



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., December 5, 2022

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

Commissioners absent: Ervin Bateman

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 complete account of the meeting is archived on a video available on the Dare County website www.darenc.gov.

At 9:00 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Cherrie Wheeler to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Manteo High School Choir provided holiday entertainment under the direction of Hanna Henderson.

ITEM 1 – SWEARING IN CEREMONY (Att. #1)

The Clerk to the Board administered the oath of office to Jim Tobin (District 1) and Rob Ross (District 2). Cheryl House was also administered the oath of Register of Deeds by the Clerk. The oaths were in the form prescribed in Article IV, Section 7 of the NC Constitution.

ITEM 2 – ELECTION OF CHAIRMAN (Att. #2)

The Clerk outlined the procedures for the election. In accordance with Robert's Rules, no second would be necessary for a nomination and four votes would be required to win the election. The Clerk opened the floor for nominations.

NOMINATION

Commissioner Ross nominated Bob Woodard, Sr. There were no other nominations.

Commissioner Tobin seconded the nomination and moved to close nominations.

VOTE: AYES – Five votes by a show of hands.

Commissioner Woodard was elected as Chairman by unanimous vote.

ITEM 3 – ELECTION OF VICE-CHAIRMAN (Att. #3)

Newly reelected Chairman Woodard conducted the election of the Vice-Chairman.

Commissioner House nominated Wally Overman.

Commissioner Ross seconded the nomination. There were no other nominations.

VOTE AYES – Five votes by a show of hands.

Commissioner Overman was elected as Vice-Chairman by unanimous vote.

ITEM 4 – OPENING REMARKS – CHAIRMAN'S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard, which may be viewed in their entirety in a video on the Dare County website:

- He thanked the Board for his re-election as Chairman for 2023.
- Superintendent Hallac and the National Park Service would be hosting the 119th anniversary of the Wright brothers' flight, on December 17, at 9:00 a.m.
- He congratulated Commissioners Tobin, Ross and Bateman on their re-election. He also congratulated Register of Deeds, Cheryl House, on her re-election.
- He stated the "major steps" taken by the Savings Lives Task Force, headed by Vice-Chairman Overman, and the diligent efforts of Commissioner Bateman with the Recovery Court were incredible. Twenty-one Recovery Court graduates were honored last week. There were currently forty individuals in the recovery program.
- Made a special presentation to Carol Ann Angelos, forty-year owner of The Jolly Roger.

The County Manager asked the Board to add Item 8A to the agenda regarding a no-wake zone. The Board unanimously agreed.

ITEM 5 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Karen Norton, received a ten-year pin.
- 2) Bobby Outten, received a fifteen-year pin.
- 3) Willie Brickhouse, received a twenty-five-year pin.

ITEM 6 – EMPLOYEE OF THE MONTH – November, 2022

Ray Griggs received the Employee of the Month award from Shanna Fullmer for November.

ITEM 7 – EMPLOYEE OF THE MONTH – December, 2022

Kelly Aiken, received the December Employee of the Month award from Jodi Wyant.

MEETING RECESSED at 10:00 a.m. – RECONVENED at 10:13 a.m.

ITEM 8 – PUBLIC COMMENTS

At 10:13 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. Following is a summary of comments from Manteo:

1. Michael Tillett announced Garage Band Charities, Inc. and Rod & Custom Festival had raised over \$85,000 in four years. His group presented the Children and Youth Partnership with a \$10,000 check. They also gave \$2,500 to the Dare County Motor Sports Charity Group. Donations had also been made to Food for Thought, Roanoke Island Food Pantry and other area programs. Rod & Custom Festival would hold their next event on May 5-6, 2023 with details to come.

2. Virginia Payne, from Watertown, Ohio, asked the Board to aid the residents and homeowners of Rodanthe with beach nourishment. As a thirteen-year homeowner, she said there was no beach left and it was unsafe. She had seen the good results of beach nourishment in other areas. Currently there were ten homes in the ocean and she asked for beach nourishment or other help before it was too late.
3. Daniel Kerlakian, Rodanthe homeowner, was grateful for the willingness of the Board to listen to the issues. He stated the Park Service staff had harassed him and other homeowners regarding the location of their homes on what is now considered Park property. He stated the Park Service had mounted a tremendous effort to preclude homeowners from using their homes and the Park Service had done nothing to prevent the shoreline from eroding.
4. Cheryl Hart, from Chesapeake, stated she had a home in Rodanthe and the area needed help. Rodanthe was receiving terrible national news and social media publicity over the homes falling into the ocean.

With no comments from Buxton., Mr. Outten closed Public Comments at 10:29 a.m.

ITEM 8A – NO-WAKE ZONE FOR THE AREA AT MOTTS CREEK: OREGON INLET FISHING CENTER MARINA AND OREGON INLET PUBLIC BOAT LAUNCH

Mr. Outten stated Superintendent Dave Hallac was available to answer any questions. The Park Service was asking the Board to approve the no wake zone they felt was needed for public safety at the Cape Hatteras Oregon Inlet Fishing Center and boat launch. If the Board approved, NC Wildlife Resources Commission could then approve and enforce the no-wake zone. They had already held public hearings with no comment or opposition.

MOTION

Commissioner Ross motioned to approve the request for the proposed no-wake zone as described at Motts Creek.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 9 – PUBLIC HEARING – FY2024 TRANSPORTATION NCDOT 5310, 5311, AND COMBINED CAPITAL GRANT APPLICATIONS (Att. #4)

At 10:31 a.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 and the County Manager closed the Public Hearing at 10:33 a.m. Radcliff Hester, Transportation Program Supervisor, mentioned the increase in part-time pay had helped recruitment of drivers. There was a still a need of drivers for southern Dare.

MOTION

Vice-Chairman Overman motioned to adopt the FY 2024 Program Resolution.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 10 – HUMAN TRAFFICKING AWARENESS MONTH

Bronwyn Thornton and Stephanie Baker presented the Board with a proclamation regarding human trafficking and a recently awarded federal grant totaling \$860,000 to combat human

trafficking in our area. Ms. Thornton stated the number of people, including children and infants, bought and sold was second only to the number of illegal drugs in the country.

MOTION

Commissioner House motioned to adopt the Dare County Human Trafficking Awareness Month Proclamation.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – N.C. OFFICE OF RECOVERY & RESILIENCY STRATEGIC BUYOUT PROGRAM

Mr. Outten explained these funds were given to the state for the purpose of buying out distressed homes throughout the state. They are not Dare funds once received. They go to the individual homeowners who qualify voluntarily. NCORR would appraise the home and make an offer and the owner could accept or reject it. This was not the solution to beach nourishment. It was an opportunity for those homeowners whose homes are close to the ocean. Once the home was demolished, the land would become part of a conservation trust. In a summary provided by Barton Grover, the NC Office of Recovery and Resiliency offered eligible property owners located in flood-prone areas an opportunity to sell their homes. It was a voluntary program in which the State purchased and demolished the houses. The parcels would become permanent green spaces maintained by local government. Mr. Outten added the county had been looking at beach nourishment for the area over five-six years ago. The issue was funding. Other towns had a tax base with which to pay fifty percent of a project. Rodanthe did not have the tax base to carry a project.

MOTION

Commissioner Tobin motioned to authorize the County Manager to enter into an agreement with the North Carolina Office of Recovery & Resiliency.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Chairman Woodard stated he was willing to hold a meeting with Rodanthe residents to educate the public on the beach nourishment process. There were always challenges to fund these projects and it was necessary to have funds available for maintenance. The NC12 Task Force Subcommittee had also recently finalized their findings and would be presenting it to the Task Force soon. Mr. Outten also explained the issue was not that the Park Service was taking private property. The Park Service owned the "wet sand beach" and through continued erosion the property lines were changing. A private owner could never own the wet sand beach. Chairman offered there would be a push for a January meeting with an interactive opportunity for out-of-the-area owners.

ITEM 12 – GRANT APPLICATION – NC DEQ ELECTRIC VEHICLE CHARGING STATIONS

Barton Grover explained funding was available for publicly accessible Level 2 charging stations for electric vehicles on government-owned property. After rebate, expected cost per port would be \$1,000. Dare County would be permitted to set a fee for use of the charging stations. Possible locations would be: Dare Administration Building, Dare County Youth Center, Fessenden Center and the Frisco Satellite Office. The Board discussed the program

relative to future costs and the ability to monitor the stations' usage. If the grant was received, the locations of sites would be discussed and decided at a future meeting.

MOTION

Commissioner Couch motioned to authorize submission of a grant application for electric vehicle charging stations for prioritized locations.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 13 – KITTY HAWK EMS STATION

Mr. Outten explained the Town of Kitty Hawk owned a parcel which was proposed for the construction of an EMS station, which would include a bay for parking a Kitty Hawk fire engine. Kitty Hawk's Board had not yet voted on the proposal. Oakley Collier had provided a preconstruction estimate of \$5.7 million, based upon the cost of the Southern Shores' station. The CIP had \$6.5 million for the station with a proposed 2024 construction start date. If Dare provided the fire engine bay in their design, Kitty Hawk would provide the parcel. It was proposed to add some temporary walls to the design to house three to four staff and the inclusion of a bathroom.

MOTION

Vice-Chairman Overman motioned to approve proceeding with transfer of parcel from Kitty Hawk to Dare County for construction of an EMS station to include a bay for a Kitty Hawk fire engine, contingent upon Kitty Hawk approval.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 14– CONSENT AGENDA

Mr. Outten 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 (11.07.22) (**Att. #5**)
- 2) Tax Collector's Report
- 3) Sanitation Fund – Capital Outlay Budget Amendment

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 13 – BOARD APPOINTMENTS

1) Dare County Tourism Board

Commissioner Cough motioned to appoint Richard Hess as Chamber representative.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

2) Juvenile Crime Prevention Council

Commissioner House motioned to appoint Maddox A. Cromwell and Stephanie Baker

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

3) Planning Board

Commissioner Couch motioned to reappoint David Overton, Beth Midgett and John DeBoy for another term.

Commissioner House seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

The upcoming Board appointments for January and February, 2023 were announced.

ITEM 14 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Following is a brief summary outline of the items mentioned by Commissioners and the County Manager during this segment:

Commissioner Couch

- Good Guys vs. Cancer Phenom Hoops basketball tournament was December 1-3. He had taken thirty kids from Cape Hatteras to play at First Flight High School. These were the top programs in the state. He was proud of First Flight school where “everyone gave 100% effort”. The basketball talent was incredible and it was a county unifying event.

Commissioner Tobin

- He attended his first meeting with Children and Youth Partnership. There were many programs helping children and he noted the diaper program was always in need of more diapers.
- Miss Katie was selected as one of the top ten ships built in the United States. She was awarded 3rd place for the most significant boat design this year.

Commissioner Ross

- December 17th would be the 119th anniversary of powered flight.
- December 6th was the 50th anniversary in recognition of the Albemarle Commission.
- He had attended the Recovery Court banquet and gave high praise for Commissioner Bateman’s commitment to the program.
- On December 7, Dorothy Hester would be joining him with at an interview to be conducted by a student at First Flight to discuss essential housing in Dare County.
- He reviewed education statistics provided by My Future North Carolina. The reading proficiency goal was 73% and Dare came in at 34%. Math proficiency goal was 87% and Dare came in at 35%. Chronic absenteeism: State’s goal was reflected as 11 % or less. The state came in at 27% with Dare coming in at 20%, which translated to 1 out of 5 chronically absent students for the area.
- He wished everyone Happy Holidays and a Merry Christmas.

Commissioner House

- Governor Cooper had made a Proclamation making December, 2022 Marine Fisheries Management and Conservation Month in North Carolina. In December, 1822, the NC General Assembly had enacted the first marine fisheries law, which was to prevent the destruction of oysters and prohibited the export of North Carolina oysters to other states.
- Marine Fisheries Commission had submitted four names to Governor Cooper to fill the vacancy left by Senator Steinburg at the Atlantic Fisheries Management Council.

- For a day in history: In 1893 the first electric car had been built in Toronto and drove fifteen miles between charges.
- He wished everyone a Merry Christmas.

Commissioner Tobin left the meeting at 11:52 a.m. and returned at 11:56 a.m.

Vice-Chairman Overman

- He congratulated the service pin recipients and thanked them for their fifty years cumulative service. He also congratulated the November and December employees of the month.
- He attended the Recovery Court reception/graduation and noted it was a superb program.
- He participated in the Veterans Day ceremony in Manteo on November 11, 2022.
- He had attended the Veterans luncheon on November 16 at the Virginia Tillett Center.
- The Wall That Heals would be here next year. It was a replica of the Vietnam Veterans Memorial wall in Washington.
- He thanked the Board for his re-election as Vice-Chairman and wished everyone a Merry Christmas and a Happy New Year.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten reminded the Board there were a number of repairs and improvements to be done at the Kitty Hawk baseball fields, to include an erosion fence, painting dugouts, wood repair, etc. The cost, estimated at \$65,000, could be paid from contingency funds. He wanted to make the Board aware of the expense and was hopeful the improvements would be completed before the start of baseball season. A memorandum of understanding was also in the works to better identify the responsibilities of those who use the fields.

Weeks Marine had pulled off the Duck nourishment project and would be returning in March, 2023 to begin the project. Although their contract was with Dare, it was Duck's project. Through several meetings it had been proposed Weeks would be responsible for any additional sand loss due to the delay in the project. Negotiations would continue and the Manager would be attending Duck's Board meeting on Wednesday. He requested the Board's authorization to sign any final changes made to the Weeks' contract regarding the Duck project.

MOTION

Commissioner Tobin motioned to authorize the County Manager to sign any Weeks contract changes as to the Duck beach nourishment project.

Commissioner Couch seconded the motion

VOTE: Ayes unanimous

Mr. Outten recommended to the Board that Skyler Foley, who had substituted for the Board's Clerk this summer, and had done a great job, be formally appointed and sworn in as the Deputy Clerk to the Board. She would be attending training later next year.

MOTION

Commissioner House motioned to have Skyler Foley sworn in as Deputy Clerk to the Board. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

The County Manager advised it was time to renew the contract with McGuireWoods for lobbying and government relations services to Dare County. The terms were unchanged.

MOTION

Commissioner Couch and Vice Chairman Overman motioned to renew the contract. Commissioner House seconded the motion.

VOTE: AYES unanimous

Mr. Outten stated there was a Recovery Court administrator position funded by the County. There was a MOU between the County and the court for the position. An item in the budget established from the opioid settlement funds included a Recovery Court probation officer. The contract had been received for the new position and he needed Board approval to execute the new contract.

MOTION

Vice-Chairman Overman motioned to authorize the County Manager to sign the final contract for the Recovery Court probation officer position.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Chairman Woodard asked for an update on the opening of park facilities during weekends. Mr. Outten stated the cost would depend upon whether additional staff were hired or overtime was paid to current staff. The cost was estimated between \$75,000-\$115,000. It could be funded from contingency this year. Additional facility time would be 9-5 p.m. on Saturday and 12-5 p.m. on Sunday. The Board discussed and agreed to try a trial weekend opening of facilities with monitoring of activity participation at each facility.

MOTION

Vice-Chairman Overman motioned to open facilities on trial basis on weekends and authorize the County Manager to sign any necessary budget amendments.

Commissioner Ross seconded the motion.

VOTE AYES unanimous

Dorothy Hester announced the website redesign had launched today. The project was a lot of work and Katelin Kight had led the effort. Chairman's State of the County address would be held with an 8:00 a.m. breakfast, on January 25, 2022, at Captain George's Seafood Restaurant.

Dave Clawson stated the audit report had been filed before the December 1 deadline. There had been a change in rating methodology. Dare was reaffirmed as AA+.

Mr. Outten 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 Schiffman property in Manteo.

MOTION

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

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

At 12:24 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 12:48 p.m. Mr. Outten reported that during the Closed Session the Board approved previous Closed session minutes, discussed the negotiations, gave the County Attorney guidance with regard to the real estate matter and took no other action.

Commissioner Tobin did not return to the Boardroom after the Closed Session concluded.

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

MOTION

Commissioner Ross motioned to adjourn the meeting.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

At 12:49 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 3, 2023.



APPROVED:

Respectfully submitted,

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

By: *Robert H. 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.