



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., December 15, 2014

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 5:00 p.m. He invited Jennifer Frost from the Unitarian Universalist Congregation to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Chairman announced that the order of agenda items needed to change so that the Planning Director would be able attend an NCDOT meeting in Jarvisburg on behalf of Dare County. He asked for a motion to move agenda items 3, 9, 10, and 11 and make them #1- A, B, C, and D. *(Note: for ease of reference, these items will appear in the following Minutes as they were originally numbered)*

MOTION

Commissioner Judge motioned to amend the agenda as outlined by the Chairman.
Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 1 – APPOINTMENT OF DARE COUNTY TAX COLLECTOR (Att. #1)

The County Manager introduced Rebecca Huff as the new Dare County Tax Collector. After she was formally appointed, the Clerk to the Board administered her oath of office.

MOTION

Commissioner Shea motioned to appoint Rebecca Huff as Dare County Tax Collector.
Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 2 – PUBLIC COMMENTS

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

1. Fred Newberry a resident of North Dogwood Trail in Southern Shores, expressed concerns about the plan to cut trees in the Town's maritime forest, which he said would have negative environmental impacts.
2. Jim Tobin, Chairman of the Oregon Inlet Task Force, gave a detailed update on the shoaling conditions at Oregon Inlet. He said the inlet is basically closed and requested that a letter be sent calling for the federal government to provide the proper funding to sustain the channel. He noted that the Congressional delegation will be in Raleigh this week and that there is a need for urgency.
3. Harry Schiffman, Vice-Chairman of the Oregon Inlet Task Force, cited the annual economic impacts of Oregon Inlet. He further described the shoaling conditions at the Inlet and explained how migration is occurring at the Bodie Island Spit.

Following Public Comments the Board agreed to suspend its procedural rule and engage in dialogue about an item raised during the comment period. Commissioners discussed the role of the Army Corps of Engineers and issues related to Oregon Inlet.

MOTION

Vice-Chairman Overman motioned that a letter about Oregon Inlet be drafted and sent to the appropriate people with all possible haste.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 3 – DARE COUNTY COMPREHENSIVE TRANSPORTATION PLAN

Commissioner Shea expressed his concern about putting a multiuse path in the Dogwood Trail area of Southern Shores that would result in the destruction of trees. He noted that he has no vested property interest in this matter. He presented a draft resolution expressing the Board's support only for the unincorporated areas of Dare County. The Board discussed preparing a letter to accompany the resolution and agreed to table action on this agenda item.

MOTION

Commissioner Shea motioned to table action on a Resolution approving the Comprehensive Transportation Plan maps for the unincorporated portions of Dare County until the next meeting so that a letter can be prepared to accompany the Resolution.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 4 – REPORT ON THE NC SENIOR TAR HEEL LEGISLATURE

Kaye White and Mary Ellen Hawthorne gave a report on the Senior Tar Heel Legislature (STHL). Ms. White described the group's background, mission, and priorities. She described lobbying efforts and reviewed STHL accomplishments. She identified the

need for local services including transportation, meals, and senior centers. Chairman Woodard noted that with our growing elderly population the work of the STHL is vital.

ITEM 5 – DEPARTMENT OF HEALTH AND HUMAN SERVICES – PRESENTATION FOR HOME CARE AND HOSPICE MONTH

Ellie Ward, Nursing Director, Dare Home Health & Dare Hospice, reported that Dare Home Health recently was recognized for being in the top 25% of home health agencies in the nation. She explained how Dare Hospice addresses end of life care so patients and their families can concentrate on adding quality, value, meaning, and purpose to their lives. Ms. Ward described steps to help plan for end of life care. Commissioner Boswell complimented the Dare Hospice program and Chairman Woodard said it was heartwarming to see the work of the Dare Home Health and Dare Hospice staff.

ITEM 6 – SHERIFF REQUESTS PERMISSION TO HIRE NEAR RELATIVE (Att. #2)

Sheriff Doughtie requested permission to hire his son, Tyler Doughtie, to fill a Deputy Sheriff vacancy. He described his son's background and professional experience and noted that he is currently a Kill Devil Hills Police Officer. Sheriff Doughtie said his son would be an asset to the Sheriff's Office Drug Unit and asked the Board for permission to hire a near relative in accordance with North Carolina General Statute 153A-103.

MOTION

Commissioner Judge motioned to approve the hiring of Tyler Doughtie.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PARKS AND RECREATION 10 YEAR MASTER PLAN

Tim White presented a 10-year Master Plan prepared by the Department of Recreation and Leisure Studies at East Carolina University. He described the plan's purpose, goals, and objectives. He outlined the plan's list of current recreational services and facilities, along with its recommendations for the future. Mr. Outten noted that the Master Plan is not part of the County's Capital Improvements Plan (CIP). He said accepting the plan is not an indication that the Board is going to do any or all of the recommended facilities and services, but only that the plan would be taken into account in future deliberations.

MOTION

Commissioner Judge motioned to accept the Dare County Parks and Recreation 10 year Master Plan as an index of what we have along with its recommendations to be used as a planning tool for the future.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

RECESS: 6:46 p.m. – 6:56 p.m.

ITEM 8 – EXTENSION OF ROANOKE ISLAND WALKING TRAIL

The County Manager informed the Board that NCDOT wants to extend the Roanoke Island Walking Trail past the Tourism Board property to Skyco and perhaps to the Coastal Studies Institute. He said NCDOT will pay for the design and construction of

the trail provided Dare County maintain the trail once it is completed as described in paragraph 7 on page 2 of the agreement.

MOTION

Commissioner Judge motioned to approve maintaining the Roanoke Island Walking Trail extension once completed as outlined by the County Manager.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CHRISTIAN LENDING LLC – SITE PLAN & CONDITIONAL USE PERMIT

This agenda item was handled as a quasi-judicial proceeding. Prior to offering testimony, each speaker was duly sworn by the Clerk to the Board. A full and complete account of the testimony offered and Board discussion on this agenda item is archived on a video that is available for viewing on the Dare County website www.darenc.com

Planning Director, Donna Creef, described the Conditional Use Permit (CUP) application for a self-service fuel facility in Avon submitted by Sam Hagedon on behalf of Christian Lending LLC. She said the applicant also owns the adjoining commercial property that previously housed fuel pumps, which were damaged during Hurricane Irene. Ms. Creef described the applicant's plans for a canopy, fuel tanks, and lighting.

Commissioner Shea asked how fuel leaks would be controlled with no employees on site and was told of by Mr. Hagedon that there will be an emergency shut-off switch. Commissioner Umphlett noted that the applicant lives next door to the property and will be in a good position to make sure the site is maintained properly. In response to Commissioner questions about spills and tank leaks, Mr. Outten explained that tanks are regulated by the State. He noted that a change in language is needed for CUP condition #7 to say that construction must be completed within 12 months of approval.

MOTION

Commissioner Shea motioned to approve the site plan and Conditional Use Permit with the change of language outlined by the County Manager for condition #7.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – COMMUNITY RATING SYSTEM (CRS) UPDATE

The Planning Director gave a report on activities designed to increase points under the Community Rating System (CRS). She explained how points are awarded for implementation of activities and regulations that exceed the minimum National Flood Insurance Program (NFIP) standards and how these equate to discounts on flood insurance policies. Ms. Creef presented ordinance amendments that, if approved, would only apply to new construction, and asked the Board to set a Public Hearing.

MOTION

Commissioner Judge motioned to schedule a Public Hearing on the draft Ordinance amendments for 5:30 p.m. on Tuesday, January 20, 2015 and appoint the existing CRS ad-hoc Committee to serve as the PPI Committee.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – REQUEST HEARING – 2014 SUPPLEMENT TO CODE OF ORDINANCES

Donna Creef reported that the publishing company has completed an update of the Dare County Code of Ordinances and requested that a Public Hearing be scheduled.

MOTION

Commissioner Judge motioned to schedule a Public Hearing on the S-7 Supplement to the Dare County Code of Ordinances for 10:00 a.m., on January 5, 2015.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – PRESENTATION OF THE JUNE 30, 2014 AUDIT AND CAFR
(COMPREHENSIVE ANNUAL FINANCIAL REPORT) (Att. #3)**

Finance Director, David Clawson, and Robert Taylor from Potter & Company presented the June 30, 2014 Comprehensive Annual Financial Report (CAFR). Mr. Taylor said there are no material exceptions to the financial statement. He explained that the CAFR shows a deficit Fund Balance, with a significant portion caused by claims that are incurred but not reported. Mr. Clawson presented a comprehensive PowerPoint outlining the CAFR, which can be viewed in its entirety on the video of this meeting archived on the Dare County website www.darenc.com.

ITEM 13 – APPROVAL OF PROCUREMENT METHOD FOR THE REGIONAL E911 & EMERGENCY OPERATIONS CENTER PROJECT

Mr. Outten outlined the merits of using a Construction Manager at Risk for the Dare County E911/EOC project. He said it would give the ability to budget with confidence and asked that a selection be made soon so the project can move forward on schedule. Vice-Chairman Overman reported on a trip that he made to Pennsylvania along with the County Manager and others to tour facilities designed by the architect firm selected by Dare County. He cited a list of items that the people in Pennsylvania recommended that Dare County take into consideration when designing its E911/EOC facility.

MOTION

Commissioner Shea motioned to approve the use of a Construction Manager at Risk as the procurement method for the Regional E911 & Emergency Operations Center project; and to issue a Request for Qualifications for the Construction Manager at Risk.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 14 – CONSENT AGENDA

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

MOTION

Commissioner Judge motioned to approve the Consent Agenda:

- 1) Approval of Minutes (12.01.14) **(Att. #4)**
- 2) Health – Received Additional State Funds for STD Prevention
- 3) Reclassify Deputy Sheriff Captain Position
- 4) Tax Collectors Report – November 2014

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 15 – BOARDS & COMMITTEES – COMMISSIONER APPOINTMENTS

Chairman Woodard presented a list of Commissioner appointments to replace seats held by former Commissioners Max Dutton and Virginia Tillett –

- Industrial Bonding Authority – Commissioner Boswell to replace Max Dutton
- Airport Authority – Commissioner Boswell to replace Max Dutton
- Oregon Inlet Task Force – Commissioner Boswell to replace Chairman Woodard
- Dare Center Advisory Board – Commissioner Umphlett to replace Virginia Tillett
- Library Board, Dare – Commissioner Umphlett to replace Virginia Tillett
- Older Adult Services – Commissioner Umphlett to replace Virginia Tillett
- Juvenile Crime Prevention – Commissioner Umphlett to replace Virginia Tillett
- Dare County Tourism Board – Vice-Chairman Overman to replace Virginia Tillett

MOTION

Commissioner Umphlett motioned to approve the Board & Committee appointments list. Vice-Chairman Overman and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 16 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioner Shea

- He wished everyone a Merry Christmas and expressed hope that 2015 will be the best year ever for every Dare County resident

Vice-Chairman Overman

- He commented about the nice people that were encountered during the recent trip to tour E911/EOC centers in Pennsylvania.
- Vice-Chairman Overman reported on a letter he sent to Dean Richard Linton at the North Carolina State University inviting him to consider using Dare County farmland off Highway 264.
- He reported on progress placing a webcam at Oregon inlet.

Commissioner Umphlett

- She extended Merry Christmas greetings to everyone.
- Commissioner Umphlett said she is excited about being on the Board of Commissioners and considers it a privilege to be able to serve.

Commissioner Judge

- He gave an extensive report on the recent action by the U.S. Congress to attach a lands package to the Defense Appropriations Bill, which he said will help address the restrictive beach closures that have been in place at the Cape Hatteras National Seashore Recreational Area. He expressed thanks for the efforts of Congressman Jones and Senators Burr and Hagan. He explained that although there will still be closures they should not be as extensive as before.
- Commissioner Judge outlined details of a public hearing being held tomorrow concerning beach access at Cape Lookout.
- He wished everyone a Merry Christmas and Happy New Year.

Commissioner Boswell

- She extended a warm welcome to Rebecca Huff, Dare County's newly appointed Tax Collector.
- Commissioner Boswell briefed the Board on a citizen who has been helped in an exemplary way by Dare County Veterans Service Officer Rhonda Creef.
- She said she was looking forward to serving on Boards and Committees.
- Commissioner Boswell congratulated Ellie Ward and the staff of Dare Hospice, which she described as a wonderful program.

Commissioner Burrus

- He commended NCDOT and their work during recent storms.
- Commissioner Burrus reminded that while Oregon Inlet needs lots of work for short term and long-term stabilization, there are other places, like Hatteras Inlet that have problems and need attention.
- He expressed thanks for the efforts of D.C. legislative staffs, OBPA, Beach Buggy Assoc., and CHAPA for their tireless efforts on behalf of beach access. He also thanked the Board of Commissioners for supporting this issue and making frequent trips to Raleigh and Washington, D.C.
- Commissioner Burrus explained that he has worries about NCDOT conducting Bonner Bridge meetings in back rooms with no representatives present from any of the agencies that will need to issue the permits.
- He tendered his resignation on the Health Board citing schedule conflicts with Oregon Inlet meetings. He said he has enjoyed serving on the Health Board and plans to do continued work with substance abuse programs and advocate on behalf of Hatteras and Oregon Inlets.
- Commissioner Burrus wished Merry Christmas to County employees, the Board, and the public. He urged people not to forget the reason for the season.

Chairman Woodard

- He wished everyone a Happy Holiday and joyous New Year.
- Chairman Woodard reminded everyone about the upcoming Town Hall meeting with Dare County Board of Commissioners at 6:30 p.m., January 14, 2015. He said there will be no time limits during this public forum and encouraged people to attend and express their concerns.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten said that under the Budget Ordinance he has the authority to sign budgeted contracts that are less than a year. He explained that the Health Department has recently received several 1-year contracts from the State, which have had provisions for automatic renewals unless terminated. The Manager said when the contracts have been returned for revision, the State has been reluctant to change them. In order to expedite the process, he asked for authorization to enter into 1 year or less contracts with automatic renewal clauses, as long as there are appropriate termination provisions in place.

MOTION

Commissioners Judge, Shea, and Overman motioned to approve the Manager's request.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

2. The Manager said the Memorandum of Understanding (MOU) for the State built Manns Harbor Marina, which is operated by the Manns Harbor Commission, requires that the County maintain a bathhouse if the State ever builds one at the facility. He said the MOU also provides that County hold the State harmless from any liability that is created by the Manns Harbor Commission. He noted that there is a 120-day termination clause in the agreement. Commissioner Judge said this project cleaned up a mess and it is an excellent facility.

MOTION

Commissioners Judge and Overman motioned to approve the agreement.

Commissioner Umphlett 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.

Commissioners Overman and Burrus seconded the motion.

VOTE: AYES unanimous

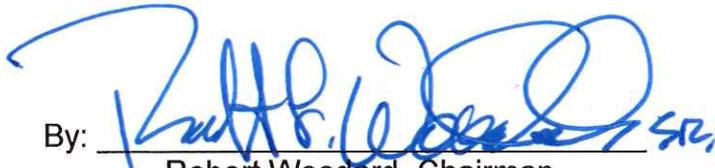
At 8:28 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 5, 2015.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners