



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., December 3, 2018

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
Public Information Officer, Dorothy Hester
Clerk to the Board, Gary Lee Gross

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.

Chairman Woodard called the meeting to order at 9:00 a.m. He invited Rev. Craig Peel to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – HOLIDAY MUSIC – MANTEO HIGH SCHOOL CHOIR

The Manteo High School Choir, under the direction of Becki Rea, performed several musical selections as a gift of holiday music, which were well received by everyone at the meeting.

ITEM 2 – SWEARING IN CEREMONY (Att. #1)

The oath of office was administered to newly elected public officials including the Register of Deeds and members of the Dare County Board of Commissioners. NC Representative Beverly Boswell administered the oath of office to Register of Deeds Cheryl House. Clerk to the Board, Gary Lee Gross, administered the oath of office to Commissioner Jim Tobin (District 1), Commissioner Rob Ross (District 2), and Ervin Bateman (District 5).

ITEM 3 – ELECTION OF CHAIRMAN (Att. #2)

Gary Lee Gross, Clerk to the Board, conducted the election. He explained that no second would be necessary for a nomination and four votes would be required to win election.

NOMINATION

Commissioner Ross nominated Commissioner Woodard for Chairman.
There were no other nominations.

VOTE: AYES – Seven votes by a show of hands

Commissioner Woodard was re-elected Chairman by unanimous vote.

ITEM 4 – ELECTION OF VICE CHAIRMAN (Att. #3)

Newly re-elected Chairman Woodard conducted the election of Vice Chairman.

NOMINATION

Commissioner Bateman nominated Commissioner Overman.

There were no other nominations.

VOTE: AYES – Seven votes by a show of hands

Commissioner Overman was re-elected Vice Chairman by unanimous vote.

RECESS: 9:31 a.m. – 9:41 a.m.

ITEM 5 – 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 –

- Asked for a moment of silence in honor of former President George H.W. Bush.
- Shared a thank you note from recently retired Commissioner Jack Shea.
- On behalf of the Governor, presented the Order of the Long Leaf Pine to Dr. Walter Holton and thanked him for his service to the community.
- Chairman Woodard summarized a joint letter with Nags Head Mayor Ben Cahoon opposing the recent federal announcement about allowing seismic testing in the Atlantic Ocean. He promised to keep exerting pressure at every level on this important issue.
- Presented the published Annual Report from the Department of Health & Human Services.
- The Chairman, along with Health & Human Services Director Sheila Davies, honored soon to be retiring Environmental Health Supervisor Jack Flythe for his 33 years of service.

ITEM 6 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Jennifer Peele, Public Health Division, received a 10-year pin.
- 2) Kim Whitehurst, Emergency Medical Services, received a 15-year pin.
- 3) Elizabeth Twine, Public Health Division, received a 20-year pin.

ITEM 7 – EMPLOYEE OF THE MONTH – DECEMBER 2018

Claudia Neal received the Employee of the Month award from Tammy Reber who described the many ways that Ms. Neal is an asset to the Social Services Division.

ITEM 8 – PUBLIC COMMENTS

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 brief summary of citizen remarks, which can be viewed in their entirety in a video on the Dare County website –

The following comments were made in Manteo –

1. Spottswood Graves provided information about the upcoming Dr. Martin Luther King, Jr. celebration on Saturday, January 12, 2019 and invited everyone to attend and share a meal together. He noted that Chairman Woodard will be the featured speaker.

There were no comments made in Buxton –

ITEM 9 – RESOLUTION ADDRESSING PROBLEMS WITH E-CIGARETTES (Att. #4)

Sheila Davies, on behalf of the Health and Human Services Board, asked Commissioners to approve a resolution asking the North Carolina Legislature to address the problems that are associated with the increased use of e-cigarettes by young people. She outlined the dangers associated with flavored products that are being targeted to youth. Ms. Davies also thanked Vice Chairman Overman and the Saving Lives Task Force for supporting this issue.

MOTION

Vice Chairman Overman motioned to adopt the resolution as presented.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 10 – CONSENT AGENDA

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

MOTION

Commissioner Ross motioned to approve the Consent Agenda:

1) Approval of Minutes (11.19.18) **(Att. #5)**

2) Resolution to Convey Personal Property to The College of the Albemarle **(Att. #6)**

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 11 – BOARD APPOINTMENTS

1) Board of Equalization and Review

Vice Chairman Overman motioned to reappoint Nelson “Skip” Jones, Jonathan Waddill, Jeffrey Scott, Terry Gore, and Charles Evans

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

2) Community Child Protection Team & Child Fatality Prevention Team

Vice Chairman Overman motioned to appoint Beth Storie.

Commissioner Tobin and Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Special Motor Vehicle Valuation Review Board

Vice Chairman Overman motioned to reappoint Danny Couch, Dock Sawyer, David Light.

Commissioner House seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

The upcoming Board appointments for January, February, and March were announced.

ITEM 12 – 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

- Commended the Dare County Cooperative Extension Master Gardener Program on receiving an International Master Gardener Search for Excellence Award.
- Reported on his recent trip to New Orleans to meet with firms regarding the design of the County's dredge vessel. He explained that it was a positive and productive trip.
- Welcomed Commissioner Ervin Bateman to the Board of Commissioners.
- Provided an update on conditions at Oregon Inlet and gave a status report on the dredge vessel "Currituck" that recently encountered motor trouble while traveling to Dare County.

Commissioner Ross

- Extended a welcome to newly elected Commissioner Ervin Bateman.
- Mentioned a series of upcoming community events during December including the Nags Head Law Enforcement Luncheon, the Juvenile Crime Prevention Council Holiday Luncheon, Wright Brothers Flyover Celebration, and the return of the Candy Bomber.
- Reported on the recent opening of PORT Health Services clinic in Hatteras Village.
- Noted that Trillium Health Resources will be working closely with the County on significant changes that are associated with the upcoming Medicaid transformation.
- Commented on the Record of Decision that is expected soon for the Mid-Currituck Bridge, which will clear the way for construction work to begin.
- Commissioner Ross asked the Board to appoint Howard Swain to the remaining term on the County's open At-Large seat on the Albemarle Commission, which has one year remaining. He noted that Mr. Swain is highly qualified. Chairman Woodard added that he knows Mr. Swain and supports this appointment.

MOTION

Commissioner House motioned to appoint Howard Swain to the remaining term on the County's open At-Large seat on the Albemarle Commission.

VOTE: AYES unanimous

Commissioner House

- Welcomed Commissioner Ervin Bateman to the Board of Commissioners.
- Expressed condolences to the family of President George H.W. Bush.
- Thanked retiring Environmental Health Supervisor Jack Flythe for his service.
- Recognized Nags Head Fire Chief Kevin Zorc, who retired this week.
- Noted that the General Assembly is in session in Raleigh and outlined funds being made available to help people recover from hurricane damage.
- Wished everyone a Merry Christmas and a safe and Happy New Year.

Vice Chairman Overman

- Congratulated the service pin recipients and the Employee of the Month.
- Said Jack Flythe will be missed when he retires as the Environmental Health Supervisor.
- Thanked Dr. Walter Holton for his many years of service to the community.
- Commended Kitty Hawk Elementary School on receiving national recognition as a School of Excellence.
- Reported that good progress is being made to establish a Recovery Court in Dare County.

- Thanked PORT Services on beginning operations in Hatteras Village.
- Mentioned the grand opening of the new site for the Employee Wellness Clinic.
- Extended a welcome to newly seated Commissioner Ervin Bateman.
- Thanked Commissioners for their vote of confidence in reelecting him as Vice Chairman.
- Wished everyone a Merry Christmas and a Happy New Year.

Commissioner Bateman

- Said he feels fortunate to serve as a Dare County Commissioner and pledged that he will do his best to add to the greatness of the Board.
- Reported on the recent PORT Services opening in Hatteras and explained why it is important to have resources close at hand when someone is ready to reach out for help.
- Noted that all his dealings with retiring Environmental Health Supervisor Jack Flythe have been very professional.
- Expressed the upmost of respect for the service of Dr. Walter Holton.
- Chairman Woodard thanked Commissioner Bateman for working with Vice Chairman Overman in developing a Recovery Court for Dare County.

Commissioner Couch

- Noted that he served with Dr. Walter Holton on the Board of Education and said he appreciated Dr. Holton's countywide perspective on educational issues.
- Invited everyone to Hatteras on Saturday, December 8 for the annual Christmas parade.
- Thanked the Manteo High School Choir for their wonderful musical performance today.

Chairman Woodard

- Thanked Commissioners for their vote of confidence in reelecting him as Chairman. He added that he looks forward to working with everyone in the coming year.
- Voiced excitement about Commissioner Ervin Bateman joining the Board.
- Congratulated Commissioner Tobin and Commissioner Ross on taking their oath of office.
- Extended best wishes to Cheryl House as the new Register of Deeds for Dare County
- Wished everyone a Merry Christmas and a prosperous and Happy New Year.

MANAGER'S/ATTORNEY'S BUSINESS

1. Congratulated Commissioners Tobin, Ross, and Bateman on each taking their oath of office today and said staff is here to assist them in serving the people of Dare County.
2. The County Manager outlined a need to change language in the County's tethering ordinance in order to give latitude and flexibility to those who enforce the regulations. He noted that the proposed changes have been vetted by the Sheriff and the SPCA. He said although a Public Hearing is not required, he recommended that the Board consider scheduling a Public Hearing to seek community input.

MOTION

Commissioner Ross motioned to set a Public Hearing for January 7, 2019 on the proposed changes to the tethering ordinance.

Commissioner House and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

3. Mr. Outten reported on discussions that have occurred with Town of Manteo officials about possibly working together on a proposed Manteo Town Commons Project at the site of the old Dare County Administration. He asked for approval to move forward in working with the Town prior to demolition of any County-owned structures at the site.

MOTION

Vice Chairman Overman and Commissioner Couch motioned to authorize the County Manager to work with the Town of Manteo as outlined.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Public Information Officer Dorothy Hester announced that Chairman Woodard will be giving his 2018 Year in Review report at a special Chamber of Commerce breakfast at Captain George's Restaurant at 8:00 a.m., on Wednesday, January 16, 2019.

Finance Director David Clawson gave Commissioners an update on meetings with FEMA regarding eligibility for storm reimbursement. He also announced that Dare County's annual audit was submitted on time last week. The County Manager noted that Mr. Clawson and his staff deserve kudos for meeting the audit deadline, which many jurisdictions throughout the State are unable to do.

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 employed or retained by the County in order to preserve the attorney-client privilege including the matter of Dare County v PCL Civil Constructors, Inc.; and pursuant to NCGS 143-318.11(a)(5) to instruct 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 by purchase, option, exchange, or lease in the matter of Buxton Harbor and the matter of the Old Kellogg Supply Building; and to approve the minutes of the last Closed Session.

MOTION

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

Vice Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

At 11:20 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 12:35 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes and gave guidance to the County Attorney on real property matters at Buxton Harbor and the Old Kellogg Supply Building. He then advised that PCL Civil Constructors has agreed to a \$350,000 settlement with the County regarding the power outage on Hatteras Island, which was discussed in Closed Session and recommended for approval in open session by the Board.

MOTION

Commissioner Tobin motioned to accept the PCL settlement offer of \$350,000.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

Commissioner Couch asked the Board for a letter of support to have the Graveyard of the Atlantic Museum included in the State's budget. He said they seek \$1.5 M in the upcoming budget cycle and outlined the importance of this funding for the Hatteras Village museum. Commissioner Tobin noted that the Monitor National Marine Sanctuary has items to be displayed and obtaining State funding would help make a controlled environment possible.

MOTION

Commissioner Couch motioned to authorize a letter from the Chairman seeking State funding for the Graveyard of the Atlantic Museum.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

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 12:47 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 7, 2019.



Respectfully submitted,

By: 
Gary Lee Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners