



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

9:00 a.m., April 3, 2017

Commissioners present: Chairman Robert Woodard, Vice Chairman Wally Overman
Jack Shea, Steve House, Rob Ross, Danny Couch

Commissioners absent: None
Margarette Umphlett resigned effective 3/31/17.
Her replacement has not yet been named.

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 9:02 a.m. He invited George Lurie from the Jewish Community of the Outer Banks to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Chairman asked for a motion to amend the agenda to add item #13-A to discuss House Bill 531 regarding the permitted uses of occupancy taxes for tourism.

MOTION

Commissioner Shea motioned to amend the agenda to add Item #13-A
Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Chairman Woodard mentioned the following items during his opening remarks –

- He invited everyone to attend this afternoon’s ribbon cutting ceremony for the new Regional 911 Center that will also serve as the Emergency Operations facility.
- Chairman Woodard honored Paul Spencer, the founder of Spencer Yachts, in recognition of his family business that has enriched the local boat building business.

A video of the Chairman’s update can be seen on the County website www.darenc.com.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Cara Basnight, Health & Human Services, received a 15-year pin.
- 2) Gregory Padilla, Sheriff's Office, received a 20-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – APRIL 2017

Stephanie Bowers received the Employee of the Month award from Chuck Lycett who described the many ways that Ms. Bowers is an asset to the Social Services Division of the Health & Human Services Department.

ITEM 4 – PUBLIC COMMENTS

The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center in Buxton. Citizen remarks can be seen in their entirety on the county website www.darenc.com. Following is a brief summary of the key issue that was mentioned by each speaker –

The following comments were made in Manteo –

1. Jennifer Alexander spoke against repealing the plastic bag ban.
2. Renee Cahoon urged the Board to oppose H.B. 531 on use of occupancy taxes.
3. Susie Walters spoke against H.B. 531 noting that stakeholders were not consulted.
4. Judy Lotas asked the Board to revise and strengthen its resolution on Equal Rights.
5. Colleen Shriver requested that a Dog Park be considered for Roanoke Island.
6. Bea Basnight, Board of Education (BOE) Chair, spoke against partisan BOE elections
7. Ivy Ingram, for the Surfrider Foundation, spoke against repeal of the plastic bag ban.
8. Sheila Davies opposed partisan elections, repeal of plastic bag ban, and H.B. 531.
9. Ann Kaplan voiced support for legislation to provide independent redistricting reform.
10. Luke Mahler spoke against partisan elections for the Board of Education.
11. Amanda Hooper asked for public meetings on the project to straighten Colington Rd.
12. Matthew Bryce said the plastic bag ban is successful and spoke against repealing it.
13. Willo Kelly said local bills in Raleigh should be approved or directed by local officials.
14. Linda Kenny spoke against repeal of the plastic bag ban and partisan BOE elections
15. Kevin McSherry said repeal of the plastic bag ban is shortsighted and disrespectful.
16. John Ratzenberger noted how Tourism Board money helps transportation shortfalls.

The following comment was made via the video link to the Fessenden Center –

17. Savannah Mulder proposed a leash law on Hatteras Island & unincorporated Dare.

ITEM 5 – PROCLAMATION – CHILD ABUSE PREVENTION MONTH

Sara Sampson and Leigh Bracy presented a proclamation highlighting April as National Child Abuse Prevention Month. They described local efforts to raise awareness about preventing child abuse and neglect noting that the colorful pinwheel is a symbol of child abuse prevention. Information was given on how to report child abuse.

MOTION

Commissioner Shea motioned to issue a Child Abuse Prevention Month proclamation. Commissioner Couch and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – CHILDREN & YOUTH PARTNERSHIP – PROCLAMATION

Nancy Griffin, Executive Director of the Children & Youth Partnership for Dare County gave a report to the Board of Commissioners and presented a proclamation in support of the Week of the Young Child. She described critical challenges for healthy growth and development and thanked the Board of Commissioners for their ongoing support.

MOTION

Commissioner Shea motioned to approve the Week of the Young Child proclamation. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

RECESS: 10:28 a.m. – 10:41 a.m.

ITEM 7 – ALBEMARLE COMMISSION – STEWARDSHIP REPORT

Cathy Davison, Executive Director of the Albemarle Commission, provided Commissioners with a stewardship report highlighting the agency's programs and services. She provided statistics on the units of service provided to clients in Dare County. Ms. Davison also outlined a survey of internet services that is being conducted in the region to gather information to help entice broadband service providers to offer additional internet services especially in rural areas.

ITEM 8 – TOURISM BOARD REQUEST FOR FIREWORKS GRANT AWARDS

Susie Walters, Chair of the Dare County Tourism Board, along with Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, asked for approval of the following Short Term Restricted Fund requests for fireworks totaling \$40,000 –

1. Avon Property Owners Assoc - \$10,000
2. Town of Kill Devil Hills - \$10,000
3. Town of Manteo - \$10,000
4. Town of Nags Head - \$10,000

Commissioner House asked if there are grants to help Towns offset the additional cost of emergency services associated with fireworks. Ms. Walters explained that those costs are handled by the municipalities.

MOTION

Commissioner Shea motioned to approve the fireworks grant awards in the amount of \$40,000.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 9 – HEALTH INSURANCE FOR FY2017-2018 & WELLNESS PLAN UPDATE

The County Manager explained that it is now the time of year when the Health Insurance plan for the upcoming fiscal year must be approved. He called on Human Resources Director Elizabeth Reilly to outline the plan. Ms. Reilly said the current plan will remain the same with a zero percent rate increase. She noted that both PPO and HSA plans will be offered again this year. An update was given on the Wellness Program including changes to the number of required biometric and wellness points.

MOTION

Commissioner House and Commissioner Shea motioned to approve the 2017-2018 Health Insurance Plan.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – COMMERCIAL SERVICES ZONING TEXT AMENDMENT APPLICATION

Planning Director Donna Creef presented a zoning text amendment application to add residential uses in conjunction with commercial uses to the Commercial Services (CS) zoning district, which applies only to Colington. Ms. Creef provided background about the request to construct a beauty shop/dwelling on a CS site. She asked that a public hearing on the matter be scheduled.

MOTION

Vice Chairman Overman motioned to schedule a public hearing on the proposed CS text amendment for 5:30 p.m., April 17, 2017.

Commissioner Shea and Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Ms. Creef also announced that unincorporated Dare County has achieved a better ranking in the Community Rating System (CRS) used by the National Flood Insurance Program. She said unincorporated Dare has been awarded a Class 7 designation, which represents an improvement over the previous Class 8. She explained that this new ranking will increase the discount for flood insurance policies in unincorporated Dare County from 10% to 15%.

ITEM 11 – NORTH CAROLINA HOUSE BILL 271 TO REPEAL THE PLASTIC BAG BAN (Att. #1)

Chairman Woodard provided an opportunity for each Commissioner to comment on House Bill 271 and Senate Bill 539, which would repeal the plastic bag ban.

Commissioner comments can be viewed in their entirety on the Dare County website www.darenc.com. Following is an outline synopsis of each Commissioner's position –

- Commissioner Couch said he opposed repealing the bag ban.
- Commissioner Shea noted that the ban has been beneficial for the region.
- Vice Chairman Overman said the legislation creates an issue where none existed.
- Commissioner House said he supports the will of the people in opposing the bills.
- Commissioner Ross explained why he opposes repealing the plastic bag ban.
- Chairman Woodard said bills need local support & vetting, which has not been done.

After discussion of the proposed legislation, the following motion was made –

MOTION

Commissioner Shea motioned to have a resolution prepared that reflects the Board's unanimous action to oppose House Bill 271 and applicable portions of Senate Bill 539, which would repeal the plastic bag ban, and authorize the Chairman to sign and distribute the resolution.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous by show of hands

ITEM 12 – HOUSE BILL 265 TO CHANGE BOARD OF EDUCATION ELECTIONS FROM NONPARTISAN TO PARTISAN (Att. #2)

Chairman Woodard provided an opportunity for each Commissioner to comment on House Bill 265 and Senate Bill 94, which would change Board of Education (BOE) elections from nonpartisan to partisan. Commissioner comments can be viewed in their entirety on the county website. Following is a synopsis of each Commissioner's position:

- Commissioner Ross said based on citizen feedback he does not support the bills.
- Commissioner House addressed differences in the strength of each bill.
- Vice Chairman Overman said he was against making BOE elections partisan.
- Commissioner Shea opposed the bills quoting the expression "If it isn't broke, don't fix it."
- Commissioner Couch explained why he opposes partisan BOE elections.
- Chairman Woodard opposed the bills citing the great relationship built with the BOE.

After discussion of the proposed legislation, the following motion was made –

MOTION

Commissioner Shea motioned to have a resolution prepared that reflects the Board's unanimous action to oppose House Bill 265 and applicable portions of Senate Bill 94, which would change Board of Education elections from nonpartisan to partisan, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous by show of hands

ITEM 13 – LEGISLATIVE RELIEF TO ALLOW DARE COUNTY TO ADMINISTER LOCAL COA BUILDING PROJECTS (Att. #3)

The County Manager gave background for legislative relief that is needed to allow Dare County to administer local College of the Albemarle (COA) building projects. Mr. Outten explained that COA wants to make improvements throughout their system, including the Dare County campus. Under current law if State funds are used for a construction project, even if the majority of the funding comes from the local government, and even though the local government would own and maintain the facilities after construction, the state must administer the construction of the project. The Manager said although no decision has been made about improvements to the Dare County campus, legislation is being developed to allow counties to administer the construction of local COA building projects and asked the Board to authorize a resolution of support,

MOTION

Vice Chairman Overman motioned to have a resolution prepared that reflects the Board's unanimous action to support legislative relief to allow Dare County and other local government entities to administer local COA building projects, and authorize the Chairman to sign and distribute the resolution.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous by show of hands

ITEM 13A – HOUSE BILL 531, PERMITTED USES OF OCCUPANCY TAXES (Att. #4)

Chairman Woodard provided an opportunity for each Commissioner to comment on House Bill 531, which would narrow the use of occupancy taxes. Commissioner comments can be viewed in their entirety on the Dare County website www.darenc.com. Following is an outline synopsis of each Commissioner's position –

- Commissioner Shea said he doesn't understand why it was introduced & opposed it.
- Vice Chairman Overman said this was addressed last year & facts haven't changed.
- Commissioner House said he does not agree with the bill and would oppose it.
- Commissioner Ross said Vice Chairman Overman summarized the facts very well.
- Commissioner Couch explained the safety reasons why he opposes the bill.
- Chairman Woodard said towns would have to raise taxes without use of occupancy taxes.

After discussion of the proposed legislation, the following motion was made –

MOTION

Commissioner Shea motioned to have a resolution prepared that reflects the Board's unanimous action to oppose House bill 531, which would narrow the use of occupancy taxes, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous by show of hands

ITEM 14 – HATTERAS INLET DREDGING PROJECT – BUDGET AMENDMENT

The County Manager presented a Budget Amendment authorizing the transfer of funds and expenditure of \$125,000 related to the Memorandum of Agreement (MOA) for the Hatteras Inlet dredging project, which requires a \$500,000 deposit of State funds with 25% (\$125,000) provided by Dare County. Mr. Outten noted that all permits are in place and that the MOA has been signed by officials in Washington D.C.

MOTION

Vice Chairman Overman motioned to approve the Budget Amendment.

Commissioner Shea and Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (03.06.17) **(Att. #5)**

- 2) Cooperative Extension – Juvenile Community Programs Discretionary Funds
- 3) Emergency Management Budget amendment – Alert & Notification Software
- 4) DHHS Public Health Division – Home Health/Hospice Budget Amendment
- 5) DHHS Public Health Division – State Funding for Triple P
- 6) DHHS Public Health Division – Flooring Replacement
- 7) Public Works Sanitation Budget Amendment
- 8) Budget Amendment – Sheriff Department
- 9) Outer Banks Dermatology Lease

Note - Prior to voting on the motion, there was Board discussion concerning the term of the Dermatology Lease. The County Manager reported that the tenant may want to reduce the term of the two-year lease. The Board authorized the County Manager to modify the agreement to reflect that the lease can be terminated with 90 days notice. Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BOARD APPOINTMENTS

1) Manns Harbor Commission

Vice Chairman Overman motioned to reappoint Cyndy Holda, Ladd Bayliss, Jonathan Oglesby, and Jessie “Troy” Outland, Jr.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Wanchese Community Center

Vice Chairman Overman motioned to appoint Bill Wilson to fill the seat held by Robin Daniels Holt who has resigned.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments

The upcoming Board appointments for May, June, and July were announced.

ITEM 17 – 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 Couch – welcomed Robert Wynegar as the new President of the College of the Albemarle and said he looks forward to strengthening the County’s relationship with the institution. Chairman Woodard thanked Commissioner Couch for his hard work communicating issues on Hatteras Island.

Commissioner Shea – congratulated the service pin recipients and the Employee of the Month thanking them for making Dare County a wonderful place to live, work, and raise families. Commissioner Shea wished everyone a happy Passover and Easter.

Vice Chairman Overman – thanked the service pin recipients and the Employee of the Month. He gave an update on the efforts of the Saving Lives Task Force and the Children’s Community Collaborative to expand psychiatric services for children in Dare County. The Vice Chairman also reported on the dangers of new synthetic drugs that are appearing in the community. Chairman Woodard thanked Vice Chairman Overman for his tireless work on substance abuse prevention.

Commissioner House – said amidst all the activity in Raleigh there is good news and asked the Board to adopt resolutions supporting the following 3 legislative measures –

Senate Bill 432, which would delay action by the Marine Fisheries Commission

MOTION (Att. #6)

Commissioner House motioned to have a resolution prepared that reflects the Board’s support for Senate Bill 432, which would delay action by the Marine Fisheries Commission regarding the designation of Special Secondary Nursery Areas, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

House Bill 545, which would enhance fisheries Advisory Committees

MOTION (Att. #7)

Commissioner House motioned to have a resolution prepared that reflects the Board’s support for House Bill 545, which would ensure meaningful public participation in fisheries management by enhancing the role of public advisory committees, and authorize the Chairman to sign and distribute the resolution.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

Senate Bill 282 & House Bill 415, for the Hatteras Village Community Center District

MOTION (Att. #8)

Commissioner House motioned to have a resolution prepared that reflects the Board’s support for Senate Bill 282 and House Bill 415, which would provide an election on allowing the use of tax funds for construction and maintenance of multi-use pathways in the Hatteras Village Community Center District, and authorize the Chairman to sign and distribute the resolution.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Ross – commended the service pin recipients and the Employee of the Month along with Paul Spencer who was honored earlier in the meeting. Commissioner Ross expressed support for the suggestion made by Willo Kelly during public comments in calling for a public Town Hall meeting with our North Carolina legislative delegation.

Chairman Woodard – no additional comments

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten presented a Budget Amendment for the software of the Emergency Medical Dispatch program used by the 911 Center. He noted that the cost is covered by State E911 funds.

MOTION

Vice Chairman Overman motioned to approve the Budget Amendment.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

2. The County Manager outlined procedures and criteria for the scheduled pickup of large items by Dare County Public Works. He gave a detailed list of items that are eligible for pickup and those that are not. He informed the Board that staff has been told to follow the rules and not pickup unauthorized items.
3. Mr. Outten advised that use of the Public Works Convenience Site on Roanoke Island, which is designed for small quantities of residential yard debris, has experienced greater volume than can be handled due to commercial firms using the facility. He said staff has been instructed to turn away non-residential users and those who have trash mixed in with yard debris.

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

MOTION

Commissioner Shea motioned to adjourn the meeting.

Commissioner House seconded the motion.


VOTE: AYES unanimous


At 12:37 p.m., the Board of Commissioners adjourned until 5:00 p.m., April 17, 2017.



APPROVED:

Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners