



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**5:00 p.m., November 15, 2021**

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

Commissioners absent: Commissioner Danny Couch

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](http://www.darenc.com).

At 5:01 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited George Lurie 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, may be viewed in their entirety in a video on the Dare County website:

- Chairman provided an update on Dare County 20/21 graduates. There were 409 graduates last year and twenty-five percent (103) had enrolled to attend COA. Four percent were going to work, one percent joined the military and the rest were furthering their education.
- He attended the funeral of Della Basnight and touched on her theater and television career.
- Manteo High School boys’ soccer team, the Redskins, was advancing to the state soccer 2A Regional Championship after winning over Clinton High School.
- He commended the towns for their Veterans Day celebrations in Southern Shores, Manteo, Nags Head and Kill Devil Hills.

Chairman Woodard outlined the many accomplishments and contributions of Nancy Griffin, who had recently retired from public service. She had worked in Dare schools for twenty-nine years and with a number of the community's nonprofit organizations. He presented her with a certificate of appreciation from the county. The presentation was done via a video conferencing connection and may be viewed on the Dare County website.

**Resolution to Rename the Dare County Center the Virginia Tillett Center (Att. #1)**

County Manager Outten read the resolution.

**MOTION**

Commissioner House motioned to adopt the resolution to rename the Dare Center the Virginia Tillett Center.

Vice Chairman Overman and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

After the vote, Chairman Woodard presented Johnny and Michael Tillett with a copy of the resolution.

**ITEM 2 – PUBLIC COMMENTS**

At 5:34 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. Following is a summary of all citizen remarks, which may be viewed in their entirety in a video on the County website:

1. Ray Hollowell, Jr. spoke to the Board as owner of the Kinnakeet wastewater plant. He stated the NC Utilities Commission Act, under chapter 62, afforded an emergency rate increase for the Avon plant. Commissioned in 1989, it was originally a 50,000 gallon plant and had been upgraded to support 340,000 gallons daily. He was would report back to the Board at their next meeting.

The County Manager closed Public Comments at 5:37 p.m.

**ITEM 3– PUBLIC HEARING – RICHARD FERTIG – REQUESTED AMENDMENT  
DEFINITION OF HOTEL/MOTEL**

At 5:38 p.m. the Board held a Public Hearing to receive input concerning this agenda item. Mr. Outten 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. Public Hearing was closed at 5:38 p.m.

**MOTION**

Vice-Chairman Overman motioned that the draft amendments to the definitions of hotel and motel be adopted. A statement of consistency and reasonableness as prepared by planning staff is adopted as part of this motion.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 4– PUBLIC HEARING – OT ENTERPRISES LLC – REQUESTED AMENDMENTS TO  
THE R-3 AND C-2 ZONING DISTRICTS**

Chairman Woodard recused himself on this item and stated he had a conflict, as he knew and had a business relationship with the applicant.

**MOTION**

Vice Chairman Overman motioned that Chairman Woodard be allowed to recuse himself.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous



At 5:40 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 in Buxton. No one responded in Manteo. A summary of the citizen remark made in Buxton, which may be viewed in its entirety in a video on the County website follows:

1. Pat Barto was opposed to the residential units and noted it would set a precedent for the area. She posed various questions to the Board regarding where resident children would play, walk their pets and navigate the busy parking lot while shoppers visited the center.

The County Manager closed the Public Hearing at 5:46 p.m.

Commissioner Ross asked how many units would be built and Creef responded perhaps twenty to twenty-four. No site plan had been submitted. Vice-Chairman Overman asked about concerns of parking, pets and the potential for the units to become Airbnb's. Mrs. Creef advised the county did not have control or get involved with the terms of occupancy. When a site plan was submitted, parking requirements would be addressed. Pets and play areas for children were beyond the scope of the Planning Board and the Board.

**MOTION**

Commissioner Bateman motioned to adopt the draft amendments to the R-3 and the C-2 as recommended by the Planning Board. A statement of consistency and reasonableness as prepared by planning staff was adopted as part of this motion.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**Chairman Woodard returned to the boardroom after completion of this item.**

**ITEM 5 – PROCLAMATION – DARE COUNTY SCHOOL CHOICE WEEK**

County Manager Outten read the proclamation entitled "Dare County School Choice Week" which recognized the important role that an effective education played in preparing all students in Dare County to be successful adults.

**MOTION**

Vice-Chairman Overman motioned to approve the Dare County School Choice Week proclamation.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – 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 (11.01.21) (**Att. #2**)
- 2) NCDOT Right of Way Three Party Encroachment Agreement for Hatteras Marlin Club Project
- 3) Records Retention & Disposition Schedule Updates
- 4) Health & Human Services-Public Health Division Respirator Fit Testing Services
- 5) Tax Collector's Report

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

## **ITEM 7 – BOARD APPOINTMENTS**

1) Planning Board

Vice-Chairman Overman motioned to appoint John DeBoy to fill the vacancy in District 2. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

2) Board of Equalization and Review

Commissioner House motioned to reappoint Nelson V. Jones, Jonathan Waddill, Jeffrey Scott, Terry Gore and Charles Evans.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

3) Special Motor Vehicle Valuation Review Board

Commissioner House motioned to reappoint Danny Couch, Dock Sawyer and David Light to another term.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**By consensus, the Board agreed to handle Item 8 - Closed Session after Item 9 - Commissioners' Business & Manager's/Attorney's Business had been concluded.**

## **ITEM 8 - CLOSED SESSION**

Chairman Woodard asked for a Closed Session pursuant to NCGS 143-318.11(a)(6) to review the qualifications, competence, performance, character and fitness of an individual public officer or employee and pursuant to NCGS 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege, receive an update on 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 Chairman.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 6:52 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 8:00 p.m. and the County Manager reported that during the Closed Session the Board had been advised and accepted the national opioid settlement.

### **MOTION**

Vice-Chairman Overman motioned to accept the national opioid settlement and authorized the County Manager/Attorney to sign any settlement documents, as necessary.

Commissioners Bateman and Tobin seconded the motion.

VOTE: AYES unanimous.

The County Manager advised the Board had also approved previous Closed Session Minutes



## **ITEM 9 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

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

### **Commissioner Bateman**

- He applauded the presentations to both Nancy Griffin and Virginia Tillett. They had each contributed so much to the County.
- He commented Commissioner House would be presenting a resolution to oppose the proposed changes in North Carolina shrimp fisheries management plan. He generally purchased 30,000 pounds of shrimp each year for his restaurant. If the changes to the plan were accepted, it would devastate families, businesses and the entire economy on the Outer Banks. This week he had received several contacts from foreign vendors selling shrimp. He offered the restrictions and changes were un-American and needed to be strongly opposed. The majority of the crab meat coming into the country currently came from China and he does not serve crab cakes in his restaurant for that reason.

### **Vice-Chairman Overman**

- He had worked closely with Nancy Griffin primarily through the Saving Lives Task Force and among her many talents was the creation of articles and the quarterly newsletter. She had worked tirelessly for the kids of Dare County and they were always her first interest.
- He had worked with Virginia Tillett on a few projects over the years and in particular commented on her exceptional coordination to refurbish the rest area at North End Park.
- He had been attending some of the NC Marine Fisheries’ meetings since 2013. He stated the shrimp issue was an ongoing problem and if we lose the ability to feed ourselves, we would be “in deep stuff”. He felt the resolution would be an important part. If a letter was needed from the Board to press the point, it needed to be done.

### **Commissioner Tobin**

- He had been a commercial fisherman for fifteen years and agreed with previous commissioner comments on how the shrimping industry would be impacted and possibly destroyed with the proposed changes.
- Updated the Board on construction of the dredge. It was still on schedule. There would be a change order due to the increased price of steel. The survey boat was contested by the state as not being part of the project. There would be a line being added to legislation by the end of the year regarding inclusion of the survey boat so it could be included in financing of the project.
- Remembered the passing of his good friend, Steve D. Howell. He had been retired as a top Brame representative and had sold products to many of the local businesses.

### **Commissioner Ross**

- He gave an update on the Albemarle Commission’s budget. It had grown to just over \$9 million due to federal grant money and would have plenty of resources to provide aid citizens with many services such as meals on wheels, congregate meal programs, job counseling and workforce development.



- He would be attending the 5 on 5 Committee meeting this week to continue discussions with school board senior staff regarding Dare County schools.
- There would be an Audit Committee meeting scheduled in the coming weeks.
- He thanked Donna Creef on her explanations regarding the multi-family development proposed in Avon. The Board had met earlier today and continued to push hard for progress and resolution that will result in action on housing needs in Dare County.
- He stated Dare County was lucky to have citizens like Virginia Tillett and Nancy Griffin who had contributed much and focused on area needs.
- Reinforced the Board's need to push and pursue the alleviation of roadblocks confronting the volunteers of the Joint Community Advisory Committee in to order insure the proper and best care for our seniors and elderly.

### **Commissioner House**

- Commented Nancy Griffin was a remarkable woman and deserving of recognition.
- Remembered Virginia Tillett as someone who instantly became great friends with everyone she met.
- He presented the Board with a Resolution Opposing Any Changes to NC Shrimp Fisheries Management Plan. Every five years the plan is reviewed for changes. Scoping on the plan had been opened January 7-21, 2020. There had been three scoping meetings in Washington, Morehead City and Wilmington. The County Manager read a resolution to oppose the changes proposed by Amendment 2 to the NC Shrimp Fisheries Management Plan. **(Att. #3)**

### **MOTION**

Commissioner House motioned to adopt the Resolution Opposing Any Changes to the North Carolina Shrimp Fisheries Management Plan.

Vice-Chairman Overman and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Chairman Woodard stated a letter signed by each member of the Board could potentially emphasize the County's opposition to the proposed changes. The Board agreed to craft such a letter and have it sent to each member of the NC Marine Fisheries Commission tomorrow.

- Today in history: The Articles of Confederation were adopted by Congress on November 15, 1777. This seldom recognized document established the functions of the United States government and was often used to settle territorial issues.
- The Pet of the Week video was presented and showcased a dog named Skippy.

### **MANAGER'S/ATTORNEY'S BUSINESS**

County Manager Outten summarized the grant funding for emergency management for raising housing in the flood plain. There were two approved programs, one where FEMA paid for 100% of the raising and the other where the property owner bore the 25% of the expense. Some of the 25% matches were substantial (\$50-\$75,000+) and the Planning Director was sending notification to those owners regarding the status of the grants. The matching funds from property owners would need to be received by the County in order to sign the grant and move forward.



The County Manager recapped the discussion of the Board's Special Housing Workshop. The Elizabethan Inn would not be compatible for conversion into affordable housing. Consultants were running some new numbers based on new parameters and the Board would be able to review options and make decisions at the December Board meeting that would allow solicitation of housing developers for potential projects after the first of the year.

He and Mr. Clawson had met in Edenton earlier in the day. In 2010, when Albemarle Mental Health had dissolved, the liability of healthcare for the retired employees had been picked up by the member counties. In 2010, approximately \$800,000 had been placed into a trust account for health insurance costs. There was \$300,000 left, which was calculated to be inadequate for the expected lives of the seventeen retirees. There would be a need to put money in the fund and Dare County's share would be approximately \$172,000. It was the consensus of the counties to place one fifth of each share into the trust beginning July, 2022.

The county engineer, Albemarle Engineering, had been engaged to create a county storm water plan. The preliminary results of the plan included the culverting of water flow from Airport Road through two subdivisions and connecting to the ditch behind the airport, EOC and the animal shelter. Survey work would be needed and was estimated at \$200,000. American Rescue Plan funds could be used for part of the expense. The state's budget, if approved, may also have storm water funds to curb the cost.

He stated the Kinnakeet Shores wastewater treatment plant had not been maintained and there a sewer moratorium had been issued, which prevents owners of vacant lots in the area from developing homes. He had contacted the NC Division of Water Quality and the Utilities Commission and there was nothing further that the county could do to facilitate the lifting of the moratorium.

Dave Clawson reported that the debt for the Manteo Masonic Lodge and Mako Mikes purchases would close next Monday. As to beach nourishment, the LGC had changed their deadline to November 19, 2021. Dare County had a draft of the audit report and would submit the final on Friday. Mr. Outten added the county still needed a permit which was held up by the nationwide pause on 401 water quality permits. Dare County was waiting for the local Corps to release the permit in time. He had spoken with the delegation in DC and their response has been they are doing everything to "dislodge" the pause. The Buxton/Avon beach nourishment bid would be opening November 17, 2021.

Chairman Woodard reported he had gone to Avon last week after the storm with the County Manager and there were surprisingly only eight-ten breaches north of the pier along the roadway. They had actually seen much worse on N.C. 12 and applauded the speed and efficiency of the reparation done by NCDOT.

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

**MOTION**

Commissioner House motioned to adjourn the meeting.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 8:03 p.m., the Board of Commissioners adjourned until 9:00 a.m., December 6, 2021.

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.