



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

Fessenden Center, Buxton, NC

5:00 p.m., May 16, 2016

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

Commissioners absent: Jack Shea

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 5:00 p.m. He invited Pastor Azariah Jeyakumar from the Hatteras Assembly of God to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard noted that a video link has been established at the Fessenden Center that will allow Hatteras Island residents the opportunity to make public comments during Commissioner meetings without having to travel to Manteo. The Chairman reported that Senator Brown has reintroduced legislation in Raleigh in an attempt to change the distribution of sales tax revenue. He also described hurricane preparedness events and announced that work continues to be done on behalf of Hatteras Inlet. A complete video account of the Chairman’s update can be seen on the Dare County website www.darenc.com.

ITEM 2 – PUBLIC COMMENTS

The Manager outlined the procedure for making public comments. Following is a brief summary of the comments that were made –

1. Steve House of Southern Shores informed the Board that the NC Secretary of State has funds available for cemeteries and suggested that she be contacted to

help the site near the Salvo Day Use area. Mr. House asked the Board to consider issuing a resolution in opposition to HB 1122, which was recently introduced by Representative Richardson to put a referendum on the 2016 general election that would limit marine net fishing.

2. Carol Leigh Dillon displayed a poster board and expressed strong concerns about beach nourishment being delayed until 2017. She called for the resignation of all Commissioners who voted to delay the Buxton beach nourishment project. Ms. Dillon said promises have been broken and due to dredging at Oregon Inlet, Buxton has been left unprotected, which causes children to be afraid to sleep in their homes.
3. Carol W. Dillon asked the Board to explain why they lied and broke the promise they made at the last meeting when they said they would go to Washington D.C. to try to secure additional money so the Buxton beach nourishment project could be done this year. Ms. Dillon said the disaster threat is eminent and the beach needs to be nourished this year. She said the Board is not representing all of Hatteras Island and called for the Commissioners to resign.

ITEM 3 – GOVERNOR’S VOLUNTEER SERVICE AWARD RECIPIENTS

Bonnie Bennett presented three Volunteer Service Awards. 1) Ray and Claire Schaaf were honored for their work with the Cape Hatteras Methodist Men’s Food Pantry and Emergency Assistance Program. 2) Natalie McIntosh was recognized for her leadership of the Hatteras Island Meals organization. 3) Sandi Jones Garrison was saluted for the compassionate care she provides families through Dare Home Health & Dare Hospice.

ITEM 4 – HURRICANE PREPAREDNESS WEEK 2016 PROCLAMATION

Dare County Emergency Management Director, Drew Pearson, gave details about hurricane preparedness events planned for Dare County and presented a proclamation establishing the week of May 16-23, 2016 as Hurricane Preparedness Week.

MOTION

Commissioners Judge, Umphlett, Overman, and Burrus motioned to issue a hurricane preparedness proclamation.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 5 – DISASTER RELATED DEBRIS REMOVAL AGREEMENT

County Manager Outten presented an agreement with the North Carolina Department of Transportation (NCDOT) for storm related debris removal. He explained that the agreement will allow Dare County roads to be cleared expeditiously when storms occur with reimbursement to be provided by FEMA.

MOTION

Commissioner Judge motioned to approve the agreement as presented.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – KEITH MOUL CUP REQUEST - BED & BREAKFAST HOME IN BUXTON

This agenda item was handled as a quasi-judicial proceeding. Planner Noah Gillam and the applicant, Keith Moul, were both duly sworn by the Clerk to the Board before offering any testimony. Mr. Gillam summarized the Conditional Use Permit (CUP) to operate a bed and breakfast home at 47516 Rocky Rollison Road in Buxton. The County Manager asked the applicant if he agrees without objection to the findings, facts, and terms as presented in the CUP and Mr. Moul indicated his approval. Commissioner Burrus clarified that all conditions are included in granting approval of the CUP.

MOTION

Vice-Chairman Overman and Commissioner Boswell motioned to approve the CUP as recommended by the Planning Board.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 7 – LETTER TO NC BOARD OF TRANSPORTATION

Planning Director, Donna Creef, informed the Board that the Albemarle Rural Planning Organization (RPO) voted at their April 27, 2016 meeting to assign local input points to SPOT 4.0 regional projects for proposed highway projects in Division 1. She said one of the projects, R-3419, involves the Highway 158 corridor in Dare County and is currently programmed in the STIP 2016-2025, although it is subject to reprioritization since it is not programmed in the first 5 years of the STIP. She presented a letter of support for the RPO's assignment of local input points and initiation of a feasibility study

MOTION

Vice-Chairman Overman motioned to authorize a letter to the NC Board of Transportation.

Commissioner Judge and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – SKYCO WATER TREATMENT PLANT (WTP) NANOFILTRATION PROJECT – DESIGN/BUILD FINAL DESIGN & CONSTRUCTION CONTRACT AND CAPITAL PROJECT ORDINANCE (Att. #1)

Derek Dail presented the final design and construction contract for the Skyco Water Treatment Plant (WTP) Nanofiltration Project. He identified the costs and capacities of the project and asked the Board of Commissioners to approve the contract and the Capital Project Ordinance.

MOTION

Commissioner Judge motioned to approve the contract & the Capital Project Ordinance. Commissioner Umphlett and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 9 – BUDGET ACTIONS FOR SERIES 2016A LOBs SALE (Att. #2)

Finance Director, David Clawson, presented an amendment to the Grant Project Ordinance for the Capital Projects Fund and a budget amendment for the General Fund. It was noted that both are to establish a budget for the sale of the S2016 Limited Obligation Bonds (LOBs), which will finance a portion of the RECC/EOC project and refund the remaining S2007COPs.

MOTION

Commissioner Judge motioned to adopt the amendment to the Grant Project Ordinance for the Capital Projects Fund and adopt the budget amendment for the General Fund. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – CAPITAL PROJECT ORDINANCE FOR BUXTON BEACH NOURISHMENT PROJECT & AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR HVAC CHILLER PROJECT AT HATTERAS SECONDARY SCHOOL (Att. #3)

Mr. Clawson asked the Board to adopt a Capital Project Ordinance to establish a project budget for the Buxton beach nourishment project, and to increase the budget for the HVAC chiller, and to establish a budget for debt costs of issuance for both from the Series 2016B Limited Obligation Bonds.

MOTION

Commissioner Burrus motioned to adopt the Capital Project Ordinance. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – RESOLUTION APPROVING AN AMENDMENT TO THE INSTALLMENT FINANCING CONTRACT WITH THE DARE COUNTY PUBLIC FACILITIES CORPORATION (Att. #4)

The Finance Director presented a resolution to approve the issuance of the Series 2016C Limited Obligation Bond for the financing of a portion of the County's contribution to the beach nourishment projects for the towns of Duck, Kitty Hawk, and Kill Devil Hills. Mr. Clawson outlined the resolution's findings and statements of fact.

MOTION

Commissioner Burrus motioned to adopt the resolution as presented. Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 12 – INTERLOCAL AGREEMENT – REGIONAL EMERGENCY COMMUNICATIONS CENTER

Mr. Outten outlined an Interlocal Agreement establishing a Regional Emergency Communications Center (RECC) for the counties of Dare, Tyrrell, and Hyde. He explained the terms of the 20 year agreement and described the role of the Advisory Board whose formation is authorized in the Interlocal Agreement.

MOTION

Vice-Chairman Overman and Commissioner Judge motioned to approve the Agreement. Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 13 – PUBLIC HEARING – PROPOSED COUNTY SERVICE DISTRICT

At 5:40 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item, which is available for viewing in its entirety on the Dare County website www.darenc.com. The County Manager conducted the hearing and explained the procedure for making comments. Following is a brief summary of the comments that were made at the Public Hearing –

1. Cynthia L. Morgan said she has oceanfront property in Buxton and expressed disappointment that the nourishment project will not happen in 2016. She said the proposed service district will impact people financially and it needs to be fair and equitable for everyone.
2. Catherine T. James from Buxton asked questions about the area covered in the proposed service district. She said more people should share in the burden and noted that NC Highway 12 is the lifeline of Hatteras Island. Ms. James noted that more people use the road than are being taxed.
3. Dave Dawson, on behalf of his Cape Hatteras Motel, urged the Board to keep the beach flat and not mess up the effectiveness of the project with dunes and sand bags. Mr. Dawson said the County should state for the record that they are committed to maintaining this project.
4. Jerry Van Severen asked if there is any possibility of expanding the proposed service district since everyone in the community will benefit from the project. He also asked if it would be possible for the County not to increase the valuation of properties within the proposed district for the next seven years.
5. James Hartshorne thanked the Board for approving a bid for the project. He explained that his focus is to ensure that when sand is put on the beach it will stay there and not get flattened out. Mr. Hartshorne expressed support for dunes as a tool to keeping Highway 12 open.
6. Freve Pace said the area proposed for the service district has not gone far enough. She noted that everyone benefits from Highway 12 and asked the Board to consider a district that includes all of Hatteras Island. Ms. Pace cautioned that there are other hot spots on the island that will need attention.
7. Linda Myer agreed with the previous comment about expanding the proposed service district. She said the project protects all who use Highway 12 and not just those who own property within the boundaries of the proposed district. Ms. Myer noted that at some point other areas will need beach nourishment.
8. Dewey Parr disagreed with expanding the service district saying it is wrong to tax people for a road project. He warned that a precedent is being set that will come back to haunt the Board. He explained why he feels a service district is discriminatory double taxation.

Chairman Woodard closed the hearing at 6:03 p.m.

ITEM 14 – CONSENT AGENDA

The Manager announced all items on the Consent Agenda.

MOTION

Commissioner Burrus motioned to approve the Consent Agenda:

- 1) Approval of Minutes (05.02.16) **(Att. #5)**
- 2) Annual Update of CRS Program for Public Information
- 3) Budget Amendment – Revaluation
- 4) Tax Collector’s Report
- 5) Old Swimming Hole Contract

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

ITEM 15 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Following is a brief outline of items raised during this segment. Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety on a video archived on the Dare County website www.darenc.com.

Commissioner Burrus – expressed gratitude that this meeting was held on Hatteras Island and thanked everyone who attended. He thanked the Board for its efforts on behalf of Hatteras Inlet. Commissioner Burrus asked that action be taken to oppose legislation that would ban marine net fishing in our public waters.

MOTION (Att. #6)

Commissioner Burrus motioned to authorize the Chairman to prepare, sign, and send a Resolution opposing any legislation that would ban marine net fishing.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Overman – congratulated the Volunteer Service Award recipients and thanked them for their service to the community. The Vice-Chairman indicated that the County Manager will give an update on Hatteras Inlet.

Commissioner Umphlett – thanked everyone who attended tonight’s meeting. She said the citizen input that was offered tonight will be taken seriously by the Board. She urged the people of Hatteras Island not to consider themselves as Dare County’s stepchildren. She said the Board is working hard for all the people although our hands are often tied by regulations, budgets, and available funding.

Commissioner Judge – commended the recipients of the Volunteer Service Awards. He added his voice in opposition to HB 1122 that would limit marine net fishing. Commissioner Judge thanked everyone who participated in tonight’s meeting. In response to a comment made during the public hearing on the proposed service district, he asked the County Manager to address the Board’s legal obligation regarding the revaluation of property, which Mr. Outten did during Manager’s/Attorney’s business.

Commissioner Boswell – thanked the recipients of the Volunteer Service Awards. She suggested that a video link in Manteo would be helpful when meetings are conducted on Hatteras Island so that people on Roanoke Island would be able to make public comments. Commissioner Boswell referenced a letter she received from a citizen concerning day care in schools. Since the letter did not have contact information listed, she asked the person who sent it to please contact her to discuss the matter.

Chairman Woodard – recognized the recipients of the Volunteer Service Awards. He applauded Denise Norville and the Fessenden Center staff for hosting tonight's meeting. He also thanked the citizens of Hatteras Island for their participation and comments during the public hearing on the proposed service district. He expressed empathy for the frustration that was expressed by the people who have been waiting for over 40 years for something to be done. He reported that no elected official has ever done what has been accomplished in the past 18 months to get permits and funding for this long overdue project. He noted however, that Dare County is at the mercy of the contractors that do the work. The Chairman outlined why the Board had no choice but to postpone the project until 2017. In an effort to set the record straight, he explained that he values his reputation and wanted everyone to know that he did not lie about going to Washington, D.C. to reach out for funding. He said when phone calls were made to our legislative delegation immediately after the last meeting; the County was informed that there was no reason for a trip to Washington because there were no federal funds to be discussed. He added that the Board will continue to work hard on this project, but our hands are tied by the dredging companies.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager informed the Board that WUNC is experiencing a problem with the tower that provides broadcast service to Dare County. He said they would like to temporarily put their antenna on the Dare County water tower. He asked the Board to approve this temporary accommodation on a no rent basis.

MOTION

Commissioner Judge motioned to approve the request.

Commissioner Burrus and Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten gave an update report on the Memorandum of Agreement (MOA) for Hatteras Inlet dredging. He also reported on talks with the engineering firm concerning the survey work that is needed for the Connecting Channel.
3. A summary was given of the revaluation process and the County Manager explained that revaluation is a legal obligation that the Board is statutorily required to do every eight years. He noted that the last revaluation was done in 2013, which will need to be redone in 2021. Mr. Outten said there is nothing the County can do to manipulate or hold constant someone's property value.

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

MOTION

Commissioner Umphlett and Commissioner Burrus motioned to adjourn the meeting. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 6:54 p.m., the Board of Commissioners adjourned until 9:00 a.m., June 6, 2016.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners