



# 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](http://www.darenc.com)

## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**5:00 p.m., June 17, 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](http://www.darenc.com).

Chairman Woodard called the meeting to order at 5:02 p.m. He invited the Rev. Feyrer to share a prayer, and then he led the Pledge of Allegiance to the flag.

#### **ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE**

Chairman Woodard gave a follow-up report on what has transpired since the last meeting. He began by commending Chris Ellison for the professional job he has done videotaping Commissioner meetings. The Chairman then reported on a recent meeting he had with the Tourism Board Steering Committee where he asked for additional help with inlet issues. He recapped a presentation made by Congressman Jones at the Visitor’s Bureau. Chairman Woodard thanked Senator Cook for spearheading a legislative letter to North Carolina’s Washington delegation and gave a report on Oregon Inlet shoaling conditions. He summarized the recent meeting held by the 5 On 5 Committee, where it was determined that the County would provide the majority of the funds that may be needed to give state mandated raises to teachers. The Chairman reported on a productive meeting held with General Turner and Colonel Landers from the U.S. Army Corps of Engineers where innovative solutions were discussed for proactive inlet dredging. He commented on Dare Day where Virginia Tillett was recognized as the Dare County Citizen of the Year. He added that a special presentation was made at Dare Day to honor Melva Garrison. Chairman Woodard gave an update from the NC Attorney General’s Office regarding their investigation into Dare County’s high gasoline prices. He described the settlement on the Bonner Bridge as an historic event and briefed everyone on the Governor’s visit to Dare County to make the announcement. A complete video account of the Chairman’s update can be seen on the Dare County website [www.darenc.com](http://www.darenc.com).

## **ITEM 2 – PUBLIC COMMENTS**

The Manager outlined the public comments procedure. Citizen remarks can be seen in their entirety on the county website [www.darenc.com](http://www.darenc.com). Following is a brief summary –

1. Manny Medeiros commented on the rising level of national debt. He asked how the schools will correct the disinformation that has been given to students about global warming, windmills, and solar farms. He said we are spending money we don't have, to solve problems that don't exist, at the behest of people we don't elect. He warned that future generations will be burdened by enormous debt.
2. Sandy Semans Ross reported on a fisheries meeting in New Bern regarding Southern Flounder. She said fishermen are severely restricted on when they can set nets. She explained how the fishermen are being penalized and presented a resolution for the Board to consider.

### **MOTION**

Commissioner Judge motioned to adopt the resolution. **(Att. #6)**

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3. Winky Silver spoke against a proposed airsoft course in the Baumtown Traditional Zoning District. He said the Wanchese community spent almost two years designing a comprehensive zoning plan to accommodate everyone's needs. He said approving a text amendment without meeting the overall zoning requirements and without the community's approval would set a bad precedent.

## **ITEM 3 – TOURISM BOARD REQUEST FOR SPENDING FROM RESTRICTED FUND**

Tim Cafferty, Chairman of the Dare County Tourism Board and Lee Nettles, Executive Director of the Outer Banks Visitors Bureau presented a request to spend \$65,412 for a grant to the Chicamacomico Historical Association for necessary repairs to exterior doors, windows, and trim.

### **MOTION**

Vice-Chairman Overman motioned to approve the \$65,412 Restricted Fund spending request for a grant to the Chicamacomico Historical Association.

Commissioners Judge and Shea seconded the motion.

VOTE: AYES unanimous

## **ITEM 4 – TOURISM BOARD – VISITORS BUREAU MID-YEAR UPDATE**

A stewardship report was presented by Tim Cafferty, Chairman of the Dare County Tourism Board and Lee Nettles, Executive Director of the Outer Banks Visitors Bureau. The report outlined the tools that are used to market the Outer Banks and provide a forum for people to share their passion about the Outer Banks and its many attractions.

**ITEM 5 – DOMINIC POLIDORO – REQUEST TO AMEND BAUMTOWN TRADITIONAL (BT) ZONING DISTRICT**

Planning Director, Donna Creef, outlined a request to amend the Baumtown Traditional Zoning District to allow a paintball operation (also known as an airsoft course). She noted that the applicant was not present. Ms. Creef explained that the amendment request was reviewed by the Planning Board, which recommended disapproval. Commissioner Judge noted that the Wanchese community put a lot of effort into developing their zoning. Vice-Chairman Overman agreed and said in view of the applicant not showing up tonight, there is no need to pursue a public hearing.

**MOTION**

Commissioner Umphlett motioned to not schedule a Public Hearing.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PROPOSED ORDINANCE FOR ABANDONED VESSELS (Att. #1)**

The County Manager outlined the need for an Ordinance so that staff can remove sunken or abandoned vessels.

**MOTION**

Commissioner Burrus motioned to adopt Chapter 102 of the Dare County Code of Ordinances establishing provisions for addressing abandoned vessels.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – HATTERAS VILLAGE PROJECT REQUEST TO THE ALBEMARLE RURAL PLANNING ORGANIZATION**

Mr. Outten described possible projects for Hatteras Village, which may be able to obtain funding by being submitted through the Albemarle Rural Planning Organization.

**MOTION**

Commissioner Burrus motioned to authorize the submission of a project request to the Albemarle Rural Planning Organization.

Commissioner Shea and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – RENEWAL OF THE DARE COUNTY ARTS COUNCIL LEASE**

The County Manager explained that the Dare County Arts Council lease of the Old Courthouse Building expires at the end of July. He said a public notice is required of the County's intent to renew the lease and asked for permission to give the notice and place this item on the next meeting's agenda.

**MOTION**

Commissioner Judge motioned to authorize the publication of the public notice of intent to enter into a lease renewal for a period of 5 years, and place this item on the Board's agenda for July 20, 2015.

Commissioners Umphlett, Overman, Shea, and Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – MANAGER’S RECOMMENDED BUDGET FOR FISCAL YEAR 2016 (Att.#2)**

Mr. Outten said the budget being presented to the Board includes the Change List from the last Budget Workshop and the adoption of the Budget Ordinance and the Fire District tax change for Colington.

**MOTION**

Commissioner Shea motioned to approve the Manager’s Recommended 2016 Fiscal Year Budget incorporating the Budget Change List and including the Annual Budget Ordinance and the Fire District tax change for Colington.

Commissioner Umphlett and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – SERIES 2015 LIMITED OBLIGATION REFUNDING BOND (Att. #3)**

Finance Director, David Clawson explained that this involves the only County debt issued prior to the recession that has not been refunded in the Series 2007 COPs. He said the winning bid was from BB&T for 2.66% over 12 years, which would allow refunding of \$3,400,000 for a gross savings of \$223,003 with a net present value savings of \$182,814 or 5.37%. Mr. Clawson said the costs of issuance are \$48,750.

**MOTION**

Vice-Chairman Overman motioned to adopt the approving Resolution and related Budget Amendment.

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – 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 (06.01.15 & 06.10.15 Budget Workshop) **(Att. #4)**
- 2) Kill Devil Hills Request to Delegate Approval of Pyrotechnics Permits **(Att. #5)**
- 3) Community Child Protection Team Annual Report
- 4) DHHS – Family Reunification Budget Amendment
- 5) Budget Amendment – Game & Wildlife Fees
- 6) Dare County Transportation title VI Plan
- 7) DHHS – Child Care Budget Amendment
- 8) Fessenden Center Donation
- 9) Tax Collector’s Report
- 10) Nags Head Fireworks
- 11) Manteo Fireworks
- 12) Avon Fireworks

Commissioners Judge and Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – 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](http://www.darenc.com).

Chairman Woodard – presented a letter to be sent to state legislative leaders about the sales tax redistribution proposals, which would be devastating to Dare County.

**MOTION**

Commissioner Judge motioned to approve the Chairman’s letter.

Vice-Chairman Overman and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

Commissioner Burrus – expressed thankfulness for the Bonner Bridge settlement, but noted that he continues to be cautious about the Southern Environment Law Center. He thanked everyone who worked on the effort to replace the bridge. Commissioner Burrus said the Hatteras Village sidewalk plans may benefit from a tie-in with the NCDOT passenger ferry project. He said the Environmental Assessment for the Buxton beach nourishment project is good news. He explained why the sales tax redistribution proposal in Raleigh is a mess that would raise taxes and severely disrupt our economy.

Commissioner Shea – noted that the Bonner Bridge agreement is a major step forward in providing reliable access to Hatteras Island, which is vital to our economy. On the sales tax redistribution proposal, Commissioner Shea called for state lawmakers to get input from all stakeholders before drafting any legislation.

Vice-Chairman Overman – congratulated all Dare County graduates. He thanked the Board of Education for working with the County on an agreement for handling any state-mandated raises for teachers. The Vice-Chairman reported on a meeting with Dr. Kevin Chu from NOAA and reviewed issues that were discussed. He thanked Governor McCrory, Secretary Tata and his team for their work on the Bonner Bridge settlement. He also thanked Superintendent Hallac for his plan to modify the resource buffers at the seashore. Vice-Chairman Overman called on everyone to contact their representatives in Raleigh and voice their extreme displeasure about the sales tax redistribution proposal that would forever hurt the operation of Dare County and its municipalities.

Commissioner Umphlett – noted that Sandy Semans Ross at a previous meeting spoke about abandoned boats, which were addressed tonight by the Board of Commissioners action to authorize an abandoned vessel ordinance. Commissioner Umphlett echoed comments made by others about the detrimental tax redistribution proposal in Raleigh. She said if the bill passes, it would result in a tax increase and cause great harm. She urged everyone to contact state legislators about the devastating impact it would have.

Commissioner Judge – reiterated the call to action expressed by other Commissioners about the need for people to contact state legislators concerning the shameful sales tax redistribution proposal that would kill job opportunities and hurt the economy. He noted that half of the counties that Senator Cook represents have people who come to Dare County for employment. Commissioner Judge thanked Superintendent David Hallac on the direction he has taken in revising resource buffers. He noted that while it is not perfect, it represents a big step toward moderation and compromise. He added that the determination of an Environmental Assessment rather than an Environmental Impact Statement for the Buxton beach nourishment project is a significant development.

Commissioner Judge offered to assist in resolving the problem that has been identified with dumpsters at the KOA campground. He congratulated all graduating students. He also thanked Governor McCrory, Secretary Tata, and Shelley Blake for their efforts to secure the Bonner Bridge settlement. He reviewed the history of the bridge replacement efforts and thanked John Hooper, Stan White, past and present NCDOT Board Members, Senator Hagan, Jane Lyder at the Department of Interior, those involved with the Replace the Bridge Now initiative, and the endeavor of the Bridge Moms that was effectively led by Beth Midgett and Natalie Perry.

Commissioner Boswell – thanked Governor McCrory, Secretary Tata, Malcolm Fearing, and others who worked on the Bonner Bridge. She noted that the Oregon Inlet Task Force is excited about the Bonner Bridge and reported on the meeting held with General Turner and Colonel Landers to discuss proactive dredging. Commissioner Boswell thanked the 5 On 5 Committee for a great meeting concerning school funding. She commented on a recent Health and Human Services Board meeting, which was very positive. She thanked Sandy Semans for presenting a resolution supporting our fisherman. Commissioner Boswell said she was upset about the State's proposed sales tax redistribution plan and called for people to make their voices heard in Raleigh.

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

1. The County Manager reported that the Scenic Byway wayshowing project was re-bid, however, only one bid was received, which was over budget. He asked the Board to reject the bid so the matter can go back to NCDOT.

### **MOTION**

Vice-Chairman Overman motioned to reject the bid.

Commissioners Boswell and Shea seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten reported on correspondence from Mr. Alexander who farms the property at the landfill. He said Mr. Alexander is planning a fall crop and needs to know if his lease, which expires in July, is going to be renewed.

### **MOTION**

Commissioner Shea motioned to renew the lease.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

3. The Manager reported on a meeting with the architect for the College of the Albemarle about building consolidation plans. He advised that they will be preparing a recommendation. He said he cautioned them that a master plan calling for the building of a lot of structures would not be feasible at this time.
4. Vice-Chairman Overman asked if the Manager was able to contact KOA. Mr. Outten said they promised him a call and he would keep the Board advised.

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

**MOTION**

Commissioner Shea motioned to adjourn the meeting.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

At 7:15 p.m., the Board of Commissioners adjourned until 5:00 p.m., July 20, 2015.



APPROVED:

Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

By:   
Robert Woodard, Chairman  
Dare County Board of Commissioners