United States to plead our case and seek his support. Chairman Judge said we will continue to pursue.

Commissioner Overman

- He congratulated the Governor’s Volunteer Service Award recipients.
- Commissioner Overman thanked the Civics students for their presentation.
- He congratulated the children who spoke during Public Comments about the Odyssey of the Mind.

Commissioner Woodard

- He thanked the young people for their presentation and said they are awesome.
- Commissioner Woodard acknowledged the Governor’s Volunteer Service Award recipients by reminding that our nation was founded on volunteerism.
- He wished the Members of the Board of Commissioners a sunny week.

Chairman Judge – None

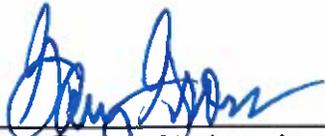
MANAGER’S/ATTORNEY’S BUSINESS - None

Chairman Judge noted that the Board of Commissioners will conduct a Work Session on the FY2015 budget at 9:00 a.m., Wednesday, April 23, 2014.

At 9:20 p.m., the Board of Commissioners adjourned until 9:00 a.m., May 5, 2014.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED: By: 
Warren C. Judge, Chairman
Dare County Board of Commissioners