



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., June 15, 2020

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman
Rob Ross, Steve House, Jim Tobin, Danny Couch and 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 5:00 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He read the prayer, offered by Father John Hanley of Holy Redeemer by the Sea, 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:

- Chairman Woodard reiterated his County public message presented on June 12, 2020. He noted the Control Group had met for the 42nd time since the Covid-19 outbreak to review and discuss the controversial issue of mask wear after hearing feedback from citizens. In moving forward the group was in agreement to coordinate efforts to encourage face coverings when it was difficult to properly social distance. Everyone should diligently continue the guidelines of “wash, wear and wait” and he urged everyone to continue to do their part to educate family, friends and co-workers to keep our numbers low. With the recent influx of visitors to the County, there had only been ten new cases since May 16, 2020.

ITEM 2 – PUBLIC COMMENTS

At 5:16 p.m. the Manager outlined the procedure for making public comments to the Board via email to dcboc@darenc.com. No one responded to the invitation to address the Board. The County Manager closed Public Comments at 5:18 p.m.

ITEM 3 – PUBLIC HEARING – BUXTON ZONING MAP AMENDMENT FOR JOHN CANNING

At 5:18 p.m. Board held a Public Hearing to receive input concerning this agenda item to reclassify Parcel 031013001, also known as 49251 NC 12 Hwy, from R-3 residential to a new zoning designation of C-3 commercial. The Manager outlined the advertised procedure for making public comments via email to dcboc@darenc.com. The Board received one email response from Bob and Vicki Barris, owners of the property to the west of the subject property. While they did not oppose the rezoning, they suggested there be a requirement of a border between their properties. Planning Director, Donna Creef, responded via email that fencing and/or buffering was a requirement related to specific development activities and noted any discussion of a buffer could be revisited if site plans were submitted.

County Manager closed the hearing at 5:21 p.m.

ITEM 4 – BUXTON ZONING MAP AMENDMENT (Att. #1)

The proposed zoning map amendment to the Buxton zoning map to reclassify Parcel 031013001, 49251 NC 12 Hwy, from R-3 residential to a zoning designation of C-3 commercial was presented to the Board. The applicants were present along with Noah Gillam from the Planning Department. If the map amendment was approved the applicants would have to submit a site- specific plan to separate the minor mobile home area from the proposed commercial storage yard to be located at the rear portion of the two-acre parcel. Mr. Gillam provided additional application background along with the Planning Board's recommendation for approval. Mr. Canning addressed the Board and explained Hatteras Island had one other storage facility and the addition of a commercial storage yard for boats and RV's would have no impact on the neighbors.

MOTION

Commissioner Couch motioned the parcel located at 49251 NC 12 Hwy in Buxton, NC be rezoned to C-3 commercial, as requested. The rezoning was found to be consistent with the policies of the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County and would be in the public interest since the amendment would allow for uses already similar to the surrounding uses.

Commissioner Tobin and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 5 – WILLIAM AND SHELLY DAUGHERTY GROUP DEVELOPMENT (Att. #2)

This agenda item was handled as a quasi-judicial proceeding with the applicants, William and Shelly Daugherty, and Noah Gillam, Assistant Planning Director, duly sworn by the Clerk to the Board before offering any testimony. A site plan and conditional use permit application had been submitted by William and Shelly Daugherty for parcels 023856000 and 023856006 for construction of a group development of mini storage warehouses. The Planning Department's staff report and draft conditional use permit were reviewed by the Board and explained the applicants currently operated a mini storage on one of the parcels in Manns Harbor and had an active building permit to build another. The Planning Board had reviewed the proposed conditional use permit and recommended approval. The report outlined the DC Fire Marshal had also reviewed the site plan and recommendations were added to the proposed Conditional Use Permit No. 2-2020.

Mr. Outten asked if the applicants agreed and accepted that the file and all of the information presented was factual and correct and may be admitted into evidence; if they agreed with all of the facts outlined by Mr. Gillam and if they agreed with all of the conditions and terms of the proposed Conditional Use Permit, to include the additional condition of any dumpster pad to be located solely upon their property. Mr. and Mrs. Daugherty indicated their agreement.

Mr. Daugherty shared with the Board their mission, since the purchase of the parcels in January, to continue cleaning up the property from its previous eye-sore condition. Commissioner Tobin noted they had done a phenomenal job cleaning up the parcel so far.

MOTION

Commissioner Bateman motioned to approve the proposed group development and site plan submitted by William and Shelly Daugherty, as recommended by the Planning Board. Sufficient information documenting compliance with the Dare County Zoning Ordinance requirements had been submitted by the applicants and reasonable and appropriate conditions had been identified and applied to the proposed facility to include the requirement of any dumpster pad be located on the subject property.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 6 – CHANGE ‘OPEB IRREVOCABLE TRUST AGREEMENT TO ‘OPEB AND LEOSSA MASTER TRUST AGREEMENT’ (Att. #3)

Dave Clawson explained the County established and partially funded an OPEB Irrevocable Trust in 2008 for retiree health benefits. The current trustees serving were the County Manager, Finance Director and the Human Resources Director. Due to debt ratings and new GASB pronouncements, Mr. Clawson presented there would be a need to provide a trust for the Law Enforcement Officers’ Special Separation Allowance (LEOSSA) in the future. Parker Poe Adams & Bernstein, who drafted the original OPEB agreement, had drafted a new agreement to include LEOSSA which would be funded in the future with the same trustees for monitoring purposes, as well as the Resolution provided for Board approval.

MOTION

Vice-Chairman Overman motioned to adopt the Resolution authorizing a Law Enforcement Officers’ Special Separation Allowance (LEOSSA) Trust Fund and the Restatement of the Other Post-Employment Benefits (OPEB) Trust Agreement as a Master Trust for LEOSSA and OPEB, appointment of Trustees for the Master Trust and to approve the revised Trust Agreement.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – RESERVE/FUND BALANCE POLICY REVISION

David Clawson presented a revised version of the Reserve/Fund Balance Policy section. He explained the revisions, which were approved during the Capital Investment Fund process, established a target percentage of 21% of revenue for unassigned fund balance of the General Fund; a total fund balance of the Disaster Recovery Fund of 1% of the General Fund budget (#10) fund only); and establishment and maintenance of the Capital Investment Fund and a debt affordability model with a target fund balance coverage of a minimum of 0.33 times and a target of 0.50 times annual debt service.

MOTION

Vice-Chairman Overman motioned to adopt the policy update for the County Financial Policies as presented.

Commissioners Ross and House seconded the motion.

VOTE: AYES unanimous

ITEM 8 – DARE COUNTY COVID19 GRANT PLAN, NC COVID19 RELIEF FUND PLAN, AND AMENDMENT TO C19 GRANT ORDINANCE (Att. #4)

Mr. Clawson provided a summarized list of the awarded grants for the Covid-19 Plan, information on grants that had been submitted along with their use and deadlines for use. The draft plan for NC Covid-19 Relief Fund and FEMA, which had been compiled from departmental estimation of supply costs, equipment and labor through December 30, 2020, was also provided to designate what expenses were eligible under the two funds. He also provided the actual plan which had been filed with the State. An amendment to the Grant Project Ordinance was presented for adoption by the Board, which established a budget for Covid19 related activities to be funded by the NC Covid Relief Fund and by FEMA/State of North Carolina. Both Mr. Clawson and the County Manager commented that priorities for budgeted expenditures could be reset from time to time if necessary. The County had received \$852,000 for the NC C19 Relief Fund, and would need to follow provided guidelines for spending, as well as file quarterly reports.

MOTION

Commissioner House motioned to approve the NC CR Fund Plan and adopt the amendment to the Grant Project Ordinance.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – DARE COUNTY CHANNEL MAINTENANCE AND DREDGE MATERIAL MANAGEMENT PERMITTING PROJECT PROPOSALS

County Manager Outten introduced this item for Brent Johnson, Waterways Administrator. The purpose of the Southern and Central Dare County Channel Maintenance and Dredge Material Management Permitting Projects were to provide the necessary spoil sites for the U.S. Army Corps of Engineers proposed federally funded dredge events for the Rollinson Channel and the Manteo/Shallowbag Bay interior channels. Dare County's contribution to these projects would be 33.33% (\$101,186.30) and would be covered through the Waterways Dredging Fund, \$71,979 and the County's Contingency Fund in the amount of \$29,207.30. In the fall it had been decided the County needed a sediment management plan because of limited locations for dredge spoil. Application had been made to the Shallow Draft Navigation Fund for award of a grant to pay two-thirds of the cost, which had been approved. With funds now available, CP & E (Coastal Planning & Engineering) agreements could move forward.

MOTION

Vice-Chairman Overman motioned to approve the grant, authorize the County Manager to sign the contracts for the two projects, and approve the budget amendment to fund Dare County's contribution.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 10 – MEMORANDUM OF UNDERSTANDING BETWEEN NATIONAL PARK SERVICE AND COUNTY OF DARE, (Att. #5)

The County Manager presented the joint agreement between the Cape Hatteras National Seashore, within the National Park Service, and Dare County, for preparation of a Parkwide Environmental Impact Statement (EIS) for sediment management to be used in future beach nourishment project requests within the Park. The cooperative objective of the agreement would be for Dare County to act as a Cooperating Agency to assist the National Park Service in developing the EIS. The Park Service was currently analyzing their beaches for future beach nourishment projects. These pro-active environmental assessments would facilitate any future permitting needed from the NPS for County beach nourishment projects. The proposed MOU would allow coordination of shared information.

MOTION

Commissioner House motioned to approve the Memorandum of Understanding and authorize the County Manager to execute the final agreement.

Commissioners Ross and Couch seconded the motion.

VOTE: AYES unanimous

ITEM 11– CONSENT AGENDA

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

Commissioner Ross noted he had requested the Clerk to make a correction under Commissioners' Business in the minutes to clarify his Covid-19 statistics.

MOTION

Commissioner House motioned to approve the Consent Agenda with the corrections noted to the June 1, 2020 minutes:

- 1) Approval of Minutes, as amended (06.01.2020) **(Att. #6)**

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 12 – BOARD APPOINTMENTS

- 1) Dare County Board of Adjustment

Vice-Chairman Overman motioned to reappoint Edward Mann, Jr. and Anna Creef for another three-year term.

Commissioners Bateman and House seconded the motion.

VOTE: AYES unanimous

- 2) Game and Wildlife Commission

Commissioner House motioned to reappoint Kyle Perry, Missy McPherson, Robert Owens and George Henderson for another three-year term.

Commissioners Tobin and Couch seconded the motion.

VOTE: AYES unanimous

- 3) Roanoke Island Community Center

Commissioner Bateman motioned to reappoint Kelly Harmon, Lynette Ford and Daniel Selby for another two-year term.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

4) Airport Authority

Vice-Chairman Overman motioned to appoint David Crownover to fill the unexpired term of Chad Jones to July, 2023.

Commissioner House seconded the motion.

VOTE: AYES unanimous

5) Upcoming Board Appointments

The upcoming Board appointments for July, August and September, 2020 were announced.

ITEM 11 – 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 outline of the items mentioned by Commissioners during this segment:

Commissioner Tobin

- Reported the dredge project agreement was still under legal review.
- He noted his pride in the community’s peaceful protest last week, which was held in Manteo, and he viewed it as an uplifting experience.

Commissioner Ross

- He advised the vetting process was taking longer than expected with the Albemarle Commission’s new director candidate.
- He commented on media reports of recent objections over some books, movies and other materials in recent days due to protests over police violence. In particular, some media sources had included criticism and concerns over a police cartoon character in the children’s show called *Paw Patrol*.
- He addressed Deputy Marylynn Cahoon, on duty in the boardroom, to share with Sheriff Doughtie and her fellow colleagues his thanks and support for the integrity and professionalism of the County’s law enforcement team.

Commissioner House

- He also offered praise and support towards Dare County’s law enforcement officers, noting his utmost respect for them.
- Although no Pet of the Week was presented, he encouraged citizens to visit and adopt a pet at the animal shelter.
- He reported on the history of Flag Day, which was celebrated on June 14, 2020.

Vice-Chairman Overman

- He also offered his thanks and highest respect to Dare County’s law enforcement.
- Reminded everyone that the Three W’s were just as important now as when first introduced and that it was the personal responsibility of everyone to stay vigilant and remember to “Wear, Wait and Wash”.

Commissioner Bateman

- He thanked the Sheriff's Department for their service to the community.
- He reviewed how his business was using the "common sense" of mask wearing and other protocols to protect customers and staff. He added it was all about showing respect for those around us.

Commissioner Couch

- He thanked the County's law enforcement especially during these trying times.
- Reported he was wearing a mask and agreed with the Chairman's remarks.
- He updated the construction progress on the "Jug Handle" Bridge in Rodanthe.
- He remarked Dare County was presently enjoying a good crowd of visitors.

ITEM 12 - MANAGER'S/ATTORNEY'S BUSINESS

County Manager Robert Outten noted the Board had approved Thompson Consulting Services, LLC as the disaster debris monitoring agent at the last meeting. He presented the final contract to the Board for their approval.

MOTION

Commissioner Tobin motioned to approve the contract and authorize the County Manager to sign the final agreement with Thompson Consulting Services, LLC.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

David Clawson updated the Board on the Animal Shelter, COA and the Health and Human Services projects. He advised the County had received FEMA funds for Hurricane Dorian.

Dorothy Hester provided an update on several items her department had been working on which included the Covid-19 bulletins and dashboard in support of Health and Human Services. Other updates were given on the new Roanoke Island dog park to soon reopen; a new drop box for elections, Census 2020, large item pick up and the flood map updates. The onset of Covid-19 had changed and cancelled many of the events meant to highlight the County's 150th anniversary.

ITEM 13 – CLOSED SESSION

The County Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege including the matters of the Opioid lawsuit, the Bailey and Blackburn lawsuits; and to approve the minutes of the last Closed Sessions.

MOTION

Commissioner House motioned to go into Closed Session pursuant to the provisions of the NC General Statutes as cited by the County Manager.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 6:40 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 7:43 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney and took no further action.

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 7:50 p.m., the Board of Commissioners adjourned until 9:00 a.m., July 20, 2020.

Respectfully submitted,



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

APPROVED:

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 to the Board.