



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., January 18, 2021

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman, Rob Ross, Steve House, Jim Tobin (remote attendance), 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 5:05 p.m. Chairman Woodard called to order the regularly scheduled meeting. He invited Rev. Gaye Morris 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.

- He attended the 31st annual Dare County birthday celebration of Dr. Martin Luther King promoted and presented by the Lewis family. The guest speaker was Dr. Benjamin Speller.
- The number of COVID-19 cases driven by infection of the omicron variant was substantial. At the January 11, 2022 update, there were 799 cases from January 3-9, 2022. The positive test rate in the county had risen to 43.68 and 59% of cases were among the unvaccinated.
- Kitty Hawk was moving ahead with their new public safety facility. Dare would be piggy-backing on the project with construction of a new EMS sub-station.
- Attended the wire cutting for the new electrical lab at the COA with Commissioners Ross and Bateman. The county needed tradesmen and these programs were much needed to promote them among youth.
- The Bowsertown project was not given approval by the town of Manteo. He would be meeting with the town mayor and several others for further discussions in the hope of working out a compromise with the town for the project.
- State of the County would be presented tomorrow at 2:00 p.m. and would be live-streamed.

Chairman Woodard presented Donna Creef, Planning Department Director, with a special certificate of appreciation. He outlined her many accomplishments and contributions to the county since her thirty-three year tenure. He stated her work had impacted unincorporated Dare, making it a great place to work, live, raise a family and vacation.

ITEM 2 – PUBLIC COMMENTS

At 5:33 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:

1. Catherine Heath from Kitty Hawk commended the Board for their resolution to reaffirm opposition of United Nations Agenda 21. She stated there was an expansion of directives from the federal government and states to local governments under the umbrella of emergency powers for health and safety.
2. Duke Garrity was pleased that the Board would be addressing ADU's again (accessory dwelling units). He agreed that they needed to be for long term use and not weekly rentals. He suggested making it the responsibility of the homeowners' associations to enforce their covenants. ADU's could be one of the tools to help with workforce housing.
3. Reese Stecher read from today's Outer Banks Voice article that "one data point missing in the January 18 update is the breakdown of overall weekly cases by vaccine status". He promoted the positive antibody test as an option to keep kids from quarantine and disagreed with students wearing masks.
4. Megan Kindle voiced her dissatisfaction with the Board and Health Director in their responses and actions throughout the pandemic. She mentioned the substance abuse problems in the county and also noted the masks sold locally were manufactured in China.

The County Manager closed Public Comments at 5:55 p.m.

ITEM 3 – PUBLIC HEARING – BUXTON ZONING MAP AMENDMENT FOR JULIA TAFT (Att. #1)

At 5:55 p.m. the Board held a Public Hearing to receive input concerning this agenda item with the same outlined procedure as in the public comment item. No one responded to the invitation to address the Board of Commissioners on this issue and Mr. Outten closed the Public Hearing at 5:56 p.m.

Donna Creef stated there had been fifteen emails received in support of the rezoning request. She reviewed the highlights from her report and emphasized this was a zoning map amendment. The future land use map classified the areas of Buxton there as community residential. She outlined the five zoning ordinance factors to be considered as to the reasonableness of the request and found them to be met and found to be in the public interest based on the potential of the housing opportunities.

MOTION

Commissioner Bateman motioned that the zoning classification of 48651 NC 12 Hwy. be changed to R-3 residential as recommended by the Planning Board and found the map amendment to be consistent with the Dare County Land Use Plan, reasonable and in the public interest of Dare County. The Statement of Consistency and Reasonableness attached to the staff report would be adopted as part of this motion.

Commissioner Couch seconded the motion.

VOTE: AYES Unanimous

ITEM 4 – PUBLIC HEARING – SERIES 2022A & B LIMITED OBLIGATION BONDS – CONTRACT AMENDMENT FOR AVON & BUXTON BEACH NOURISHMENT

At 6:06 p.m. the Board held a Public Hearing to receive input concerning this agenda item with the same outlined procedure as public comments. No one responded to the invitation to address the Board of Commissioners on this issue and the County Manager closed the Public Hearing at 6:06 p.m.

ITEM 5 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR AVON & BUXTON NOURISHMENT PROJECT (Att. #2)

Mr. Clawson explained the amendment was for the purpose of removing the fees included in the original contract for Buxton groin restoration, which was not allowed and to add the CSE estimate for five-year post construction monitoring, surveys and ecological monitoring for both Avon and Buxton projects. The figures for the sand fencing and vegetative planting had been adjusted down to the bid amounts.

MOTION

Vice-Chairman Overman motioned to adopt the amendment to the Capital Project Ordinance. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DARE COUNTY AVON/BUXTON BEACH NOURISHMENT – CSE CONTRACT AMENDMENTS

Mr. Clawson stated this item was to amend the contracts to remove the lighthouse groin restoration and to coincide with the budget amendments in the previous agenda item.

MOTION

Commissioner Couch motioned to approve Amendment #3 and Amendment #1 and authorize the County Manager to sign both proposals.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CONTRACT AMENDMENT FOR OAKLEY COLLIER & ASSOCIATES FOR EMS STATIONS

The Board had approved the Oakley Collier design contract on September 7, 2021 for EMS facilities at 10% of construction cost with a budgeted \$250,000. Mr. Clawson explained the amendment would establish a contract and a budget for full design based on the earlier estimates totaling \$4,704,300. A breakdown of the project costs was provided in the contract along with partner contributions as follows: Kill Devil Hills \$770,544 and Chicamacomico Volunteer Fire Department \$530,059. Mr. Outten pointed out a placeholder for Nags Head

had been made in the amount of \$5,000,000. A meeting was set for February to get some clarity on their decision. They had acquired an adjacent property. The Kitty Hawk project was shown as \$1.6 million. A recent conversation with them indicated that figure could be increasing. A meeting was scheduled to review the programming with the architect to try to hem down that number.

MOTION

Commissioner House motioned to approve Oakley Collier & Associates service order #4 and authorize the Chairman to execute and approve the amendment to the Capital Project Ordinance.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – ACCESSORY DWELLING UNITS ZONING AMENDMENTS (Att. #3)

Mr. Outten explained it was recognized some covenants prohibit ADU's. This agenda item sought Board guidance as to whether they were interested in the prospect. Donna Creef, provided a detailed staff report to the Board regarding possible zoning amendments to allow accessory dwelling units in districts restricted to single family dwellings. The Board's discussion included concern that ADU's would become short-term rather than long-term units. Any amendments would have the same vetting to include public hearings.

No formal vote was made on this item. The Board, however, came to a consensus to recommend the Planning Board draft language for their consideration for the extension of regulations for permitting accessory dwelling units in the R-1 and ELNH districts.

ITEM 9 – 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 (01/03/22) **(Att. #4)**
- 2) DHHS – Social Services Low Income Energy Assistance Program Budget Amendment
- 3) Budget Amendment - More Beach to Love - Marketing
- 4) Tax Collector's Report

Commissioners Tobin and Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 10 - BOARD APPOINTMENTS

1. Virginia Tillett Center Advisory Board

MOTION

Vice-Chairman Overman motioned to appoint Cathy Perry to fill term of David Otte'.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

Mr. Outten explained although the Board recently adopted a resolution to rename the Dare Center the Virginia S. Tillett Center, the advisory board had mentioned it was the intent for the building to remain known as a community center. After a short discussion the Board agreed to modify their resolution with a motion.

MOTION

Commissioner Couch motioned to formerly change the name to The Virginia S. Tillett Community Center.

Commissioner House seconded the motion

VOTE: AYES unanimous

ITEM 11 - COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager made extensive remarks, which may be viewed in their entirety on the Dare County website. Following is a brief summary:

Commissioner Tobin

- There had been a meeting with the shipbuilders today. The biggest announcement was *Miss Katie* would be put overboard on or about April 1, 2022. Everything was on schedule. There were some issues with obtaining the ground-fault interrupt breakers.
- He thanked Donna Creef for her dedicated years of service to the county.

Commissioner Ross

- Attended a broadband expansion meeting in Tyrrell County with Mr. Outten and Vice-Chairman Overman. There was substantial funding being made available through the American Rescue Plan and another investment bill.
- Gentle Expert Memorycare (GEM Day Services) had moved to their new office at 111 W. Carlton Avenue in Kill Devil Hills. They welcomed visitors and he wished them the best.
- He reported on Chamber of Commerce initiative call the Glam Girls, who had collected dresses, suits and accessories and offered them free to young ladies and gentlemen so they could attend their proms. The event would be held February 17-19.
- On February 22, 2022, there would be a report by a senior member of the BrightSpring Health Services on the level, quality of service and responsiveness to the community.
- Reported candidate filing dates were reopened beginning February 24 and concluding on March 4. The primaries would be held May 4, 2022.

Commissioner House

- Marine Fisheries Commission's advisory groups were conducting meetings via computer about Southern Flounder Amendment 3. There was a wide range of options to choose from with many of them fairly favorable. He would provide updates as available.
- At the last meeting he had introduced the Dare County commercial fisherman video. He had sent it to Representative Hanig who has forwarded it to every representative in North Carolina. Chairman Woodard added the video snippet was part of the State of County address to be presented tomorrow.
- Day in history was John Tyler who died this day in 1862. As the 10th U.S. president in 1841, he had vetoed a number of bills. He became the first president to have his veto overruled by Congress.

Vice-Chairman Overman

- Congratulated Donna Creef on her retirement after 33 years with the County.

Commissioner Bateman

- Recovery Court was going strong with thirty-one participants right now. He reported one gentleman had really turned his life around and was buying a home.
- Dare Challenge was breaking ground and was another important program to help addicts rebuild their lives.
- Reported on the unfortunate loss of a young seventeen year old boy to drugs. He challenged everyone to have a conversation with their children, grandchildren or neighbors to heighten awareness.

Commissioner Couch

- Commented on the health of 93-year old Carol Dillon. She is the last of a generation that had gone through the Depression and World War II. As a motel owner since 1953, she had also “battled the Atlantic Ocean” with storms and weather events.

MANAGER’S/ATTORNEY’S BUSINESS, (Att.#5)

County Manager Outten had several items:

1. He asked the Board to consider appointing Andrea DiLenge as Deputy Clerk to the Board in the event the clerk would be unavailable to attend a meeting and documents would need the county seal or verification.

MOTION

Commissioner House motioned to appoint Andrea DiLenge as Deputy Clerk.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

2. The Chamber Economic Summit would be upcoming. They were asking for sponsorship by Dare County. The Board discussed and agreed the sponsorship, which was estimated at \$5,000, should be considered.

MOTION

Commissioner Bateman motioned that the county should sponsor the Chamber Economic Summit with the estimated \$5,000 sponsorship.
Vice-Chairman Overman seconded the motion.

VOTE AYES unanimous

3. The U.S. Fish and Wildlife Service would like to apply for a grant for the purpose of rebuilding and moving their visitor center at Pea Island. They cannot apply for the grant because they are a federal agency. Mr. Outten explained if Dare applied for the grant it would be the county’s responsibility to manage the construction and then turn it over to them. Given the number of ongoing projects and anticipated projects in the coming months, it was uncertain whether the Board would agree the county should take on another construction project. After discussion, it was the consensus of the Board to partner with the Fish and Wildlife Service to apply for the grant and move forward with the project on their behalf.

MOTION

Commissioner Tobin motioned for Dare County to apply for the grant on behalf of the U.S. Fish and Wildlife Service and to move forward with the project on their behalf.
Commissioner Bateman seconded the motion.

VOTE AYES unanimous

4. Mr. Outten explained the County was experiencing significant employment issues with retention. The highest problem was in public works and sanitation. The HR Director, Elizabeth Reilly, had completed an in-house salary comparison. Dare was between \$8-10 thousand dollars lower than the competitive towns. The average starting salary for cdl drivers was currently \$32,000 and other towns started around \$40,900. There were similar issues in the detention center and sheriff's departments. In those problem areas, it was discovered Dare was anywhere from \$8-15,000 lower than some nearby towns. The salary structure was not comparable to area competitors. He offered some recommendations: (1) The most pressing problem was with the public works department and \$285,000 annually would fill the salary gap (2) A more formal salary study was needed with an RFQ (3) bring all staff salaries up to the equivalent of at least \$15.00 per hour (4) investigate flexible schedule possibilities. He would have further discussion with department heads to inquire if there were other options or ideas to both attract and retain employees.

MOTION

Commissioner House motioned to: (1) increase the budget by \$285,000 to solve the salary issues for hiring in public works (2) conduct an RFQ for a salary study (3) bring all staff salaries up to the equivalent of at least \$15.00 per hour (4) investigate proposed flexible schedule plan for some departments.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

5. Mr. Outten reported the N.C. 12 Task Force Subcommittee had had several meetings to review the identified N.C. 12 hotspots. During their last meeting they had reached a consensus to prioritize projects for the hotspots as follows: The Canal Zone, Ocracoke, Frisco, Buxton and Avon. He and Superintendent Dave Hallac would be writing a report to summarize the subcommittee's work and present it to the N.C. 12 Task Force for follow-up.

Dorothy Hester reminded everyone the State of the County address would be presented tomorrow. It would be televised and available on YouTube. She congratulated Donna Creef on her retirement and advised there would be an opportunity for staff to wish her well at a floating retirement open house in the Planning Department on January 27th and 28th.

Dave Clawson reported there had been a final ruling for American Rescue Plan funds. The report was over 240 pages long and he would follow-up with recommendations.

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 7:36 p.m., the Board of Commissioners adjourned until 9:00 a.m., February 7, 2022.

Respectfully submitted,



APPROVED:

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

By: Robert P. 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. During the meeting, several agenda items involved public comment and 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.