



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., July 17, 2023

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman, Rob Ross, Steve House, Danny Couch, Jim Tobin (via remote connection), 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, Deputy Clerk, Skyler Foley

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.gov.

At 5:01 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He read the invocation provided by Rev. Cindy Simpson, and then he led the Pledge of Allegiance to the flag.

Recognized several school board members, Steve Basnight, Ron Payne, and Mary Balance. He also noted Bill Coleman, Director of the SPCA, was in attendance.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard:

- Recognized the Manteo High School Woman’s Varsity Soccer Team for winning the State 2A Championship for the first time in team history. He stated Assistant Coach Tony Calvillo had coached these young ladies since they were in middle school and told them all he wanted was for the team to be successful and confident within themselves.

Chairman Woodard asked that agenda Item 17 be moved and heard as Item 4B.

MOTION

Commissioner Couch motioned to approve the adjustment to the agenda.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Aaron Felton, Deputy Sheriff, received a twenty-five-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – July, 2023

Due to scheduling conflicts, the July recipient of the Employee of the Month award would be presented at the September meeting.

ITEM 4 – PUBLIC COMMENTS

At 5:16 p.m. the Manager outlined the procedure for making public comments in Manteo and via video link to the Fessenden Center Annex in Buxton. Following is a summary of remarks made in Manteo:

1. Jennifer Hammer gave an update on the Camp Emmanuel project. The church had raised \$1.1 million thus far and had completed phase one of construction. They wanted the building to become a resource to more than just the church community.
2. Bill Coleman gave an update on the SPCA. He reported 450 cats had been spayed. They had hired a veterinarian to preform minor treatments and would be able to spay and neuter in the facility once it was properly set up with equipment.

With no comments from Buxton, the County Manager closed Public Comments at 5:25p.m.

ITEM 4B DARE EDUCATIONAL FOUNDATION AND TEACHER HOUSING

Mr. Outten explained the Dare County Schools had lost many great applicants due to the lack of housing. The school superintendent had met with the County Manager to see if they could work with Coastal Affordable Housing to add 12 more units to the school's housing units. The Manager asked for approval of the two budget amendments to secure the one million dollars needed for the Dare County Educational Foundation construction project.

MOTION

Commissioner House motioned to approve the two budget amendments presented to aid in the school's housing project.

Commissioner Ervin Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 5 – UPDATE – SENIOR TAR HEEL LEGISLATURE

Kaye White and Sue Kelly presented an update of legislative actions. Kaye discussed the aging population of North Carolina and why older adult legislation was important. She explained the purpose of the Senior Tar Heel Legislature was to provide information and education to senior citizens on the legislative process. Vice-Chairman Overman asked if there were elected officials working with them. Mrs. White stated they had some, but not quite enough. Chairman Woodard asked if our local legislatures were aware of the STHL recommendations and priorities. Kaye stated she had sent the information to them, but she had not yet had a verbal conversation. Sue Kelly had attended the March state meeting and attendees were tasked with getting meetings set up with their local representatives. There are ten counties in our STHL region with headquarters in Hertford. She had had a pleasant meeting with District 1 Senator, Norman Sanderson. Chairman Woodard stated the Board would reach out to the county lobbyists in Raleigh to help with the STHL priorities and goals for our citizens.

Cheryl Anby, left the meeting at 5:54 p.m. and returned at 5:56 p.m.

ITEM 6 – DARE COUNTY N.C. COOPERATIVE EXTENSION REPORT

Tanya Lamo, County Extension Director, provided her annual report with an interactive presentation. The following topics were highlighted: Family Consumer Sciences, Dare County 4-H Program, Horticulture Program, Master Gardner’s Achievements, Volunteers, and Partnerships. In 2022, the office programs had reached over 117,400 residents and visitors. Their program volunteers worked a total of 6,904 hours. See video for additional details.

Dorothy Hester, left the meeting at 6:07 p.m. and returned at 6:14 p.m.

ITEM 7 – RESOLUTION ADVOCATING INCREASED FUNDING TO HELP LANDOWNERS IMPROVE THEIR PROPERTY AND SIGNIFICANTLY REDUCE NUTRIENT LOADING IN NORTH CAROLINA’S COASTAL WATERS (Att.#1)

Charlie Saunders, Community Conservationist with Soil and Water Department, explained that the state funds several cost-share programs to address erosion. The Stakeholder Engagement for Collaborative Coastal Habitats Initiative had crafted a resolution to be presented to key state and federal agencies and decision makers that have the authority to increase funding for voluntary landowners’ cost-share programs in order to reduce nutrient loading in local waters.

MOTION

Commissioner House motioned to adopt the resolution as presented.

Commissioners Ross and Bateman seconded the motion.

VOTE: AYES unanimous

Dave Clawson left the meeting at 6:35 p.m. and returned at 6:38 p.m.

ITEM 8 – DARE COUNTY DHHS – PUBLIC HEALTH – OPIOID SETTLEMENT FUNDS RESOLUTION (Att.#2)

Roxana Ballinger addressed the Board with the ordinance and resolution relative to the budget and strategies for the opioid settlement funds for the upcoming year. Vice-Chairman Overman asked her to outline the strategies on how the funds would be allocated: Recovery Support Services, Evidence Based Addiction Treatment, Criminal Justice Diversion, Naloxone Distribution, and Recovery Support Services.

MOTION

Vice Chairman Overman motioned to adopt the Grant Project Ordinance Amendment and resolution to direct the expenditure of opioid settlement funds.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – HEALTH AND HUMAN SERVICES – MEDICAID EXPANSION PRESENTATION

Dr. Sheila Davies and Chuck Lycett provided an update on the potential impact of Medicaid expansion in Dare County. The following topics were highlighted: status of state action on Medicaid Expansion and its benefits of early intervention. The House had passed NC Health Works on February 16, 2023, the Senate on March 15, and the Governor on March 27. Implementation in North Carolina would be determined by FY23/24 NC budget approval. Funding for the program would come from the Federal Government (90%) and 10% from the State. NC Social Service offices would be responsible for determining Medicaid eligibility for applicants, which is a manual process. Mr. Lycett reported there were currently 7,083 individuals on Medicaid in Dare, with an expected increase of 1,843 once the expansion

occurs. The expansion would cover those that qualify at the ages of 18-64, at less than 138% of the federal poverty level (\$20,000 at individual and family of three at \$33,000). In June the Board had approved the hiring of three income maintenance workers. They were now requesting the creation of two more positions: one quality control caseworker and one supervisor. Dr. Davies stated for FY23/24 the Social Services' budget was prepared to cover the additional salaries. Mr. Outten explained the Board had to authorize the establishment of the additional positions. Vice-Chairman commented that it would be foolhardy to go into Medicaid Expansion without a quality control caseworker.

MOTION

Commissioner Couch motioned to approve creation of two positions to the Health and Human Services Department for Medicaid Expansion as discussed.

Vice-Chairman Overman and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Mr. Outten remarked it would be a good time to discuss the elimination of DHHS's part-time advanced practice provider and physician positions and create one new position described as a full-time certified nurse midwife or advanced practice practitioner. This would be a budget neutral cost change and it was hopeful it would make it easier to fill the position.

MOTION

Commissioner Bateman motioned to create the fulltime Advanced Practice Practitioner.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – RELOCATION OF GRAVES AT THE DARE COUNTY AIRPORT (Att. #3)

The Dare County Airport Authority had adopted a resolution expressing the need to relocate the graves at the Wescott Cemetery. Vice-Chairman Overman stated there were approximately seven graves located in a high-traffic area and it had become a safety hazard for anticipated increased air traffic. Stacy Ambrose, Airport Director, advised the airport apron had been built around the gravesite by the military over eighty years ago. Johnny Hallow, Esq., attorney for the airport, stated there was a statutory process to be followed. A research firm would be hired for genealogical and historical family research. The process would include written notice to the families, publication in the newspaper, and the hiring of a contractor and a licensed funeral director. DCAAB had adopted their resolution and now needed one from the Board. Vice-Chairman Overman stated it was the intent to move the graves to airport owned Roanoke Island Memorial Gardens Cemetery with possibly the same layout as at the airport. Stacy Ambrose was hopeful to receive state funding to aid with the cost and with the lengthy process to respectfully move the gravesite.

MOTION

Commissioner Couch motioned to adopt the resolution as presented.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 11– REVISION TO TRAVEL POLICY

Mr. Clawson presented a revision to Section 2.3.2b of the county's travel policy. It would expand the authorized use of the county credit cards for use by the Finance Director, Human Resources Director, Health Director, Planning Director, Social Services Director, the Sheriff,

and the Public Utilities Director. He explained this would eliminate approximately fifteen to twenty travel advance checks and reconciliations each year by the Finance Department.

MOTION

Commissioner House motioned to approve the revision to the travel policy.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 12 – RODANTHE BEACH NOURISHMENT FEASIBILITY STUDY (Att.#4)

Mr. Outten stated Dare County was not in a position to fund a beach nourishment feasibility study for Rodanthe. Congressman Murphy had begun a process to begin a feasibility study by the Corps of Engineers. They needed a commitment by a local government entity with a 50% cost share. If the study was completed, it would average a cost of \$3 million dollars, with Dare County's contribution being half. Mr. Outten explained it was an incremental long process. As the Board discussed the matter, Mr. Outten said he could not estimate the expense of a cost-benefit analysis. Commissioner Tobin stated that he believed the Board needed more details in writing as to the procedure and Dare's responsibility. If the process concluded successfully, the area could receive approximately \$40 million in nourishment. Mr. Outten would follow-up with the Corps to try to confirm a schedule of procedure.

MOTION

Vice-Chairman Overman motioned to send a letter of support to the U.S. Army Corps of Engineers to cost share the feasibility study.

Commissioner Couch seconded the motion and amended same with the letter to contain qualifying and confirmed language of the incremental process to be followed for the feasibility study.

VOTE: AYES unanimous

The meeting recessed at 7:33 p.m. and reconvened at 7:42 p.m.

ITEM 13 – WATER DEPARTMENT WATER SYSTEM DEVELOPMENT FEE & WATER CONNECTION FEE INCREASE

Raftelis had completed an evaluation for a "cost-justified" water system development fees (formerly known as impact fees) and water connection fees in May, 2023. William Nash, new water director, stated the connection fees was what it cost to put new service in the ground. One meter was currently \$360 and the connection fee charged was \$340. The county's fees were well below the cost to install the most basic meter. He requested moving forward to increase the cost to properly recover the costs and avoid being in the negative in connection fee costs. A development fee was solely to recover the cost in the production impact system fee and the actual cost to install it. Mr. Nash said approval of the proposed increase would still leave Dare's fees less expensive than all the towns, except Nags Head, and still lower than most counties in North Carolina. The Board discussed water rates. If approved, the connection fee increases would likely begin August 1, 2023; and system development fees would increase beginning January, 2024 in a phased system.

MOTION

Vice-Chairman Overman motioned to approve the increase to water development and connection fees as recommended by Raftelis and presented.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 14 – RECOMMENDED WATER CAPITAL IMPROVEMENTS PLAN FOR 2024 THROUGH 2029

Dave Clawson stated that everything in the plan was recommended cash fund pay-as-you-go. Last year's model had a \$6 million debt issue and the county ended at \$30.5 million for the Water Fund. He reviewed the fund balances and briefly the rate model. Mr. Nash briefly explained the FY2024 projects. They would complete the AMI system, with completion of the installation of meters. This would eliminate the need of in-person meter reading and potential leaks could be recognized within 24 hours. Mr. Nash stated they had not had many issues with the meters except during this year's December cold spell, which caused some tops to pop off. They were designed to have a 25-year battery life. Commissioner Ross asked if there had been any issues with the quality of county water. Mr. Outten explained the county used an aquifer instead of surface water. The Board briefly discussed the naming procedures of the water towers, as they come up for painting. It was Board consensus to leave the names as they were at this time. Commissioner House inquired as to why Southern Shores' tower was not in CIP for painting. Mr. Nash explained it had been painted last year.

MOTION

Vice-Chairman Overman motioned to approve the 2024 – 2029 Water CIP, adopt the Capital Projects Ordinance, and adopt the budget amendments for the Water Fund and the Water Capital Reserve Fund.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 15 - S-13 AND S-14 SUPPLEMENTS TO THE COUNTY ORDINANCES

County Manager explained this item was a housekeeping item and requested a public hearing on August 7, 2023, at 10:00 a.m. to adopt the S13 and the S-14 Code of Ordinance supplements, which the Board had adopted as individually presented at previous meetings.

MOTION

Commissioner Ross motioned to hold a public hearing to adopt S-13 and S-14 ordinance supplements on August 7, 2023 at 10:00 a.m.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 16 - NCACC VOTING DELEGATE

Each county was entitled to one vote on all questions at the NCACC (North Carolina Association of County Commissioners) August annual conference held in Wake County.

MOTION

Commissioner Couch motioned to appoint Chairman Woodard as voting delegate and Vice-Vice-Chairman Overman as the alternate delegate for all upcoming NCACC conferences.

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 House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (05.17.23 and 06.05.23) (Att. #5 & #6)
- 2) Budget Adjustments for FY 2022 Actual Collections of System Development Fees

- 3) Transportation Dept. SureBus Software License Agreement
- 4) Dare County Wilkenson Building Lease
- 5) NC Governor's Hwy. Safety Program (GHSP) Local Government Resolution (**Att.#7**)
- 6) Outer Banks Gun Club Lease
- 7) Public Works – Refuse Truck Budget Amendment
- 8) Systel Multi-Function Machine Lease
- 9) Tax Collector's Report
- 10) Amendment to Capital Project Ordinance & Budget Amendment for Final FY23 System Development Fees
- 11) Water Department NCDOT Three Party Right of Way Encroachment Agreement
- 12) Health & Human Services-Public Health Division Community Linkages to Care for Overdose Prevention and Response Grant
- 13) Health & Human Services-Public Health Division Breaking Through Task Force – Public Awareness Campaigning to Address Community Mental Health Grant
- 14) Reimbursement Resolutions-FY23-24 Vehicle & Equipment Financing and FY23-24 Sanitation Equipment Financing (**Att.#8 and #9**)
- 15) Dare County Sheriff's Office – Flock Safety License Plate Reader

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 19 – BOARD APPOINTMENTS

1) Jury Commission Board

Vice-Chairman Overman motioned to reappoint Elizabeth Creef-Meekins.
Commissioner House seconded the motion.

VOTE: AYES unanimous

2) Fessenden Center Advisory Board

Commissioner Couch motioned to appoint Brian Jones.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

3) Manns Harbor Community Center Board

Vice-Chairman Overman motioned to reappoint Jennifer Gilbert, Betty Beasley, and Vicki Craddock.

Commissioners Tobin and House seconded the motion.

VOTE: AYES unanimous

4) A.B.C. Board

Vice-Chairman Overman motioned to reappoint Fields Scarborough, and Jimmy Pierce.
Commissioner House seconded the motion.

VOTE: AYES unanimous

5) Wanchese Community Center

Vice-Chairman Overman motioned to reappoint Tina Sherrod, Bill Wilson, Becky Beachum, Joseph Lee Willis, and to appoint Elizabeth Ann Creef-Meekins.

Commissioners House and Bateman seconded the motion.

VOTE: AYES unanimous

6) Virginia S. Tillett Community Center Advisory Board

Commissioner Bateman motioned to reappoint Teresa Griffin, Johnathan DeLucia, Mitchell Bateman, Jennifer Phillips, and Rob Ross for another term.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

7) Upcoming Board Appointments

The upcoming Board appointments for August, September and October, 2023 were announced.

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

A brief summary outline of the items mentioned by Commissioners and the County Manager:

Mr. Outten updated that the channel permits had three issues with the Division of Coastal Management: Dredge windows (we are trying to have the dredge windows unrestricted); depth trigger; and sand needed for the project. An agency wants to do it by the Corps and we want to do it when it needs it. He wanted the Board to be aware of the situation. A call had been scheduled tomorrow morning with Coastal, which may resolve the issues.

Commissioner Ross

- He attended the dedication of an historic marker for Carolista Baum on July 7, which commemorated her efforts in establishing Jockey’s Ridge State Park.
- On the 11th they attended the Manteo Health Clinic opening.
- He attended a webinar by Project Opioid USA with the Vice Chairman. He remarked it had been predicted that 110,000 Americans would die from opioid poisoning, with 70-80% tied to fentanyl. It was now the leading cause of deaths among young adults.
- He attended a Nags Head farmers market event with the Public Relations Department.
- There would be a silent auction on July 29, sponsored by the Virginia Tillett Community Center, to raise funds for the area’s Special Olympics.
- He would also be attending an event at the Lost Colony on Aug 1, 2023, hosted by RIHA.

Commissioner House

- There were laborious, ongoing issues with permits for Island H.
- There had been joint meetings with the advisory committees and NC Fisheries Commission. He said meetings had been positive with some great ideas shared.
- For a day in history, he recalled that Tsar Nicholas II of Russia and his family were assassinated in 1918. In 1955, Disneyland had opened in Anaheim, California.
- He presented the Pet of the Week video (kittens named Boots and Socks) and encouraged pet adoption.

Vice-Chairman Overman

- Congratulated twenty-five-year service pin recipient, Aaron Felton.
- He discussed the opioid webinar and stated the webinar creator had mentioned we no longer had an opioid crisis; we had a fentanyl crisis.
- Acknowledged that the newly opened healthcare center in Manteo was definitely needed.
- On June 20, he met the management of North Carolina Blue Cross/Blue Shield at COA.

- He had attended with Roxana Ballinger the NCACC Opioid Summit on June 7-8 in Durham with many great presentations.

Commissioner Bateman

- Congratulated the Manteo High School girls' soccer team.
- Commented on how area water had greatly improved since he was a younger boy. He reflected on memories of orange-stained bathtubs and clothes in his youth.

Commissioner Couch

- Remembered the passing of Tommy Gray, a former Dare County IT Director with a thirty-year career. He also noted the passing of Zola Steger, who had been a "Buxton Mom" to many in the area.
- He attended the flag raising ceremony at the U.S. weather station in Hatteras. It had the distinction of being the first official weather station. He also shared additional history on hurricane observation science in the area.
- Mentioned several calls had been received concerning the roundabout (traffic circle) in Rodanthe. There was camper traffic there with backups, especially during check-in and check-out times. He recommended that it be monitored, as ambulances were also having problems responding to emergencies as a result of the roundabout traffic.

Commissioner Tobin

- Thanked his fellow Commissioners for his thoughtful and uplifting gifts. He provided an update on his chemo treatments, which would conclude the end August.

Chairman Woodard

- He asked the Board's consideration for a one-time donation of \$15,000 to 20,000 to the four Rotary Clubs so they could continue their vascular screening in Dare County.

MOTION

Commissioner House motioned to provide \$20,000 from contingency to the Rotary Clubs for their vascular screening program.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

MANAGER'S/ATTORNEY'S BUSINESS

Dorothy Hester stated her department had been attending many markets with some members of the Board attending, as meet and greet opportunities. They would be in Avon tomorrow.

ITEM 21 – 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 relative to litigations with O'Hara, Blackburn; Robertson and opioid matters. Pursuant to NCGS-143-318.11(a)(6) to review the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, and to approve the minutes of the last Closed Session.

MOTION

Vice Chairman Overman motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

At 8:52 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 9:20 p.m. Mr. Outten reported that during the Closed Session the Board approved previous Closed Session minutes, consulted with the attorney regarding the O'Hara, Blackburn; Robertson and opioid litigations and gave the attorney guidance. They also considered the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial appointment of an individual public officer or employee, to-wit the County Clerk and recommended that Skyler Foley be appointed as Clerk to the Board position, and considered the hiring of Skyler Foley and moved in closed session to make that appointment.

MOTION

Vice-Chairman Overman motioned to approve the hiring of Skyler Foley for the position of Clerk to the Board of Commissioners with terms established by the Human Resources Department.

Commissioners House and Tobin seconded the motion.

VOTE: AYES unanimous

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 9:20 p.m., the Board of Commissioners adjourned until 9:00 a.m., August 7, 2023.

Respectfully submitted,



APPROVED:

By: *Cheryl Anby*
Cheryl 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. Attempts have been made to accurately spell the name of each podium speaker.