



# 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., January 3, 2023**

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

Commissioners absent: Jim Tobin

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 meeting is archived on a video which is available for viewing on the Dare County website [www.darenc.gov](http://www.darenc.gov).**

At 9:04 a.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:

- The Board would hold a town hall special meeting at the Rodanthe Waves Salvo Community Center to discuss beach nourishment at 6:00 p.m.
- State of the County address would be on January 25<sup>th</sup> at Captain George’s Restaurant.
- The Board had received a thank you from Carol Ann, owner of The Jolly Roger’s. She was recognized for her contributions to the County at the last meeting.
- He wished everyone a Happy New Year for 2023.

#### **ITEM 2 – SWEARING IN CEREMONY – (ATT.# 1)**

The oath of office for re-elected Commissioner Ervin Bateman was administered by the Clerk.

#### **ITEM 3 – PRESENTATION OF COUNTY SERVICE PINS- none present**

#### **ITEM 4 – EMPLOYEE OF THE MONTH – January, 2023**

Dare County’s 911 Communications Center Director Jack Scarborough, received the Employee of the Month award from Sheriff Doug Doughtie who described the many ways he is an asset to the Sheriff’s Department and had transitioned into his new position.

### **ITEM 5 – PUBLIC COMMENTS**

At 9:30 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:

*The following comment was made in Manteo*

1. Kathryn Fagan applauded the responsiveness of Sheriff Doug Doughtie's office. She presented to the Board the need to preserve green space on Roanoke and suggested Dare purchase a three-acre tract near the Sound and develop it for a sound-side beach. It would give locals a place to go for recreation without leaving Roanoke Island.

*There was no comment from Buxton, and Mr. Outten closed Public Comments at 9:36 a.m.*

### **ITEM 6 – PRESENTATION OF FISCAL YEAR 2022 AUDIT REPORT**

Full comments may be viewed on the County's archived website video. Mr. Bob Taylor and Mr. Dan Morrow, auditors of Potter & Company, presented the June 30, 2022 audit and Annual Comprehensive Financial Report. Mr. Taylor congratulated and commended the County on their successful economic year. He highlighted the 247-page financial report and stated the General Fund Unassigned fund balance was at 34.53 % and the County's target policy was 21%. Last year it was right at 30%. Mr. Clawson provided additional details as to the five new funds added in 2022. He explained the 10 Fund was the operating expenditures. The County reduced the net OPEB liability by \$54 million or 31%. He shared the ten year history of revenue changes. Government debt went down to 0.73% of assessed property value. He explained anything under 1% was good. He also gave the water system automated meter system update. It was a clean audit opinion. There were no grant findings and no grant questioned costs. Mr. Taylor commented that all county governments needed to sustain good fiscal spending in order to have the resources for future spending purposes.

### **ITEM 7 – REVIEW OF 2023-24 GRANT APPLICATION FROM THE ECONOMIC IMPROVEMENT COUNCIL**

The Board was presented with the 2023-24 grant application from the Economic Improvement Council. The federal grant helps support a wide range of community-based activities to reduce poverty. No action was required of the Board

### **ITEM 8 – DARE COUNTY COASTAL STORM DAMAGE MITIGATION GRANT CONTRACTS**

Dustin Peele's summary indicated there were three grants from NCDEQ to address coastal storm damage mitigation efforts in the towns, Avon and Buxton. These funds would offset some expenses incurred in the recent beach nourishment. Avon contract would be reduced from the original amount of \$5,576,639 to \$4,714,231.60. The reduction is a result of a more accurate accounting of the eligible expenses under the grant program.

#### **MOTION**

Commissioner House motioned to approve the contracts from NCDEQ and authorize the County Manager to sign each contract.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous



**ITEM 9 – NCDOT RESOLUTION FOR AIRPORT ROAD MULTI-USE PATH (Att. #2)**

Barton Grover presented a resolution, which would be part of a requirement towards submission of an application to obtain a feasibility study grant for sidewalk and improvements on Airport Road.

**MOTION**

Vice-Chairman Overman motioned to adopt the resolution.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – DCM LOCAL PLANNING AND MANAGEMENT GRANT PROGRAM**

Barton Grover's summary explained there was a grant for beach, shoreline and water management projects. It was proposed to update the 2013 feasibility report for Rodanthe beach to determine the minimum beach volume necessary for a five-year storm protection plan. The State would provide up to a 75% match for the study. The resurvey would furnish an estimated cost for any beach nourishment project along with maintenance costs and would take approximately six months to complete.

**MOTION**

Commissioners Couch and House motioned to approve the application, the budget amendment and authorize the County Manager to enter into a contract with DEQ.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – BUDGET AMENDMENT FOR DC SCHOOLS LOCAL CURRENT EXPENSE**

David Clawson presented the updated calculation for the Dare County Schools using the funding formula established. There were two changes to the original calculation after the State approved their budget. It included a COLA of 4%, rather than the estimated 2%. The employee retirement system, estimated at 24.19% was actually 24.50%. These two changes resulted in an increase of \$199,775, which required a County budget amendment.

**MOTION**

Commissioner House motioned to adopt the budget amendment.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – DARE COUNTY MARINE SAND SEARCH INVESTIGATION AND BORROW AREA DESIGN**

Dustin Peele stated Dare County had been awarded a \$1,000,000 grant from NCDEQ to aid in the mitigation of storm water damage and erosion control. The Board was presented with a proposal from Coastal Protection and Engineering with three tasks to be completed within two years to mitigate the costs of coastal storm damage to the ocean beaches and dune systems. The proposal would also provide offshore sand search to identify future borrow pit areas with a final geo-technical report. Mr. Outten stated there be enough sand for the next project, but there was a need to research for future long-term projects.

**MOTION**

Commissioner Bateman motioned to approve both the budget amendment and the proposal, and to authorize the County Manager to sign the Coastal Protection proposal.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – EMS STATION 1 CAPITAL PROJECT ORDINANCE AND ARCHITECT CONTRACT AMENDMENT (Att. #3)**

Mr. Peele explained the Town of Kill Devil Hills had asked for the design of EMS Station 1 to be changed. The cost increase in the amount of \$61,000 was due to design changes and the architect's travel expenses. Mr. Outten explained when the plan was flipped it changed the water and sewer. Mr. Clawson said the project would now be scheduled for bid on January 24, 2023. The final contract approval for the GMP and the LGC would now be in April. Mr. Clawson added the delay could result in lower interest rates.

**MOTION**

Commissioner House motioned to approve both the Capital Project Ordinance and contract amendment and authorize the County Manager to sign the amendment.

Commissioners Bateman and Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 14– 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 (12.05.22) **(Att. #4)**
- 2) Baldwin Aviation Safety Management System Contract
- 3) Mutual Aid Agreement for Fuel Pump Use by Outside Entities **(Att.#5)**
- 4) Tax Collector's Report
- 5) Stumpy Point Disposal Site Modification Budget Amendment
- 6) Budget Amendment – Coronavirus Relief - Transportation

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – BOARD APPOINTMENTS**

1) Stumpy Point Community Center Board

Vice-Chairman Overman motioned to reappoint Johnny Midgett, Tammi Perry-Inscore, Naomi Midgett and Jeff Griffith

Commissioner House seconded the motion.

VOTE: AYES unanimous

2) Library Board – Regional East Albemarle Regional Library

Commissioner Ross motioned to appoint Mary Lou Hoffert.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

3) Older Adult Services Advisory Council

Vice-Chairman Overman motioned to appoint Don Berg and Beulah Ashby.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

4) Commission for Working Watermen

Commissioner Bateman motioned to reappoint Jaimie Reibel, Joe Wilson, Dewey Hemilright and Steve House.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous



5) Airport Authority

Commissioner Couch motioned to appoint James R. Kenny to complete the term of William Pope.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

6) Upcoming Board Appointments

The upcoming Board appointments for February, March and April, 2023 were announced.

**ITEM 16 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

The remarks of the Commissioners and the County Manager may be viewed in their entirety in a video on the Dare County website. Following is a brief summary:

Commissioner Bateman

- He wished everyone a Happy New Year.
- He highlighted the accomplishments of John Cain, who had recently raised \$14,000 for the local food pantry.

Commissioner Couch

- He stated the attraction of our area by others should not be taken for granted.
- Deputy Stephen Hickman passed away on December 23<sup>rd</sup>. He was a Hatteras native and a good deputy.
- He added remembrances of Jazania Herbert O’Neal of Rodanthe, Karen Sue Kraft and Lovey Elizabeth Selby who had each recently passed.
- He and the Chairman mentioned the Buxton Fire station needed a flashing light especially due to their blind corner. The County Manager stated he would follow up with NCDOT.

Commissioner Ross

- Congratulated Commissioner Bateman on his re-election and today’s ceremony.
- He complimented the Elizabethan Gardens Christmas for their holiday light show
- He recognized and highlighted just a few of the coordinated events made possible by Dare County EMS and other public safety agencies in the area to collect Toys for Tots. He also described their Lights of Christmas program.

Commissioner House

- Jeep Charities Group had received a call from the Virginia Tillett Center regarding Christmas gifts. The group went out shopping for the extra presents needed to make sure there was no shortage for Dare County’s children.
- The Wounded Warriors in Action group (Purple Heart recipients) would be in Dare sometime in February to participate in some area outdoor sporting activities.
- He covered several events for the “day in history”: In 1496 Leonardo da Vinci tried his flying machine without success. In 1925, Benito Mussolini dissolved the Italian parliament and became dictator. In 1972, the Apple computer was incorporated.
- He wished everyone a happy 2023.

Vice-Chairman Overman

- Recognized the employee of the month, Jack Scarborough. He stated we were very fortunate to have him.
- Wished everyone a happy new year and added we would have a challenging year ahead both locally and as a country.

Commissioner Bateman invited the Board and others to join him on February 25, 2023 for the “polar plunge” at Jennette’s Pier. It would benefit Dare County’s Special Olympics.

Chairman Woodard stated Jim Clark, who had served on the A.B.C. Board had passed away last month and he would be missed.

**MANAGER’S/ATTORNEY’S BUSINESS\***

(\*Note: At the 12/5/22 Board Meeting, a resolution requesting rulemaking for the request of a No Wake Zone located at Motts Creek, Dare County was approved. A hard copy resolution was not provided at 12/6/22 meeting and is referenced here to be recorded with the Register of Deeds as part of the 1/3/2023 board packet)

Mr. Outten provided an update on the affordable housing projects. Several meetings ago the Board had discussed moving forward with the purchase of the Schiffman property. The wetlands delineation report had been completed with the opinion that the wetlands located would not impede the development of the property. He asked the Board to move forward with the property purchase.

**MOTION**

Commissioner House motioned to approve the County’s purchase the Schiffman property  
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

A full account of the Board’s discussion of this item, the map review and ingress/egress are archived on a video available for viewing on the Dare County website.

**ITEM 17 – CLOSED SESSION**

The 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 as to the ongoing opioid litigation; and to approve the minutes of the last Closed Session.

**MOTION**

Chairman 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 seconded the motion.

VOTE: AYES unanimous

At 11:24 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 11:46 a.m. Mr. Outten reported the Board approved previous Closed Session minutes, provided guidance to the County Attorney regarding the opioid litigation, 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.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 11:47 a.m., the Board of Commissioners adjourned until 6:00 p.m., January 18, 2023 for the Special Meeting in Rodanthe relative to a discussion on erosion.



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 at this meeting are on file in the office of the Clerk.