



# 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., October 5, 2022

Commissioners present: Chairman Robert Woodard, Sr., 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  
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 9:04 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Spottswood Graves 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:

- Representative S. Paul O’Neal addressed the Board. He was completing the term of now Senator Bobby Hanig. He had been a Currituck Commissioner for twenty years and had worked with many of the Dare Commissioners and staff. He noted particular pride in the groundwork completed which led to the new COA building in Dare County. He commented the college would change many lives.
- Chairman announced there would be a Wanchese community day and christening event on October 13, 2022 for the new dredge, Miss Katie. He thanked Commissioner Tobin and the Oregon Inlet Task Force for all their hard work on the dredge project.
- William C. Smith of Kill Devil Hills had passed away and Chairman gave a bio of his many achievements, which included being the Chairman of the Kill Devil Hill’s Planning Board.
- Noted Dare County had been blessed after remnants of Hurricane Ian had passed through our area. He asked everyone to keep Floridians in their thoughts and prayers.

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

- 1) Brent Doughtie received a ten-year pin.
- 2) Joshua Coltraine, received a fifteen-year pin.

**ITEM 3 – EMPLOYEE OF THE MONTH – October 2022**

Stephen Stetson, Systems Administrator for Dare County Sheriff's Office 911 Communications Center, received the Employee of the Month award from Jack Scarborough. Stephen effectively keeps all the phone and computer systems running as a "one-man show".

**ITEM 4 – PUBLIC COMMENTS**

At 9:31 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. Spottswood Graves read a North Dare Ministerial Association Pastoral Statement regarding the disapproval of the reversal of Roe v Wade.
2. Willo Kelly and Rosemarie Dozier announced Donna Creef would be the new Government Affairs Director for the Outer Banks Association of Realtors.

*No comments made in Buxton.* The County Manager closed Public Comments at 9:41 a.m.

**ITEM 5 – LITTLE SCHOOL OF FISH CHILD CARE FACILITY – SPECIAL USE PERMIT APPLICATION #5-2022**

This item was handled as a quasi-judicial proceeding with all parties to the proceeding being duly sworn. Planning Director, Noah Gillam, outlined a Special Use Permit (SUP) application from Ms. Shifflett. She addressed the Board and explained she would seek licensure and would follow child care guidelines to include students to teacher ratios. The school would be opened four days a week and enroll children beginning at age 2 ½ while operating under the state regulations. The County Manager asked the applicant if she agreed to the findings of fact listed in the SUP, the supporting documents on file, the facts presented by the Planning Director and consent to the SUP as presented. Ms. Shifflett indicated her agreement.

**MOTION**

Commissioner Bateman motioned to approve the Special Use Permit Application #5-2022. Vice-Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – ZONING AMENDMENT TO R-2B ZONING DISTRICT TO ALLOW FOR PET CREMATORIALS AS AN ACCESSORY USE TO PET GROOMING AND KENNEL FACILITIES**

Noah Gillam explained this item was a zoning amendment to allow pet crematoriums and would require a public hearing to be set for November 7, 2022, at 9:00 a.m. The zoning amendment would apply to a portion of Colington.

**MOTION**

Commissioner Tobin motioned to set a Public Hearing for November 7, 2022, at 9:00 a.m. Commissioners House and Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – PROCLAMATION – FIRE PREVENTION WEEK**

Steve Kovacs, Dare County Fire Marshal, provided the Board with a proclamation recognizing the 100<sup>th</sup> anniversary of Fire Prevention Week on October 9-15, 2022. It was the nation's longest running public health observance on record.

**MOTION**

Commissioner House motioned to issue the proclamation.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING**

Chairman Woodard gave an overview of the annual achievement for financial reporting, which had been established in 1945 to encourage state and local governments to go above and beyond with their reporting while being transparent. He noted Dare County Finance Department had received this award for thirty-one consecutive years. He recognized with the Board the amazing accomplishment, which highlighted the dedication of David Clawson, Sally DeFosse and the entire staff of the Finance Department.

**ITEM 9 – REIMBURSEMENT RESOLUTIONS FOR SERIES 2023A AND 2023B LIMITED OBLIGATION BONDS (Att. #1 & #2)**

Two reimbursement resolutions were presented to the Board. One for the joint EMS/Fire Kill Devil Hills station, the Southern Shores station and the Dare Med Flight hangar/station totaling \$37,122,000. The other was for the Manteo, Frisco, and Manns Harbor EMS stations along with the Manteo Youth Center for \$9,227,000.

**MOTION**

Commissioner House motioned to adopt the two resolutions.

Commissioner Ross 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 House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (09.06.22) (Att. #3)
- 2) MOA with the Town of Kill Devil Hills for Use of Fuel Pumps for EMS
- 3) DHHS – Social Services SNAP ARPA Funding Budget Amendment
- 4) VHF Paging System for the Dare County Emergency Communications for Fire and EMS Paging (Att.#4)

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – BOARD APPOINTMENTS**

1) Upcoming Board Appointments

The upcoming Board appointments for November 2022, December, 2022, and January, 2023 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 Couch**

- They had dealt with a lot water in Hatteras. Some areas had 10-12 feet of water. He cautioned everyone to drive safely. They were still working on the Rodanthe Bridge.
- He enjoyed the pin recipients and employee of the month presentations.
- Announced post review of the beach nourishment areas had been done. The County would be reimbursed if there was a loss found.

### **Commissioner Bateman**

- The Rotary Club was setting up free cardiovascular screenings with Dr. Martin. It would open Monday and he encouraged everyone to register.
- Chief Justice Paul M. Newby recently thanked Dare justice workers with additional praise for the Recovery Court program. His visit to Dare had completed his 100-county tour.
- The Annual Walk Against Addiction was held at First Flight High School. He have given the opening remarks for the alcohol and substance abuse awareness event.
- He enjoyed the recent Hatteras Day at the Docks event.

### **Vice-Chairman Overman**

- Congratulated the service pin and Employee of the Month recipients.
- He had attended the ASBPA conference to hear presentations from other states and counties coping with beach issues. Dare County was the model to everyone.
- He had viewed a video presented on September 23 in Wanchese regarding Oregon Inlet and the need for jetties. He stated the jetties were needed to stabilize the inlet.
- On September 24, he attended the Walk Against Addiction event.
- On September 27, he attended the Shattering the Silence Around Suicide at First Flight High School. A powerful video was presented.
- Asked citizens to keep the hard-hit Hurricane Ian victims in our prayers.

### **Commissioner House**

- He addressed the blue catfish problem. The NC Marine Fisheries was aware of the issue. The fish had been introduced in the Chesapeake area and were now in Currituck and Albemarle. It was an invasive species and the NC Marine Fisheries was looking at a plan.
- NC Marine Fisheries had closed the season on striped bass in the Albemarle Sound. Fisheries believed the stock assessment had been affected by environmental impact.
- He announced the Outer Banks Jeep Invasion would begin October 7-9, 2022.
- Day in History: This day in 1905 Wilber Wright made a sustained flight in Flyer No. 3 for 24.4 miles in thirty minutes. He only landed because he was out of fuel.
- Pet of the Week presented with a video of Piglet, a transfer dog from another county.

### **Commissioner Ross**

- The Outer Banks Community Foundation would host a Backyard Bash at the Brewing Station on October 15 to celebrate forty years of service to the Outer Banks.
- The Councils of Government meeting would be held October 6-7 in Dare County.
- He had toured a few of the oceanfront endangered Rodanthe homes with Superintendent Dave Hallac. Some homes had exposed pipes and septic tanks, with water running under them. Chairman Woodard noted Superintendent Hallac was seeking funding to purchase the endangered homes.

**Commissioner Tobin**

- When he attended the ASBPA event, they had been told Dare County was the poster child of beach nourishment. Folks there could not believe Dare did not receive state funding to support their beach nourishment projects.

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

Mr. Outten stated there had been multiple meetings with all stakeholders regarding finding solutions for NC12 problems in trouble areas. They were trying to have input from Secretary of DEQ. Barton Grover had been working on grant opportunities. The falling houses in Rodanthe had many levels to resolve and it was not easy to find solutions. He commented on his attendance at the ASPBA Conference. The storm measures recommended at the conference had already been tried in the County.

The Sheriff's Office had been awarded a three-year no cash match grant for a total of \$416,354.00. The funds would allow human trafficking officer training, crisis intervention and investigations to facilitate the Regional Human Trafficking Task Force.

**MOTION**

Commissioner House motioned to approve the budget amendment.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Mr. Outten explained in July, 2022, legislation had been passed which changed Dare County's local match for shallow draft navigation from 33.3% to 25%. Some of the contracts referred to the old funding matching. A new resolution was needed to affirm the change.

**MOTION**

Vice-Chairman Overman motioned to approve the resolution.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**Dorothy Hester** reminded everyone about Community Day and the christening for Miss Katie in Wanchese. She encouraged people to attend on October 13, 2022. She noted Great Lakes had mentioned the locals and visitors truly embraced the Buxton and Avon beach projects.

The Public Relations team had attended three sessions to learn how to operate a drone. A total of eighteen Dare employees had attended the classes and would be taking a federal test in Elizabeth City. The redesign of the County website would be launched by the end of November or early December. A State of the County address would be presented sometime in early January, 2023, by Chairman Woodard, and was planned to be held at Captain George's Seafood Restaurant in Kill Devil Hills.

**Dave Clawson** mentioned a new pot of ARP funds had become available. The County would receive \$523,125. He had accepted the funds yesterday with the terms and conditions presented.

Vice Chairman Overman mentioned there was a tentative visit scheduled by Attorney General Josh Stein for October 20, 2022. Mr. Stein would talk about opioid settlement funds and how Dare was handling their share of the settlement. There would be more details about his visit to follow.

**ITEM 13 – CLOSED SESSION:**

The Manager asked for a Closed Session pursuant to NCGS 143.11(a)(e) to consult with an attorney employed or retained by the County in order to preserve the attorney-client privilege as to McKinsey and Blackburn lawsuits and NCGS 143-318.11(a)(5) to instruct county staff regarding a real estate contract negotiation and the position to be taken as to property described in Deed Book 1342, page 149, and to approve the minutes of the last Closed Sessions.

**MOTION:**

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

Commissioners Bateman and House seconded the motion.

VOTE: AYES unanimous

At 10:48 a.m., the Commissioners exited the room to meet in Closed Session. The Board reconvened at 11:37 a.m. County Manager Robert Outten reported that during the Closed Session the Board approved the previous Closed Session Minutes, had discussions with the County Attorney with regard to the McKinsey opioid litigation and the Blackburn suit; instructed county staff on the position to be taken on behalf of the county in negotiating a price and other material terms of a proposed contract for the acquisition of real property, and took no further action.

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

**MOTION**

Commissioner House motioned to adjourn the meeting.

Commissioners Tobin and Ross seconded the motion.

VOTE: AYES unanimous

At 11:37 a.m., the Board of Commissioners adjourned until 9:00 a.m., November 7, 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 are on file in the office of the Clerk.