



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., Tuesday September 3rd, 2024**

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman  
Rob Ross, Steve House, Bea Basnight, 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, 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](http://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 Commissioner Couch 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:

- Welcomed Vice-Chairman Overman back and expressed gratitude for his recovery.
- Acknowledged several individuals in the audience including Senator Hanig, BOE Members Susan Bothwell and Mary Ellon Balance, Executive Director of the Arts Council Jessica Sands, and Chair Richard Phillips.
- Praised the success of the EMS Station 1 / KDH Fire Station 14 Open House on August 5th and highlighted the Board's commitment of \$42 million to upgrade county facilities, noting that construction is underway in Manns Harbor and an offer has been made for a property in Nags Head.
- Attended the Buxton Civic Association Meeting with Senator Hanig and Commissioner Bateman, remarking on the productive discussions and strong attendance.
- Recognized ongoing challenges with oceanfront structures, mentioning a recent report by the NC Department of Environmental Quality, Division of Coastal Management, and the National Park Service titled "Managing Threatening Oceanfront Structures." The DEQ Secretary emphasized the need for additional effective tools and programs, leading to an expanded toolbox initiative for ongoing improvement, which he reviewed.

- Warned about the spread of the K-9 Distemper Virus, which can affect pets, and advised pet owners to keep their animals on leashes, avoid wildlife, and ensure vaccinations are up to date.
- Announced that Dare Challenge will celebrate the opening of their new women's center on September 15th, inviting the public to the event at 448 Old Wharf Road from 3:00 p.m. to 7:00 p.m.
- Expressed thanks to the Board for their efforts in improving the soccer fields at FFMS, which included sodding, installing sprinklers, and enhancing lighting. He read a letter from STORM OBX Soccer Club expressing their appreciation for the work completed

## **ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Jami Brown, received a 15-year pin.
- 2) Daniel McCallum, received a 20-year pin.

## **ITEM 3 – EMPLOYEE OF THE MONTH – Postponed until October.**

## **ITEM 4 – PUBLIC COMMENTS**

At 9:20 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 all citizen remarks, which may be viewed in their entirety in a video on the County website:

No one responded to the invitation to address the Board.

*The following comments were made in Manteo – There were no comments made in Manteo*

1. Brian Harris shared updates regarding the Buxton Civic Association, highlighting their collaboration with the Southeastern Legal Counsel (SELC) to possibly secure a grant of \$350,000. He also addressed Item 22, which pertains to Beach Nourishment, and referenced the implementation of geotextile tubes in other regions, noting that these oversized sandbags could effectively help stabilize the shoreline. He concluded by remarking that upon leaving Buxton for the meeting, he noticed a strong smell of petroleum, and he indicated that the Formerly Used Defense Site area would be completely revealed by Wednesday.
2. John Leatherwood represented the OBX Tennis Association and informed the Board about the organization's contributions to the Dare County community through support for various charity programs and events. He emphasized the increasing popularity of tennis in the community and addressed the necessity for developing a twelve-court tennis complex in Dare County.

*The following comments were made in Buxton:*

3. Gray Parsons, representing the Secotan Alliance— a non-profit organization—shared details about their inaugural event that took place last May at the College of the Albemarle in Manteo. He announced plans for a second event scheduled for this upcoming May, named “Endless Spirit of Wingina.” Parsons provided insight into the indigenous history of the Outer Banks and expressed his belief that the County is missing a significant opportunity for tourism by not promoting this rich history more



effectively. He also spoke on behalf of the Frisco Native American Museum, urging the Board of Commissioners to consider painting the word "Croatan" on the water tower.

4. Allen Dufalla raised concerns about environmental liabilities associated with the Navy from the 1960s and expressed the belief that they should take responsibility for cleanup efforts. He questioned whether this contamination was harming the local ecosystem. He emphasized the urgency of addressing underwater hazards, cautioning that someone could be injured. He also pointed out the issue of houses eroding into the ocean, particularly those that have encroached within the 100-foot line from the high tide mark.
5. Wendy Munden expressed her concern about the situation at Buxton Beach, noting that the winds have exposed the area and the smell of petroleum is overwhelming. She highlighted that conditions are likely to worsen and called for urgent action, respectfully demanding the immediate removal of the pipes. She inquired with the Army Corps of Engineers about the steps that have been taken and asked for clarification on the delays. Additionally, she mentioned her role as a realtor and pointed out that she has a home for sale in Buxton Beach that cannot be sold due to the ongoing environmental crisis.
6. Willie Munden stressed the seriousness of the Buxton Beach erosion issue, indicating that it is a persistent problem. With over 20 years of experience at NASA developing systems, he noted that efforts to address the erosion have been fragmented and insufficient. He explained that the beach erosion is a systemic issue not only affecting Hatteras but also impacting the entire east coast of the United States. While he acknowledged the importance of monitoring and sampling, he emphasized that these efforts must be part of a comprehensive approach aimed at nourishing and stabilizing the beach. He believes that immediate action is necessary at Buxton Beach to halt the erosion and to develop a long-term stabilization project, which could include the construction of jetties, stressing that such efforts should not take ten years to implement
7. Jeff Dawson emphasized the points made by the previous speakers regarding Buxton Beach, expressing consensus that the Navy Site must be cleaned up.

The County Manager closed Public Comments at 9:48 a.m.

#### **ITEM 5 – UPDATE ON BUXTON BEACH FROM THE ARMY CORPS OF ENGINEERS SAVANNAH DISTRICT**

Colonel Sturgeon explained that the soil samples collected during the removal of the pipes are still under review. However, preliminary data has revealed that petroleum levels exceeded the state's screening criteria. Some geophysical assessments have been conducted, and the initial results indicate that no underground storage tanks can be identified at this time. This information supports the need for comprehensive sampling in the project area as the next appropriate step. He provided a summary of activities from May 2024 to the present, including the removal of a pipe and subsequent sampling. Notably, the 70-80-foot pipe that was extracted was not linked to a larger storage tank. The FUDS team has yet to pinpoint the source of petroleum that has contributed to the significant volume of saturated



organic matter found along the shore. This underscores the necessity for additional extensive testing. In May, the Environmental Ammunition Center of Expertise conducted an independent review of the project's documentation and confirmed that all standard procedures and protocols were followed. They offered several recommendations, including: 1) conducting further sampling in the project area to address gaps identified in past investigations – he stated a comprehensive study of the entire site is currently underway; 2) implementing ground-penetrating radar or other geophysical techniques – he announced that was performed in June, with the report still pending internal review; and 3) securing funding to contract comprehensive testing – he stated there are contract awards expected in October. He acknowledged that this process is protracted but emphasized that each step conforms to the U.S. Army Corps of Engineers' Quality Management Regulations. Updates have been communicated through news releases and social media, and this will continue. Additionally, he announced that they are in the process of awarding a contract for a Restoration Advisory Board, with the first meeting scheduled for late October to early November. Colonel Sturgeon expressed commitment to ongoing collaboration with the NC Department of Environmental Quality (DEQ) to establish agreed-upon standards for data comparison both now and in the future. They are also working closely with interagency partners, including the National Park Service (NPS), Coast Guard, and other stakeholders, to ensure coordinated efforts moving forward. Regarding the soil samples from the pipes removed in May, they are nearing the final review stages and will be sent to the NPS for comments. Once reviewed, the findings will be made public. Similarly, the geophysical report is undergoing a comparable process and will be examined by an independent technical review team prior to its release.

Commissioner Ross asked about the testing conducted in May and whether Col. Sturgeon had an estimate for when the official report would be published. Col. Sturgeon replied that the report must first be submitted to the NPS, where it will undergo review by their Quality Assurance Team at the District level before being made public. It was indicated that it might take several months before a complete statement is available. Chairman Woodard voiced his frustration with the Army Corps of Engineers regarding the delays in receiving results. The discussions also included the expenditure of half a million dollars used for the removal of pipes in May. Col. Sturgeon provided additional information, explaining that this budget covered various expenses, including preparation for the contract, public bidding, physical removal of the pipes, and the overall reporting process—all within that \$500,000. Commissioner Ross sought clarity about the large pieces of debris, recalling that the previous explanation indicated that the FUDS program does not cover debris removal. He noted that there has been no accountability from the Navy, Department of Defense, NPS, Army Corps, or Coast Guard in addressing this issue. Col. Sturgeon confirmed that the FUDS authority remains unchanged. Commissioner Ross then mentioned that he had recently had lunch with U.S. Senator Ted Budd from North Carolina, during which he highlighted the need for a cleanup at Buxton Beach. The County Manager added that he has also been in talks with Senator Tillis's office regarding this matter. Additionally, he reported that the Coastal Resource Commission convened, where he briefed them on the subject and sought their feedback and met with Deputy Secretary of DEQ, Bill Crane, as well.

Commissioner Couch clarified several points raised by Col. Sturgeon, specifically that the removed pipe was not connected to an underground storage tank (UST). He expressed his hope that ground-penetrating radar will effectively determine whether any underground



storage tanks are present in the area. Col. Sturgeon mentioned that mapping of the information is ongoing, and initial indications following the work conducted in June suggest that no tanks remain; however, they are continuing to review and finalize the data. Once this data completes the independent review process, it will be made available to the public. Commissioner Bateman asked about the overall area that will be studied. Col. Sturgeon responded that it spans approximately 0.3 miles across the beachfront, extending about halfway back past the pond. Commissioner Bateman also emphasized the importance of having strong representation on the Restoration Advisory Board, including community leaders from Buxton, Dave Hallac, a member of the BOC. Commissioner House noted his frequent interactions with the Army Corps of Engineers regarding dredging programs, citing the bureaucratic challenges that often arise. He questioned why agencies cannot concurrently review the necessary documentation, suggesting that it could significantly reduce the time required for the process. In response, Col. Sturgeon stated that the Savannah District is actively exploring ways to improve the permitting process and will look into making the Buxton initiative more efficient.

Commissioner Basnight asked whether the \$500,000 had already been disbursed. In response, Sara Keisler explained that the contractor has not yet received payment and will not be compensated until the final report is submitted. She then inquired about plans to remove any additional pipes and investigate the presence of other tanks. Keisler noted that previous geophysical surveys did not indicate the existence of other tanks. However, she mentioned that the comprehensive sampling, which is expected to be awarded in October, will provide clearer insight into any other pipes that may need to be removed. Vice-Chairman Overman inquired if the budget would be made available for public review. Glen Marks replied that he would need to verify that information. Chairman Woodard expressed that he wishes that the Board to do more for the citizens of Hatteras. He explained that they have met with numerous representatives and have been actively working to resolve the ongoing issues.

**ITEM 6—PUBLIC HEARING—FY 2026 NCDOT 5310, 5311 GRANT APPLICATION (Att. #1)**  
This was the Transportation Departments annual request for funding. The 5310 Operations Grant funds are used to provide transportation to Seniors and individuals with disabilities and the 5311 Community Transportation Grant reimburses administrative expenses.

At 10:34 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. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

*No one responded to the invitation to address the Board of Commissioners on this issue.*

The County Manager closed the Public Hearing at 10:34 a.m.

**MOTION**

Commissioner Ross motioned to adopt the FY26 Public Transportation Program Resolution. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous



**ITEM 7 –PUBLIC HEARING - ZONING TEXT AMENDMENT TO SECTION 22-27.14 HARBOR RD. MARINE COMMERCIAL (Att. #2)**

Gillam stated that Ricky Scarborough Jr. had submitted a zoning text amendment application requesting to amend the MC-2 zoning ordinance. The applicant is requesting that the language be amended to allow for an increase in the building height limit for boat building facilities. The applicant is requesting that the height limit for boat building facilities be amended to allow for a height of 52 feet measured from 8 feet NA VD 1988.

At 10:37 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. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

*No one responded to the invitation to address the Board of Commissioners on this issue.*

The County Manager closed the Public Hearing at 10:37 a.m.

Gillam informed the Board that when the Planning Board reviewed this text amendment members of the Wanchese Preservation Alliance came to the meeting and spoke in favor of it.

**MOTION**

Commissioner House motioned to approve the text amendments to Section 22-27.14 MC-2 zoning district as recommended by the Dare County Planning Board.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – PUBLIC HEARING – ZONING TEXT AMENDMENT TO SECTION 22-31 GROUP DEVELOPMENT (Att. #3)**

Gillam stated Timothy Midgett had submitted a zoning text amendment application requesting to amend Section 22-31 Group Development Projects. The applicant is seeking to amend Section 22-31 so that the ordinance recognizes the existence of properties with multiple structures where at least one structure on the property was constructed prior to the adoption of the Dare County Zoning Ordinance on November 20, 1975. The amendment would allow the ability of properties with existing historic structures that do not meet the current dimensional requirements of Section 22-31 to seek special use permit approval for a group development.

At 10:41 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. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

*No one responded to the invitation to address the Board of Commissioners on this issue.*

The County Manager closed the Public Hearing at 10:41 a.m.



**MOTION**

Commissioner Couch motioned to adopt the text amendment to Section 22-31 Group Development Projects as recommended by the Dare County Planning Board.

Commissioner Basnight seconded the motion.

VOTE: AYES unanimous

**ITEM 9– SUP #3-2024 KENNETH AND ANGELA DANIELS GROUP DEVELOPMENT**

This agenda item was handled as a quasi-judicial proceeding. Prior to offering testimony, each speaker was duly sworn by the Clerk.

Gillam explained that earlier this year, he presented a proposed text amendment to the Board regarding the MHA Zoning District, which would enable the applicants to rebuild their Furniture Warehouse. He mentioned that part of this amendment necessitates a Special Use Permit (SUP). He elaborated that the applicant submitted the SUP application to reconstruct the previously existing 30,000 square foot warehouse that was damaged by a fire. Instead of one large structure, they plan to create three smaller warehouses, each approximately 9,984 square feet in size. The Dare County Fire Marshal has reviewed the proposed site plan and provided feedback, which is included in the draft SUP. Additionally, there is mention of a recorded easement that facilitates the continued use of a pond and dry hydrant located to the west of the property. Gillam pointed out that Manns Harbor does not have access to county-supplied water, so they rely on drafting locations and water tankers for fire emergencies, a situation that has been considered in the planning process.

The County Manager asked the applicant if he agrees 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. Kenneth Daniels indicated his agreement.

**MOTION**

Commissioner Bateman motioned that the SUP #3-2024 and the associated site plan for the Kenneth and Angela Daniels Group Development consisting of three furniture and appliance warehouses be approved.

Commissioner House seconded the motion.

VOTE: AYES unanimous

*The Board recessed at 10:45 a.m., they reconvened at 11:00*

**ITEM 10 – AMENDMENT TO SUP #5-2012 ISSUED TO J.T. DIXON OF CITY BEVERAGE FOR MINI STORAGE GROUP DEVELOPMENT**

This agenda item was handled as a quasi-judicial proceeding. Prior to offering testimony, each speaker was duly sworn by the Clerk.

Gillam mentioned that J.T. Dixon from City Beverage has proposed an amendment to his current SUP, which was initially issued in 2012. Since that time, there have been several revisions and amendments to the SUP as his business and property have expanded. Now, Dixon plans to build five new structures and enhance the services offered on the property by introducing portable mini storage units. The proposed development and site plan have been examined by the Dare County Fire Marshal, and his recommendations have been



incorporated into the draft amendments to the SUP. Additionally, a copy of the proposal has been shared with the Dare County Airport Authority, and their staff engineer has reviewed it, with his suggestions also reflected in the draft SUP.

Chairman Woodard confirmed that the Airport Authority has to act on this amendment and has to get approval from the FFA, Gillam responded yes and that they had not received the approval yet. The Chairman then inquired if the applicant is willing to plant the proper vegetation that does not grow in excess of the 30 ft. to avoid the height clearance. Gillam stated that in his conversations with the applicant the answer was yes.

The County Manager asked the applicant if he agrees 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. JT Dixon indicated his agreement.

**MOTION**

Commissioner Bateman motioned to approve the amendments to SUP #5-2012 and associated site plan for City Beverage/Ace Mini Storage Group Development.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – PROCLAMATION DECLARING SEPTEMBER AS LIBRARY CARD SIGN-UP MONTH IN DARE COUNTY**

Meaghan Beasley presented statistics regarding the Dare County Library, indicating that the libraries are currently undergoing a period of growth.

**MOTION**

Commissioner House motioned to adopt the Proclamation Declaring September as Library Card Sign Up Month in Dare County.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – PROCLAMATION DECLARING ROANOKE ISLAND THE FIRST PURPLE HEART ISLAND**

Lauren Wright addressed the Board and explained that the Purple Heart Trail, established in 1992, starting at Mt. Vernon, VA, there are many cities, counties and towns; but there is yet to be a declared island along this path in remembrance of sacrifice. Roanoke Island has a large, highly decorated Active Duty and Veteran population, including four purple heart recipients. The Purple Heart was the first American service award and decoration made available to the common soldier, and is specifically awarded to any member of the United States Armed Forces wounded or killed in combat with a declared enemy of the United States. Chartered by an Act of Congress, the mission of the Military Order of the Purple Heart, USA is to foster an environment of goodwill among the combat-wounded Veterans and their families, promote patriotism, support legislative initiatives, and most important, make certain we never forget.

**MOTION**

Vice-Chairman Overman & Commissioner House motioned to adopt the Proclamation declaring Roanoke Island the First Purple Heart Island.

Commissioner Basnight seconded the motion.

Chairman Woodard stated that there is a Courtyard in Manteo where there is a Veteran's Memorial and requested that the Board considers having a plaque that proclaims Roanoke Island the first Purple Heart Island installed on that site.

Commissioner House made a motion to amend the motion to include the installment of a plaque at in the Courtyard in Manteo proclaiming Roanoke Island the first Purple Heart Island.

Commissioner Basnight seconded the amendment.

VOTE: AYES unanimous

**ITEM 13 – PROCLAMATION CONSTITUTION WEEK 2024**

Colleen Fagersten, Past Regent, explained that in 1957 President Eisenhower declared the 17-23 of September as National Constitution Week.

**MOTION**

Vice-Chairman Overman motioned to adopt the Proclamation Declaring September 17-23, 2024 as "Constitution Week."

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – PROCLAMATIONS – DIAPER NEEDS AWARENESS WEEK 2024 AND SMART START MONTH 2024**

Carla Heppart and Sarah Sampson addressed the Board and highlighted Diaper Needs Awareness Week and Smart Start Month. They gave a presentation on the benefits of Early Education, how Smart Start supports families, and that Smart Start promotes healthy and resilient communities. They highlighted their Diaper Banks held in 2023-2024 noting that they had twelve Diaper Pick Up events in Manteo and two events in Buxton, distributing 3,603 packs of diapers.

**MOTION**

Vice-Chairman Overman motioned to donate \$10,000-\$15,000 to CYP for their Diaper Bank. Seconded by Commissioner House, Bateman, Couch, Basnight and Ross.

Vote: AYES Unanimous

**MOTION**

Commissioner House motioned to adopt the Proclamation Declaring September 2024 as "Smart Start Month."

Vice-Chairman Overman Commissioner Basnight seconded the motion.

VOTE: AYES unanimous

**MOTION**

Vice-Chairman motioned to adopt the Proclamation declaring September 23-29, 2024 as Diaper Needs Awareness Week.

Commissioner House seconded the motion.

VOTE: Ayes unanimous

**ITEM 15 – RESOLUTION SUPPORTING OFFICIAL RECOGNITION OF THE ROANOKE-HATTERAS INDIAN TRIBE AS AN AMERICAN INDIAN TRIBE (Att. #4)**



Chairman Woodard stated that this was brought to their attention a few meetings back and this Resolution was drafted to help support the official recognition of the Roanoke-Hatteras Indian Tribe in the state of North Carolina.

**MOTION**

Commissioner Couch motioned to adopt the Resolution Supporting Official Recognition of the Roanoke-Hatteras Indian tribe as an American Indian Tribe by the State of North Carolina. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – DARE COUNTY TOURISM BOARD REQUISITION CONSENT EXPENDITURE FROM RESTRICTED FUND EVENT SITE LINE ITEM 4525 (Att. #)**

The County Manager noted that this matter was previously brought before the Board but did not receive approval due to ongoing discussions about the proposed Event Site. However, plans for the Event Site have since been set aside. He further explained that the county requires a location for an EMS Station, while the Town of Nags Head needs space for a fire station and other facilities. The old BB&T building, which is currently owned by Nags Head, is insufficient for their needs but is appropriately sized for the County's EMS Station. With the supplemental funding for the tourism board no longer a concern, the Tourism Board is requesting that the county agree to refund the funds to Nags Head. Nags Head plans to use the refunded money, along with additional funds that the county will provide for acquiring the BB&T site, to purchase a larger property where they can construct their new fire station and other facilities.

He outlined that this proposal would give the Tourism Board the authority to refund a total of \$2,336,107, with an initial payment of \$600,000 this year. Following that, they would contribute at least \$100,000 each year for the next ten years. Although the Tourism Board can choose to give more than the minimum, they cannot provide less than \$100,000 annually. If, by the end of the tenth year, they have not fully paid the entire amount, a balloon payment will be required to settle the outstanding balance at that time.

**MOTION**

Commissioner House motioned to approve the Tourism Board Request Consent Expenditure from Restricted Fund Event Site Line Item 4525.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – RENEWAL OF THE DARE COUNTY ARTS COUNCIL LEASE (Att. #)**

The County Manager informed the Board that the Arts Council had made a substantial investment in the Old Courthouse site, where they conduct their operations. He mentioned that the county leases this property to the Arts Council, who have requested an extension of their lease for an additional ten years. He explained that if the Board is interested in granting this request, it must be publicly announced in the newspaper for 30 days, and a resolution to approve the lease extension will need to be adopted at a later meeting along with the lease.

**MOTION**

Commissioner Basnight motioned to authorize moving forward with the required actions for the renewal of the Dare County Arts Council Lease and to place it on the Boards Agenda for approval at a later date.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 18 – SOUTHERN ALBEMARLE ASSOCIATION – ANNUAL MEETING INVITATION LIST**

The County Manager explained that the Annual Meeting Invitation List was sent by the Southern Albemarle Association and it listed fifty people from Dare County to be invited to their upcoming annual meeting.

**MOTION**

Vice-Chairman Overman to approve the Southern Albemarle Association Invitation List. Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – CAPITAL PROJECT ORDINANCE FOR THE DARE COUNTY NAGS HEAD EMS STATION**

Clawson explained that this Capital Project Ordinance is to establish an initial budget for the Dare County Nags Head EMS Station as approved in the fiscal year 2025 Capital Improvements Plan.

**MOTION**

Vice-Chairman Overman motioned to adopt the Capital Project Ordinance to establish an initial budget for the Dare County Nags Head EMS Station as Approved in the FY 2025 CIP. Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 20 – OFFER TO PURCHASE AND CONTRACT – 105 W. SEACHASE DR.**

The County Manager provided an overview of a request seeking approval from the Board of Commissioners regarding the Offer to Purchase and Contract with the Town of Nags Head. This agreement pertains to the acquisition of a property located at 105 W. Seachase Drive, Nags Head, NC 27959. The proposed purchase price is set at \$1,700,000.00, which reflects the amount that Nags Head originally paid for the property, rather than its current market value. He clarified that the primary goal of this acquisition is to build a new EMS Station. Additionally, he mentioned that, upon approval, the county will have 210 days to conduct due diligence and verify whether the site is appropriate for the intended use.

**MOTION**

Commissioner House motioned to approve the offer to purchase and contract. Commissioner Basnight seconded the motion.

VOTE: AYES unanimous

**ITEM 21 – CAPITAL PROJECT ORDINANCE FOR 2026 BUXTON & AVON BEACH NOURISHMENT PERMITTING & DESIGN CONTRACT**

The County Manager explained that this Capital Project Ordinance establishes a budget for the permitting, design, & construction administration contracts for Coastal Science & Engineering for the 2026 Buxton & Avon beach nourishment projects.

**MOTION**

Vice-Chairman Overman and Commissioner Couch motioned to adopt the Capital Project Ordinance to establish a budget for the permitting, design, & construction administration contracts for Coastal Science and Engineering for the 2026 Buxton & Avon beach nourishment projects.

Commissioner House seconded the motion.



VOTE: AYES unanimous

**ITEM 22 – BUXTON & AVON BEACH NOURISHMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENTS**

The County Manager clarified that the amendments to the agreement allow Coastal Science and Engineering to start their design work for this project in order to align with our scheduled timelines.

**MOTION**

Commissioner House motioned to approve the agreement amendments and authorize the County Manager to sign.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Chairman Woodard requested that Peele provide the Board with an update on the Manns Harbor EMS Station. Peele explained that the initial strategy for EMS Station 8 involved multiple phases. However, by coordinating with Barnhill, the Fire Department, the Community Center, and the existing EMS Station, they developed a revised phasing plan. This new plan enables the various components of the project to move forward more quickly. As a result, the Fire Department will continue to operate from their current location without any disruptions until the new station is complete.

Commissioner Bateman raised a question about the property behind the new youth center, mentioning that the property owner had concerns regarding the planned fencing to separate the properties, particularly its height. Peele replied that he would review the plans but noted that it is standard practice to install a six-foot privacy fence, similar to what was done at the Southern Shores EMS Station.

Commissioner Ross asked if there were any updates on the RFQ for the Parks and Recreation study. Peele replied that the RFQ has been issued, and proposals had been received, and the county had proceeded with McGill. He informed that McGill's contract has successfully completed the approval process and has been returned to Spencer Gregory, the Parks and Recreation Director, for further action. Peele expressed that everything is progressing as planned and suggested that the process could begin within the next three to four weeks, during which they will schedule in-person meetings. The County Manager also provided an update on the pickleball courts in Nags Head, stating that both the County and the Tourism Board have given their approval. The engineers are currently working on the site plan. He mentioned that a text amendment is needed, and they are collaborating with the Town of Nags Head to ensure everything aligns. He anticipates that by the beginning of the year, they will complete all preliminary work and start the actual project.

**ITEM 23 – 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 (07.10.24) (08.05.24) **(Att. #5)**
- 2) 36-Month Contract for KnowBe4
- 3) 36-Month Contract for Spectrum TV Service at EMS Station 7
- 4) Daily Deposit Exemption **(Att. #6)**

- 5) DEQ Grant Contract - Salvo
- 6) DEQ Grant Contract - Hatteras
- 7) Buxton Offshore Sand Search Contract
- 8) Budget Amendment – Register of Deeds Grant
- 9) Streamflow Rehabilitation Assistance Program Contract
- 10) Frisco VFD Facility Assessment & New Station Design Professional Services Contract
- 11) DHHS – Health – Funding for the Management of Chronic Illness in Pregnancy
- 12) DHHS – Public Health & Breaking Through Task Force Suicide Awareness & Prevention Grant

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

#### **ITEM 24 – BOARD APPOINTMENTS**

- 1) Albemarle Region Resource Conservation & Development Council  
Commissioner Couch motioned to reappoint Erin Fleckenstein.  
Commissioner Ross seconded the motion.  
VOTE: AYES unanimous
- 2) Health & Human Services Board  
Commissioner Bateman motioned to reappoint Vice-Chairman Wally Overman & Janine Sewell & to appoint Heather Jeannette and Dr. Jessica Stumph.  
Vice-Chairman Overman seconded the motion.  
VOTE: AYES unanimous
- 3) Jennette's Pier Advisory Committee  
Commissioner House motioned to appoint Susan Bothwell.  
Commissioner Ross seconded the motion.  
VOTE: AYES unanimous
- 4) Oregon Inlet Task Force  
Commissioner House motioned to appoint Anthony Lloyd.  
Vice-Chairman seconded the motion.  
VOTE: AYES unanimous
- 5) Stumpy Point Community Center  
The Board took no action and assigned this Item to the November Agenda.
- 6) Upcoming Board Appointments  
The upcoming Board appointments for October, November, and December, 2024 were announced.

#### **ITEM 25 – 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:

##### County Manager:

- During a previous meeting the BOC discussed the Recovery Coordinator position along with two additional roles within the Recovery Court. He stated he had reviewed the contract, which outlines the county's responsibility for covering disability costs and



workers' compensation expenses, even though these individuals will be classified as state employees. He noted that he has been in communication with state officials and was informed that there is only a one-year risk associated with disability coverage. As for workers' compensation, there is not much that be done to mitigate that risk, so we need to carefully evaluate whether we are prepared to accept it if we decide to proceed. He reflected that when the program was initially launched, the county had agreed to employ the coordinator directly, meaning the county would assume liability regardless. However, for reasons related to supervision, it is more appropriate for these positions to fall under the Administration Offices of the Court, despite being funded by the county. He emphasized that if the county wants to continue with this program, it must be willing to accept the associated risks.

**MOTION**

Commissioner Bateman motioned to authorize the County Manager to renew the Recovery Coordinator employee contracts.

Vice-Chairman Overman seconded the motion.

VOTE: AYES Unanimous

Chairman Woodard discussed the history of OBX STORM regarding the athletic fields in Nags Head and inquired about the possibility of preserving the fields located outside the fenced area. The County Manager clarified that when these fields were initially established, there were plans for tennis courts in the same location, although those plans never happened, noting that was twenty years ago. According to the engineers, there are no concerns about stormwater runoff. The proposal includes maintaining grass with a sprinkler system, though there would be no lighting installed. The field would accommodate either one regulation-sized soccer field or a slightly smaller version, which is suitable for younger children who do not require full-size fields. The estimated cost for this project ranges from \$73,000 to \$90,000, depending on what work the county can undertake itself, such as installing sod and purchasing it directly from the manufacturer. The County Manager indicated that funding for this initiative would be drawn from the contingency fund.

**MOTION**

Commissioner Couch and Commissioner Basnight motioned to allocate a maximum of \$90,000 for the completion of work at the Nags Head soccer field.

Commissioner Bateman and Vice-Chairman Overman seconded the motion.

VOTE: Ayes unanimous.

- He announced that the dredging at Rodanthe Harbor would begin this week. He clarified that efforts to persuade both the Corps of Engineers and the State to open up that harbor had been unsuccessful. He pointed out that the federal government has stringent regulations that makes it almost impossible for them to do it. He further explained that the county has obtained the necessary permits and secured a contractor for the dredging project, which is expected to take approximately seven days to complete. Commissioner Ross asked why the Miss Katie ferry could not perform the dredging. The response indicated that the area is too shallow and narrow for her capabilities. However, it was noted that in the future, if permits are obtained, the Miss Katie may be able to assist in maintaining the harbor.
- In regards to the Buxton FUDS matter, he mentioned that, as a precaution, the water used by the county in that area has been tested and showed no concerns. The results

indicated no detectable levels of contaminants, and he emphasized that there are no issues with potable water in that location. This testing also included assessments for forever chemicals and similar substances.

Dorothy Hester:

- Discussed the stories from the Purple Heart Recipients and suggested having CurrentTV sit down with those recipients hopefully in time for Veterans Day.
- Announced that there will be a Dare County Outreach Table at First Flight Middle School this week.

David Clawson

- None

Commissioner Basnight

- Expressed her happiness about Vice-Chairman Overman's return.
- Conveyed her pride in the progress made by the BOC regarding the improvements at the EMS Stations and highlighting that the Ribbon Cutting for KDH EMS Station 1 was a remarkable occasion
- Mentioned having conversations with the soccer parents and believes that sod installation on the practice field in Nags Head is a great idea.
- Last month, the ABC Board sought funding for monitors to support alcohol education in schools. During the recent Board of Education meeting, they approved the acceptance of funds from the ABC Board. Additionally, at the last ABC Board meeting, the expenditure for ten monitors to be placed in ten schools was approved, with discussions also addressing the inclusion of vaping and tobacco use education.

Commissioner Ross

- On September 10th, Jennette's Pier will host an event to kick off the "Launch Blue Zones Effort." During this event, participants will learn about the Power Nine Initiatives, which promote robust and healthy lifestyles.
- There will be a commemorative walk to honor the lives lost on September 11, 2001. This walk will begin at 8:46 a.m., the exact time of the first attack
- September 14th, Day at the Docks will take place in Hatteras.
- Highlighted John Leatherwood and his involvement with various initiatives from the Tennis Association. One notable event is the "Love to Remember" tournament, held last October at Duck Woods Country Club, where he had the privilege of speaking. This tournament raises funds for the OBX Dementia Friendly Coalition and is a truly valuable event.

Commissioner House

- He mentioned that he will participate in the 9/11 Memorial Walk.
- The North Carolina Marine Fisheries Commission recently conducted its quarterly meeting, primarily reviewing the Fisheries Management Plans. One key focus moving forward is speckled trout. It's noteworthy that speckled trout have a remarkable ability to significantly increase their biomass in just two years, making them exceptionally sustainable. However, much of the data being analyzed dates back to 2019, which is five years ago. At that time, the population of speckled trout was well above sustainable biomass levels. Now, with updated data still indicating a healthy population, the



commission is considering potential harvest reductions ranging from 20% to 53%. Other species under review include flounder and rockfish.

- Our Day in History: In 1944, the last transport of Dutch Jews departed from Westerbork to Auschwitz Concentration Camp. This event is significant as Anne Frank was among those on that train.
- Pet of the Week: Anne & Marie, two dogs are available for adoption at the OBX SPCA.

#### Vice-Chairman Overman

- Extended gratitude to the recipients of service pins for their 35 years of dedicated service.
- Mentioned that according to the DOT representatives at the most recent RPO meeting, construction on the Alligator Bridge is tentatively set to commence in November.
- Shared that the North Carolina Division of Marine Fisheries seems to want to establish North Carolina as a nursery for flounder to support Virginia and South Carolina.
- Expressed appreciation for everyone's support, including get-well-soon cards, emails, prayers, and other forms of encouragement. He noted that he has orders to limit activities for the next twelve weeks.

#### Commissioner Bateman

- Welcomed back Vice-Chairman Overman.
- Noted that the Dog Park looks beautiful with grass being mowed twice a week, and metal pools being there for the dogs to play in. He praised Spencer Gregory for his excellent work.
- Asked about the Boat Ramp in Wanchese; the County Manager replied that he had spoken with Johnathan DeWeese from Public Works about acquiring some rock and crush to improve the area soon.
- Expressed gratitude to Chairman Woodard for his leadership on the soccer projects and conveyed excitement about the upcoming Parks and Recreation Study, hoping it will help address various issues.
- Inquired about the Division of Marine Fisheries Commission and who is responsible for their appointments; the response indicated that the Governor is the one who appoints them.

#### Commissioner Couch

- Expressed gratitude for the return of Vice-Chairman Overman.
- He referred to Gray Parsons' remarks regarding the Frisco Native American Museum and noted that the county has lasting representations of its Native American heritage, particularly through the names of its water towers. He supported the proposal to rename the water tower "Croatan." The County Manager suggested postponing any decisions until the scheduled time for painting the tower, at which point they could reassess the county's status and have further discussions.
- He announced that the Surf Fishing Tournaments are approaching

In conclusion, Chairman Woodard expressed that the progress on the Buxton Beach and FUDS project has been excessively delayed, and more should have been accomplished this year. He asserted that the Board will persist in applying pressure to ensure movement on these initiatives.

**ITEM 26 – CLOSED SESSION**

The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the County in order to preserve the attorney-client privilege with respect to the Shelby & Lutz matter; and 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 with respect to the Dare Building Supply; and pursuant to NCGS 143-318.11(a)(6) to review the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; and to approve the minutes of the last Closed Session.

**MOTION**

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

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 1:10 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 1:38 p.m. and Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, consulted with the County Attorney, and gave the County Attorney instructions with regard to the negotiating of a contract and discuss the character, quality, performance, fitness, and conditions of a Dare County Employee.

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

**MOTION**

Commissioner House motioned to adjourn the meeting.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 1:39 p.m., the Board of Commissioners adjourned until 9:00 a.m., October 7th, 2024.



APPROVED:

Respectfully submitted,

By: *Skyler Foley*  
Skyler Foley, 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 of Commissioners at this meeting are on file in the office of the Clerk. Attempts have been made to accurately spell each podium speaker.