



# 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., September 6, 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, 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](http://www.darenc.gov).**

At 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Cherri Wheeler to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Woodard asked that the agenda Item 25 be moved and heard as Item 4B.

#### **MOTION**

Commissioner Couch motioned to approve the adjustment to the agenda.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

#### **ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE**

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

- Read a thank you letter aloud that he received from Jackie Shea, former Commissioner Jack Shea’s wife.
- Recognized the two lives that were lost off of the Dare County coastline due to the high rip currents and emphasized that everyone needs to always prioritize their safety while they are in the ocean.
- Explained that the Board remains thoroughly committed to finding a solution for essential housing. He recently met with the Chain of Leadership to discuss ways to help solve this issue in Dare County. Explained that himself, Vice-Chairman Overman, and the County Manager traveled to Raleigh to meet with Coastal Affordable Housing to work on and finalize the Development Agreement.

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

- 1) Leigh Brinkley, Social Work Supervisor, received a 15-year pin.
- 2) Jodi Wyant, Public Health Nurse Supervisor, received a 20-year pin.

**ITEM 3 – EMPLOYEE OF THE MONTH – July and September, 2023**

Brandon Reed, with Public Works, received the July Employee of the Month award from Shanna Fullmer who described the many ways that he is an asset to the Fleet Maintenance Department.

The September Employee of the Month was not present at this meeting.

**ITEM 4 – PUBLIC COMMENTS**

At 9:24 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. Dewey Hemilright, resident of Kitty Hawk and is a Commercial Fishing Vessel Owner/Operator. Discussed the NOAA Meeting that was held on August the 22<sup>nd</sup> involving Amendment 15. Explained that Amendment 15 involves electronic monitoring and the placement of cameras on commercial fishing vessels. Although, they want to forward the costs of the cameras onto the vessel owners which would take 19% of the after-trip profits. He stated that commercial fisherman are food producers of this nation and there are not many of them left.

*The following comments were made in Buxton – There were no comments made in Buxton*

The County Manager closed Public Comments at 9:31 a.m.

**ITEM 4B – 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; and to approve the minutes of the last Closed Session.

**MOTION**

Commissioner Ross motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 9:32 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 10:26 a.m. Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney in regards to the matter of O'Hara, and took no other action.

**ITEM 5 – PROCLAMATION - DIAPER NEED AWARENESS WEEK 2023**

Children & Youth Partnership for Dare County presented a proclamation supporting "Diaper Need Awareness Week" for September 18-24, 2023.

**MOTION**



Vice-Chairman Overman motioned to adopt the proclamation.  
Commissioner Bateman seconded the motion.  
VOTE: AYES unanimous

**MOTION**

Vice-Chairman Overman motioned for the Dare County Board of Commissioners to make a \$10,000 donation towards the Children & Youth Partnership's Diaper Bank.  
Seconded by Commissioner Couch.  
VOTE: AYES – unanimous

Dave Clawson, Finance Director left the room at 10:34 a.m., he returned at 10:39 a.m.

**ITEM 6 – PROCLAMATION - CONSTITUTION WEEK 2023**

The Local Daughters of the American Revolution Chapter presented a proclamation supporting "Constitution Week" for September 17-23, 2023.

**MOTION**

Commissioner House motioned to adopt the proclamation.  
Commissioner Bateman seconded the motion.  
VOTE: AYES unanimous

**ITEM 7 – DHHS HEALTH AND THE BREAKING THROUGH TASK FORCE – A PROCLAMATION PROCLAIMING SEPTEMBER AS SUICIDE AWARENESS AND PREVENTION MONTH VIDEO PRESENTATION**

The Breaking Through Task Force requested the Board of Commissioners to adopt a proclamation recognizing September 2023 as "Suicide Awareness & Prevention Month" in Dare County.

**MOTION**

Commissioner House motioned to recognize September 2023, as "Suicide Awareness & Prevention Month in Dare County.  
Commissioner Bateman & Vice-Chairman Overman seconded the motion.  
VOTE: AYES unanimous

**ITEM 8 – DHHS – HEALTH AND SAVINGS LIVES TASK FORCE – RECOVERY AND OVERDOSE SUPPORT SERVICES (ROSS)**

Katy Haslar and Jesse Ruby led a presented on the Recovery & Overdose Support Services in Dare County.

**ITEM 9 – RESOLUTIONS REGARDING NOAA AMENDMENT 15**

Commissioner Steve House presented a Resolution Opposing Consolidated Atlantic Highly Migratory Species Fishery Management Plan – Amendment 15 Section F Sub Section F2.

**MOTION**

Commissioner House motioned to adopt the Resolution Opposing Consolidated Atlantic Highly Migratory Species Fishery Management Plan Amendment 15 Section F Sub Section F2.  
Vice-Chairman Overman seconded the motion.  
VOTE: AYES unanimous

**ITEM 10 – ROANOKE ISLAND COMMUNITY CENTER**

The bylaws for the Roanoke Island Community Center were found to have several Scrivener's errors. Amended bylaws were presented by Mr. Outten for approval.

**MOTION**

Vice-Chairman Overman motioned to approve the amended bylaws.

Commissioner Ross & Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – AVON ZONING MAP AMENDMENT**

Mr. Gillam presented the Board and stated that zoning map amendment application was filed by Joe Thompson of Land's End Development for their property located at 41027 NC 12 HWY in Avon, NC. The property is currently zoned C-2 Commercial. The applicant requested to have their property rezoned to C-3 Commercial. He then requested the Board to approve the scheduling of a public hearing.

**MOTION**

Commissioner Ross motioned to schedule a public hearing for October 2, 2023 at 9:00 a.m.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – C-3 ZONING AMENDMENT**

Mr. Gillam presented the Board and stated a zoning text amendment application was submitted by Joseph Faulk and Jeffrey and Nareina Keznor to add "Brewery" as defined in Section 22-2 to the list of permitted uses in the C-2 General Commercial Zoning District. He then requested the Board to approve the scheduling of a public hearing.

**MOTION**

Commissioner Bateman motioned to schedule a public hearing for October 2, 2023 at 9:00 a.m.

Commissioner House seconded the motion.

VOTE: AYES unanimous

The County Manager asked the Board if Public Hearings could be scheduled without being presented to the Board for approval.

**MOTION**

Commissioner Couch motioned to give the authority for Public Hearings to be scheduled without the Board's Approval.

Commissioner Bateman Seconded.

VOTE: AYES unanimous

**ITEM 13 – ANNUAL TAX SETTLEMENT AND CHARGES TO THE TAX COLLECTOR**

The Tax Collector reported the Settlement for the 2022 taxes, both paid and unpaid, and the collection processing for the 2022 tax year.

She then requested the Board to Charge the Tax Collector to collect the 2023 taxes.

**MOTION**

Commissioner Ross motioned to charge the Tax Collector to collect the 2023 taxes.

Commissioner House seconded the motion.

VOTE: AYES unanimous

The Board recessed at 11:55 a.m., and returned at 12:08 p.m.



**ITEM 14 – LASII GRANT APPLICATION**

The North Carolina Division of Water Infrastructure is currently accepting applications for the Local Assistance for Stormwater Infrastructure Improvements (LASII) grant. Deadline for application is October 2nd. No Dare County cost share match is required. Three stormwater projects have been prioritized during previous assessments and have been recommended by WithersRavenel for application. These projects are adjacent to Old Lighthouse Road in Buxton, Ocean View Drive in Avon, and Airport Road in Manteo. Current estimated grant request is \$4.5 million

**MOTION**

Commissioner Couch motioned to adopt the Resolution to apply for the LASII Grant. Commissioner House & Bateman seconded the motion.

VOTE: AYES unanimous

The County Manager asked for the Board to authorize any department to apply for grants without the Board's approval. Mr. Clawson explained that grant requests only have to have the Board's approval if there is a local match required.

**ITEM 15 – AMENDMENT TO THE DREDGE WORK PLAN AND FORGIVABLE WORK AGREEMENT**

EJE Dredging Service, LLC have requested amendments to their agreement. The Oregon Inlet Task Force recommended approval of the amendments at their August meeting.

Mr. Outten explained that due to the Corp no longer changing their rate in October, amendments have been made to the agreement to allow for EJE to change their rates when the Corp changes their rate, which is what was intended when the contract was created. He also stated that EJE has not been able to work out an agreement with the Ferry Division Shipyard so the agreement is being amended to a Port in North Carolina.

**MOTION**

Commissioner House motioned to approve the amended Dredge Work Plan and Forgivable Loan Agreement.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – CLEARGOV SOFTWARE CONTRACT APPROVAL**

Mr. Clawson explained that they are trying to process budgets and the Capital Improvement Plan the same way it was done 20 years ago. At this time, the county has more funds, more full-time employees, and more line items to monitor than in the past. He also explained that multiple software programs are used which involves multiple steps to complete the required tasks. The ClearGov Software would streamline this process and make the process much more efficient.

**MOTION**

Commissioner Ross motioned to approve the ClearGov contract.

Commissioner Vice-Chairman seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – MINI-BROOKS EXEMPTION RESOLUTION AND QUIBLE CONTRACT**

Mr. Outten explained that North Carolina General Statute 143-64.32 allows local governments to exempt themselves from the mini-brooks act. In doing so, the local

government can forgo the qualification-based selection process and select the professional service provider it wishes as long as the fee is less than \$50,000. He stated that the Dare County Water department would like to contract with Quible and Associates for engineering services related to the Skyco nano-filtration expansion project and Quible's fee is \$28,800.

**MOTION**

Commissioner House motioned to approve the Mini-Brooks Exemption Resolution, and approve the Quible Contract.

Vice-Chairman Overman & Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 18 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR PHASE 1, 2, AND 3 FOR EMS PROJECTS**

Mr. Clawson stated the following adjustments that need to be made:

- Correct an error in the allocation of the Barnhill preconstruction fee between Phase 1 and Phase 2.
- Reduces the Barnhill guaranteed (GMP) for the Southern Shores project. The KDH demolition cost was included in the Southern Shores guaranteed maximum price.
- Moves the budget for the station alerting system installation to a separate budget line item for Southern Shores and Dare Medflight.
- Increases the Barnhill GMP for all three projects to add network wiring to the Barnhill scope of work. Network wiring line items are reduced.
- Adjusts a prior budget adjustment to the final actual for Dare Medflight, a decrease of \$222. The prior budget adjustment was for \$40,544 for unsuitable soils at the site.
- Eliminates architectural fees and reduces debt proceeds (revenue) for the Manteo & Frisco stations in Phase 2, and for the Rodanthe station in Phase 2.
- Budgets the architectural fee for the Phase 2 Kitty Hawk station, approved by the Board in a prior agenda item.

**MOTION**

Commissioner House motioned to adopt the amendment to the Capital Project Ordinance for Phase 1, 2, and 3 for EMS Projects.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – PROFESSIONAL SERVICES AGREEMENT FOR THE KITTY HAWK EMS STATIONS**

Mr. Clawson explained that Oakley Collier Architects have provided a Professional Service Contract in the amount of \$500,000 for the new construction of the Kitty Hawk EMS station. These professional services will include all architectural and engineering services, site surveying, reporting, and construction administration.

**MOTION**

Commissioner Bateman & House motioned to approve the Professional Service Contract and authorize the County Manager to sign.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous



**ITEM 20 – BUDGET AMENDMENT AND CAPITAL PROJECT ORDINANCE FOR DARE COUNTY SCHOOLS FOR FIRST FLIGHT ELEMENTARY AND MIDDLE SCHOOLS**

Mr. Clawson explained the budget amendment and Capital Project Ordinance is to fund Dare County Schools for the cost of a remediation and HVAC contract for First Flight Elementary School and First Flight Middle School at \$932,754. He stated that the source is appropriated fund balance of the General Fund.

**MOTION**

Commissioner Ross motioned to adopt the budget amendment for the General Fund and adopt the capital project ordinance for the School Capital Projects Fund.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 21 – BUDGET AMENDMENT FOR THE SCHOOL CAPITAL INVESTMENT FUND AND OAKLEY COLLIER CONTRACT**

Mr. Clawson explained that Oakley Collier was asked to look into the old College of the Albemarle (Russel Twiford campus site) to be used for an early college program.

He stated that the budget amendment addresses two items:

- To withdraw \$50,000 of State Lottery funds for existing school debt service.
- To budget \$42,800 for Oakley Collier to perform a needs assessment & cost estimate.

**MOTION**

Commissioner House motioned to approve the Budget Amendment for the School Capital Investment Fund and the Oakley Collier Contract.

Commissioner Couch & Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 22 – CONSENT AGENDA**

The Manager announced the items as they were visually displayed in the meeting room.

**MOTION**

Commissioner Couch motioned to approve the Consent Agenda:

- 1) Approval of Minutes (08/07/23) **(Att. #4)**
- 2) Tax Collector's Report
- 3) Dare County DHHS – Health Resolution to Direct Expenditure of Opioid Settlement Fund **(Att. #5)**
- 4) Dare County DHHS – Social Services Medicaid Expansion Budget Amendment
- 5) Health & Human Services – Public Health Division State Funding for Public Health Infrastructure – Local Workforce Development
- 6) Budget Amendment and Sole Source Purchase Approval for Emergency Management **(Att. #6)**
- 7) Budget Amendment to Capital Project Ordinance for FY 2024 Capital Improvements Plan (error correction)
- 8) Board of Commissioners In-County Travel Stipend
- 9) ESRI Small Government Enterprise Licenses

Commissioner House seconded the motion.

VOTE: AYES unanimous

### **ITEM 23 – BOARD APPOINTMENTS**

- 1) Transportation Advisory Board  
Vice-Chairman Overman motioned to appoint Thomas Maher and Eleen Bryant.  
Commissioner Couch seconded the motion.  
VOTE: AYES unanimous
- 2) Land Transfer Tax Appeals Board  
Vice-Chairman Overman motioned to reappoint Mike Siers and Jack Overman and to appoint Maggie Carrol.  
Commissioner House seconded the motion.  
VOTE: AYES unanimous
- 3) Health and Human Services Board  
Commissioner Couch motioned to appoint Dr. Makani Peele and Duwayne Gibbs and to reappoint Daniel Jones.  
Commissioner Bateman seconded the motion.  
VOTE: AYES unanimous
- 4) Upcoming Board Appointments  
The upcoming Board appointments for October, and November, and December 2023 were announced.

### **ITEM 24 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Following is a brief summary outline of the items mentioned by Commissioners and the County Manager during this segment:

#### Commissioner Couch

- Acknowledged the two lives that were lost on the Outer Banks Coast due to drowning.
- Stated that Pea Island is one of his favorite places in the fall and winter, and how there has been a flock of 11 flamingos which has brought in many photographers and visitors.

#### Commissioner Ross

- Reiterated that there will be a large and significant fundraiser called “Love to Remember” at the Duck Woods Country Club October 19<sup>th</sup>-22<sup>nd</sup>.
- Stated that the Mountain-to-Sea Trail Ribbon Cutting will be September 29<sup>th</sup> at 9:30 a.m. and to support Jockey’s Ridge by ordering their custom license plate.
- Noted that 9/11 is coming, please always remember to never forget.

#### Commissioner House

- Gave updates on the Division of Marine Fisheries and that they are doing a scoping period on the oysters and hard clam and the first meeting will be held on September 11<sup>th</sup>.
- Stated that the North Carolina Wildlife Resource Commission has decided this year to have a separate recreational flounder season (Sept. 1<sup>st</sup>-14<sup>th</sup>) outside of the recreational flounder season set forth by the North Carolina Division of Marine Fisheries (Sept. 15<sup>th</sup>-29<sup>th</sup>.) He also explained that the Wildlife Resource Commission has a set of four flounder bag limit, while the Division of Marine Fisheries has a flounder limit of one. The commercial dates for flounder season have not been announced.
- Striped Bass: Moratorium in the Albemarle Sound came out as a Proclamation.



- Our Day in History: Recognized 9/11 and remembered all of the life's that were lost in this tragic event.
- SPCA Pet of the Week - Bailey, a puppy, was shown and is available for adoption.

Vice Chairman Overman

- Congratulated the service pins receptions and the Employee of the Month.
- Attended the School Convocation at First Flight High School, stated there was a lot of excitement.
- The prescription drop-off that was scheduled for Aug 31<sup>st</sup> at the Food-a-Rama parking lot was cancelled due to Hurricane Idalia but it will be rescheduled.

Commissioner Bateman

- None

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

County Manager/Attorney

- Stated the U.S. Coast Guard has requested the Board to consent to and sign a Certificate of Exchange for Documentation on the Miss Katie vessel due to the shareholders changing. He explained that signing it does not change anything with the contracts and agreements.

**MOTION**

Commissioner House motioned to approve signing the Certificate of Exchange for Documentation on the Miss Katie.

Seconded by Vice-Chairman Overman.

VOTE: AYES unanimous

- Stated that at the last meeting, they resolved conflicts in regards to the dredge project on Island H and received settlement agreements. Roberson Contracting, LLC reached out and requested an additional \$3,800.

**MOTION**

Commissioner Bateman made a motion to pay Robertson Contracting, LLC the additional \$3,800.

Seconded by Vice-Chairman Overman.

VOTE: AYES unanimous

- Stated that he has received multiple phone calls from individuals inquiring about the property in Rodanthe located behind the waterpark. He asked the Board if they were prepared to sell any of the lots.

**MOTION**

Commissioner House made a motion that Dare County is not to sell the lots located behind the waterpark in Rodanthe.

Commissioner Bateman seconded.

VOTE: AYES unanimous

Dorothy Hester

- Announced that the Airports 80<sup>th</sup> Anniversary Celebration is Saturday, September 23<sup>rd</sup> from 10 a.m. - 3 p.m.

- Believes Meaghan Beasley is going to be a great Librarian and will provide a lot of neat programs.
- Stated that Chad Fournier has started as the new Channels Manager for GovEd TV.
- The Town of Nags Head used some of their funding to produce a video about Ash Wednesday. Current TV is co-hosting the premiere on September 14<sup>th</sup> at 2:30 at Jennette's Pier.

Dave Clawson

None

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 12:56 p.m., the Board of Commissioners adjourned until 9:00 a.m., September 6, 2023.



Respectfully submitted,

By: *Skyler Foley*  
Skyler Foley, Clerk

APPROVED:

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.