



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., November 1, 2021

Commissioners present: Chairman Robert Woodard, Sr., 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
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 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. David Feyer 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.

- Announced the Moderna and J & J booster shots were now available for those vaccinated at least six months ago. The booster shot was an important tool to provide additional protection from COVID-19.
- Coastguard Station Hatteras had posted they had rescued an overdue shrimp vessel named *Miss Sophia* on October 22 in Engelhard.
- The Lost Colony had no 83rd season due to COVID. The 84th season was the most financially successful season in many years and averaged 646 attendees per night this season versus 540 in 2019.
- Deputy Sheriff Brendon Wescott had been injured in a vehicle accident when a tracker trailer driver failed to yield at an intersection. Although he had significant injuries, he was doing better. Jennifer Davenport, the county’s deputy tax collector, was airlifted to Virginia after a serious head injury caused by her fall. He reported she is doing much better.
- Chairman Woodard shared his Veterans Day message to thank area veterans.
- Encouraged everyone to exercise their right to vote tomorrow.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Darrell Gray, Sheriff Investigator, received a 10-year pin from Sheriff Doughtie.
- 2) Charles Henderson, purchasing technician at the Detention Center, received his 40-year pin from Allen Moran

ITEM 3 – EMPLOYEE OF THE MONTH – November, 2021

Jeremy Essick received the Employee of the Month award from Shanna Fullmer. She described the many ways and shared a few events to illustrate how he is an asset to the Public Works Department.

ITEM 4 – PUBLIC COMMENTS

At 9:31 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 and the County Manager closed this item.

ITEM 5 – RICHARD FERTIG – REQUESTED AMENDMENT DEFINITION OF HOTEL/MOTEL

Donna Creef, Planning Director, presented the Board with the background information of a zoning text amendment requested by Richard Fertig regarding the definition of hotels and motels. She noted the current trend was virtual check-ins. Revised definitions for hotels and motels were provided to the Board. A public hearing would be required before acting.

MOTION

Commissioner Tobin motioned to schedule a public hearing on November 15, 2021 at 5:00 p.m. on the proposed amendments to the definitions of hotel and motel.

Commissioner House and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – OT ENTERPRISES LLC – REQUESTED AMENDMENTS TO THE R-3 AND C-2 ZONING DISTRICTS

Mrs. Creef also presented the request for a public hearing on the application for amendments to the R-3 and C-2 zoning district regulations which apply to commercial group developments that existed prior to 1992. C-2 allows multi-family structures with dimensional standards of the R-3 zoning. There was a proposal to raze the old theater in Hatteras Island Plaza and construct multifamily units. The plaza was constructed in 1988. The developer also wanted an adjustment to the lot coverage so twenty units per acre could be constructed. A public hearing would be required.

MOTION

Commissioner House motioned to schedule a public hearing on November 15, 2021 at 5:00 p.m. on the proposed amendments to the R-3 and C-2 zoning districts.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – DARE COUNTY TOURISM BOARD REQUEST CONSENT EXPENDITURE FROM RESTRICTED FUND LINE ITEM 4999: TOURISM IMPACT GRANT

Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, presented the Board with a request for the expenditure of \$525,948 for projects from their Restricted Fund to be used for Chicamacomico Historical Association, Friends of Jockey's Ridge, Town of Nags Head,

North Carolina Coastal Federation, Outer Banks Forever and the Town of Southern Shores. The seven projects were described in an overview Tourism Impact Grant worksheet provided to the Board. These awards were made once annually for town projects.

MOTION

Commissioner Bateman motioned to consent to the Restricted Fund Expenditures totaling \$525,948, as presented by the Dare County Tourism Board.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COA PROFESSIONAL ARTS BUILDING HVAC REPLACEMENT (Att.#1)

Mr. Clawson explained the replacement of the chiller, two boilers and three pumps at the COA Professional Arts Building were slated for replacement in FY2024. There were significant issues with the chiller this year and Facilities Maintenance advised it would not likely survive another summer. Barnhill Contracting provided the replacement prices as change orders to the COA construction project. The 2022 pricing for the HVAC from Barnhill Contracting came in at \$107,052 less than the 2024 estimate.

MOTION

Vice-Chairman Overman motioned to adopt the budget amendment and the amendment to the capital project ordinance and authorize the county manager to sign the change orders from Barnhill Contracting.

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 (10/18/21) **(Att. #2)**
- 2) Resolution to Convey Personal Property to the Outer Banks SPCA **(Att.#3)**

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BOARD APPOINTMENTS

- 1) Dare County Joint Community Advisory Committee

Commissioner House motioned to remove from service Mary F. Pendill and Mary Jernigan pursuant to the recommendation from the committee with regret.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

After the vote, Commissioner Tobin re-explained to the Board that everyone had resigned except him since the implementation of new federal guidelines requiring additional training hours and more responsibility for volunteers. The new duties were similar to those of the ombudsman but without liability coverage protection. He reported the committee was still not allowed to enter the Dare facilities, even though they were vaccinated and offered to wear PPE. It was the consensus of the Board to advise state officials of the continued obstruction preventing the committee involvement in the quality of care for older adults in nursing facilities.

2) Upcoming Board Appointments

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

ITEM 11 – 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. A brief summary outline of the items mentioned by Commissioners during this segment follows:

Commissioner Ross

- He would be attending a Veterans Day luncheon November 12 at the Dare County Center.
- The Albemarle Commission continued to seek grants for their programs through the American Rescue Plan. Their \$8 million dollar budget provides programs and services to seniors, job seekers and additional support to the community.
- He would be attending and speaking at a candlelight ceremony on November 7th at St. Andrews By-the-Sea Episcopal Church for Gentle Expert Memorycare.

Commissioner House

- Reminded everyone to exercise their right to vote tomorrow.
- Remembered today in history with Michelangelo’s Sistine Chapel’s fresco being revealed in 1512 and the first thermonuclear bomb test by the Navy in 1952 in the Marshall Islands.
- He thanked all veterans for their service to our country.

Vice-Chairman Overman

- He attended a NCDOT meeting in Edenton on October 26 with the County Manager concerning an update on the Alligator River Bridge. The environmental study had been expedited. The proposed bridge would be a 100-year design and cost approximately \$212 million dollars. It would be a two-lane structure. Funding would be the main issue as NCDOT was waiting for the federal transportation bill to pass for a possible pot of money.
- He congratulated the service pin recipients, Darrell Gray and Charles Henderson, and the Employee of the Month, Jeremy Essick, from Public Works.

Mr. Outten added NCDOT was confident with all phases of the Alligator River Bridge project except for the funding. Since NCDOT were precluded from lobby efforts, he suggested the Board get to work with our legislators, especially those in Washington, with a face-to-face meeting after the first of the year.

Commissioner Bateman

- He attended the ceremony for revealing the plaque in memory of James McCleave.
- He attended an after-school program at the Head Start facility. He thanked all of the workers and volunteers who helped with the program.
- Commented on the problems with the Dare County Joint Community Advisory Committee and the loss of volunteers. Members now had increased liability, more responsibility and no compensation.

Commissioner Couch

- Commented the surf fishing season was in full swing with a strong showing for the fall.

Commissioner Tobin

- Thanked the Board for their interest in the Joint Community Advisory Committee.
- He shared that The Tomb of the Unknown Soldier, which was guarded 24/7, had twenty-one steps leading up to it. This year the public would be allowed to lay flowers and climb those steps in honor of veterans' service on November 9 and 10, 2021.

Chairman Woodard reviewed with the Board the Resolution Opposing United Nations Agenda 21, which was adopted in 2012. Even though the Board had adopted the resolution nine years ago, he felt the issues were important and needed reaffirmation.

MOTION

Vice-Chairman Overman motioned for adoption of a resolution to reaffirm the Board's February 20, 2012 Resolution Opposing United Nations Agenda 21.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Chairman Woodard thanked the Board for their support in a letter he had sent to Representative Destin Hall regarding opposition to the redistricting of Dare County.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten addressed the Board regarding the continued problems with staffing in the Public Works Department. Work was being done to implement the opening of recycling centers throughout the county by the end of the month. Long-term solutions were being investigated.

The county had been engaged with SOG DFI for some time and they had presented the county with an amendment to their agreement to clarify terms and the scope of their work through the solicitation process. Mr. Outten said they were concerned with "mission creep", which was a delay and shift in project objectives. There had been several delays, to include COVID and the county's vacillation between projects and properties. Commissioner Ross commented he had not been impressed with their sense of urgency. Mr. Outten said DFI was ready to provide the "deliverables" and the county would be in a position to make some decisions relative to housing projects soon. A new contract would be needed if the county wanted to have any other projects evaluated or additional solicitations to developers. Full Board discussion on this item is available on the website video.

MOTION

Vice Chairman Overman motioned to authorize the County Manger to sign the amendment to the SOG DFI agreement to clarify scope of terms of service.

Commissioner Couch seconded the motion

VOTE: AYES unanimous

Dorothy Hester briefly reviewed the county's recent and upcoming accomplishments such as the Rodanthe boat ramp, completion of the Health and Human Services buildout, the College of the Albemarle, completion of the dredge and Avon / Buxton beach nourishment projects.

Mr. Clawson advised the Board the audit deadline was corrected to November 19, 2021 and he and Sally DeFosse were busy trying to get it complete. The prebid conference was completed last week for Buxton and Avon with three bidders in attendance. He was optimistic there would be three bids on November 17th.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 10:34 a.m., the Board of Commissioners adjourned until 5:00 p.m., November 15, 2021.



APPROVED:

Respectfully submitted,

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

By: *Robert P. 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 of Commissioners at this meeting are on file in the office of the Clerk to the Board.