



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., October 4, 2021

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman, Steve House, Jim Tobin, Danny Couch and Ervin Bateman

Commissioners absent: Commissioner Rob Ross

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

At 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Cindy Simpson to share a prayer, and then he led the Pledge of Allegiance to the flag.

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:

- Asked for prayers for Commissioner Ross undergoing knee surgery and Representative Hanig for emergency appendicitis surgery.
- Thanked the Cape Hatteras National Seashore through the efforts of Superintendent Hallac, U.S. Fish and Wildlife and NCDOT, with Allen Moran, for the creation and opening on October 1, 2021 of the 1,047 feet of old Bonner Bridge into a fishing pier which was free to the public 24 hours a day with parking for up to seventy vehicles.
- Participated with Commissioner House along with many other motorcycles and jeeps in a beautiful Dare County Toy Run. The event raised funds for Christmas presents for underprivileged children.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Stanley Farrow, Emergency Medical Tech, received a 15-year pin.
- 2) Neries Sullivan, Asst. Communications Director, received a 20-year pin
- 3) Amy Hill, Detention Lieutenant, received a 25-year pin
- 4) Stephen Fearing, Distribution Field Supervisor, Water Dept., received a 25-year pin

ITEM 3 – EMPLOYEE OF THE MONTH – (October 2021)

Patricia O'Sullivan, Veterans Affairs Officer, received the Employee of the Month award from Katherine McCarron. Patty assists with veterans' claims and is patient and reassuring with veterans and their beneficiaries.

ITEM 4 – PUBLIC COMMENTS

At 9:21 a.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 9:22 a.m.

ITEM 5 – REQUEST TO AMEND THE TRAVEL TRAILER PARK ORDINANCE (Att. #)

Donna Creef outlined that Joe Thompson, owner of Avon by the Sea RV Park, had submitted a request to amend buffer requirement under the current Travel Trailer Park and Camp-ground Ordinance. He had expressed to the Planning Board his concern that a buffer would impact the large wastewater system that currently serves the pier and restaurant located on the site. He proposed an option for fencing and/or no buffer depending on the location of the travel trailer sites. A public hearing would be required for the consideration of two amendment options provided by the Planning Board Staff Report.

MOTION

Commissioner Tobin motioned to schedule a Public Hearing on Oct. 18, 2021 at 5:00 p.m. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – JEFF AIKEN SPECIAL USE PERMIT APPLICATION

After all parties to this proceeding were duly sworn, Planning Director Donna Creef provided a detailed staff report concerning the site plan for proposed use in the construction of a fish house and docking facilities on Altona Lane in Hatteras Village. A site plan for the property was provided showing some retail space for seafood sales. Additional CAMA permits and some other permits would be necessary and there would be a thirty-six month time period for the building to be constructed. Engineer Rick House was available for Board questions. The County Manager asked if the applicant agreed to the admission into evidence of the material submitted by the Planning Director, which is on file in the Planning Department, the facts presented by the Planner, and the terms and conditions outlined in the SUP. Mr. Aiken indicated his agreement.

MOTION

Commissioner House motioned to approve the SUP 3-2021 and associated site plan for the proposed fish house and docking be approved.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 7 – ZONING TEXT AMENDMENT REQUEST – FOOD STANDS AND MOBILE FOOD UNITS

Joe Thompson, of Koru Village in Avon, had filed an application requesting amendment to the Zoning Ordinance in order to allow more than one mobile food truck on a site. His request indicated the regulations should allow up to five mobile food units on one business site, which would be similar to a food court in a shopping mall. The Planning Board had reviewed the request and Donna Creef presented the Board with revised language to the zoning

ordinance. A public hearing would be required to consider the proposed amendments. Mrs. Creef advised this amendment, if approved, would affect only unincorporated Dare County. Avon Pier had a great deal of parking associated with the improvements and it would be able to accommodate more than one food truck. Commissioner Couch commented that in order to encourage event attendance, more food services needed to be offered.

MOTION

Commissioner Bateman motioned to schedule a public hearing on Oct. 18, 2021 at 5:00 p.m. Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PROCLAMATION FOR MENTAL ILLNESS AWARENESS WEEK

Dr. Sheila Davies and Kelly Nettnin presented information to the Board regarding the Breaking Through Task Force, which had provided county residents with resources to combat mental health issues since inception in 2016. Kelly, as Public Information Officer for Health and Human Services, presented a PowerPoint review of the mental health services and programs available.

MOTION

Vice-Chairman Overman motioned to adopt the Proclamation for Mental Illness Awareness Week in Dare County as October 3 – 9, 2021.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – ESTABLISHMENT OF SEPARATE OPEB AND LEOSSA IRREVOCABLE TRUST AGREEMENTS (Att. #1)

Dave Clawson introduced this item with a recap to the Board. The Board had approved the establishment of a Master Trust Agreement for both the OPEB and LEOSSA (Law Enforcement Officers' Special Separation Allowance) trust agreements in June, 2020 at the recommendation of both the IRS and counsel. In June, 2021 the Department of State Treasurer had advised a Master Trust Agreement could not be utilized because of administrative restraints from the service provider; therefore, Parker Poe had drafted a separate trust agreement for each retirement trust at no additional charge.

MOTION

Vice-Chairman Overman motioned to adopt the Restated LEOSSA Trust Agreement and to adopt the Restated OPEB Trust Agreement.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 10 – RESOLUTION OF THE COUNTY OF DARE, NC DECLARING THE INTENT OF THE COUNTY OF DARE, NC TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS (Att. #2)

Mr. Clawson explained the resolution presented to the Board would allow the 2022 CIP paygo project for the Fessenden Center in the amount of \$285,000 to be reimbursed from debt proceeds if the facility were needed as collateral for the Buxton/Avon beach nourishment debt. He further advised it was anticipated the Justice Center would provide all of the necessary collateral needed; however, this resolution would preserve an additional option.

MOTION

Commissioner House motioned to adopt the reimbursement resolution.

Commissioners Tobin and Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 11– CONSENT AGENDA

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

MOTION

Commissioner Couch motioned to approve the Consent Agenda:

- 1) Approval of Minutes (09.20.21) (**Att. #3**)
- 2) Correction to Capital Project Ordinance for S2021A Installment Financing for Manteo and Kill Devil Hills Properties
- 3) Water Department Budget Amendment
- 4) Schedule of Meeting Dates for 2022 (**Att. #4**)
- 5) Health & Human Services-Public Health div. Request a Full-Time Admin. Specialist Position for Environmental Health & Eliminate Two Part-time Positions
- 6) 5311 Designee Certification for FY2023-FY2027

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 12– BOARD APPOINTMENTS

1) Land Transfer Tax Appeals Board

Vice-Chairman Overman motioned to appoint James Ayers as the Manteo member.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

2) Roanoke Island Community Center

Vice-Chairman Overman motioned to reappoint Jonique Lee, Betty Selby and Clarence Lewis for another two-year term.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

3) Health and Human Services Board

Vice-Chairman Overman motioned to reappoint L'Tanya Murray.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

4) Library Board – Dare

Commissioner Bateman motioned to reappoint Janice Willis and Mike Hogan and to appoint Mary Lou Hoffert, Ruth Perkins and Jo Ann Wilson Harfst.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

5) Fessenden Center Advisory Board

Commissioner Couch motioned to reappoint Edward J. O'Brien, Jr. and Megan Vayette.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

6) Juvenile Crime Prevention Council

Commissioner House motioned to reappoint Matt McGough, Paul Pollock and Lora Gilreath for another term.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

7) Upcoming Board Appointments

The upcoming Board appointments for November, December, 2021 and January 2022 were announced.

ITEM 13 – 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. The following is a brief summary of the items mentioned by Commissioners and staff during this segment:

Commissioner Tobin

- Commissioner House and he had attended the New Orleans ASPBA conference and also checked on the progress of construction of the dredge. He shared several photographs showing the shipyard’s advancement in the project.
- Provided an update of the Community Advisory Council. He explained the federal government indicated the states were not supplying enough education to the volunteers and also needed more scope of duties training. This protocol change would drastically increase the amount of training hours needed by volunteers. He felt this could impact the ability to recruit volunteers in the future. At this time, the council was still not allowed in-person visits to the various facilities.

Commissioner House

- Reported on attending the New Orleans ASPBA Conference. He found the discussion on thin layer placement on wetlands and storm mitigation very interesting and it provided some good pointers. He added the dredge construction visit had been great and they were right on schedule for completion.
- The Toy Run and the Jeep Invasion had been successful with 195 jeeps and 125 motorcycles registered. The event brought additional income to the community’s restaurants and hotels. The preliminary numbers reflected \$19,000 had been raised to be used for area children’s Christmas toys. The SPCA also had two dogs adopted on site.
- He presented several “day-in-history” events: In 1905, Orville Wright had piloted the first flight longer than thirty minutes and covered twenty-one miles. In 1963, Hurricane Flora had killed 7,000 in Cuba and Haiti as a Category 4 storm with over one hundred inches of rain. In 1965, Pope Paul, VI was the first pope to visited the United States.
- He reminded everyone that October 3-9 was also Fire Prevention Week.

Vice-Chairman Overman

- He thanked today’s service pin recipients and the employee of the month, Patty O’Sullivan. He added Mrs. O’Sullivan did outstanding work for Dare County’s veterans.

Commissioner Bateman

- Commented the area appreciated the extra business brought by the Jeep Invasion.
- Vice-Chairman Overman had spoken at the Walk Against Addiction recently. Dare Challenge was also there, and the event had had a lot of participants. He urged the county needed to continue to bring attention to both drug addiction and the area's mental health issues.
- He shared his visit to a young boy's lemonade stand in Manteo. Memphis Blankenship loved cats, and though he couldn't have one, had decided to sell lemonade and used the proceeds raised to purchase food and toys for cats currently at the SPCA.

Commissioner Couch

- Mentioned the continuing problem in Hatteras with the pedestrian crosswalks. Although they were fortunate to have the multi-use paths, many people were not respecting and paying attention to pedestrians. He asked for suggestions and additional resources through NCDOT to try to make it safer. Chairman Woodard added perhaps the Sheriff could increase ticketing of drivers not following the pedestrian crossing statutes.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten provided an update on the beach nourishment project and the impasse with LGC he had reported at the last meeting. Although the issue had not been resolved with LGC, they had been able to resolve some contract dates with Weeks Marine, the contractor. A meeting had been scheduled with LGC to get the good percentage rate preserved; however, they have not yet responded. The bank would probably not hold the interest rate into December. He stated this would not be detrimental to the project going forward.

He reported the work on the affordable housing issue continued. There had been multiple calls from developers, including one interested in J1 housing. One call was from a large national firm who called while he was in Switzerland. The interest was from builders who had experience with DFI and were familiar with the process. There would have to be some level of participation from the county, whether in the form of a property tax abatement or monetary contribution. Mr. Outten advised the architect had some drafts relative to affordable housing on both Bowsertown and the Elizabeth Inn sites almost finalized. They would be shared with the Board soon.

Vice-Chairman Overman asked what the actual risk was that gave LGC concern. Mr. Outten stated there should not be a concern. The LGC had reported the County's finances were good for approval. They had a checklist which required all permits had to be obtained prior to funding; however, the project could not even commence without permitting. Mr. Outten, therefore, reiterated there simply was no risk to the County or its taxpayers. Further delays could push the LGC approval to December.

Chairman Woodard asked Master Public Information Officer, Dorothy Hester, about the possibility of creating a video to reinforce the pedestrian crosswalk issues. She advised she would be revisiting some older photographs from trash routes and would revisit and refresh the topic for community awareness.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioners Tobin and Bateman seconded the motion.

VOTE: AYES unanimous

At 10:40 a.m., the Board of Commissioners adjourned until 5:00 p.m., October 18, 2021.



Respectfully submitted,

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

APPROVED:

By: *Robert Woodard Sr.*
Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

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