



# 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

Meetings of the Dare County Board of Commissioners 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

**5:00 p.m., June 16, 2014**

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)

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

Commissioners absent Vice-Chairman Allen Burrus, District 4

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

Chairman Judge called the meeting to order at 5:04 p.m. He invited the Rev. Margaret Sequira from the Unitarian Universalist Church to share a prayer, and then he led the Pledge of Allegiance to the flag. The Chairman congratulated all of Dare County's graduating High School Seniors and commented on the outstanding student speeches that were given at the commencement ceremonies.

The Chairman asked for a motion to amend the agenda to add Item 1-A for a report on a proposed EPA rule.

#### **MOTION**

Commissioner Tillett and Commissioner Shea motioned to add Agenda Item #1-A for a report on a proposed EPA rule.

Commissioner Dutton and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

Note – in order to accommodate the Public Hearing scheduled for 5:30 p.m., some agenda items were handled out of sequential order.

#### **ITEM 1 – PUBLIC COMMENTS**

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

1. Christie Roberson said she was making statements for the Buxton community and said it is no longer ok that we are not in active pursuit of getting sand on the beach in Buxton. She said time is of the essence and that area businesses and

homeowners have spent millions stabilizing their home fronts. She lamented that her yard is now a public beach. Ms. Roberson said the beach must be addressed. She offered her services to help and urged the Commissioners to immediately move forward on this.

2. Sandy Semans Ross asked the Board to revisit the budget and consider doing a salary study and give County employees a small raise, which she said could be funded by raising taxes by just one cent. She outlined how this would have a positive impact on the local economy, particularly during the off-season and described the potential tax revenue that would be generated by local purchases. Ms. Ross said the average County employee is taking home 8 to 15 percent less than six years ago, which especially hurts those on the low end of the salary range, some of whom qualify for food stamps. She said County employees have taken a lot of economic hits in the past six years, but one of the most damaging might be the new insurance plans. She called on the Board to forget ideological mantras, discern right from wrong, and do what is good business.

#### **ITEM 1-A – REPORT ON A PROPOSED EPA RULE (Att. #3)**

Willo Kelly, Governmental Affairs Consultant to the Outer Banks Home Builders Association introduced the group's President, Sam Barker. He outlined a proposed new rule from the Environmental Protection Agency (EPA) that would amend the definition of "waters of the US" or "navigable waters" to include a broad range of waters that would fall under federal jurisdiction. He reported that the Outer Banks Home Builders Association and other groups are opposed to the rule and described how it could impact Dare County and jeopardize infrastructure projects. Mr. Barker called on the Board to adopt a resolution opposing the proposed EPA rule. Commissioner Shea said this is another example of unelected bureaucrats exercising control over our lives.

#### **MOTION**

Commissioner Shea motioned to adopt a Resolution opposing the proposed EPA rule. Commissioner Woodard seconded the motion.

VOTE: AYES unanimous

#### **ITEM 2 – CAPITAL IMPROVEMENTS PLANNING COMMITTEE RECOMMENDATION FOR RODANTHE BEACH ACCESS PROJECT**

Tim White described the project that is being developed in phases with grant funding. He reviewed the bidding process and reported that there were two qualified bidders, with RPC Contracting being the lowest. Chairman Judge reported that the Capital Improvements Planning Committee recommends that the Board of Commissioners award the bid to RPC Contracting. Mr. Outten added that a change order in the amount of \$19,460 for asphalt also needs to be approved.

#### **MOTION**

Commissioner Tillett motioned to award the contract to RPC Contracting, Inc. and authorize County Manager to execute a change order for \$19,460 to provide approximately 918 square yards of asphalt pavement.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 3 – SP-C ZONING TEXT AMENDMENT – REQUEST FOR A PUBLIC HEARING**

Planning Director, Donna Creef, outlined a zoning text amendment to add breweries to the list of conditional uses in the SP-C (Stumpy Point Commercial) zoning district. Commissioner Shea asked about wastewater treatment procedures and was told that the applicant is familiar with the regulations and that a site plan would be presented to the Board of Commissioners in the future for approval. The applicant, Paul Charron, said the brewery would provide about four jobs and explained how brewery byproducts are used for dog biscuits and livestock feed. Ms. Creef asked the Board to set the required Public Hearing on the zoning text amendment for 5:30 p.m., July 21, 2014.

**MOTION**

Commissioner Tillett motioned to schedule a Public Hearing for 5:30 p.m. July 21, 2014. Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – RESOLUTION APPROVING AN AMENDMENT TO THE INSTALLMENT PURCHASE CONTRACT WITH THE DARE COUNTY PUBLIC FACILITIES CORPORATION AND RELATED MATTERS (Att. #1)**

Finance Director David Clawson reviewed the responses to the request for financing proposals for the addition to Manteo Elementary School. He explained why staff recommends awarding the financing to Capital One Public Funding at a rate of 3.35% for a term of 15 years. Mr. Clawson presented a Resolution that would approve an amendment to the installment purchase contract with the Dare County Public Facilities Corporation. He also presented an amendment to the Capital Project Ordinance. Note: this item was considered by the Board after Item #5 (Public Hearing on the Financing of the Manteo Elementary School Addition) had been completed.

**MOTION**

Commissioner Tillett and Commissioner Shea motioned to adopt a Resolution approving an amendment to the installment purchase contract with the Dare County Public Facilities Corporation and related matters and to approve an amendment to the Capital Project Ordinance for the Addition to Manteo Elementary School.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – PUBLIC HEARING – FINANCING OF THE MANTEO ELEMENTARY SCHOOL ADDITION**

At 5:40 p.m., the Board of Commissioners held a Public Hearing to receive input concerning the Financing of the Manteo Elementary School Addition. The Manager conducted the hearing and explained the procedure for making comments. No one in the meeting room responded. Chairman Judge closed the hearing at 5:41 p.m.

**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 (06.02.14 & Special Meeting with Board of Ed) **(Att. #2)**

- 2) Agreement for Protection, Development, Improvement of Forest Land
- 3) Capital Project Ordinance for Scenic Byway Interpretive Grant project
- 4) Human Services-Health – Medical Records Scanning
- 5) Detention Center Video Visitation/Video Arraignment
- 6) Community Child Protection Team Annual Report
- 7) Budget Amendment – Game & Wildlife Fees
- 8) Town of Kill Devil Hills Fireworks Display 2014
- 9) Town of Manteo Fireworks Display 2014
- 10) Village of Avon Fireworks Display 2014
- 11) Nags Head Fireworks Display 2014
- 12) Tax Collectors May 2014 Reports

Commissioner Dutton seconded the motion.

Commissioner Woodard asked for and received clarification from the County Manager about Consent Agenda item #4 (Human Services-Health – Medical Records Scanning)

VOTE: AYES unanimous

#### **ITEM 7 – BOARD APPOINTMENTS**

- 1) College of the Albemarle – Dare County Campus Advisory Committee  
Commissioner Shea motioned to reappoint Lila Schiffman and Jim Davis.  
VOTE: AYES unanimous
- 2) Dare County Commission for Working Watermen  
Commissioner Tillett motioned to reappoint Jamie Reibel and Mikey Daniels.  
VOTE: AYES unanimous
- 3) Dare County Transportation Advisory Board  
Commissioner Shea motioned to reappoint Brandi Rheubottom, Jay Burrus, Kenny Kee, Maria Heifferon; and to appoint Nessie Siler  
VOTE: AYES unanimous
- 4) Hatteras Community Center Board  
Commissioner Tillett motioned to reappoint Richard Midgett and Rom Whitaker.  
VOTE: AYES unanimous
- 5) Juvenile Crime Prevention Council  
Commissioner Tillett motioned to reappoint Melinda Mogowski, Stephen Wescott, Ron Bennett, Lynn Bryant, Tim White, Marsha Ribner-Cady. Two Youth Representative seats will remain open until school starts in the fall as recommended by the JCPC.  
VOTE: AYES unanimous
- 6) Library Board (Dare)  
Commissioner Tillett motioned to reappoint Ellen Bryson; and to appoint Mike Hogan and Janice Willis.  
VOTE: AYES unanimous

7) Manns Harbor Community Center Board

Commissioner Tillett motioned to reappoint Clyde Gard and Bonny Sawyer.

VOTE: AYES unanimous

8) Oregon Inlet & Waterways Commission

Commissioner Overman motioned to reappoint Ernie Foster and Jim Tobin.

VOTE: AYES unanimous

9) Roanoke Island Community Center Board

Commissioner Tillett motioned to reappoint John Daniels, Doris Creecy Pledger, and Daniel Selby.

VOTE: AYES unanimous

10) Upcoming Board Appointments

The upcoming Board appointments for July and August 2014 were announced.

**ITEM 8 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Prior to the start of Commissioners’ Business, Chairman Judge explained that a letter was received earlier today from Stan Austin, Regional Director for the National Park Service. He said the letter was in response to a meeting concerning a Dare County request to be on federal property to nourish beaches on Hatteras Island. The Chairman asked the Board to authorize the Manager to reach out to Tim Kana at Coastal Science & Engineering to get an updated proposal, timeline, and costs for this project.

**MOTION**

Commissioner Shea motioned to instruct the County Manager to begin the process with Tim Kana at Coastal Science & Engineering.

Commissioner Woodard seconded the motion.

VOTE: AYES unanimous

Commissioner Shea

- He encouraged Dare County’s high school graduates to take the torch from the older generation and use it to take the lead in providing a better life for all society.

Commissioner Overman

- He reported on a Fish & Wildlife meeting regarding giving protected status for the Red Knot species, which would potentially extend closures into October. He encouraged everyone to voice their opposition to this.
- Commissioner Overman described a Resolution update done by North Carolina Watermen United in opposition of joint enforcement authority for North Carolina’s Marine Patrol. He reviewed the action previously taken on this by the Dare County Commission for Working Watermen. He said in support of our watermen, he wanted the Resolution update by the North Carolina Watermen United to be noted for the record.

- Commissioner Overman reported on the recent SailNC event in Dare County that attracted people from throughout the United States and Canada. He said this event helps bolster the local tourism industry and he congratulated the winner from Houston, Texas.

#### Commissioner Woodard

- He reported that since the last meeting he has reached out to Colington Volunteer Fire Chief Rainey and has learned that meetings will be held throughout the year to raise funds and build community consensus for future action on a proposed increase for the Colington Fire District tax rate.
- Commissioner Woodard reminded that Bert Banks, Executive Director of the Albemarle Commission is retiring this month. He said the Search Committee has received about 36 applications and they are moving forward in selecting the replacement for the retiring Executive Director.

#### Commissioner Dutton

- He briefed the Board on the latest meeting of the Bicycle and Pedestrian Safety Coalition. He said the group is examining hot spots of safety concern throughout the area.
- Commissioner Dutton reported that later this month the Kill Devils Hills Police Department will be doing a traffic stop as an educational outreach effort.
- He congratulated all graduating seniors and said our future is bright because of these outstanding students.
- Commissioner Dutton asked for an update on the new EMS helicopter and was told by the County Manager that a walk through will be done next month with delivery anticipated for the fall of the year.

#### Commissioner Tillett

- She asked for an update on Bill's Marine and was told by the County Manager that Bill's Marine has obtained engineered plans and a building permit. He said staff has been making regular visits and keeping a log of their observations.
- Commissioner Tillett thanked Chairman Judge for presenting the 2014 Dare County Citizen of the Year award to Julia Haywood during the Dare Day celebration. She also recognized Eddie Francis on being named as the Town of Manteo Citizen of the Year.
- She congratulated all Dare County graduating seniors. She said we are fortunate to have so many talented students and hopefully they will return to Dare County when they complete their education.
- Commissioner Tillett thanked everyone who has called or emailed about issues of concern in the community.

#### Chairman Judge

- He read a statement from Linda Webb's supervisor at the Detention Center honoring her for her service and professionalism during the past 15 years. The Chairman congratulated Ms. Webb on recently receiving a service pin.

- Chairman Judge briefed the Board on an issue that arose recently in East Lake concerning the mining pit. He reported on a letter that was sent to the land's owner and said he has been told that adjustments will be made to address noise concerns associated with the mining operation.
- He remarked on a concern identified during Public Comments about the need to get sand on the beach in Buxton. He assured everyone that Buxton has not been left behind and he described the efforts that have been made in order to get the necessary permits to allow beach nourishment in Buxton. He said although the federal permitting process does not move as quickly as everyone would like, he expressed optimism that permits will be issued and that resources will be available to fund the project. He said the County will continue its diligence in pursuing this important project.

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

At 6:21 p.m., the Board of Commissioners adjourned until 5:00 p.m., July 21, 2014.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

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