



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., October 7, 2019

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

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Deputy County Manager/Finance Director, David Clawson
Master Public Information Officer, Dorothy Hester
Clerk to the Board, Cheryl C. Anby

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.com.

At 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Tanta Hendricks to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website.

- CIPC met last week regarding the Animal Shelter and COA additions with more information to be shared later in the meeting.
- Dare Center celebrated their 10th anniversary and since opening, in 2009, there have been 30,927 events hosted at the Center.
- FEMA Declaration received on October 4, 2019 for Hurricane Dorian. The Public Assistance Designation was approved for Brunswick, Carteret, Craven, Currituck, Dare, Duplin, Hyde, Jones, New Hanover, Pamlico, Pender, Sampson, Tyrrell and Washington Counties.
- He will be attending the Affordable Housing Conference in Raleigh today to continue the research on efficient housing for unincorporated Dare Community and surrounding areas.
- Provided a debris removal update. Roanoke and Manteo and Harbor will be started this week.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PIN

Michelle Gray, received a 15-year service pin from Cpt. Trey Piland.

ITEM 3 – EMPLOYEE OF THE MONTH – October, 2019

Kelly McPherson, an Administrative Specialist, received the Employee of the Month award from Elizabeth Reilly. Ms. McPherson has served in many County departments since 2008, including the Mailroom and Human Resources and consistently provided excellent administrative support. Most recently she had been working with the Board of Elections, who greatly appreciated her added service to their department.

ITEM 4 – OCEAN GUARDIAN SCHOOL GRANT PRESENTATION

Shannon Ricles, Program Manager for the Ocean Guardian School Program of NOAA's Monitor National Marine Sanctuary, presented Clay Tiderman, a Cape Hatteras science teacher, and the school's principal, Beth Rook, with their first Ocean Guardian Grant banner and their second Ocean Guardian Grant for Cape Hatteras Secondary School. The program began ten years ago to help students learn about our oceans and how to become more involved to protect them. Mr. Tiderman proposes with the second grant to continue the recycling program he began last year with a refill station to be installed utilizing some of the grant funds awarded from the Ocean Guardian School Program.

ITEM 5 – PUBLIC COMMENTS

At 9:22 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 can be viewed in their entirety in a video on the County website:

The following comments were made in Manteo

1. Michael J. Hurt, owner of Danco Builders, Inc., provided a brief overview of this design-build company. Claiborne Woods, Project Manager, joined him in explaining their disaster relief team efforts and willingness to assist with recent storm damage.
2. Bea Basnight, Chairman of the Board of Education, provided congratulations on behalf of the Dare County Schools to the Board and County for their efforts in supporting the schools, teachers and staff with tremendous financial school assistance, especially at Cape Hatteras Secondary School.

There were no comments made in Buxton

The County Manager closed Public Comments at 9:27 a.m.

ITEM 6 – PUBLIC HEARING – FY2021 NCDOT 5311 & 5310 PROGRAM GRANT APPLICATION (Att. #1)

At 9:27 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 to the invitation to address the Board of Commissioners on this issue from Manteo or Buxton. The County Manager closed the Public Hearing at 9:28 a.m.

MOTION

Commissioner House motioned to adopt the Public Transportation Program Resolution for the FY 2021 NCDOT 5311 & 5310 Program Grant Application.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – PRELIMINARY ASSESSMENT RESOLUTION – LESLIE LANE, AVON, NC
(Att. #2)**

Pat Irwin, Director of Public Works, presented the Leslie Lane water extension project cost estimates. It is the intention of the Dare County Board of Commissioners to undertake the construction of a water supply and distribution system supply water to certain properties on Leslie Lane located in Avon. A Public Hearing would be scheduled for November 4, 2019 and later a Final Assessment Resolution with more defined project costs would be presented to the Board. The County Manager explained, though not required, the plan had been designed with a seven-year payment option for property owners, as this had been provided in past projects.

MOTION

Commissioner Bateman and Couch motioned to approve the Preliminary Assessment Resolution for Leslie Lane and schedule a Public Hearing on November 4, 2019.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 8 – TEXT AMENDMENT TO THE C-3 ZONING DISTRICT

Noah Gillam, Asst. Planning Director, presented the staff report which outlined Brent Johnson's petition to request an amendment to the C-3 Zoning District to allow for commercial storage yards as a permitted use. The C-3 Zoning District applies to portions of Roanoke Island, Avon and Buxton. Mr. Gillam explained commercial storage yards were currently defined as "space for a fee for the storage of boats and boat trailers; recreational vehicles, travel trailers, and campers; automobiles; utility trailers; contractors' towable storage trailers, and similar types of vehicles and equipment. This does not include the dry-stack storage of boats." The Planning Board reviewed the amendment request, found the proposed text amendment consistent with the 2009 Dare County Land Use Plan and recommended a Public Hearing be scheduled for October 21, 2019 at 5:30 p.m.

MOTION

Commissioner House and Vice Chairman Overman motioned to approve the scheduling of a Public Hearing on October 21, 2019 at 5:30 p.m.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 9 – LEGALLY BINDING AUTHORITY REQUEST WITH APPLE, INC.

Mr. Outten advised while platforms and other applications for County phones were to be built using Apple programs, it would be required to authorize a County representative to sign contracts and communicate developments. As these applications would be developed through Apple, he felt it would be more streamlined and efficient for Matthew Hester, as Dare County's IT Director, to have the authority to sign and communicate directly with Apple, Inc. during the development of the applications.

MOTION

Commissioner House motioned to approve the legal binding authority of Matt Hester, IT Director, to enter into an agreement with Apple, Inc. for the development of applications.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – ADDITIONAL FUNDING REQUIREMENTS SOUTH FERRY CHANNEL DREDGE EVENT OCTOBER 2019

Mr. Outten provided a review of the dredging of South Ferry Channel and noted the channel was typically dredged in spring and fall each year. Currently the channel was reported to have held up remarkably well but needed work around the edges. Based on the State's MOA, Dare County provides one quarter of the funds for the project and the balance of \$49,785.000 requested would bring the total of the County's contributions to \$136,710.00. It was anticipated the dredging would begin early to late November, 2019.

MOTION

Commissioner Tobin motioned to approve the additional funding for the South Ferry Channel dredge event in October, 2019 at a total amount of \$49,785.00.

Vice Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 11 – INTERGOVERNMENTAL GROUND LEASE AGREEMENT BETWEEN COUNTY OF DARE AND TOWN OF MANTEO

Mr. Outten presented the Ground Lease Agreement for lease of 217 Budleigh Street, 200 Ananias Dare Street and 204 Ananias Dare Street for the purpose of a "Town Commons" consisting of open space/green space, public parking, and other public recreational facilities. The demolition work was almost completed. As the Town of Manteo was interested in applying for grant funding, the current drafted ground lease would need to be modified to a twenty-five year term. Should Dare County have a future need and use for the property, the County would reimburse the Town of any unused grant funds. As parking was of prime importance, several configurations for additional parking had been considered. Vice Chairman Overman suggested at least sixty-five parking spaces be incorporated into their project footprint. The Board discussed and agreed the parking issue should be addressed in the ground lease with a target of sixty-five spaces as they design the green space.

MOTION

Vice Chairman Overman motioned to approve the Ground Lease Agreement with the stipulation of a desired minimum of sixty-five parking spaces, a twenty-five year term and any other review changes the County Manager deemed necessary, together with authorization for the County Manager to sign the final agreement.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – CHANGES TO THE 2020 CAPITAL IMPROVEMENTS PLAN FOR THE COLLEGE OF THE ALBEMARLE BUILDING AND FOR THE ANIMAL SHELTER

Mr. Outten advised only AR Chesson had provided a response for qualifications as Construction Manager at Risk for the Dept. of Health and Human Services remodeling and expansion project. Rather than delay the project by soliciting for responses again, the CIPC recommended approval of AR Chesson, as past experiences with the company had been favorable.

MOTION

Commissioner Ross motioned to approve AR Chesson as the Construction Manager at Risk for the Dare County Health and Human Services project.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Mr. Outten provided an update on the Animal Shelter project and identified the design phase was approximately 65% complete. The contractor had solicited bid estimates throughout North Carolina, Virginia and locally. With \$3 million set aside for the project, the estimates were higher than anticipated, due to the unique construction factors and guidelines required with construction of animal shelters. Currently the bid estimates reflected the project could cost approximately \$4.5 million. CIPC had reviewed other animal shelter project costs, the contractor would continue with value engineering to further reduce some cost estimates, and when the bids were reviewed for truer costs, the CIPC would make a recommendation to the Board. The Capital Improvements Fund, created through the recent budget cycle, was noted to have the funds for this project. No action taken at this time.

Mr. Outten recapped the COA project, designed to provide Dare County's graduates an opportunity to earn their academic degrees and/or to provide training in trade skills without their leaving Dare County. He further explained the COA Task Force began the groundwork. There had been multiple public and COA input meetings coupled with meetings with the COA staff and architect to ensure the planned project could provide the space and programs envisioned. Originally it had been proposed 26,000 square feet would be ample space for the project, as this was the size of the Twiford Campus. Further discussions of the project had disclosed the actual need would be 36,000 square feet in order to provide what the community desired in the project's offerings. This would not include any renovation to the Professional Arts Building, which would need some work after the new building was completed. Mr. Outten advised the Capital Improvement Plan had the funds available without impact on the tax rate and without change to other CIP programs. The consultant, Kennon Briggs, reviewed the proposed plan and had confirmed the additional square footage was in line with the proposed program space. The CIPC recommended the increase in square footage and limit the cost to \$14 million inclusive of the work to the Professional Arts Building.

Commissioner Bateman asked if the curriculum for the trades had been narrowed and whether culinary arts would be included. Mr. Outten offered there had been much discussion on curriculum offerings and how they would change to allow for a flex use of the proposed classrooms. Originally the plan had two labs with one for chemistry and biology; however, now they proposed one lab to accommodate both through scheduling arrangements.

MOTION

Vice Chairman Overman motioned to approve the COA project with up to 36,500 sq. ft. and a \$14 million cap, inclusive of the work to be done in the existing Professional Arts building. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 13 – CONSENT AGENDA

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

MOTION

Commissioners Tobin and Bateman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (09.16.19) **(Att. #3)**
- 2) Approval of Minutes for 09.16.19 Special Meeting of Housing Alternatives **(Att. 4)**
- 3) Approval of Minutes for 09.23.19 Special Meeting for Activation of the Debris Removal Contract **(Att. 5)**
- 4) North Carolina Governor's Highway Safety Program (GHSP) Local Governmental Resolution **(Att. #6)**

- 5) Health & Human Services/Public Health Division Emergency Overdose-Local Mitigation to the Opioid Crisis Grant
- 6) DHHS Public Health Div. – Trillium Funding for Strategic Prevention Framework for Prescription Drugs Project
- 7) Water Dept. DCDOT Right of Way Encroachment Agreement for 7-11, Kitty Hawk

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 14 – BOARD APPOINTMENTS

Dare County Transportation Advisory Board

Commissioner Tobin motioned to appoint Mayte Hernandez-Beacham to fill the Human Services Sector vacancy.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Upcoming Board Appointments

Upcoming Board appointments for Nov., Dec., 2019 and January, 2020 were announced.

ITEM 15 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager frequently make extensive remarks, which may be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment:

Commissioner Bateman

Reported Ocracoke was still working through the damages left by Hurricane Dorian. Sewage and septic systems were compromised; bacteria and mold would be a problem for a long time; and many residents had no insurance and were left without homes, vehicles and many had lost their jobs. The long-range problem would be the budgetary issues due to these losses. He added Dare County, though hit by the storm, was blessed.

Commissioner Couch

He agreed with Commissioner Bateman and added Dare County's emergency staff did a great job during and after the storm. Hatteras, like many area towns, was tight knit, grateful for the numerous volunteers and groups who had offered assistance and goods. The debris removal team had been working thirteen hours a day, seven days a week, and progress was being made on cleaning out. Data is being compiled to glean some valuable lessons from the early responses made after the storm.

Commissioner Tobin

He noted the draft permit had been returned by the Corps of Engineers. Jensen Maritime is only a few weeks away from final plans on the dredge so requests for proposals could be sent out in the next month or two.

He provided an update on the Wanchese Channel dredging project and explained it had been determined the area which needed to be dredged was a shell fish restricted zone. The material could not be taken to a location where shellfish are harvested. It may be necessary to bring in a small pipeline dredge and pump material on the storage area near the channel. He visited Hatteras and reported the clean-up crew was doing a great job as he saw only a few piles of debris along with white goods, propane bottles and tires.

Commissioner Ross

Reminded everyone there would be a State of the Region Legislative Update on November 14, 2019, at 8:00 a.m., at the Hilton Garden Inn in Kitty Hawk with information provided by Representative Bob Hanig and Senator Bob Steinburg.

Commissioner House

The Annual Jeep Jamboree had been celebrated with approximately 3,000 people attending. The event had raised money for local charities.

He mentioned October was Domestic Violence Prevention Month and he had attended a Pitt County fund raiser for domestic violence victims with more than \$20,000 having been raised. October was also Breast Cancer Awareness Month.

Today in history marked when Henry Ford had implemented the first moving assembly line in 1913 which reduced the production time of the Model T to approximately 93 minutes.

Commissioner Overman

He congratulated the Dare Center on celebrating their tenth anniversary, both Michelle Gray for her fifteen years of service and the Employee of the Month, Kelly McPherson.

He recognized Cape Hatteras Secondary School for receiving their Ocean Guardian Banner and the award of their second grant.

Commissioner Overman also offered appreciation and thanks to all those involved in the recent discussions regarding the Department of Health and Human Services project, and both the COA and Animal Shelter projects.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten reminded the Board that in past storms building permit fees had been waived and recommended the formal authorization of building permit waivers for property owners who experienced damages due to Hurricane Dorian.

MOTION:

Commissioner House motioned to approve the waiver of Hurricane Dorian related building permit fees.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Mr. Outten presented the Resolution for the designation of David Clawson, as primary agent and Sandy West, as secondary agent, to execute and file applications for federal and/or state assistance on behalf of Dare County in regards to storm recovery through grant agreements. The resolution would also designate Mr. Clawson as Primary Agent and Ms. West as Secondary Agent to execute the applicable Disaster Assistant Agreements, as may be required in any disaster assistance.

MOTION:

Commissioner House motioned to designate Dave Clawson and Sandy West as primary and secondary agents as stated in the resolution presented.

Seconded by Vice Chairman Overman and Commissioner Bateman

VOTE: AYES unanimous

Mr. Outten announced the successful completion of all requirements by Dorothy Hester to earn the designation of Master Public Information Officer (MPIO). The Board congratulated her on this achievement.

Dorothy Hester commented the research paper on flooding she had completed as part of the MPIO course requirement had been useful and applicable during Hurricane Dorian. She announced the County's Health & Human Services Department would be taking applications for sponsors and recipients of the Thanksgiving Basket Program during October. Additional information could be found on the County's website in order to donate money, basket items or to apply as a recipient of a basket.

Dave Clawson advised there would be the first applicant briefing for Dorian this week with FEMA and NC Management. November 7 would be the first inter-agency meeting.

ITEM 16 - 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 regard to the Opioid Litigation; and to approve the minutes of the last Closed Session.

MOTION

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

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 10:33 a.m. the Commissioners exited the room to meet in Closed Session. They reconvened at 11:07 a.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes and gave the County Attorney guidance with regard to the Opioid Litigation matter.

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 11:12 a.m., the Board of Commissioners adjourned until 5:00 p.m., October 21, 2019.

Respectfully submitted,



APPROVED:

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

By: *Robert Woodard*
Robert Woodard, 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.