



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., May 1, 2023

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman
Rob Ross, Steve House, Danny Couch, Ervin Bateman.
Commissioner Jim Tobin participated via phone connection

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, Deputy Clerk, Skyler Foley

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.gov.

At 5:00 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. David Morris to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Woodard announced Commissioner Tobin would be participating virtually at the meeting. He advised agenda item 3 would be struck and also requested the Board switch the order of agenda Items 10 and 11.

MOTION

Commissioner House motioned to switch the order of agenda items 10 and 11.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard:

- Announced the beach nourishment project in Duck would soon be completed. There would be a beach nourishment meeting in the town on 5/3/23, at 1:00 p.m., to provide updates to the public on the project and answer questions.
- Praised Tshombe Selby, a Roanoke native and champion tenor, who had recently had his debut at the Metropolitan Opera House in New York City in April.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Josef Vesely received a 10-year pin. (delayed April pin)
- 2) Timothy White received a 15-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – May, 2023

This item was deleted, as the EOM was out of town. It would be presented on 6/5/2023.

ITEM 4 – GOVERNOR’S AWARD FOR VOLUNTEER SERVICE

Shannon Toler Glaser, Friends of Youth-Program Coordinator, presented this year’s recipients of the Governor’s Award for Volunteer Service. Kaye White was recognized for her volunteer work at the Roanoke Island Aquarium, Paula Donaghy for her efforts at the NC Aquarium on Roanoke Island, and Patricia Bourexis for her work with the Coastal Humane Society. Patty was also a recipient of the prestigious Medallion Award.

ITEM 5 – PUBLIC COMMENTS

At 5:25 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. Following is a summary of all citizen remarks in Manteo:

1. Justin Bateman addressed Mr. Alexander and wanted him to stop the cluster home development in Wanchese. He asked everyone remember the number 554, as it was the number of days before elections for the Dare Board.
2. Pixie Wescott discussed power outages during multiple hurricanes. She was concerned how the cluster home septic system, already in a low-lying area, would fair in a storm created power outage.
3. Robin Mann felt the 2007 zoning members had great accomplishments and described the process. She was committed to keeping the MH-A and MH-B zoning as it had been designed in 2007. She wanted the public hearing heard on the special BOC date.
4. Amy Stone said no mail would be delivered directly to the cluster homes. She researched they would need a minimum of four multi-mail stations with each holding sixteen mail slots. She wanted the Board to consider tax incentives to put some of the homes into year-round rentals versus weekly rentals.
5. Rex Mann had taken pictures of Old Wharf Road which reflected water-filled ditches after a recent rain event. He stated retention ponds could only take so much rain. He read from an old Coastland article regarding drainage issues on Roanoke in 2018.
6. Alyson Flynn, Coastal Advocate and Environmental Economist with the NC Coastal Federation, referred to a letter from the federation dated May 1, 2023 which addressed potential flooding issues at the proposed cluster site.
7. Craig Parker stated he felt the Board asked leading questions to Mr. Alexander at the last meeting. He said the SUP application stated it was for affordable housing. He felt the proposed development was misrepresented and should be revoked.
8. Sandra Barile thanked the Board for listening to the people regarding the development. She felt the developer was greedy and wanted the ordinance removed and have zoning returned to where it had been.

9. Ralph Barile stated there were several things missed at the previous BOC meeting such as backup power for the septic, a stormwater plan, and the design of the driveways. He also referred to difficulties with the location of the trash receptacles.
10. Tom Stewart, a licensed broker in NC and a property manager, stated in the last year only 1% of the 1,800 closings in the area were at the same price point as this development. There was a severe lack of homes in this category and felt it would meet a need in the market.
11. Andy Petesch, a Raleigh attorney whose practice included land use, represented the Wanchese Preservation Alliance and how the zoning regulations would affect them. He looked forward to working with staff to address their concerns.
12. Joseph Willis, 5th generation resident of Wanchese, was disappointed how the advertisement of zoning changes was handled. He felt the Board had failed in listening to the people. He reflected on several points made by other speakers. He wanted improved EMS services and stormwater management in Wanchese.
13. Julie Robinson expressed her concerns over Dare's lack of protection of the dunes with continued development. She mentioned Kill Devil Hills as a prime example with monstrous family houses being built. The dunes were affected by new construction.
14. Mitchell Bateman offered a word of praise to the Board, Planning Board, and the Planning Department. He felt they had listened to the public in considering changes to the text amendment regarding future cluster homes.
15. Alison Beacham lived on Brinkly Drive and stated her property was currently flooded from recent rains. She felt the removal of trees in the development was going to greatly affect the flooding in the area. She disagreed with the development.
16. Jade Midgett asked if anyone knew how many trees would be cut down with the cluster development. The current ditches were deep but filled quickly with water. She was also concerned with the noise from generators when they lost power after a storm event.
17. Betty Collum of Manteo asked the Board to look into the development. The citizens had pleaded for reconsideration. The 2006 zoning plan was developed by citizens of Wanchese and passed by the board after a lot of work.
18. Mike Daniels stated area land should be sold to locals who cared about the area and provided a prayer.
19. Britton Shackelford stated people found it cheaper to commute to Dare then to live here. She disliked the current large homes and their appearance. She stated area towns should fix their housing issues and not expect Wanchese to fix the problem.
20. Nealy Gallet Parker, a Wanchese resident, was concerned with ambulances, hospitals, and flooding. She felt 60 homes and 120 cars would provide a lot of traffic and asked the Board to think about Wanchese and its residents.

21. Lorraine Tillett read the definition of a village. She did not want the development and thanked the firefighters and police who came to her home recently during an emergency.
22. Kendall Lawson asked how many people would be allowed to reside in the two and three-bedroom units. She proposed with no fire walls or sprinkler systems they would be fire hazards. She asked for an apology from Chairman Woodard for his remarks.
23. Nan Willis voiced her anger at the Board regarding the development and questioned why Commissioner Tobin was permitted to remain on the line, as he could not vote. She warned if the SUP passed the Board would have a problem.
24. Lori Tillett said the Board could change this for all of Dare. She felt six homes on one acre of land was too many and the county should seek a better balance.

With no comments from Buxton, the County Manager closed Public Comments at 6:56 p.m.

ITEM 6 – PROCLAMATION COASTAL NC LOCAL FOODS WEEK 2023

Dee Furlough, area agent for Family and Consumer Sciences, presented the proclamation to recognize June 11-17, 2023 as Local Foods Week in Dare County to urge citizens to support local agriculture and purchase locally-produced foods in Dare County.

MOTION

Commissioner House motioned to adopt the proclamation as presented.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PROCLAMATION FOR EMS WEEK: May 21-27, 2023

Tom Francisco, EMS Deputy Director, presented this year's EMS Proclamation to honor Dare County's emergency medical service personnel. He thanked the Board and staff for the support given to EMS so they could provide the best care to Dare County.

MOTION

Commissioner House motioned to adopt the proclamation as presented.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 8 – DHHS – PROCLAMATION VULNERABLE ADULT AND ELDER ABUSE AWARENESS MONTHS 2023

A proclamation recognizing May 14-June 18, 2023 as Vulnerable Adult and Elder Abuse Awareness Months was presented by the Dare County Department of Health & Human Services. County Manager Outten read the proclamation.

MOTION

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

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 9 – COLLEGE OF THE ALBEMARLE WELDING LAB GAS STORAGE BUILDING

Dustin Peele, Project and Procurement Manager, advised the Board that after the completion of the Dare Campus academic building, the college asked if the remaining construction funds could be used for a new welding lab gas storage building. Barnhill Contracting had provided

a quote in the amount of \$380,563.00. The project budget had these funds. A significant part of the cost was rewiring. Vice-Chairman Overman asked for details. Mr. Peele explained there was also 1,700 square feet of remodel work to the existing lab along with wiring and conduit work to get the gas to the new lab.

MOTION

Commissioner Couch motioned to approve the change order for construction of a new welding lab storage building and authorized the County Manager to sign the change order. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Meeting recessed at 7:08 p.m. and resumed at 7:26 p.m.

ITEM 10 – (Changed to Item 11) THE VILLAGES AT OLD WHARF ROAD CLUSTER HOME DEVELOPMENT – SPECIAL USE PERMIT APPLICATION #3-2023 (Att. #1)

Commissioner Bateman recused himself from this item for the same reasons as he had explained at the April 3, 2023 meeting and he left the meeting.

Mr. Outten explained that the quasi-judicial meeting was held on April 3, 2023, the Board had heard evidence, and closed the hearing. They were now charged with taking the evidence and deciding whether the applicant had met the conditions of the ordinance. If he had not met the conditions, the Board must deny the permit and if he had, the Board must allow the SUP and were required to make findings of fact and those would become part of the record. The County Manager read the findings of fact and conditions set out as part of the proposed SUP (made a part of these minutes by reference). After providing the facts and conditions the Manager instructed the Board they must decide if the applicant met the burden of proof. If so, they were required to approve. In like manner, they would need to indicate which findings were not met in order to deny the permit. Chairman Woodard commented that Commissioner Tobin would need to recuse himself from the vote, as he had not been able to attend the April 3, 2023 meeting.

MOTION

Commissioner Couch motioned that Commissioner Tobin be recused.

Commissioner House seconded the motion.

VOTE: Ayes unanimous

A full account of the Board's discussion and action on this item is archived on a video available for viewing on the Dare County website. Following is a brief summary:

Neither Commissioner Couch nor Vice-Chairman Overman had more to add. Commissioner House asked if there was a possibility of adding a residential sprinkler system to the units. Mr. Outten remarked if the fire and building codes did not require it then the Board would not have the authority to require the developer to include one. Vice-Chairman Overman asked if the Planning Board could review that addition in future developments which fell under this ordinance. Mr. Outten said they could recraft the ordinance upon review. Commissioner Ross had no issues with the evidence. He asked if owners or full-year renters would need to walk 300 yards to a dumpster. Mr. Outten was unsure of the distance without looking at the plans; however, he stated it was not unusual and other subdivisions currently had that walk.

MOTION

Commissioner Ross moved to approve SUP #3-2023
Commissioner Couch seconded the motion.

AMENDED MOTION

Commissioner Ross amended motion to approve SUP #3-2023 together with the Findings of Fact and Conditions, as outlined by the County Manager earlier.
Commissioner Couch seconded the motion.

Chairman Woodard opened the floor for Board discussion. Commissioner Couch stated Mr. Willis' earlier comment had been correct, he had taken an oath to uphold the laws of the United States. Vice-Chairman Overman stated no one anticipated the kind of density this development would provide. It was one of the primary reasons the Planning Board had been requested to re-define the ordinance and better describe future cluster home development characteristics. Professional evidence was provided during the hearing and it had not been challenged by any other experts in the field. Commissioner House mirrored the Vice Chairman's comments and stated he had no idea that a developer would have submitted a 60-unit project on 10 acres. He added Dare County had a true housing crisis and felt many people did not understand the depth of the problem. As to the SUP, the Board could only base their response on what had been presented as evidence. Commissioner Ross had no additional comments and Chairman Woodard asked for the vote.

VOTE: Ayes unanimous (with the five members of the board eligible to vote)

ITEM 11 (changed to Item 10) – ZONING TEXT AMENDMENT FOR THE REMOVAL OF ZONING DISTRICTS FROM SECTION-31.1 CLUSTER HOME DEVELOPMENT ORDINANCE

Noah Gillam, Planning Director, provided a summary to recommend zoning amendment to Section 31.1 regarding the Cluster Home Development Ordinance. A public hearing was requested for June 5, 2023, at 9:00 a.m.

MOTION

Vice-Chairman Overman and Commissioner Bateman motioned to review the draft amendment and schedule the public hearing for June 5, 2023, at 9:00 a.m.
Commissioner House seconded the motion.

AMENDED MOTION:

Vice-Chairman Overman amended his motion to schedule the public hearing for June 5, 2023, at 9:00 a.m., or May 17, 2023, at 5:00 p.m., depending on proper publication deadlines.
Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 12 – REPORT ON SALE OF SERIES 2023A LIMITED OBLIGATION BONDS

Dave Clawson reported on the limited obligation bond sale which took place April 20, 2023 with Piper Sandler and PNC Capital Markets. See his item summary and attachments to the item for details. Mr. Outten added the good news was our good bond rating and healthy budget allowed us to sell the bonds at a premium and this would afford the Capital Improvement Planning Committee more cash available for future projects.

ITEM 13 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR EMS PROJECTS AND SERIES 2023A LOBs (Att. #2)

Dave Clawson presented the Board with an amendment to the capital project ordinance as it related to the EMS projects and Series 2023A limited obligation bonds. In part the amendment would make changes to correct errors in the architect's additional costs worksheet. Mr. Clawson explained the total project amounts would be changing.

MOTION

Commissioner Ross motioned to adopt the amendment to the capital project ordinance for the EMS station projects

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 14 – RESOLUTION SUPPORT THE LOST COLONY (Att. #3)

Chairman Woodard introduced this item with some background. Roanoke Island Historical Association was seeking legislative assistance with one time help for their facilities. County Manager Outten read the resolution to be provided to RIHA for support.

MOTION

Commissioner Couch motioned to adopt the resolution as presented.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 15 – CONSENT AGENDA

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

MOTION

Vice-Chairman Overman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.03.23) **(Att. #4)**
- 2) Tax Collector's Report
- 3) Courthouse Computer Systems Software License and Support Agreement **(County Manager commented the contract would need cyber security language added)**
- 4) Dare County Disaster Debris Management Contract
- 5) DEQ Cost Share – Miss Katie 23/24 Dredging **(Att. #5-9)**
- 6) DEQ Cost Share – Walter Slough & the Crack **(Att. #10)**

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BOARD APPOINTMENTS

1) Juvenile Crime Prevention Council

Vice-Chairman Overman motioned to reappoint Robert Trivette, Vance Haskett, Gail Hutchison, Amber Younce, Stephanie Webb, Steve House, Sara Sampson, Sheila Davies Katherine Irby and Marcus Hester-Smith and to appoint Amber Nibe and Jennifer Wooten. Commissioner Couch seconded the motion.

VOTE: AYES unanimous

2) Dare County Waterways Commission

Vice-Chairman Overman motioned to reappoint Michael Flynn and Kenneth "KP" Scott, III. Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Library Board - Dare

Vice-Chairman Overman motioned to reappoint Ervin Bateman and Janice Willis.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

The upcoming Board appointments for June, July and August, 2023 were announced.

ITEM 17 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

A brief summary outline of the items mentioned by Commissioners and the County Manager:

Commissioner Ross

- On April 14, 2023, he attended the RIHA fundraiser reception at The Lost Colony. He thanked Susan Fearing for her organizational efforts.
- Announced EMS Station 1 would have a groundbreaking ceremony on May 10, 2023.
- The Bark in the Park event for the local SPCA had been held on April 23, at Jockey’s Ridge. It had been a big event and had been a great fund raiser.

Commissioner House

- He attended the Special Olympics medal ceremony with Commissioner Bateman. The support the attendees gave one another was spectacular to witness.
- He provided a gill net fisheries update indicating gill netters now were required to have a marine fisheries representative go with them. On May 9th, there would an opportunity for area public comment in Hatteras.
- Provided an update on the Board’s February 6, 2023 resolution relative to step pay and compression increases for juvenile justice staff. The senate had it in their budget.
- For a day in history, the Empire State Building had opened today in 1931.
- The SPCA Pet of the Week video was presented. Talon was an adoptable 9-month-old dog.

Vice-Chairman Overman

- Thanked Joseph Vesley and Tim White for their service to the county.
- Congratulated the Volunteer Governor Award recipients.
- He had attended the wine festival at the Lost Colony and stated it was a fantastic turn out.

Commissioner Couch

- Fondly remembered several members of the community: Ben O’Neal of Ocracoke, Belton Gray USCG of Avon, Ray Dale Gray of Buxton, Captain William T. “Punk” Daniels of Wanchese, Coach Jerry Cahoon of Manteo, Gary Austin USCG of Hatteras, and David Kelmer USMC of Hatteras. Commissioner House mentioned the county had also recently lost Susan West

Commissioner Tobin

- He commented how good it was to be back with the Board, even if only virtually. He explained his chemo therapy schedule, which was continuing, had made it impossible to attend meetings. He would be attending in person as soon as his physician allowed.

MANAGER’S/ATTORNEY’S BUSINESS

Mr. Outten explained there had been a request to change the public hearing May 17, 2023 meeting to 5:00 p.m. if the public hearing on the zoning amendment could be placed on the agenda.

MOTION

Vice-Chairman Overman motioned to move the public hearing to May 17, 2023 at 5:00 p.m. if possible with proper newspaper publication.

Commissioner House seconded the motion

VOTE: AYES unanimous

The Manager asked for authority for a budget amendment for forgiveness on the dredge. The reporting did not come in time to present in the 23/24 budget. Once they received figures, finance would calculate the savings and the budget amendment could be created.

MOTION

Commissioner Tobin motioned to authorize the County Manager to sign a budget amendment for Miss Katie dredge forgiveness once the Finance Department had all reporting completed.

Commissioner House seconded the motion

VOTE: Ayes unanimous

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

MOTION

Commissioner House motioned to adjourn the meeting.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 8:32 p.m., the Board of Commissioners adjourned until 5:00 p.m., May 17, 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.), and supporting material considered by the Board at this meeting are on file in the office of the Clerk. Public comments have been summarized and attempts have been made to accurately reflect the spelling of each name based on the legibility of the sign-in sheet.