



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., March 6, 2023

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

Commissioners absent: Jim Tobin (excused)

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 meeting is archived on a video which is available for viewing on the Dare County website www.darenc.gov.

At 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting. He asked for continued prayer for Commissioner Tobin. He invited Rev. Jody Moore to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – OPENING REMARKS – CHAIRMAN'S UPDATE

- Reminded everyone of the NC Department of Transportation federally mandated inspection of the Basnight Bridge and Bonner Bridge pier beginning today. There would be some delays with inspections completed in approximately three weeks.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Matthew Cartwright received a fifteen-year pin from Jennie Collins.
- 2) Erika Griffin received a fifteen-year pin from Jennie Collins.
- 3) Cynthia Crabtree received a twenty-year pin from Willer Spencer.

ITEM 3 – EMPLOYEE OF THE MONTH – March, 2023

April Bodiford, fitness coordinator at the Fessenden Center, received the Employee of the Month award from Tim White and Susan Gray.

ITEM 4 – PUBLIC COMMENTS

At 9:17 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.

The following is a summary of comments were made in Manteo –

1. Lorraine Tillett, a retired zoning administrator for Dare County, stated the cluster home provisions of 22-31 did fit the scope and intent of the Wanchese zoning village district. They wanted one home on one lot with provisions to conduct a business if desired. She asked that the SUP not be approved.
2. Sandra Barile, resident of Wanchese, read portions of the 2009 Dare County Land Use Plan. Then she stated a list of problems with the proposed cluster development. She asked the Board to vote no on the project and examine the zoning ordinance approved in 2018. They want single-family homes on 15,000 sq. foot lots.
3. Ralph Barile, resident of Wanchese and former public works director for Nags Head, stated others who reviewed the plans stated it looked like low-income housing instead of workforce housing. He asked the Board if they would live in the project. He offered more crime, drugs and violence would arrive to the County if it were developed.
4. Michael Ruffer, a Wanchese resident, wanted the Board to reconsider the cluster home development. He stated after talking with neighbors and friends in the area, no one wanted the development in Wanchese.
5. Nancy Silver, a fifty-year resident, had sent an email to the Board in opposition of the development. She hoped that the Board would reconsider the cluster home project.
6. John Kerr, a Wanchese resident, was opposed to the cluster homes and stated it would fundamentally alter the Village of Wanchese. He added no one was happy with the development and there must be other areas where it could be built.

With no comments from Buxton, the County Manager closed Public Comments at 9:37 a.m.

ITEM 5 – HIGH AND DRY LLC, GROUP DEVELOPMENT SPECIAL USE PERMIT 01-2023

The parties were duly sworn by the Clerk before offering any testimony. The applicant had submitted a special use permit to build a development of storage warehouses in Buxton. The 4,263 sq. ft. addition to an existing 1,500 sq. ft. building and a second structure of 939 sq. ft. would be used for self-storage units. The Fire Marshal added conditions to include the units would not be occupied by residents. The access easement would be improved. Mr. Outten asked if the development complied with our zoning code. The County Manager asked Mr. Canning if he agreed to the findings of fact listed in the SUP, the supporting documents on file, and the facts presented by the Planning Director. Mr. Canning indicated his agreement.

MOTION

Commissioner Bateman motioned to approve SUP #1-2023 and associated site plan for the proposed storage warehouse group development.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 6 – THE U.S. MOTTO ACTION COMMITTEE (Att. #1)

Rick Lanier, Vice Chair and Field Director of U.S. Motto Action Committee presented this item. He stated displaying the motto expressed confidence in our society. The words had been used since 1864 on U.S. currency. On November 1, 2011, the U.S. House of Representatives had voted 396-9 to reaffirm *In God We Trust* as our nation's motto. He

provided a list of the North Carolina counties which had approved and installed the lettering across their buildings. The funds for the projects came from private investors, local businesses, individuals, churches, etc. Commissioner Ross requested the resolution's last "whereas" be modified to insert "prominently displayed in a manner and location to be determined."

MOTION

Vice-Chairman Overman motioned to adopt the resolution as presented.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Commissioner Bateman left the boardroom at 9:54 am and returned at 9:56 a.m.

ITEM 7 – PROCLAMATION FOR MARCH 2023 – NATIONAL SENIOR NUTRITION PROGRAM

Albemarle Commission Area Agency on Aging and Senior Nutrition Program presented a proclamation to observe March 2023 as March for Meals Month. The program provided meals to homebound older adults and also served congregate meals at the Dare County Center Monday through Friday, except holidays.

MOTION

Commissioner House motioned to approve the proclamation as presented.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COMMUNITY FOR HOPE – SEXUAL ASSAULT AWARENESS MONTH

Bronwyn Thornton and Stephanie Baker addressed the Board with the campaign concerning sexual assault. It would include fundraising and other activities to help educate the community on topics such as safe dating, relationship and physical boundaries, and what actions to take if an assault took place. The entire team of Hotline was dedicated to providing a safe community free from violence. The awareness campaign would run through the month of April and include an event at Jockey's Ridge with teal ribbons.

MOTION

Commissioners House and Bateman motioned to approve the proclamation as presented.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 9 - OLDER ADULT SERVICES ADVISORY COUNCIL ANNUAL REPORT

Mary Pendill, Chairperson, provided the yearly report of events. They offered fitness and wellness classes, Medicare events, and other activities for older adults. They reviewed the centers for upkeep and listened to senior suggestions and needs. She stated the Baum Center needed a van to aid in senior participation in the events. The council had conducted a survey of the three centers. Maggie Dennis, Co-Chair, advised 83.98% of 310 responses agreed a van would increase their participation in day trips. The Board discussed and Mr. Outten stated there were some vans on order for Parks and Recreation. They would reassess where the older vans would be relocated. Chairman Woodard asked the County Manager to add the request to the 2023/24 budget workshop.

ITEM 10– PUBLIC HEARING – APPROVAL OF THE EXECUTION AND DELIVERY OF THE CONTRACT AND THE COUNTY’S FINANCING OF THE 2023A PROJECTS

At 10:19 a.m. the Board held a Public Hearing to receive input concerning this item. Mr. Outten outlined the procedure for making public comments. No one responded to the invitation to address the Board from Manteo or Buxton and hearing closed at 10:20 a.m.

Mr. Clawson asked if Item 12 be addressed before Item 11 and the Board agreed.

ITEM 12 – DARE MEDFLIGHT AND SOUTHERN SHORES EMS BUDGET UPDATE, KILL DEVIL HILLS FIRE & EMS STATION APPROVAL OF GUARANTEED MAXIMUM PRICE, AND ADOPTION OF CAPITAL PROJECT ORDINANCE

The bids had gone well. Mr. Clawson said the total for all three projects was \$150,357 less than approved. The preconstruction fee had been mistakenly omitted in February, so comparable numbers were \$404,006 less. He provided budget updates for MedFlight and Southern Shores. The guaranteed maximum price and budget were also presented for the KDH Station. Mr. Outten said CIP had reviewed Barnhill’s Change Order #2 and updates and recommended Board approval. Mr. Clawson reviewed the schedule for bond closing.

MOTION

Vice-Chairman Overman motioned to adopt amendment to Capital Project Ordinance and authorize the County Manager to execute Barnhill Change Order #2.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 11 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NC., APPROVING AN INSTALLMENT FINANCING CONTRACT AND A DEED OF TRUST AND THE DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS (Att. #2)

Approval of the presented resolution was the final step to issue the debt for the Phase One projects. He highlighted each item on the resolution before the Board. The Facilities Corporation had already signed their resolution.

MOTION

Commissioner House motioned to adopt the resolution as presented.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 13 – RESOLUTIONS APPROVING FINANCING TERMS: \$1,823,834 FOR THREE YEARS AT 3.75% FOR VEHICLES AND EQUIPMENT - \$2,265,094 FOR FIVE YEARS AT 3.75% FOR PUBLIC WORKS EQUIPMENT (Att.#3 & 4)

Seven financial institutions responded to the county’s request for financing the acquisition of county vehicles, equipment and Public Works equipment as approved in the fiscal year 2022-23 operating budget and capital improvements plan. The lowest total cost proposal for each financing was made by Truist Bank.

MOTION

Commissioner House motioned to adopt the attached resolutions to award the financings to Truist Bank and authorize the County Manager and Finance staff to execute all necessary financing documents.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 14 – CAPITAL PROJECT ORDINANCE AMENDMENT TO CLOSE 2016 BUXTON BEACH NOURISHMENT CAPITAL PROJECT

Mr. Clawson presented the capital project ordinance amendment for closure of the 2016 Buxton beach nourishment project. He explained the interest earned was \$221,825, which would be transferred to the Beach Nourishment Fund and would be available for future projects.

MOTION

Vice-Chairman Overman motioned to adopt the ordinance amendment.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – DARE COUNTY SCHOOLS BUDGET AMENDMENT AND AMENDMENT TO CIP CAPITAL PROJECT ORDINANCE FOR FFHS COOLING TOWER AND CHSS AIR HANDLER

Mr. Clawson explained the Dare School Board's 2023 CIP included \$800,000 for the replacement of a cooling tower at First Flight High School along with an air handler at Cape Hatteras Secondary School. The actual procurement cost was \$1,158,000, which was \$358,000 over budget. It was recommended that the difference be drawn from the Lottery Fund, which would bring the fund down to an estimated \$371,979.

MOTION

Commissioner House motioned to adopt the budget amendment for the Capital Investment Fund and the amendment to the capital project ordinance for the capital improvements plan. Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 16 – LEASE – TOWNEBANK TO DARE COUNTY

Mr. Outten explained this lease was part of the Southern Shores EMS project. After the demolition of the current station, a building was needed for temporary station dispatch. TowneBank had been gracious and helpful with the Juniper Trail location, which they offered at a base rent of \$1.00 for the term. A few items were brought up to code by the County. It was expected to use the location for a year. The County Manager would be sending a letter of appreciation to the bank.

MOTION

Commissioner Bateman motioned to approve the lease and authorize County Manager to execute.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 17 – LEASE AGREEMENT – COUNTY OF DARE TO TOWN OF KILL DEVIL HILLS

Mr. Outten presented the lease agreement between Dare and the Town of Kill Devil Hills for the purpose of an EMS and fire station jointly on the site. It would go the Kill Devil Board on March 13. Securing a fully executed agreement would facilitate scheduling demolition.

MOTION

Vice-Chairman Overman motioned to approve lease for Chairman's signature.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 18 – GROUND LEASE AGREEMENT – SOUTHERN SHORES VOLUNTEER FIRE DEPT. TO COUNTY OF DARE

Mr. Outten advised the property at 28 E. Dogwood Trail in Southern Shores was owned by their volunteer fire department through Fire Service Real Estate, Inc. They had agreed to lease it to the County for thirty years, with automatic renewal terms, for the purpose of constructing a new EMS station. The rent would be \$1.00 each year.

MOTION

Commissioner House motioned to approve lease for Chairman's signature.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 19 – RESOLUTION AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS FROM ADDITIONAL SETTLEMENTS (Att. #5)

Mr. Outten presented this item and explained it would allow the county to accept additional funding from a second wave of settlements. The approval terms would be the same as the last round. The payment of counsel fees had been already resolved.

MOTION

Vice-Chairman Overman motioned to adopt the resolution and authorize the County Manager to execute all documents necessary to enter into opioid settlement agreements, to execute the SAAF, and to provide documents to Rubris, Implementation Administrator.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 20– 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 (02.06.23) **(Att. #6)**
- 2) Government Education Access Channels Committee 2023-2024 Proposed Budget
- 3) Cenero EOC AV Maintenance Contract
- 4) Kitty Hawk Elementary Field Use
- 5) Dare County DHHS – Public Health Opioid Settlement Funds Resolution **(Att.#7)**
- 6) Resolution to Name NCDOT Ferries **(Att.#8)**
- 7) Request for Addition to State Maintained Secondary Road System Swan View Dr., Colington **(Att.#9)**
- 8) Cyclomedia Technology, Inc. – Street Level Imagery and LiDAR
- 9) Emergency Medical Helicopter – SkyTrac Systems Ltd.
- 10) Motorola Solutions Service Agreement
- 11) Southern Disaster Recovery, LLC – Household Bulk Item/Large Item Pick Up
- 12) Budget Amendment – Dredge Account Interest

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 21 – BOARD APPOINTMENTS

- 1) Older Adult Services Advisory Council Amended Bylaws
Commissioner Ross motioned to approve the amended bylaws as presented.
Vice-Chairman Overman seconded the motion.
VOTE: AYES unanimous
- 2) Virginia S. Tillett Community Center Advisory Board
Vice-Chairman Overman motioned to appoint Jonathan DeLucia.
Commissioner Ross seconded the motion.
VOTE: AYES unanimous
- 3) A.B.C. Board
Commissioner Bateman motioned to appoint Donnie Twyne, Jr.
Commissioner House seconded the motion.
VOTE: AYES unanimous
- 4) Upcoming Board Appointments
The upcoming Board appointments for April, May and June, 2023 were announced.

Chairman appreciated the residents of Wanchese who came for the meeting. He clarified that the development was not on today's agenda, as a transportation study from NCDOT was outstanding. He added the development would be market-rate housing and not Section 8 housing. He thanked Dustin Peele for making sure fields one and two in Kitty Hawk were done in a timely manner.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten explained he had received an offer to purchase Dare property located behind the water park in Rodanthe. He asked the Board if they would entertain selling any of the county lots and added wetland delineations would be needed from proposed buyers. The Board discussed and agreed to not sell the lots. County Manager would bring any future high offers to the Board, if applicable.

The County Manager relayed there were several county zoning violations to resolve. There were currently two cases which were ready to have suits filed. One was in Roanoke and the other in Mann's Harbor. Several letters had been sent on both and a civil citation had been sent to the Roanoke property owners. The Manns Harbor violation may be resolved. The Board discussed briefly with additional details from the County Manager.

MOTION

Commissioner Couch motioned for the County to move forward with suits if necessary.
Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous.

ITEM 22 – COMMISSIONERS' BUSINESS

The following is a brief summary of the items mentioned by the Commissioners during this segment. Full comments are available on the website video:

Commissioner Couch

- Hatteras was getting busy and he was glad to see it.

Commissioner Ross

- The St. Patrick's Day parade would be held March 19, 2023.
- On April 6th there would be a Business After Hours event at the SPCA.
- MedFlight would hold an open house on March 25th from 10-2:00 p.m.
- The OBX Foundation would hold its annual meeting on March 14th at Jennette's Pier.
- He enjoying his participation in the Special Olympics' Polar Plunge event - even though the water was a cold 52 degrees.

Commissioner House

- He provided an update regarding the Division of Marine Fisheries and their recent southern flounder discussion.
- Day in history: Bayer aspirin was patented in 1899.
- Miss Dale, a stray cat, was shown as SPCA "pet of the week" for adoption.

Vice-Chairman Overman

- Congratulated the service pin recipients and the Employee of the Month.
- He attended the "Colored News and Checkerboard Crews" event at COA, which unveiled a new painting by James Melvin to commemorate the Pea Island lifesavers.
- House Bill 190 could modify the requirements for environmental health specialists. He asked for Board support. McGuireWoods could aid in supporting the bill. There was a shortage of environmental health specialists due to hefty educational requirements. The county health department supported the bill. It was the consensus of the Board to have our lobbyist express the County's support to help move the bill forward.

Commissioner Bateman

- The Polar Plunge to support the area's Special Olympics was held last month and he shared pictures of the event. With over 51 participants and 80 more cheering them on, the successful event had received \$11,000 in donations, with more coming.
- He asked for Board support to return the zoning standards for future cluster home developments back to the Planning Board. He suggested they review waste water standards, open space standards, traffic analysis and the internal and external features of the properties. After a brief discussion, it was the consensus of the Board to have the Planning Department and Planning Board look at unincorporated Dare's zoning for future developments. Commissioner Ross added he would like some best practices from other communities as objective evidence for the review.

Dorothy Hester said there would be a website announcement today with the dates of the large item pick up contract approved by the Board this meeting. There would not be exact dates for route areas but rather the pickup would begin March 27 and run for approximately 12-15 days. It would be a one-pass event through unincorporated Dare.

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

MOTION

Commissioner Couch motioned to adjourn the meeting.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 11:12 a.m., the Board of Commissioners adjourned until 9:00 a.m., April 3, 2023.



APPROVED:

Respectfully submitted,

By:

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

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.