



# 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

**9:00 a.m., January 3, 2022**

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman  
Rob Ross, Steve House, Danny Couch, Jim Tobin, 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 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 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. Rev. Cherri Wheeler shared a prayer and then Chairman Woodard 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:

- There was a coastal flood advisory for northern Outer Banks through Tuesday. Winds of 35-45 with gusts of 60 mph with high surf advisory. There was already over wash reported in Buxton.
- Provided a State COVID-19 update. 18,000 cases in December with over 2,200 hospitalized in North Carolina. He encouraged the continuous practice of the 3 W's.
- Wished everyone a happy new year. Announced he would be presenting the virtual State of the County Report on January 19, at 2:00 p.m.

#### **ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) David White, Chief Real Property Appraiser, received a 15-year pin.
- 2) David Bryan, Sheriff Dept. Investigator, received a 15-year pin.
- 3) Richard Burke, Distribution System Specialist, received a 20-year pin.

#### **ITEM 3 – EMPLOYEE OF THE MONTH – January, 2022**

Capt. Jeff Mitchell received the Employee of the Month award from Chief Jennie Collins. He has been with the county for twenty-one years. Jeff is an asset with training quizzes, tracking the fleet maintenance in the Dare EMS Department and helps with vehicle designs.

#### ITEM 4 – PUBLIC COMMENTS

At 9:24 a.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:

*The following comments were made in Manteo*

1. Amy Basnight, Adoration Hospice Director, reported favorably on the hiring and training of staff. The Outer Banks Voice would have a more detailed upcoming interview of Adoration's services.
2. John Thomas, of Manns Harbor, spoke about a disputed driveway to Commissioner Tobin's residence.

*There were no comments made in Buxton. Public Comments closed at 9:29 a.m.*

#### ITEM 5 – PUBLIC HEARING – REQUEST TO CLOSE A PORTION OF BEACON ROAD IN RODANTHE (Att. #1)

At 9:29 a.m. the Board held a Public Hearing to receive input concerning this item. No one responded to the invitation to address the Board on this issue. The County Manager closed the Public Hearing at 9:30 a.m. Noah Gillam, Asst. Planning Director, stated the applicants requested permanent closure of the unimproved eastern terminus and cul-de-sac portion of Beacon Road. David Dixon, attorney for the applicants, added the area in question was not used as a road and was actually now sand and dunes. The oceanside homes would receive the benefit of the closure and avoid environmental and safety hazards. Mr. Outten noted title to the abandoned property would go to the adjoining landowners. He asked how the owners of the Tatum and Special K's property would have access. Mr. Dixon referred to a 20 foot easement on a plat he presented marked Attachment A. It also reflected an 8 foot easement which he explained was for beach access for the seven lot owners of the subdivision and not the general public. Mr. Outten stated there was no conditional closure clauses mentioned in the statute for road abandonment. Mr. Dixon said there was no road there now and tourists or locals accessing the ocean were already traversing private property. He stated the 20 foot easement addressed the concerns of the Fire Marshal. The road closure would add property to lots 3, 4, 5, 6 and 7. Commissioner Bateman asked if the road closure would then deny access to the ocean to everyone except the seven landowners. Mr. Dixon stated there had never been public right of access there. Discussion continued and Mr. Outten asked if abandoning the road 10' feet on either side of the center line would work with a new attachment A that gave the calls of the dotted line. Instead of abandoning the whole cul-de-sac, there would be a twenty foot strip down the middle that would connect to Beacon Road and dead end into the 8' access easement. Mr. Outten explained there would be a need for a new Attachment A with proper calls and re-advertisement of the request. Mr. Dixon agreed and on behalf of his clients would provide a new exhibit for another scheduled public hearing.

Eric Saks, owner of 23292 E. Beacon Road, (Lot 7), stated the public used his property for public access. The storms and nor'easters continue to wash out the property. Gaining the additional property would allow him to put the septic field further away from the ocean.

**No action was taken on this item.** A full account of the discussion on this item is available for viewing on the Dare County website.



**ITEM 6 – PRESENTATION OF FISCAL YEAR 2021 AUDIT REPORT**

Bob Taylor, of Potter & Company, and Dave Clawson presented the June 30, 2021 audit and the Annual Comprehensive Annual Report. There were four separate audits opinions without exceptions. Commissioner Ross acknowledged the county had received its thirtieth consecutive Certificate of Achievement from the GFOA. Mr. Taylor pointed out the growth on taxable items had been extraordinary. The General Fund had added \$10 million to the fund balance due to significant growth. The water fund had had a good year with a \$300,000 revenue increase. The property tax collection rate was nearly at 100%. Mr. Clawson provided a PowerPoint (see archived video) summarizing the county's finances. The insurance fund had an ending balance of \$4,235,070 with benefit payments down 14.81%. He advised next year a consultant would look at the fund balance and deductibles for property, liability and workers compensation. Chairman Woodard commented the net benefit cost was attributable to the creation of the Wellness Program. The water fund had 587 new connections with a peak daily demand of 13.200 mg. Beach nourishment funds ended at \$33 million, when the model had projected \$27 million. Mr. Clawson said one piece of data rating agencies reviewed was the General Fund Debt Service as a percentage of expenditures. The county's was 13.70. Chairman Woodard thanked Mr. Taylor and Mr. Clawson for the fine report.

**ITEM 7 – BANKING SERVICES CONTRACT RENEWAL**

Dave Clawson advised the County's current agreement with PNC Bank was up for five-year renewal. Services included providing deposit services, lockbox and integrated receivables. Prices were based on what services were used each month at a fixed rate.

**MOTION**

Vice-Chairman Overman motioned to approve the five-year renewal with PNC Bank. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – EXTENSION REQUEST FOR WAVES RETREAT SPECIAL USE PERMIT**

With parties under oath, Mrs. Creef explained Quible and Associates, for Waves Retreat LLC, had submitted a request to extend the approval period of their cluster home development. The project had experienced delays and desired another 24-month approval period for the Special Use Permit. All conditions imposed in SUP-3-2020 would remain in full effect.

**MOTION**

Commissioner Couch motioned an additional 24 months be granted to Waves Retreat, LLC. Commissioners House and Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – JULIA TAFT – BUXTON ZONING MAP AMENDMENT APPLICATION**

A rezoning request had been made by Julia Taft to rezone 48651 NC 12 Highway in Buxton. The building had been used as a childcare facility and she wanted to remodel the building in order to provide apartments for workforce employee housing.

**MOTION**

Commissioners House and Tobin motioned to schedule a public hearing on January 18, 2022, at 5:30 p.m., for the zoning map amendment request.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous



**ITEM 10 – RFQ FOR STORMWATER MASTER PLAN UPDATE**

Barton Grover, Grants & Waterways Administrator, presented the five statements for qualifications for a consultant to provide engineering services to update the 2001 Stormwater Master Plan, identify and map county stormwater infrastructure and design projects for two critical areas prone to flooding. WithersRavenel was recommended as the engineering firm to update the Stormwater Master Plan. Commissioner Ross asked about the timeframe for plan implementation and Mr. Outten said approximately twelve months.

**MOTION**

Commissioner House motioned to approve WithersRavenel as engineering firm to update the Stormwater Master Plan and authorize the County Manager to negotiate a contract. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – RESOLUTION: APPLICATION FOR RULEMAKING FOR NO WAKE ZONE EXTENSION IN AVON (Att. #2)**

Barton Grover presented that the NC Wildlife Resources Commission had completed an assessment of the waters in Avon east of Big Island and found boater safety hazards. They recommended extending the existing no wake zone. The process requires that Dare County submit a resolution and application to the Wildlife Resources Commission which requests rulemaking in the area of concern. Once approved, there would be a 60-day public comment period and the WRC could consider the no wake zone extension at their next official meeting. Maps of the area and a report were provided for review. Two buoys would be installed.

**MOTION**

Commissioner House motioned to adopt the resolution to submit application for rulemaking for the no wake zone extension in Avon.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

*Recess was called at 10: 44 a.m. and the meeting reconvened at 10:58 a.m.*

**ITEM 12 – DARE COUNTY BEACH NOURISHMENT – TOWNS PROJECT**

On December 6, 2021, the Board approved Weeks Marine as the low bidder for the beach nourishment projects for Duck, Southern Shores, Kitty Hawk and Kill Devil Hills. Mr. Outten stated the next step would be to issue the Notice of Award and execute the Owner/Contractor Agreement with Weeks Marine.

**MOTION**

Commissioner House motioned to approve the Owner/Contractor Agreement and authorize the County Manager to sign the agreement.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – CAPITAL PROJECT ORDINANCE FOR AVON/BUXTON BEACH NOURISHMENT PROJECT**

Dave Clawson explained this item was presented to update the budget (capital project ordinance) for the Avon/Buxton beach nourishment project. There were four items not yet set: Coastal Science Engineering post construction monitoring and testing, Buxton and Avon

sand fencing and vegetation and debt costs of issuance. Mr. Clawson advised FEMA would pay for all sand fencing and vegetation in Buxton.

**MOTION**

Commissioner Couch motioned to adopt amendment to the Capital Project Ordinance.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – RESOLUTION OF THE COUNTY OF DARE, NC DECLARING THE INTENT OF THE COUNTY OF DARE, NC TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS (Att. #3)**

Mr. Clawson presented the resolution to the Board which declared the intent for the County to reimburse itself for capital expenditures from the proceeds of certain tax exempt obligations (Buxton/Avon beach nourishment project).

**MOTION**

Commissioner Couch motioned to adopt the Resolution.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NC, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO (Att. #4)**

Mr. Clawson's summarized the resolution would begin the process to issue debt to finance the Buxton/Avon beach nourishment project. He provided a schedule for the financing. A public hearing would need to be scheduled to approve the execution of the contract. The resolution presented would authorize the County Manager and Finance Director to proceed with the contract for an amount not to exceed \$28,500,000, to retain Parker Poe Adams & Bernstein as bond counsel, DEC & Assoc. as financial advisor, The Bank of New York Mellon Trust Co. as trustee and Piper Sandler & Co. as placement agent.

**MOTION**

Vice-Chairman Overman motioned to adopt the resolution which sets a public hearing for January 18, 2022, at 5:00 p.m., for approval of the execution and delivery of the contract amendment.

Commissioners Bateman and Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – REVIEW OF 2022-2023 GRANT APPLICATION FROM THE ECONOMIC IMPROVEMENT COUNCIL**

This item presented the Economic Improvement Council's 2022-23 Community Services Block Grant Program for funding. The federal grant in the amount of \$362,808 was designed to help support a wide range of community-based activities to reduce poverty, assist in securing low-income individuals with employment, training, education and housing. Head-Start Programs and other regional Northeastern Carolina community services were also offered. The EIC serves the counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Perquimans, Pasquotank, Tyrrell and Washington. The Board reviewed the grant application and made no additional comments.



**ITEM 17 – LARGE ITEM PICK UP BUDGET AMENDMENT**

Mr. Outten explained the Dare County Public Works Department was unable to conduct the annual large item pick up due to continued staffing shortages. An RFP was advertised to solicit a qualified company to perform the service. The low bid was submitted and awarded to SDR, a debris management company. A budget amendment for the cost of the project was presented. The one-time project would be paid from lapsed salaries and the sanitation fund. Mr. Outten added there may be rate structure increases in the next budget cycle.

**MOTION**

Commissioner House motioned to approve the budget amendment.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 18– CONSENT AGENDA**

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

**MOTION**

Commissioner Bateman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (12.06.21) (12.20.22) (**Att. #5A, B & C**)
- 2) DHHS – Social Services Low Income Household Water Assistance Program Budget Amendment
- 3) Dare County Fire Extinguisher Service Contract
- 4) Budget Amendment & Change to Capital Project Ordinance for Cooperative Extension
- 5) Budget Amendment for Oil Spill Exercise Grant
- 6) Budget Amendment: Dare MedFlight

Commissioner House seconded the motion.

VOTE: AYES unanimous

Chairman Woodard asked for an update on the MedFlight’s rotor situation. Mr. Outten explained they would be transitioning to a five rotor system to resolve the vibration problem. There would be a rental replacement helicopter for the down time to be scheduled soon. Commissioner Bateman asked about a new NC statute which could prevent future MedFlight billing. Mr. Outten indicated the county properly discloses the billing and he would research the particulars of the new statute further.

**ITEM 19 – BOARD APPOINTMENTS**

1) Stumpy Point Community Center Board

Vice-Chairman Overman motioned to appoint Tammie Perry-Inscore to fill term of Sheila Golden through August, 2022.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

2) Planning Board

Vice-Chairman Overman motioned to reappoint James “Buddy” Shelton and Terry Gore.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments

The upcoming Board appointments for February, March and April, 2022 were announced.

## **ITEM 20 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Following is a brief summary of remarks:

### Commissioner Couch

- Noted the south end of Dare County had been busy. 2022 would be an exciting year with the completion of the COA and a number of other upcoming projects in progress.

Commissioner Bateman wished everyone a happy new year.

### Vice-Chairman Overman

- Congratulated the service pin recipients and the employee of the month.
- Advised after considerable thought he wanted the ordinance for accessory dwelling units revisited due to the critical housing situation. Donna Creef would be at the next board meeting to discuss in more detail.
- He wished everyone a happy new year.

### Commissioner House

- Wished everyone a happy new year. He noted Betty White, an actress who had brought Hollywood to modern times with a comedic view, had passed away.
- Remembrance of history today: In 1959 Fidel Castro had taken over the Cuban army.
- Showed an excerpt of a video to bring insight into the commercial fishing industry in Dare County. The full-length video could be seen on YouTube and Current TV.
- Mentioned there would be additional meetings regarding off-shore wind farms which could also impact the area fishing industry and environment.

### Commissioner Ross

- Commented John Madden, a giant in football, had recently passed away.
- Agreed the COVID-19 numbers had risen. He noted with the high case count that approximately 40% infected had been fully vaccinated.
- The Rose Bowl (Utah State v Ohio State) was “one for the ages”.
- Reported the new cancer center had a goal of raising half of their construction funds before breaking ground. They had exceeded their goal with \$3.6 million raised.

### Commissioner Tobin

- Gave the background of North Carolina’s oldest microbrewery, the Weeping Radish, which had been owned by Uli Bennewitz since 1986. With the help of Sen. Marc Basnight, the laws surrounding breweries in the state had been changed. After more than thirty years, Bennewitz had retired, sold the business and he wished him well.

## **MANAGER’S/ATTORNEY’S BUSINESS**

Mr. Outten revisited Commissioner Bateman’s question regarding transportation fees for MedFlight. He had confirmed with Chief Collins that the county had been requiring written consent for the service. His initial summary of the act indicated the new legislation addressed issues to protect patients from out-of-network rates.



Dorothy Hester reported there as a community survey under way to assist with the new county website redesign. Almost two hundred responses had been received so far. She encouraged everyone to share their ideas for the redesign which may be complete by fall.

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 11:47 a.m., the Board of Commissioners adjourned until 5:00 p.m., January 18, 2022.



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. Each speaker's position has been summarized. Attempts have been made to accurately reflect the spelling of each name as spoken at the podium or based on the legibility of the sign-in sheet.