



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., November 16, 2020

Commissioners present: Chairman Robert Woodard, Sr., Vice-Chairman Wally Overman, Steve House, Jim Tobin, Danny Couch, Ervin Bateman

Commissioners absent: Rob Ross

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 available for viewing on the Dare County website at www.darenc.com.

At 5:00 p.m., Chairman Woodard called to order the regularly scheduled meeting with the appropriate prior public notice having been given. He read the prayer offered by Father John Hanley and then 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 may be viewed in their entirety in a video on the Dare County website:

- He announced Commissioner Ross would be excused from the meeting and requested thoughts and prayers for his wife, who had been hospitalized in Virginia Beach.
- Addressed the growing number of new Covid-19 cases in the County and emphasized the importance of staying informed by visiting the County website or contacting the COVID Hotline at 252-575-5008. On behalf of the Board, he thanked Dr. Sheila Davies and her tireless staff for all they had done and continued to do for the community during the pandemic. To date they had answered over 12,000 phone calls, continued to go the extra mile with daily calls to those who tested positive and helped provide resources to others with various needs brought on by the virus.

ITEM 2 – PUBLIC COMMENTS

At 5:21 p.m. the Manager outlined the procedure for making public comments via email to the Board at dcboc@darenc.com. The Board received the following comment via email:

1. Charles and Allyson Mitchell, of Avon, voiced opposition to the proposed location of an oyster farm lease in the Pamlico Sound. They cited it could be dangerous for the many kite surfers and recreational water craft which used the area. They also had issue with the oyster farm’s visual impact on summer home renters and their overall use and enjoyment of the beach if the oyster farm was permitted.

The County Manager closed Public Comments at 5:22 p.m.

ITEM 3– PUBLIC HEARING – EXTENSION OF TEMPORARY MEASURES FOR RESTAURANTS AND MOBILE FOOD UNITS (Att. # 1)

At 5:22 p.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments. No one responded to the invitation to address the Board on this issue. The County Manager closed the Public Hearing at 5:23 p.m.

The Board had no further questions concerning the extension.

MOTION

Commissioner House motioned to extend the temporary measures for restaurants and mobile units until December 31, 2021.

Commissioners Tobin and Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 4 – REQUEST TO AMEND BLACK DOG HARBOR CONDITIONAL USE PERMIT (Att. #2)

This item was handled as a quasi-judicial proceeding. Prior to offering testimony, the applicant, Mike Filipczak and Donna Creef were duly sworn by the Clerk. Afterward the Planning Director outlined a Conditional Use Permit (CUP) application from Mr. Filipczak. The residential housing development in Salvo had been permit approved in 2004 and was later sold to new developers in 2014. The boat basin with ten boat slips had been originally approved with no commercial activity and currently the boat ramp and slips were for the exclusive use of property owners and guests. The current owner and HOA sought to amend the permit to allow two of the slips for a charter boat company with fishing tours, sunset cruises and charter activities. The hours of operation would be no earlier than 6:00 a.m., end at 10:00 p.m., with parking on the site used by the charter captain and guests. Several letters from HOA members had been received in support of the change. The Planning Board met in October and unanimously approved the changes to the plan.

The County Manager asked the applicant if he agreed to the findings of fact listed in the CUP, the supporting documents on file, and the conditions and the facts presented by the Planning Director. Mr. Filipczak indicated his agreement.

Several of the Commissioners asked if the hours of operation would be better set earlier in the morning, however, Mr. Filipczak commented soundside charters started later, the water depth would preclude offshore charters and the time set would help alleviate concerns voiced by some area neighbors.

MOTION

Commissioner Couch motioned to approve the CUP Amendment for the Black Dog Harbor Group Development and revise Conditions 6 and 7, as recommended by the Planning Board. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 5 – GARAGE BAND CHARITIES, INC.

Michael Tillett, Richard Quidley and Sara Hole representing the Garage Band Charities thanked everyone who supported and participated in their recent fund-raising events, which had been altered to seventeen locations to accommodate Covid restrictions. They presented donations totaling \$21,060.60 to be used for Dare County youth.

ITEM 6 – ALZHEIMER’S DISEASE AWARENESS MONTH (Att. #3)

A proclamation was presented to the Board by the Outer Banks Dementia Friendly Coalition in support of the members of our community affected by Alzheimer’s disease.

MOTION

Vice-Chairman Overman motioned to proclaim November as Alzheimer’s Disease Awareness Month.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 7 – FAMILY CAREGIVERS MONTH (Att. #4)

The Outer Banks Dementia Friendly Coalition presented a proclamation to the Board to bring awareness of family caregiver issues and celebrate their efforts.

MOTION

Commissioner House motioned to proclaim November as Family Caregiver’s Month.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 8 – MINI BROOKS ACT EXEMPTION FOR ARCHITECTURAL SERVICES FOR AFFORDABLE HOUSING PROJECT

Mr. Outten explained the Mini Brooks Act, would exempt the County from through the RFQ process in the selection of an architect for any affordable housing projects, when the anticipated cost was less than \$50,000.00.

MOTION

Commissioner House motioned to adopt the resolution to exempt the County from the Mini-Brooks Act in the architectural design of essential housing within Dare County in conjunction with the Development Finance Initiative (DFI).

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – MANTEO HIGH SCHOOL ROOF REPLACEMENT PROJECT AMOUNT IN THE SERIES 2021 LIMITED OBLIGATION BONDS

Mr. Clawson presented this item. The Board had included \$1,000,000 for the high school’s roof replacement in the 2021 Capital Improvements Plan. Recent bids had been received which increased the amount by \$12,500. He was working on line item adjustments for other projects and would bring them all to the Board at another meeting.

MOTION

Commissioner Bateman motioned to approve the new amount for the Manteo roof replacement project of \$1,012,500.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA REQUESTING THE RELEASE OF CERTAIN PREMISES RELATED TO LIMITED OBLIGATION BONDS

Mr. Clawson reviewed the Board had previously authorized the County Manager to sell the small triangular parcel next to the COA project site to the adjoining property owner for \$15,000. As the parcel was part of collateral pledged under limited obligation bonds, the Board needed to adopt a resolution to release the parcel as security from the deed of trust.

MOTION

Vice-Chairman Overman motioned to adopt the resolution to have the parcel released from the deed of trust as collateral, which would also authorize the County Manager to sign necessary release documents.

Commissioners Tobin and House seconded the motion.

VOTE: AYES unanimous

ITEM 11 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NC, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

The resolution presented was the first step in issuance of the limited obligation bonds to finance the COA project, the Health and Human Services modification, the Animal Shelter, the Manteo High School roof replacement, and other capital project plans. There was a not-to-exceed amount of \$34,250,000 with an application deadline of December 1, 2020. The Health and Human Services facility would be pledged as collateral. A public hearing would be scheduled for December 7, 2020.

MOTION

Commissioner Tobin motioned to adopt the Resolution, as presented, which also set a public hearing for December 7, 2020 at 9:30 a.m.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 12 – ACCOUNTING SERVICES AGREEMENT FOR THE SAVING LIVES TASK FORCE NON-PROFIT

An agreement was presented to Board at the request of The Savings Lives Task Force, a non-profit corporation, which would allow the County to hold funds and process accounting transactions for them. The Task Force did not have staff or a bank account and this service was presently being done for the airport, Wanchese and Stumpy Point Community Centers.

MOTION

Commissioner Bateman motioned to approve the agreement presented for The Saving Lives Task Force.

Commissioner Couch and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

The Board Recessed at 5:57 p.m. and reconvened at 6:01

ITEM 13 – COLLEGE OF THE ALBEMARLE – NAMING OPPORTUNITIES

Mr. Outten presented the COA Foundation’s proposed naming opportunities for the new Dare campus in an effort to raise funds to be used to outfit the project and for future benefit to the campus. He had discussed the opportunity with Amy Alcocer. She had explained David Shufflebarger, Managing Partner of Alexander Haas, had led endowment campaigns for notable clients, churches and other community foundations, both large and small. The benefit of his expertise would bring a winning strategy to raise funds and outfit the college. Commissioner Tobin asked if funds were processed as charitable contributions and the County Manager had confirmed they were.

MOTION

Vice-Chairman Overman motioned to approve the agreement for COA naming opportunities. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 14 – MANTEO/SALLOWBAG BAY RANGE 1-5 DREDGE PROJECT

Mr. Outten explained the project was primarily funded by the state, however, Dare County had agreed to lend expertise and management to the task. Range 5, as shown on the provided map, needed to be included in the project. A Shallow Draft Navigation Grant Application would be submitted to aid the funding of dredging the additional breach area. Brent Johnson served as the project’s manager and Mr. Outten praised the great job he had done on this and other projects.

MOTION

Vice-Chairman Overman motioned to approve the contract to start the dredging and approve the grant application.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – CONSENT AGENDA

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

MOTION

Commissioner House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (11.02.20) **(Att. #5)**
- 2) Health & Human Services, Public Health – Additional Immunization Funding
- 3) Tax Collector’s Report
- 4) Professional Consulting Services Agreement with Maximus US Services, Inc.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 13 – 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 Bateman

- Thanked all of the candidates who recently ran for public office. He stated whether they won or lost, it took a lot to be a candidate and become subjected to examination and often criticism.

Vice-Chairman Overman

- He applauded the Covid-19 comments made by the Chairman at the start of the meeting. He reminded everyone of the “personal responsibility” connected with the pandemic. It was important in March, when “we were new to the virus” and it remained important today.

Commissioner Tobin

- He went to the NC Beach, Inlet & Waterway Association Conference in Wilmington, which was well attended both virtually and in person. He reported most of the topics were related to beach nourishment and he assisted in a presentation regarding our dredging project. He highlighted the presentation which had been led by Jesse McNinch.
- Provided an update from a recent conference with Conrad Shipyard, Crowley Marine, EJE and Interline Marine regarding the new dredge project. Interline Marine was being considered to provide the dredge quality maintenance. He noted the steel had been ordered for the ship. Additionally, the County’s National Park Service permit has been finalized and was ready for County Manager signature.

Commissioner Couch

- He had attended the NCBIWA conference in Wilmington and also commented on the presentation by Jesse McNinch which theorized how shoreline erosion differs in our area based on Ice Age glacial activity.
- He noted the passing of Betsy Balance Midgette, who survived by her husband Wayne, had been a Manteo High School graduate.
- He wished everyone a good Thanksgiving and enforced remembering the 3 W’s.

Commissioner House

- He reported a lawsuit had been filed in Wake County Superior Court against state regulators over “abject failure” to “properly manage” the state’s coastal resources. He would bring updates to the Board as the matter progressed.
- He noted Oklahoma had been adopted as the 46th state on this day.
- Gave a brief history of the first Thanksgiving, which had lasted for three days and was attended by ninety Native-Americans and fifty pilgrims.
- The Pet of the Week was presented with a reminder given to participate in the “Brick by Brick, Paw after Paw” fundraiser for the new SPCA project. Dorothy Hester added the County website would soon provide promotion of the fundraiser for ease in participation of the event.

MANAGER’S/ATTORNEY’S BUSINESS

Chairman Woodard applauded the Outer Banks Food for Thought. The all-volunteer organization had doubled their outreach during the pandemic by providing over 4,600 bag meals to school children, when schools were closed, along with 9,300 snacks. They received no federal funding, had no paid staff and strictly relied upon the community to help them provide relief to children and those in need of a meal. The Chairman wished everyone a Happy Thanksgiving.

The County Manager Outten reminded the Board of their previous vote and approval to sell a small parcel in the area of the Buxton Harbor. The buyer had offered to buy the remaining highway bordered portion of the site for \$15,000 and had provided an appraisal. Hosea Wilson, the County's Assessor, had determined the offer was low. It was the consensus of the Board for the County Manager to pursue the matter further.

Mr. Clawson reported the Social Services Director had contacted him and indicated only \$28,000 of the \$60,000 budgeted to supplement their low-income energy assistance program had been spent. With a deadline to use the funds by December 30, 2020, it was requested to authorize the County Manager to change the Interfaith Community Outreach contract and make budget changes to maximize assistance to the area.

MOTION

Vice-Chairman Overman motioned to authorize the County Manager to modify the contract with Interfaith Community Outreach and make changes, as appropriate, to the budgeted amounts for any unused low-income energy assistance funds.

Commissioner House seconded the motion.

VOTE: AYES unanimous

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

MOTION

Commissioner Tobin motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 6:36 p.m., the Board of Commissioners adjourned until 9:00 a.m., December 7, 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 of Commissioners at this meeting are on file in the office of the Clerk to the Board.