



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., December 16, 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
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 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.

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:

- Recognized Troop 165 from Manteo, with Joe Heard and Scoutmaster Dennis Stewart, in attendance to work on their Citizenship in the Community Merit badge.
- Rotary Club presentation made to share upcoming plans for the new COA campus
- Honored to have delivered the eulogy for former Mayor of Kill Devil Hills Ray Sturza
- Attended the adult Christmas celebration at Baum Center
- Recognized “Room in the Inn” hosted at Sugar Creek with other restaurants participating, over 280 attendees who raised proceeds for support services for area homeless
- Addressed the Chamber of Commerce with the County’s projects
- He would be giving the State of the County address on January 15th at Captain Georges
- Wished fellow citizens a prosperous New Year and Merry Christmas

ITEM 2 – PUBLIC COMMENTS

At 5:09 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.

No one responded to the invitation to address the Board in Manteo and there were no comments made in Buxton - The County Manager closed Public Comments at 5:10 p.m. By consensus, the Board agreed to handle Items 4, 5 & 6 out of sequential order so Item 3 could be heard as scheduled.

ITEM 3 – PUBLIC HEARING –TEXT AMENDMENT TO HWY. 345 ZONING DIST., (Att. # 1)

At 5:35 p.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 can 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 and there were no comments made in Buxton

The County Manager closed the Public Hearing at 5:34 p.m.

MOTION

Commissioner Bateman motioned that the Highway 345 Business zoning district text amendment for Dare Pits LLC be adopted as recommended by the Planning Board. A finding of consistency was also adopted as part of the motion and the consistency statement shall be part of the public record.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 4 – UPDATE ON PROPOSAL FOR DEVELOPMENT OF DREDGE MATERIAL MANAGEMENT PLAN

Kenneth Willson, of APTIM Coastal Planning & Engineering, provided an update regarding the proposed study of spoil sites. Dredge material disposal needs for projects, not currently budgeted, need to be researched, especially since the Corps has approached County staff about capacity issues in the southern part of the Rollinson Channel, with a maintenance project slated for 2021/22. Additionally, a Corps project, around the same time, would target interior channels from Manteo to Wanchese. Updated proposals were presented to the Board, one based on the Rollinson Channel and the other based on Central Dare County channels, with need assessments, concept alternatives reviewed from Rodanthe to Hatteras Inlet, initial permitting applications and sediment analysis reports. Mr. Willson provided several area maps to provide imagery locations for dredge material management assessment. Alternative methods of disposal could include thin-layer placement in marshes, development of living shorelines, and utilization of spoil for future post-storm repairs or assistance in the stabilization of areas where shoreline erosion was problematic. The County Manager explained currently there was no request for funding, rather approval of the proposals to move towards the grant cycle process. Upon completion of the grants, staff would later present a request for funding of approximately \$100,000 to move forward with projects. Commissioner Tobin described a northern part of the Chesapeake Bay where a bird and oyster habitat had been developed with spoil material. County Manager explained there were current struggles with the Manteo project, with 65,000 cubic yards which needed disposal placement, and may have to be trucked out. Commissioner Ross asked about disposal options and Mr. Outten explained, until the studies were completed, the available option choices could not be delineated and some permitting processes could take ten years. Commissioner Couch added the ability to obtain the permits would be a significant first step to move forward with the projects. Mr. Willson noted there were some novel approaches for spoil, but it would take time and funding to evaluate. The proposals outline the costs long term to include initial permitting to be ready for upcoming projects and disposal options.

ITEM 5 – SOUTHERN DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL MANAGEMENT PERMITTING PROJECT

Brent Johnson, Waterways Admin., Proj. Mgr., requested approval for a grant submission to NC DEQ Shallow Draft Navigation Grant to assist in the cost share for the Southern Dare County Channel Maintenance and Dredge Material Management Permitting Project.

ITEM 6 – CENTRAL DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL MANAGEMENT PERMITTING PROJECT

Brent Johnson, Waterways Admin., Proj. Mgr., requested approval for a grant submission to NC DEQ Shallow Draft Navigation Grant to assist in the cost share for the Central Dare County Channel Maintenance and Dredge Material Management Permitting Project.

MOTION

Commissioner House motioned to approve both APTIM proposals to allow for the submission of the grants for both the Central Dare County and Southern Dare County channel areas for maintenance and dredge material management permitting projects described in Item 5 and Item 6.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 7 – REQUEST FOR LATE APPLICATION FOR 2019 PROPERTY TAX EXEMPTION OR EXCLUSION

Assistant County Assessor, Hosea Wilson, and Maggie Dennis, Sr. Property Appraiser outlined a late application for tax relief for Wanda M. Best and explained the circumstances related to its late filing and request for tax relief. The taxpayer's husband had died and they had qualified for relief in 2017. Due to the change in ownership after her husband's death, she needed to requalify and her health prevented the timely filing.

MOTION

Vice Chairman Overman motioned to accept the late application of Wanda M. Best and approve the 2019 property tax relief request.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 8 – RELEASE FOR SETTLEMENT OF STATE ATTORNEY GENERAL'S LAWSUIT VERSUS UBS AG (Att. #2)

Mr. Outten, outlined that after the termination of two basis swaps and two swaptions with UBS AG in 2011, there had been two lawsuits filed against UBS AG alleging manipulation of interbank offering rates and LIBOR, which would have lowered counterparty's savings. The first lawsuit, a class action suit, had been settled with the County receiving \$20,089. The second lawsuit, brought by forty-one State attorney generals against USB AG, had been settled and Dare County's share would be \$111,454.23.

MOTION

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

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONSTRUCTION MANAGER AT RISK CONTRACT FOR COLLEGE OF THE ALBEMARLE PROJECT

County Manager outlined staff had reviewed both the contract and general conditions of the Barnhill Contracting Company and made changes consistent with the Animal Shelter and DHHS contracts recently approved. An amendment to the capital project budget in the amount of \$109,089 for preconstruction services fee was also presented.

MOTION

Vice Chairman Overman motioned to approve the contract, authorize the County Manager to execute same and adopt the amendment to the capital project ordinance.

Commissioner Couch and House seconded the motion.

VOTE: AYES unanimous

ITEM 10– UNC CHAPEL HILL SCHOOL OF GOVERNMENT – ESSENTIAL HOUSING NEEDS PRE-DEVELOPMENT & OPPORTUNITY SITE IDENTIFICATION

County Manager explained the UNC School of Government, through their Development Finance Initiative (DFI) offered predevelopment partnerships to communities which evaluate opportunities to provide essential housing units affordable to various income levels. DFI provided a two-phase proposal with scope of services, timeline and cost estimates for consideration. Vice-Chairman Overman and Commissioner Ross had joined the County Manager recently and discussed the programs available through UNC SOG. They offered a two-phase proposal, which included attracting and soliciting the market and developers, identification of sites, eligibility of tax credits together with income demographic study. Commissioner Ross asked about the timeline for the process and the County Manager advised the short term would be approximately 90-120 days with an anticipated term of 60-90 days for the Bowsertown site. Commissioner Ross endorsed the proposal and added UNC provide their unbiased, properly motivated assistance to counties with this service across the state. Vice-Chairman Overman indicated the group also commits themselves throughout the projects' progression. Commissioner House added other counties that had utilized the NC SOG development suggestions had returned high recommendations.

MOTION

Vice Chairman Overman motioned to move forward with the presented proposal from UNC Chapel Hill School of Government.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 11– CONSENT AGENDA

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

MOTION

Commissioner House and Ross motioned to approve the Consent Agenda:

- 1) Approval of Minutes (12.02.19) **(Att. # 3)**
- 2) Health & Human Services – Public Health Division, Community Linkages to Care (CLC) for Overdose Prevention and Response Grant
- 3) Tax Collector's Report
- 4) NC Governor's Highway Safety Program Local Governmental Resolution **(Att. #4)**
- 5) Retirement of Deputy Sheriff K-9 Diablo

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – BOARD APPOINTMENTS

1) Dare County Transportation Advisory Board

Commissioner House motioned to appoint George Carver, Jr. to fill one of the Public Business Sector vacancies.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

2) Dare County Joint Community Advisory Committee

Commissioner Tobin motioned to appoint both Amber Jennings and Bonnie Bennett to a one year term.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 13 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary:

Vice Chairman Overman

- He attended a mental health conference which had many good speakers to include Secretary Mandy Cohen. She discussed the Medicaid transformation to managed care, which remains suspended in North Carolina due to the government budget impasse.
- He also wished everyone a Merry Christmas.

Commissioner Bateman

- He wished everyone a Merry Christmas and Happy New Year.
- Attended the Candy Bomber reenactment at the airport, where candy bars dropped with parachutes. This was originally done after World War II, during a time of hardship for the children of Germany.

Commissioner Couch

- Recognized that December 17 was the 116th anniversary of the 1907 first flight of Wilbur and Orville Wright, which was one of mankind's greatest achievements.
- He offered Merry Christmas wishes to all.

Commissioner Tobin

- He attended the Workboat Show in New Orleans with County Manager and Commissioner House. They met with seven shipbuilders and gleaned valuable information which would be helpful with the upcoming RFP for the dredge.
- Wished everyone a Merry Christmas and Happy Hanukah

Commissioner Ross

- Attended the Rotary Club luncheon, addressed by Sen. Steinburg who spoke about the area penal system and penitentiaries. As the chairman of the Select Committee on Prison Safety, the Senator remained highly engaged with intentions to visit all area prison sites.
- He would be participating in the annual Dare County Center Toy Drive to pass out gifts.
- Expressed condolences to the family of former Currituck Commissioner Marion J. Gilbert.
- Meetings continue with the Tourism Board to work through identification of the goals for the new event site.

Commissioner House

- Commended the ten-year service of K9 Diablo and reminded this was the time of year to donate toys/food or just visit the local pets at the shelters during the holidays.
- Provided recognition, photos and memories of Sammy Pleger, a retired Dare County medical flight pilot, who recently died.

MANAGER’S/ATTORNEY’S BUSINESS

County Manager outlined a holiday debris schedule with more details available on the County website. He announced Dominion Power, in response to the County resolution adopted on September 16, 2019, had provided their intent to install several metal poles and underground service on the south side of the causeway with completion targeted before next hurricane season.

Mr. Outten also noted the Stormwater Management Plan was old and FEMA grant funds were available to absorb some of the cost. He asked the Board’s permission to move forward and apply for the funds.

MOTION

Commissioner House motioned to move forward with application for funds to assist with the cost of updating the Stormwater Management Plan.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

Dorothy Hester wished the Board and County Happy Christmas and provided a reminder of the State of the County address to be given on January 15, 2020 at Cpt. Georges. The census preparation was moving forward with the count beginning April 1, 2020.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 6:15 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 6, 2020.



APPROVED:

Respectfully submitted,

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

By: *Robert Woodard, Sr.*
 Robert Woodard, Sr., Chairman
 Dare County Board of Commissioners

Note: Copies of attachments (Att.), ordinances, resolutions, contracts/presentations, and supporting material considered by the Board at this meeting are on file in the office of the Clerk to the Board.