



# 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., February 6, 2023**

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

Commissioners absent: Jim Tobin - excused

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 available for viewing on the Dare County website [www.darenc.gov](http://www.darenc.gov).**

At 9:03 a.m. Chairman Woodard called to order the regularly scheduled meeting. He invited Rev. Gaye Morris to share an invocation, 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:

- Thanked everyone for attending the sold-out State of the County address.
- NC 12 Task Force would be meeting with the subcommittee tomorrow to receive the final reporting on the eight identified NC 12 Hot Spots.

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

- 1) Radcliff Hester, Transportation, received a ten-year pin.
- 2) April Farence, Tax Appraisal, received a fifteen-year pin.
- 3) Melissa Turnage, Social Worker, received a twenty-year pin.

#### **ITEM 3 – EMPLOYEE OF THE MONTH – FEBRUARY, 2023**

Jackie Tillett received the Employee of the Month award from County Manager Bobby Outten. Ms. Tillett became the Elections Department Director during a difficult and highly publicized election year.

#### **ITEM 4 – EMPLOYEE OF THE YEAR - 2022**

Amy Elkins, telecommunications shift supervisor for Dare County’s 911 Center, received the Employee of the Year Award introduced by Elizabeth Reilly, Dare’s Human Resources Director. She stated Dare County employees “are our number one asset”. Captain Jack

Scarborough presented the award and stated Amy was “steady, dependable and calm” as she received and responded to calls at the center.

### **ITEM 5 – PUBLIC COMMENTS**

At 9:28 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. The following is a summary of citizen remarks: (See website video for complete comments)

1. Ralph Barile, a Wanchese resident, opposed the proposed cluster housing development. He stated no one knew about an ordinance change and felt the community outreach was missed. He asked the Board to revisit the ordinance so the Wanchese community could give input. He also asked for a permit moratorium.
2. Lorraine Tillett, a Wanchese resident, spoke about the community and concern to preserve the family fishing atmosphere. They had drafted a community plan which had been submitted to the Planning Department. The plan was approved in 2006. She asked the Board for a moratorium of construction of the cluster home development.
3. Bill Wilson, a Wanchese resident, said no one knew about the proposed cluster homes development. He referenced the Wanchese mission statement to preserve the fishing atmosphere, single family residential land use, and traditional village businesses while protecting the coastal wetlands. He read the scope and intent of Section 22-27.7 of the Wanchese Plan.
4. Sandra Barile, a Wanchese resident for 45 years, presented a petition with 545 signatures and several letters from citizens opposed to the cluster development.
5. Danny Sawyer, OBX Baseball Association president, thanked the Board for the recent maintenance, improvements and repairs to the fields. He stated the season would be starting and more work needs to be done. They expected a full registration of participants and would soon have to turn kids away for lack of playing fields.

*No comments were made in Buxton and the Manager closed Public Comments at 9:48 a.m.*

### **ITEM 6 – PET CREMATORY ACCESSORY USE – SPECIAL USE PERMIT APPLICATION #2-2023**

Planner, Savannah Newbern, outlined a Special Use Permit (SUP) application from Pamela Anderson for a pet crematory as an accessory use to the existing pet grooming and animal kennel facility located at 208 Williams Drive in Colington. The Ocean Sands K9 Resort was currently zoned R-2B and pet crematories were permitted subject to a special use permit review. The applicant and Savannah Newbern were placed under oath by the Clerk. The County Manager asked the applicant if she agreed to the admission into evidence of the material submitted by Planner Savannah Newbern, which was on file in the Planning Department, the facts presented by the planner, and the terms and conditions outlined in the SUP. Ms. Anderson indicated her agreement. Chairman Woodard stated he had been at the site and area neighbors, including the nearby church were agreeable to the pet crematory.

**MOTION**

Vice-Chairman Overman motioned to approve SUP #2-2023 for the proposed pet crematory at Ocean Sands K9 Resort.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – COMMUNITY CARE CLINIC OF DARE - UPDATE**

Lyn Jenkins, the Executive Director of the clinic, provided the Board with an update. The clinic serves residents who are uninsured. In the spring of 2023, they will be adding a dental clinic. The clinic offers vivitrol, a 30-day injectable medication that suppresses the craving for opioids and alcohol. She stated the patient volume had tripled and they requested an increase from Dare County's support from \$67,500 to \$100,000. They had served 766 patients for primary care last year and expected 1,500 to be served in the dental clinic. They had a new pharmacy. Senator Sanderson and Representative Kidwell had been invited to the clinic. The clinic hoped for their support for recurring funding through the General Assembly. The pharmacist was only there two days a week due to funding. Medications were free and there was a small admin fee of \$5 for generic, low-cost medication and \$10 for others. They had a nurse practitioner trained with dispensing vivitrol. The Board discussed the process of new patients and those requesting vivitrol. Commissioner Ross noted not all area towns were supporting the clinic, although the clinic served all of Dare. Commissioner Couch asked about the proposed dental clinic. The clinic had received a \$423,000 grant to be used solely to renovate and purchase dental equipment. The dental clinic hoped to operate four days a week with rotating volunteer dentists on Friday. Commissioner Couch suggested the ECU School of Dental Medicine may be of some help.

**ITEM 8 – DC DHHS/PUBLIC HEALTH DIVISION –T-21 RESOLUTION (Att. #1)**

Sheila Davies presented a resolution to request the NC General Assembly to pass legislation to establish a tobacco retailer permitting system, raise the minimum age of sales from 18 to 21, and adopt other provisions which match federal law to restrict sales of tobacco and vaping products to minors. Theresa Beardsley, the region's tobacco prevention manager, shared information about the increase in e-cig use by youth. After her December presentation to the Board of Health and Human Services, they unanimously adopted the resolution being presented today. It proposed to raise the legal age of vaping and cigarette use to 21, matching the federal requirement passed in 2019. Beardsley stated 95% of all tobacco users started before the age of 21. If underage sales increase above 20%, the state could forfeit millions of federal substance abuse prevention grant funds. Discussion followed with opposition concerns voiced by Commissioner Ross due to inconsistencies in the laws across the states. (See website video for full Board discussion and comments).

**MOTION**

Commissioner Bateman motioned to adopt the resolution.

Commissioner House seconded the motion.

VOTE: Commissioners House, Couch, Bateman, Vice-Chairman Overman and Chairman Woodard – Aye

Commissioner Ross – Nay

Motion carried in a 5-1 vote.

**ITEM 9 – DARE COUNTY REGIONAL AIRPORT – DRIFTWOOD DRIVE (Item Removed)**

**ITEM 10 – ISLAND H MODIFICATIONS PROJECT (Att.#2)**

Barton Grover stated Island H was before them for two reasons: (1) to take advantage of the cost share change from 66% to 75% (2) to make improvements to the island to remedy stability and erosion issues. An estimated \$500,000 is needed for the improvements, of which Dare County would be responsible for \$125,000. The County would need a new location moving forward for dredging spoils.

**MOTION**

Commissioner House motioned to adopt the resolution and authorize the County Manager to execute the budget amendment for the project upon award.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 11- AVON HARBOR DREDGING PROJECT (Att.#3)**

Barton Grover explained the Army Corps of Engineers had allocated \$1.6 million for dredging Avon Harbor and Channel. Vibracore sampling and the trucking costs to place the dredged material near the Haulover and Kite Point area were estimated at \$160,000. A Shallow Draft Navigation application would be submitted to receive a 75% state match. This would essentially be a soundside beach nourishment project and would serve to protect powerlines, waterlines and that portion of N.C. 12 from erosion issues.

**MOTION**

Commissioner Couch motioned to adopt the resolution and authorize the County Manager to execute the necessary budget amendment upon award.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**MEETING RECESSED at 10:49 a.m. and RECONVENED at 11:02 a.m.**

**ITEM 12 – FIRST FLIGHT ELEMENTARY AND MIDDLE SCHOOL FIELD USE**

A memorandum of understanding between the Board of Education and the County was presented for Board approval. Mr. Outten explained there were funds for lighting the field and that process was moving forward. The MOU, approved by the school board, provided the County with agreement to use the fields. A schedule of field use by the school was still needed to give them use priority. Mr. Outten reviewed some future needed improvements such as bleachers, fence repair (and soon replacement), concessions and bathrooms depending upon the demand and use of the fields. Commissioner Bateman questioned whether Hatteras had similar field concerns. Mr. Outten suggested a meeting be scheduled with the Hatteras schools to review the field areas there. Mr. Outten advised a similar agreement would be soon presented to the Board for the Kitty Hawk elementary school fields and with the area ball league.

**MOTION**

Commissioner Ross motioned to approve the Memorandum of Understanding and authorize the County Manager to sign the agreement.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – AUDIT CONTRACT FOR FISCAL YEAR 2023**

Dave Clawson presented the contract for audit accounts from Potter & Company, P.A. The four-year contract renewal began at a cost of \$72,100, which was a 3.0% increase from fiscal year 2022. The Audit Committee's recommendation was to enter into a new four-year agreement with Potter & Company. Mr. Clawson provided a listing indicating Dare was 36<sup>th</sup> out of 100 of counties for what was paid for their audit costs.

**MOTION**

Commissioner Couch motioned to approve the audit contract and authorize the Board Chairman and the Audit Committee Chairman to execute the contract.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – EMS PROJECTS CAPITAL PROJECT AMENDMENT TO SPLIT BUDGET INTO THREE PHASES (Att. #4)**

Mr. Clawson explained Oakley Collier had been designing the EMS projects and the budget adopted for the EMS projects was done in whole. The CIP Board approved splitting the projects into three phases and the capital project ordinance amendment established budgets in three phases for the projects. The original budget was reduced by \$713,602 since the Manteo Youth Center architect fees had been paid from the renovations budget center.

**MOTION**

Commissioner Ross motioned to adopt the amendment to the capital project ordinance. Vice Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – CAPITAL IMPROVEMENTS PLANNING COMMITTEE REPORT**

The County Manager reviewed the CIP Committee's recommendations regarding three projects: Southern Shores EMS, Dare MedFlight hangar and Kill Devil Hills Station 1. The KDH bidding process had been postponed partly due to the Town's additional changes. The County was ready to move forward with the Southern Shores EMS station and Dare MedFlight projects. Mr. Outten advised construction costs had significantly increased from when we started. The cost of the Southern Shores EMS was at \$8.5 million and the Dare MedFlight hangar cost had increased 23%, and had come in at \$9.4 million. He explained these were two priority projects. When other projects in the CIP are discussed during budget meetings, it may be necessary to revisit the availability of funds and reprioritize projects. Commissioner House asked if prices increased because bids were only on two projects instead of the original three. Mr. Outten stated there was not much local participation in the bidding. The lack of bidders and a busy economy was adding to the cost. Board discussion followed with Commissioner House questioning several line items from the estimates; i.e. fiber exterior doors versus metal. Mr. Outten and staff would have conversations with the architect and builder concerning the cost of several items raised by Commissioner House.

**Commissioner Ross left the boardroom at 11:32 a.m. and returned at 11:34**

**MOTION**

Commissioner House motioned to move forward with Southern Shores EMS, the Dare MedFlight hangar, adopt amendment to Capital Project Ordinance, and authorize the County Manager to sign the Barnhill contract amendment for GMP (Guaranteed Maximum Price).

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Mr. Outten added there was another item which came up at the CIPC meeting. The Tourism Board desired to move forward with an event center at Nags Head. Dare County would have to help them financially, as they could not outright borrow funds. Dare would have to be the passthrough if the Board approved. Rent could be charged; however, Mr. Outten explained it would take the Tourism Board approximately thirty years to pay off the rough estimate of a \$30 million-dollar debt. There was no request for the Board to decide today. The CIP committee had not made a recommendation during their meeting. Chairman Woodard did not want the timeline for the three current projects to be interrupted. The Tourism Board would be asked to provide more current cost estimates. Finance would work them into the current budget so the CIPC and the Board would have updated information to review. Chairman Woodard noted the Tourism Board's Impact Grants would not be possible with an event center project. Dustin Peele provided an update on other projects. The closing on Bernice Avenue for affordable housing was ongoing. There was property in Kitty Hawk which was still under discussion for housing. The Kitty Hawk ballfields would be complete in time for the season. The roof on Manteo Youth Center was changed, which added \$6,000 to the project cost. Walker Park in Wanchese and the ball dugout would receive some maintenance. Roanoke Island drainage project was on schedule. Commissioner Ross questioned the completion of a waterline at the animal shelter fence enclosure and a bridge over the swale in the back. Mr. Peele would follow up with Mr. Coleman and provide an update.

**ITEM 16 – DARE MEDFLIGHT AND SOUTHERN SHORES EMS STATIONS – APPROVAL OF GMP AND CAPITAL PROJECT ORDINANCE; UPDATE FOR KILL DEVIL HILLS STATION ESTIMATE (Att. #5)**

This item was combined with Item 15 and unanimously approved.

**ITEM 17 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NC, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO (Att.#6)**

Dave Clawson's summary explained the presented resolution was the first step to issuance of the Series 2023A Limited Obligation Bonds to provide financing for new construction of a Dare EMS and Kill Devil Hills first station, Southern Shores EMS station, as well as a Dare MedFlight hangar and crew quarters. The financed amount would not exceed \$49,250,000 with County Manager and Finance Director given authority to negotiate. Mr. Clawson reviewed the highlights of the resolution which included the setting of a required public hearing be scheduled for March 6, 2023. The Kill Devil Hills property will be pledged as collateral on the deed of trust. Mr. Outten stated he expected the Kill Devil Hills lease to be returned soon. The Southern Shore's fire department lease was still outstanding and Mr. Outten had asked for an in-person meeting to resolve the lease issues.

**MOTION**

Vice-Chairman Overman motioned to adopt the resolution to include scheduling a March 6, 2023 public hearing.

Commissioners Bateman and Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 18 – RESOLUTION SUPPORTING STEP PAY & COMPRESSION INCREASES FOR DIVISION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION SECURE DETENTION, YOUTH DEVELOPMENT CENTER, NC COURT SERVICES STAFF (Att.#7)**

Commissioner House stated the juvenile justice program in North Carolina was desperately underfunded. With the division of adult and juvenile corrections, the juvenile side had suffered with funding gaps. There was a critical shortage of employees with a 52% staff vacancy across the state in the juvenile justice system. The shortage and retention problem was partly a result of position requirements and pay structure.

**MOTION**

Commissioner House motioned to adopt the resolution.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 19– 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 (01.03.23 and 01.18.23) **(Att. #8 and 8a)**
- 2) Monarch Beach Club of Dare Lease Renewal **(Att.#9)**
- 3) DHHS – Community Child Protection Team and Child Fatality Prevention Team (CCPT/CFPT) Annual Report
- 4) Dare County Older Adult Fire Alarm Proposal
- 5) Water Dept. NCDOT Three Party Right of Way Encroachment Agreement – Airport Rd
- 6) Tax Collector’s Report
- 7) Updates to County Financial Policies and Travel Policy
- 8) Capital Project Ordinance for Frisco-Buxton Pathway **(Att.#10)**
- 9) Capital Proj. Ordinance for the Soundside Boardwalk Improvements Project **(Att.#11)**
- 10) Use and Occupancy Permit – NCDOT Slash Bridge Project – Water Line Agreement

Commissioner Ross and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 20 – BOARD APPOINTMENTS**

- 1) Senior Tar Heel Legislative Delegates

Vice-Chairman Overman motioned to reappoint Kaye White and Susanne Kelly.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

- 2) Aging Advisory Council for the Albemarle Commission

Commissioner House motioned to reappoint Brandi Bohanan and Kaye White.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

- 3) Community Child Protection Team and Child Fatality Prevention Team

Commissioner Couch motioned to appoint Sara Sampson to replace Nancy Griffin and appoint Stephen Burritt to replace Jeff Mitchell.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

4) A.B.C. Board

Vice-Chairman Overman and Commissioner House motioned to appoint Jimmy Pierce to fill vacancy left by James Clark with an initial term expiration of August, 2023.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

5) Upcoming Board Appointments

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

**ITEM 21 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Commissioners and the County Manager remarks are summarized below:

Commissioner House

- Stated Colington was often cut off during flooding events and the Colington Fire department made emergency calls when EMS could not get through. A Stryker LUCAS device for the department would be beneficial and have a positive impact.

**MOTION (Att.#12a)**

Commissioner House motioned to fund the purchase of a Stryker LUCAS device for the Colington Fire Department in the amount of \$20,687.39

Chairman Woodard seconded the motion

VOTE: AYES unanimous

- On January 19<sup>th</sup> he went to the Duck Research Pier for the annex building ribbon cutting. Dr. Dave Pittman recalled the area history with interesting remarks.
- Advised Miss Katie dredge had completed a maintenance project on January 26<sup>th</sup>. For the first time in seven years trawling vessels were able to come through Oregon Inlet. He shared a photograph of trawling vessels *Linda Gayle* and the *Shelia Rene*.
- Former Senator Jerry W. Tillman had passed away and he sent family condolences.
- Day in history 1952: Queen Elizabeth took the throne as Queen of the United Kingdom.
- Provided the Pet of the Week video of an adoptable cat named Windy.

Commissioner Ross

- Reminded everyone the March for Meals Initiative would begin next month. He planned on participating and encouraged others to do the same.
- The Theater of Dare would host music and readings on February 12 from 2-5:00 p.m. to bring awareness and raise funds for dementia care.
- The Chamber of Commerce would host an Economic Summit on February 23<sup>rd</sup>.
- Reminded everyone of the Special Olympics’ fund raiser on February 25<sup>th</sup> with a polar plunge at Jennette’s Pier.
- Congratulated the pin recipients, employee of the month and employee of the year.

Commissioner Couch had no additional business to share.

Commissioner Bateman

- Enjoyed the annual Hatteras oyster roast this past weekend although it was cold.
- The 25<sup>th</sup> annual Polar Plunge for the Dare Special Olympics was extending a challenge of participation to all Dare employees. The event would be held on February 25<sup>th</sup>.



Vice-Chairman Overman

- He congratulated the service pin recipients and 2022 employee of the year. He thanked Jackie Tillett, employee of the month recipient, for her many years of dedicated service.
- Presented a resolution for revision of the Good Samaritan Law in North Carolina.

**MOTION (Att.#12b)**

Vice-Chairman Overman motioned to adopt the resolution as presented to the Board. Commissioner Bateman seconded the motion

VOTE: AYES - unanimous

- In November, there were plans to have The Wall that Heals in Dare County. The three-quarter scale replica wall would be displayed at the Soundside event site. Chairman Woodard stated he understood the Veterans Advisory Committee was approximately \$5,000 short of needed funding to bring it to Dare.

**MOTION (Att.#12c)**

Chairman Woodard motioned for Dare County to provide \$5,000 for The Wall that Heals. Commissioner House seconded the motion

VOTE: AYES – unanimous

**MANAGER’S/ATTORNEY’S BUSINESS**

Mr. Outten advised that in a few weeks there would be a resolution presented relative to the most recent opioid settlement. There would be a deadline with the state. He did not know how the funds would be divided yet and proposed it may be the same 85/15 split as in the previous award. A special board meeting may be noticed, if the decision deadline did not coincide with the regular Board meeting schedule.

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 12:32 p.m., the Board of Commissioners adjourned until 9:00 a.m., March 6, 2023.



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