



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., Tuesday, January 22, 2019

Commissioners present: Chairman Robert Woodard, Vice Chairman Wally Overman
Rob Ross, Steve House, Jim Tobin, Ervin Bateman

Commissioners absent: Danny Couch

Others present: County Manager/Attorney, Robert Outten
Deputy County Manager/Finance Director, David Clawson
Public Information Officer, Dorothy Hester
Clerk to the Board, Gary Lee 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.

At 5:03 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Wayne Barry to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Woodard reported that Commissioner Couch had an excused absence in order for him to attend an important community meeting on Hatteras Island.

Note – some agenda items were handled out of sequential order to accommodate the time specific Public Hearings scheduled for 5:30 p.m.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website –

- Reported on a Board of Education meeting where he shared his COA presentation.
- Gave a briefing on his participation at the NCACC 2019 Legislative Goals Conference.
- Thanked the Lewis family for hosting the recent Dr. Martin Luther King event at the Dare County Center where he was honored to be the guest speaker.
- Thanked the Chamber of Commerce for their assistance with the recent “State of the County” event where a sold-out crowd gathered at Captain George’s restaurant.
- Asked everyone to keep Health and Human Services Director Sheila Davies in their thoughts and prayers as she recovers from knee surgery.

ITEM 2 – PUBLIC COMMENTS

At 5:09 p.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which can be viewed in their entirety in a video on the County website –

The following comments were made in Manteo –

1. James Fletcher asked that the Board make a request to the Cape Hatteras National Seashore that they undertake a survey of property at the southern portion of Bodie Island. He cited ownership issues and condemnation proceedings that he detailed in a packet of written material he presented to the County Manager. He expressed hope that resolving the issues he identified could ultimately help stabilize Oregon Inlet.

The following comments were made in Buxton –

2. Wanda Magness explained the need for golf carts to be able to safely cross Highway 12 in Buxton. She called for a lighted crossway on Highway 12, which she said would help hotel operators be able to take their guests back and forth to the beach.

The County Manager closed Public Comments at 5:17 p.m.

At the end of Public Comments, Mr. Outten asked Allen Moran, Dare County's representative on the North Carolina Board of Transportation, to give an update on NCDOT's plans for removal of the Bonner Bridge when the new span is completed. Mr. Moran described the demolition process, which he said will be done simultaneously in two parts to help clear the portion that impacts marine navigation as quickly as possible. He also reported on the status of the Record of Decision for the Mid-Currituck Bridge. Mr. Moran advised Commissioners that Moffatt & Nichol is still working on the stormwater survey of Roanoke Island and said their report is delayed due to adjustments that had to be made to the project's scope of work. He said the report is expected in approximately 40 days.

ITEM 3 – TOURISM BOARD RESTRICTED FUND EXPENDITURE REQUEST

Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, presented a Long Term Restricted Fund spending request in the amount of \$50,000 for a site feasibility and economic impact study for the Soundside Event Site in Nags Head. He gave background information about the venue and explained that the study will serve an important role in updating the vision for site and determining the best use of the property.

MOTION

Commissioners Overman and Bateman motioned to approve the spending request.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 4 – REPORT FROM THE NORTH CAROLINA COASTAL FEDERATION

Erin Fleckenstein, Coastal Scientist and Northeast Manager for the NC Coastal Federation, briefed Commissioners on the group's mission to protect our coastal water quality and natural resources. She outlined the Federation's goals for 2019-2021 and described ways for people to get involved. A video was shown highlighting a living shoreline project in Kitty Hawk and Ms. Fleckenstein answered Commissioner questions about marine debris pickup. Chairman Woodard and the Board were commended for their leadership in opposing offshore drilling.

ITEM 5 – ARCHITECTURAL CONTRACT – DESIGN OF NEW ANIMAL SHELTER (Att. #1)

Dustin Peele, Dare County Purchasing Agent, presented a proposed contract with Waller, Todd & Sadler to provide architectural and design services for the new Dare County Animal Shelter. Commissioners were asked to approve the contract and a Capital Project Ordinance amending the amount budgeted for the Animal Shelter in the FY2019 Capital Improvements Plan. The contract lists a total basic fee of \$230,980 with a schedule of additional services that are available for an added \$29,560. Along with the County Manager, Mr. Peele and Architect Dan Costello answered questions from the Board. They clarified the scope of work and fees for the additional services and explained that they are available to the County on an optional basis, if needed. Mr. Outten added that the County has done its due diligence and noted that animal shelters have special design needs that make it challenging to compare architectural fees as a percentage of construction costs.

MOTION

Vice Chairman Overman motioned to approve the contract with Waller, Todd & Sadler and approve the Capital Project Ordinance.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

(Att. #2)

ITEM 6-1 – PUBLIC HEARING – GOLF CARTS: MARTIN'S POINT & MANNS HARBOR

At 5:53 p.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks, which can be viewed in their entirety in a video on the County website –

The following comments were made in Manteo –

1. Joe Staten, President of the Martin's Point Homeowners Association said his group supports having golf carts in their community and asked the Board to approve them.

There were no comments made in Buxton –

The County Manager closed the Public Hearing at 5:55 p.m.

MOTION

Vice Chairman Overman motioned to adopt the proposed amendments to Chapter 100 of the Dare County Code of Ordinances to allow the operation of golf carts in the residential sections of the Martin's Point subdivision and in the village of Manns Harbor.

Commissioner House and Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 6-2 – PUBLIC HEARING – COMMERCIAL SERVICES (CS) ZONING AMENDMENTS

At 5:56 p.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. No one responded to the invitation to address the Board on this issue. The Manager closed the Public Hearing at 5:56 p.m.

MOTION

Commissioner Ross motioned to adopt the CS amendments as recommended by the Planning Board with the finding that these amendments are consistent with the Dare County Land Use Plan as set forth in the finding of consistency statement.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CONSENT AGENDA

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

MOTION

Commissioner House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (01.07.19) **(Att. #3)**
- 2) Public Health Division – Maternal and Child Health Mini Grant
- 3) Public Health Division – NC Community Foundation Grant
- 4) Fire Department/Rescue Squad Contract and Agreements
- 5) Tax Collector's Report

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment –

Commissioner House

- Reported on a recent North Carolina Fisheries Association meeting that was conducted in Dare County, which he described as a good meeting.

Vice Chairman Overman

- Advised that work is still in progress on having a Recovery Court for Dare County
- Commended Chairman Woodard for the interesting way he imparted information at the recent "State of the County" presentation.
- Reported on a recent meeting he attended to address education related housing issues, which could benefit the Coastal Studies Institute, the College of the Albemarle, and the Dare County School System.

Commissioner Bateman

- Noted that Chairman Woodard gave a very inspiring message at the recent event to celebrate the life of Dr. Martin Luther King, Jr.
- Mentioned that he was glad to attend the NC Fisheries Association meeting that was recently held in Dare County.

Commissioner Tobin

- Commented that the “State of the County” event was fantastic and expressed how impressed he was by Fathom Daniels, the high school student who is participating in the Dual Enrollment program available through the Dare County School System.
- Reported that the Oregon Inlet Task Force Subcommittee has been working to finalize contracts related to Dare County’s acquisition of a dredge vessel.

Commissioner Ross

- Echoed positive comments that were made about the recent “State of the County” event.
- Advised that Melody Wilkins has been hired as the new Executive Director of the Albemarle Commission. He noted that the recent election of officers for the organization resulted in him being named Vice Chair. He also provided an update on the Albemarle Commission audit. Commissioner Ross added that the group’s organizational documents are being redone to address some minor discrepancies that exist between their Charter and their Bylaws. He said there will be no substantive changes in the revision, which will be presented to the Dare County Board of Commissioners in the future for approval.
- Provided details about a March 5th workshop with Teepa Snow that will address dementia and an Economic Development Summit planned for February 21.
- Said that he and Vice Chairman Overman will be participating in a webinar designed to help them as members of the Trillium Health Resources Board to keep up with changes.

Chairman Woodard

- Asked the Board to approve the following Commissioner Board/Committee assignments –
 - Audit Committee
 - Rob Ross, currently on the Committee, to replace Jack Shea as Chairman.
 - Ervin Bateman to then join Rob Ross as a member of the Audit Committee.
 - Board of Education - 5-on-5 Committee
 - Rob Ross to replace Jack Shea.
 - Albemarle RPO (Rural Planning Organization)
 - Wally Overman, the current Alternate, to replace Jack Shea as Commissioner Rep.
 - Danny Couch to become the new “Alternate” to the RPO.
 - Library Board – Dare
 - Ervin Bateman to replace Rob Ross.
 - Parks & Recreation Liaison
 - Ervin Bateman to replace Danny Couch.
 - Health & Human Services Board
 - Ervin Bateman to replace Bob Woodard.
 - Transportation Advisory Board
 - Jim Tobin to replace Jack Shea.

- Albemarle Regional Solid Waste Management Authority
 - Ervin Bateman to replace Jack Shea.

MOTION

Commissioner Tobin motioned to approve all the Chairman's requested appointments. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager explained that the Water Department has sent letters to Leslie Lane property owners on Hatteras Island concerning a possible water line extension. He summarized the responses that were received and reported that 8 property owners are in favor of the project with funding by a water assessment & 2 said they favor the project, but do not want an assessment. Chairman Woodard said he was inclined to address it by holding a Public Hearing. Mr. Outten indicated that the Water Dept. will send letters to the Leslie Lane property owners advising them of the Public Hearing.

MOTION

Chairman Woodard motioned to conduct a Public Hearing at 5:30 p.m., Tuesday, February 19.

Commissioner House seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten informed the Board that the State has approved the grant for the Shallow Draft Inlet Fund for ongoing work at the Hatteras Island South Ferry Channel. He asked the Board to authorize him to sign the grant request so the project can move forward as planned.

MOTION

Vice Chairman Overman motioned to approve the request as presented.

Commissioner House seconded the motion.

VOTE: AYES unanimous

3. The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(5) to instruct the County staff, or negotiating agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract, or proposed contract, for the acquisition of real property by purchase, option, exchange, or lease in the matter of the Old Kellogg Supply Building in Manteo. And, pursuant to NCGS 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege; and to approve minutes of the last Closed Session.

MOTION

Commissioner House motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 6:31 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 6:57 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, consulted with the County Attorney, and discussed the purchase of the Old Kellogg Supply Building. He outlined an offer to purchase the property at \$900,000 with the seller giving back to the County \$187,500 resulting in a net cost to the County of \$712,500. He explained that money for the purchase would come out of the Capital Improvements Plan. He added that the County has a 90 day due diligence period with settlement to occur within 120 days. The Board was asked to go into Open Session to approve the purchase as outlined by the County Manager and authorize him to execute all necessary documents.

MOTION

Commissioner Tobin motioned to approve the purchase as outlined by the Manager. Commissioner House seconded the motion.

VOTE: AYES unanimous Note: Commissioner Bateman had to leave the meeting at 6:31 p.m. when the Board went into Closed Session. He was unable to attend the Closed Session and was not present when the Board reconvened in Open Session and voted on this motion.

Before adjourning, the Board was informed by Mr. Clawson that the County has scheduled a meeting involving its beach nourishment engineers and FEMA regarding the Buxton beach nourishment project.

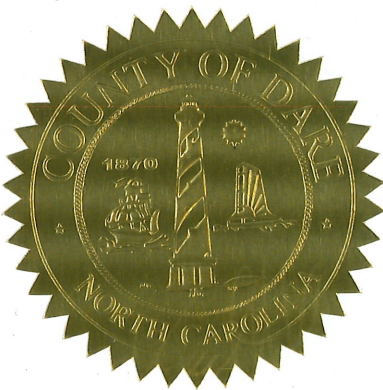
At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

MOTION

Commissioner House motioned to adjourn the meeting. Commissioner Ross seconded the motion.

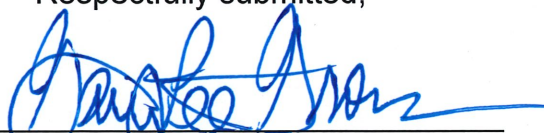
VOTE: AYES unanimous (Note: Commissioner Bateman was not present for voting on this item)


At 6:59 p.m., the Board of Commissioners adjourned until 9:00 a.m., February 4, 2019.



APPROVED:

Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners

Note: copies of all attachments (Att.), ordinances, resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk to Board.