



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**5:00 p.m., August 19, 2019**

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

Commissioners absent: None

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

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).

At 5:01 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited George Lurie, Lay Leader, Jewish Community of the Outer Banks, to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Woodard announced that Commissioner Couch would be a few minutes late due to a previous engagement.

#### **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.

- Attended with a group of residents from Spring Arbor to the EOC building and Drew Pearson gave a tour of the facility.
- Katherine Schuster of Kill Devil Hills has had another win in Hope Valley Jr. Invitational.
- The 10<sup>th</sup> Annual Surfing for Autism Day was again inspiring and successful.
- The need for “essential housing” for our teachers, firefighters, police, workforce and summer hires, was discussed at the Mayor luncheon.
- Pirates Cove Billfish Tournament celebrated its 36<sup>th</sup> year with over 71 boats participating.
- August 14<sup>th</sup> was Dune Day at Jockey’s Ridge State Park with “Friends of Jockey’s Ridge”. The local non-profit celebrated the birthday of Carolista Baum, the historical figure whose efforts helped preserve the dune beginning in the 1970’s.

- Governor Cooper announced record visitor spending in 2018. North Carolina ranked sixth in the nation for overnight visitation and Dare County realized \$1.19 billion spent this past year, ranking our area fifth behind, Mecklenburg, Wake, Guilford and Buncombe counties.

**Note:** Some agenda items were handled out of sequential order to accommodate the time specific Public Hearing scheduled for 5:30 p.m. By consensus, the Board agreed to handle three agenda items out of sequential order – Items 2, 3 and 4.

## **ITEM 2 – PUBLIC HEARING – PROPOSED AMENDMENTS TO SECTION 22-58.1 SAND DUNE REGULATIONS (Att. # 1)**

At 5:43 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 of Commissioners on this issue and the County Manager closed the Public Hearing at 5:44 p.m.

### **MOTION**

Commissioner House motioned to adopt the proposed amendments to Section 22-58.1 Dune Alteration Standards as recommended by the Planning Board. These amendments are consistent with the policies of the Dare County Land Use Plan as detailed in the finding of consistency statement prepared by Planning staff and included as part of this motion to adopt. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

## **ITEM 3 – PUBLIC COMMENTS**

At 5:19 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. No one responded to the invitation to address the Board. The County Manager closed Public Comments at 5:20 p.m.

## **ITEM 4 – PRESENTATION OF FINAL REPORT: BUXTON–FRISCO SECTIONS OF HATTERAS ISLAND PATHWAY (Att. #2)**

Donna Creef stated the feasibility study to identify the alignment of the 7.6 mile various sections of the Hatteras Island Pathway was complete from Buxton and Frisco villages. She thanked the many partners who assisted in this project (noted at the end of the powerpoint). Superintendent David Hallac, with the National Park Service, spoke briefly to note the support from the Park Service for this project which would benefit the community and perhaps connect to another path project to the lighthouse for a safe and enjoyable way to visit the national seashore. The consultant, Brian Edwards, from Vanasse Hangen Bustlin, Inc., presented the purpose, process, proposed concept, cost estimates and potential phasing of the project. The Steering Committee had met beginning October, 2018 and the report covered not only the concerns of topography and floodplain, but conservation of wetlands and any possible threat to endangered wildlife in the area, together with preservation of other environmental concerns such as cemeteries, utilities, etc. The project was broken down into ten phases with factors such as speed limit changes, road intersections, traffic levels and landmarks having been considered. The Board expressed concerns over the cost per linear foot of the boardwalk construction portion of the pathway. Alternative approaches could either possibly impact the

wetlands, not work due to topography or would not be approved by the State. It is anticipated there will be a reduction in actual cost after a detailed engineering plan is submitted.

**MOTION**

Commissioner House motioned to accept the final report on Buxton-Frisco sections of Hatteras Island Pathway and adopt the Resolution.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – PROPOSED ZONING AMENDMENTS – HOUSING ALTERNATIVES**

Planning Director, Donna Creef, presented four alternatives for consideration: Expansion of Cluster Homes, Educational Housing, Conditional Use Subdivision and Workforce Housing. The Cluster Home alternative increases minimum lot sizes from 20,000 to 30,000 square feet with dwelling size limitations to 1,200 sq. feet of living area with long-term occupancy. Educational Housing would be proposed for twenty-five districts offering duplex and/or multifamily structures. The Conditional Use option would provide for reduced lot sizes of 12,500 sq. ft. for areas served by central water in exchange for a 1,200 sq. ft. dwelling footprint. Mrs. Creef noted existing platted lots would not be permitted to combine and re-divide to qualify as a conditional use subdivision. Workforce Housing would offer accessory dwellings behind a commercial structure for employees, require administrative approval for one unit and conditional use approval for two or more with requirements they would not be used as short-term rentals from April 1 to October 31. Commissioner Ross requested clarification on “short-term” and Mrs. Creef explained, as adopted in October, 2018, the definition referred to thirty days or less. Mapping through GIS would be provided at a later date to provide a visual aid in how these various alternatives would apply in the zoning districts of unincorporated Dare County. She also shared several sketches to reflect how the cluster home and workforce housing alternatives could be laid out.

**MOTION**

Commissioner House motioned to schedule a Public Hearing on proposed housing amendments on September 16, 2019 at 5:30 p.m.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

Chairman Woodard suggested a Board workshop be scheduled to discuss these alternatives with the Chamber, Planning Department and the public. The workshop was scheduled for September 16, 2019, at 1:00 p.m. with details to follow.

**ITEM 6 – PRESENTATION OF CAPITAL INVESTMENT FUND MODEL & DISCUSSION OF GOALS FOR DEVELOPMENT OF A FUND BALANCE POLICY FOR THE GENERAL FUND**

David Clawson introduced DEC & Associates, represented by Andrew Carter and Doug Carter, to review and present the Capital Investment Fund Model, talk about debt and metrics, and how it affects ratings and relates to a fund balance policy for the General Fund. DEC & Associates, as the County’s financial advisory firm, continued with the discussion of the CIF and noted that Dare County had done well with their financial stewardship and as a leader in county-wide written financial policies. Mr. Carter noted financial planning was more important for the long term. Housing needs were certainly a long-term item for every government. The beach nourishment project was one form of long-term planning which Dare County accomplished with planning and town partnerships in order to keep the engine of economic

development moving at the right pace. In March, 2019, DEC had recommended to properly plan for capital acquisitions and to separate the operating money (general fund) from the capital fund, and the CIF was implemented as part of the budget process for the 2019/20 fiscal year. Andrew Carter proceeded to provide the Board with a detailed update of how the CIF had performed since being adopted. He noted a CIF was created by moving all of the current debt service and paygo spending along with the revenues identified as sales tax, lottery, transfer taxes, then layered in the new debt (CIP spending). Revenues and expenses were projected in the model. He noted projects often moved slower than anticipated, debt costs may be lower and revenues higher than projected, along with rapid debt reduction thus adding capacity to the model. He finalized his presentation by noting that currently the model was healthy and operating as appropriate. Doug Carter rounded up the presentation with information about our ratings. Dare County is currently rated by Moody's and they rank four areas: the economy, finances, management and outstanding debts/pension liabilities. The County has locational issues and possible extraordinary costs that can come from the location which can affect ratings. Beach nourishment efforts help with those concerns and have protected the areas' economy. Mr. Carter provided comparisons with the counties of Brunswick and New Hanover, where Dare's current Moody rating was shown as Aa2.

#### **ITEM 7 – PROPOSAL FOR DEVELOPMENT OF DREDGE MATERIAL MANAGEMENT PLAN**

Ken Willson, Program Manager of APTIM Coastal, provided a presentation regarding a needs assessment: what disposal sites are currently available, quantities of future dredging anticipated and what type of capacity would be needed in the future. The second phase of the plan would be a concept development alternative. The Corps' dredge records and geological information, such as sediment quality, would be useful in Dare's planning. As part of this effort, FOIA requests would be submitted to obtain this information. Through concept development, APTIM would identify not only the specific site locations but the types of equipment recommended for the dredging of the channels. Some areas might need hydraulic pipeline dredging techniques, others may need bucket and barges for private slips or community access points. The plan could offer identification of wetland areas where thin layer placement is beneficial to spread fine dredge material on top of marsh lands to keep up with sea level rise. Another benefit from the study may be an area to have other uses such as recreational activities, fishing, camping, living shorelines to prevent erosion and boat access, when not being utilized as a dredge disposal site. Dual use may be possible if the site supported vehicular traffic allowing the material to be sold for construction or DOT use in any future breach repairs. The National Park Service could use some material for sills and backfilling to create a living shoreline for stabilization from erosion. North Carolina is not the non-federal sponsor responsible for disposal of dredged material in some of the federal channels in Dare County, including the Manteo to Oregon Inlet channel. Therefore, Dare County would need to consider dredge disposal options in the future to maintain navigation. Commissioner Tobin added the County is the entity responsible for locating sites for the Corps to dispose of material. The Corps prohibits the County from disposing of any non-federal dredge material in the sites the Counties have provided. He noted that the Corps sites are becoming full and Dare County is under a contractual obligation to supply the Corps with an area to dispose of federal dredge material and the County needs their own locations for disposal as well. Mr. Outten offered there was no immediate urgency; however, the goal would be to have sites located ahead of time to prevent any delays in future dredging projects with timing and funding

issues. The Board will monitor and revisit this item in December and took no action at this meeting.

### **ITEM 8 – WATER CAPITAL IMPROVEMENTS**

David Clawson and Pat Irwin introduced the 2019 Water Rate Model which uses water consumption data and projects out future water rates, cash and fund balances and the Water CIP. The 2019 Rate Model Update and Summary Report from Raftelis Financial Consulting provided and included a five-year projection of Dare County Water Rates along with projection of revenue bond coverage. Pat Irwin highlighted some of the larger projects included in the Water Capital Improvements Fund. The Automatic Meter Reading (AMR) project is on-going with completion at Stumpy Point, Salvo, about 400 meters in Hatteras Village and would continue next year into Collington. The kamstrup ultrasonic meters being installed allowed readings to be obtained from 100 yards from a residence. The North Reverse Osmosis Plant in Kill Devil Hills had three treatment skids, originally installed in 1989 to be replaced in 2020. The Nanofiltration Plant in Skyco is scheduled to have two more skids added to their current three. Elevated water tank painting, maintenance and replacement are also targeted at an estimated cost of \$1.82 million. In 2021, the Supervisory Control and Data Acquisition (SCADA) system would be updated for approximately \$576,000. This system allows master control of water pumps and plants throughout the County. Commissioner Ross asked how Dare County's water system rated and Mr. Irwin stated through great accountability the water plants, some of which were almost 30 years old, were all operating and well maintained. Mr. Clawson added our water system is currently rated at Aa1. Commissioner Couch added the water tanks would be an excellent area to promote the County's Native American heritage through artwork on the tanks.

#### **MOTION**

Commissioner Ross motioned to approve the Water CIP, adopt the Capital Project Ordinance, adopt the budget amendment for the Water Fund, and adopt the budget amendment for the Water Capital Reserve Fund.

Commissioner House seconded the motion.

VOTE: AYES unanimous

### **ITEM 9 – 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 (08.05.19) **(Att. #3)**
- 2) Health & Human Services–Public Health Division Additional Funding for the WIC Program
- 3) Resolution Authorization Conveyance of Dare County Water Department Equipment to the Town of Kill Devil Hills **(Att. #4)**
- 4) Reimbursement Resolution for Series 2020 Limited Obligation bonds to Add EMS Equipment per the 2020 Approved CIP **(Att. #5)**
- 5) Tax Collector's Report
- 6) Budget Amendment for State Appropriation for Dredge Forgivable Loan
- 7) Road Request for Carolina Court West **(Att. #6)**

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

## **ITEM 10 – 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 Tobin

- Oregon Inlet Task Force met. Pablo attended and it was nice to thank him for the new Basnight Bridge. The demolition was not going as rapidly as expected with an anticipated extension of twelve to eighteen months for completion. The remainder of the southside of the bridge to be left for the public would have some repair work for safety.

### Commissioner Ross

- He will be attending the school convocation ceremony.
- Attended the DC with and it was a very informative conference
- He is working with the County Manager and Acting Director of the Animal Shelter on revising and correcting some wording and language in ordinances which affect animal control officers and their ability to execute and carry out those ordinances.
- Meeting with Albemarle Commission Financial Team and Executive Director on Sept. 19 with a financial tutorial to benefit the membership understanding of the Albemarle Commission’s financial activities.
- Has been called for jury duty service in October.

### Commissioner House

- He will be attending a seminar during the scheduled 9/16/19 Alternative Housing meeting and will call in that day to contribute to the session
- Working Waterman Commission met with Steve Murphy, NC Director of Marine Fisheries, regarding the concerns over the shrimping petition, the proposed flounder restrictions and the economic impact they present to commercial fishing and our community as a whole.
- He will attend the NC Marine Fisheries Commission this week and present both of our resolutions against the shrimping and flounder items.
- Commemorated the birthday of Miss Virginia Dare on August 18, 1587.
- August 19, 1909 was the first running of the Indianapolis 500.
- Google stock went public on this day in 2004 opening at \$85/share and today it is \$1,203.16/share

### Commissioner Wally Overman

- No additional business to report.

### Commissioner Bateman

- Noted the Autism surf show is always a heart-warming event and provides a unique opportunity for the families of autistic children.
- Recognized the impressive numbers released by the Governor’s report and noted those statistics would have been even higher if it had not been for hurricane Florence and the other storms that affected 2018 tourism spending.
- Congratulated the progress on the Buxton/Frisco pathways and recognized the added efforts of Mary Helen Goodloe-Murphy.

Commissioner Couch

- Recognized the efforts on the scenic byway committee and proposed walkways in Hatteras.
- August 19 is Orville Wright's birthday.
- Recognized the Lost Colony heritage
- Saluted the Board on the Workforce and Essential Housing efforts that are much needed throughout the County and this Board is meeting the challenge.
- The passenger ferry continues to be successful

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

Robert Outten:

COA Scholarship Committee had been circulating the scholarship agreement and it is close to final form and would be brought to the Board soon for approval to get into the schools for counselors and parents to review the offered program.

He updated that the Roanoke Island Stormwater Report from Moffatt & Nichol would be available in mid-September for review.

Dorothy Hester:

Read the letter sent by Chairman Woodard to parents for the new school year explaining the dual enrollment program with the COA and the Dare County Guarantee Scholarship Program. She also presented a video reminding everyone to "Love the beach and respect the ocean".

Dave Clawson: No additional business.

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

**MOTION**

Commissioner House motioned to adjourn the meeting.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

At 8:12 p.m., the Board of Commissioners adjourned until 9:00 a.m., September 3, 2019.



APPROVED:

Respectfully submitted,

By: Cheryl C. Anby  
Cheryl C. Anby, Clerk to the Board

By: Robert Woodard  
Robert Woodard, Chairman  
Dare County Board of Commissioners

Copies of 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 the Board. A full and complete account of the Board's discussion on these agenda items is archived on a video that is available for viewing on the Dare County website [www.darenc.com](http://www.darenc.com).