

MINUTES
DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., November 6th, 2023

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman
Rob Ross, Steve House, 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, 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 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Mr. George Lurie to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Woodard recognized Chairman Tim Cafferty from the Outer Banks Tourism Board.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

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

- Stated that on November 2nd the Outer Banks Association of Realtors held a property insurance forum to provide homeowners information on the significant increase of insurance premiums. He advised individuals to check their limits, check their deductibles, read their policies, and talk to their agent.
- Attended the 9th Annual Tourism Summit and shared some highlights: 1.) There was \$1.97 billion in visitors spending in Dare County in 2022 2.) Dare County is number four in the state 3.) There are 12,030 tourism related jobs across Dare County. 4.) State Revenue Tax from tourism was \$66 million 5.) Local Tax Revenue from tourism was \$74.2 million.
- Recognized Operation Green Light (November 6th-19th) which honors veterans across the country. He then thanked Vice-Chairman Overman for his efforts to “The Wall that Heals.” Announced that Veterans are extremely important to the Board and included that his father was a Veteran.
- Asked to keep Commissioner House and his wife Cheryl House in your thoughts and prayers due to her father, who was a Veteran, passing away.
- On October 25th there was a Celebration of Life for Commissioner Jim Tobin. He expressed what Jim accomplished with the Task Force was unprecedented. He asked to

keep Jim and his wife Tammy in your thoughts and prayers. He then asked for a moment of silence.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Wendy Hall, received a 15-year pin. (October)
- 2) Carol Copeland, received a 15-year pin.
- 3) Laura Willingham, received a 15-year pin.
- 4) Ashley Johnson, received a 20-year pin.
- 5) Douglas Oberbeck, received a 25-year pin.
- 6) Heather Gardiner, received a 25-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – NOVEMBER 2023

John Morris received the Employee of the Month award from Spencer Gregory who described the many ways that he is an asset to the Parks & Recreation Department.

ITEM 4 – PUBLIC COMMENTS

At 9:42a.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, which may be viewed in their entirety in a video on the County website:

The following comments were made in Manteo:

1. Bebe Woody

- Expressed concerns over the 4.3-acre Palmer Midgett property located on Mother Vineyard Road and Long Road that was placed for sale and there being a potential submission for a zoning amendment.
- Stated that drainage ditches and creeks on the North End of Roanoke Island serve to keep properties from flooding during rainy seasons and hurricanes/tropical storms.
- Stated that Doughs Creek, which is an intermittent creek, runs through the Palmer Midgett property. North Carolina Topographical experts informed her that the location of the creek cannot be removed from a map as it does exist.
- Asked the Board to ensure that Doughs Creek is not impacted as a result of development and that prior to any development a traffic study and an environmental survey of Doughs Creek be performed.
- She provided the Board a thumb drive with images showing flooding on the properties with low ground elevation. (These images are on file with the Clerk)

2. Juanita Wescott

- Stated that herself and others within the community are concerned about the Palmer Midgett property which is under contract and the possible development of the 4.3 acres.
- Expressed several concerns which included the clear cutting of trees, density of potential development, and flooding of the property and Doughs Creek.
- Explained that Doughs Creek is a natural intermittent creek and its headwaters begin on Rogers Road. It then flows through the Palmer Midgett property and across Mother Vineyard including Scuppernong Road which drains the entire area into Shallowbag Bay.

- Stated that if Doughs Creek is blocked by debris or filled by developers the potential for flooding in most areas is not only probable but is inevitable.
- Addressed the pollution of Shallowbag Bay and stated that if the headwaters of Doughs Creek become polluted due to high developed land, it will only cause a more probable pollution problem.
- Expressed that Doughs Creek is blocked in places by fallen trees and branches. She asked the Board to allocate funds for the clean up of Doughs Creek.

3. Don Midgett

- Purchased 141 Mother Vineyard Road in 2017 and found out his home had a flood claim for \$25,000 in 2016.
- Expressed that he installed a French drain, two sump pumps, a dehumidifier, and encapsulated the crawl space once he became aware of the claim.
- Stated when there is a run off from Mother Vineyard Road the sand under the plastic gets wet and the pumps turn on and totally pump it out.
- Explained that he and Juanita understand that their homes are at the lowest point on Mother Vineyard Road but they do have concern about the possible development of the Palmer Midgett property and the property adjoining it.
- He spoke to Dominic Antolino from the USGS and he stated that Doughs Creek could not be removed from any maps.
- Stated that if any of the property is developed they should think about some type of catch basin due to the flow of water coming down Doughs Creek into Shallowbag Bay.
- He asked the Board to try to find a way to remove some of the branches and trees from Doughs Creek.

4. Fred Brumback

- Resides at 129 Mother Vineyard and expressed that his property floods from rain regularly.
- Expressed he never really thought about Doughs Creek until the potential sale of the Palmer Midgett property due to discovering that the creek runs through the middle of the property.
- Stated that when he digs two feet into the topsoil he hits a very dense gray clay and water does not perk through the clay very well. He explained that the water has to flow underground, and when there is a larger amount of water it has to flow above the ground.
- Explained that Doughs Creek is clogged majority of the time which does not allow the water to drain.
- Asked to Board to recognize that Doughs Creek is an important natural flow of water.
- He also stated that the community would like to keep the R-1 rating of 20,000 square feet lot size minimum.

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

The County Manager closed Public Comments at 10:03 a.m.

ITEM 5 – PUBLIC HEARING – ZONING MAP & TEXT AMENDMENT – MARTINS POINT COMMERCIAL DISTRICT (Att. #1)

Due to Mr. Gillam being out of the room, this item was postponed and was heard after Item 6.

Mr. Gilliam cited that The Town of Southern Shores voted on October 3, 2023 to relinquish their Extra Territorial Jurisdiction (ETJ) of the 10 Martins Point Commercial (MP-C) properties to Dare County. This transfer would place these properties under Dare County regulation for Planning, and zoning purposes.

Commissioner Ross asked for an explanation of why this has been requested.

Mr. Finelli, Chairman of the Dare County Planning Board, and the ETJ Representative, stated that the Town of Southern Shores became incorporated in 1979 and shortly thereafter they established the ETJ over Martin's Point. In 2001, they relinquished the Martins Point Residential Properties from the ETJ and the commercial properties remained. He explained that it is the desire of the property owners to be under the Dare County Planning and Zoning rather than the Town of Southern Shores due to it allowing them to have more control over what takes place.

Vice-Chairman Overman inquired if the number of uses would expand slightly? Mr. Gillam explained that the uses that are already in the Southern Shores ordinance have all been reflected and some of Dare County's lot size, height, and setback requirements were amended to reflect other the commercial zoning districts within the county.

At 10:13 a.m. the Board held a Public Hearing to receive input concerning this agenda item. 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, which may be viewed in their entirety in a video on the County website:

No one responded to the invitation to address the Board of Commissioners on this issue.

The County Manager closed the Public Hearing at 10:14 a.m.

MOTION

Vice-Chairman Overman motioned to adopt the Martins Point Commercial Zoning Map and the Martins Point Commercial Zoning district regulations be adopted as recommended by the Planning Board.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PUBLIC HEARING – DARE COUNTY ORDINANCES S-15 (Att. #2)

American Legal Publishing Company has completed an update of the Dare County Code of Ordinances with all of the amendments adopted since January 2023. Although all of the amendments have previously been adopted, it is recommended that a public hearing on the complete supplement S-15 be held.

MOTION

Commissioner House motioned to adopt the Resolution Enacting and Adopting Supplements to the Dare County Code of Ordinances.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 10:06 a.m. the Board held a Public Hearing to receive input concerning this agenda item. 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, which may be viewed in their entirety in a video on the County website:

No one responded to the invitation to address the Board of Commissioners on this issue.

The County Manager closed the Public Hearing at 10:06 a.m.

Due to the original motion being made prior to the public hearing another motion was required.

MOTION

Commissioner House motioned to adopt the Resolution Enacting and Adopting Supplements to the Dare County Code of Ordinances.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The Dare County Finance Department was awarded the prestigious Certificate of Achievement for Excellence in Financial Reporting—the highest form of recognition in governmental accounting and financial reporting—by the Government Finance Officers Association for the 32nd consecutive year. Finance Director David Clawson accepted the Certificate of Achievement from Chairman Woodard on behalf of the county and Assistant Finance Director Sally DeFosse accepted the Award of Financial Reporting Achievement from Chairman Woodard as the person primarily responsible for preparing the report.

ITEM 8 – DARE COUNTY TOURISM BOARD REQUEST CONSENT EXPENDITURE FROM RESTRICTED FUND LINE ITEM 4999: TOURISM GRANT IMPACT

Lee Nettles, Jess Schwartzberg, and Tim Cafferty addressed the Board and stated that the Tourism Board reviewed fifteen applications and unanimously recommended awards totaling \$1,584,389.00. Mr. Nettles then talked briefly on each project throughout the county that this grant would impact.

MOTION

Commissioner House motioned to give consent for expenditure of \$1,584,389.00 from the DCTB Restricted Fund, Line Item 4999.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Chairman Woodard expressed that he believes that it is critical that the public be aware of what the Visitors Bureau is doing with the money and how much of it goes back into all of the municipalities and not just unincorporated Dare County.

Commissioner Ross inquired if the Tourism Board has received requests on constructing more sports courts and could those fall under the umbrella of tourism related investments? Mr. Nettles responded that he feels that the Tourism Board would be open to that, but the

threshold for the grant is that the programs and services are needed due to the impact of tourism, which he feels is an easy requirement to satisfy.

ITEM 9 – REQUEST TO AMEND ORDINANCE 91.056 REDEMPTION; ADOPTION

Mr. Coleman explained that the proposed amendment will adjust the stray hold time from eight days to a minimum of 72 hours (three days). Animals will be held longer if there are signs of ownership or for other reasons. The SPCA will continue pursuing the owners for all strays and this change will be consistent with the state regulations and other shelters.

MOTION

Commissioner Bateman motioned to schedule a Public Hearing for December 4th, 2023 at 9:00 a.m.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Dorothy Hester, Public Information Officer, left the room at 10:29 a.m., she returned at 10:32

ITEM 10 – KENRICK ALBAUGH STORAGE WAREHOUSE GROUP DEVELOPMENT – SUP #6-2023

Due to the applicant not being present, SUP #6-2023 was not presented.

ITEM 11 – A REQUEST TO CLOSE A PORTION OF THE G A KOHLER COURT RIGHT-OF-WAY (Att. 3)

Mr. Gillam stated that the property owners of Rodanthe by the Sea Subdivision are requested that a portion of 60-foot Right-of-Way of G A Kohler Court in Rodanthe be permanently closed pursuant to the requirements of North Carolina General Statute 153A-241. This will allow the ocean front property owners the ability to move their houses westward on their lots to mitigate damages from erosion and storm events.

MOTION

Commissioner Couch motioned to adopt the resolution as required by G.S. 153A-241 and to schedule a Public Hearing on the Matter December 4, 2023 at 9:00 a.m.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – AMENDMENT TO DREDGE CONTRACT

Mr. Outten explained that back in September the Board approved the First Amendment to the Dredge Contract with EJE Dredging to change the language so that the rates paid to EJE followed the Corps rates, no matter when the corps changed rates. For clarification concerning calculation of cost savings only (no impact on sums paid to EJE by Dare), EJE has asked that we add the following language: "For the sole purpose of calculating dredge savings from October 1, 2022, until the effective date of this amendment only, this section is effective retroactively to October 1, 2022. This section is not intended to and shall not change any sums paid or due to EJE prior to the approval of this amendment."

MOTION

Commissioner House motioned to approve the amendment to the Dredge Contract.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 13 – CAPITAL PROJECT ORDINANCE AMENDMENT

Mr. Outten explained that for the KDH EMS Station 1 project, Owner Contingency funds are needed to offset the cost of a design change to the waste water treatment pump station. \$80,722 will need to be moved from Owner Contingency to Barnhill's GMP. We talked with them to not have to pay the additional cost, but it is more cost effective to have them install it.

MOTION

Vice-Chairman Overman motioned to approve the Capital Project Ordinance Amendment. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 14 – EMS STATION #1 CHANGE ORDER PROPOSAL

Mr. Outten stated that there is a need for a design change to the wastewater treatment pump station for the EMS Station #1 in Kill Devil Hills. The cost for the updated design is \$80,722.00. There are contingency funds available within the project budget to offset this change order proposal.

MOTION

Vice-Chairman Overman motioned to approve the Change Order Proposal. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – CONSENT AGENDA

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

MOTION

Commissioner Bateman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.02.23) (**Att. #4**)
- 2) Tax Collector's Report
- 3) Schedule of Meeting Dates – 2024 (**Att. #5**)
- 4) Brightspeed Contract for Internet and Network Services
- 5) Late Applications for Property Tax Exemptions - 2023
- 6) Service Agreement with Maximus US Services, Inc.
- 7) Resolution for the Conveyance of Surplus Property (**Att. #6**)
- 8) Budget Amendment for Dredge Loan Forgiveness
- 9) Budget Amendment for State and Local Cybersecurity Grant Program
- 10) Opioid Settlement Funds Resolution (**Att. #7**)
- 11) DHHS – Public Health Charles W Gaddy & Lucy Finch Gaddy Endowment Fund NC Community Foundation
- 12) DocRouter Plus User Agreement – Register of Deeds

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 16 – BOARD APPOINTMENTS

- 1) Commission for Working Waterman
Commissioner House motioned to appoint Sean Darsee.
VC Overman seconded the motion.
VOTE: AYES unanimous

2) Upcoming Board Appointments

The upcoming Board appointments for December 2023, January 2024, and February 2024 were announced.

ITEM 17 – 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:

MANAGER’S/ATTORNEY’S BUSINESS

Mr. Outten

- Stated that costs are continuing to elevate instead of leveling out which will generate changes in Phase II when the bidding process begins in the beginning of the year. This will also make us review Phase III to see if the timing and planning of those projects will change.
- Explained that the irrigation system at First Flight Middle school needs to be replaced. He stated that it can be hooked into the County’s distribution system and the cost is about \$72,000, which will be taken out of contingency. He also informed the Board that there will be additional costs on this field in the future.
- Announced that the United States Board on Geographic Names sent Dare County a request asking for the Board’s approval of the naming of Gray’s Creek in Buxton.

MOTION:

Vice-Chairman Overman motioned to approve the Board’s approval of the naming of Gray’s Creek.

Seconded by Commissioner Bateman.

VOTE: AYES unanimous

Commissioner Bateman

- Referenced Doughs Creek and the projects in Kitty Hawk that were completed last year. He asked if there was anything that could be sent to Soil and Water to get something started. Mr. Outten stated that it is in the works as he speaks.
- Stated that Allen Poole sent the Board information on the Legislatures appropriated \$54.9 million for multi-use paths throughout the state of North Carolina. He stated that he had addressed Vice-Chairman about a potential multi-use path on Driftwood Road, and then possibly a multi-use path on Airport Road, or on Hatteras Island. Mr. Outten stated that he had sent the information over to Spencer Gregory to look into it for the path that goes through the Coastal Studies Institute, but he will add Driftwood Road and Airport Road.
- Stated that last year the Storm Soccer League and a non-profit league were discussing approaching the Tourism Board for funds for their soccer fields, he expressed he was unaware if they proceeded or not. He then asked the County Manager if that was something they could do. Mr. Outten explained that Lee Nettles indicated that it could be possible, but the issue is what are we using the fields for. If we are using them for the Parks and Recreation program then it is not eligible, there has to be a tourism nexus that draws out of town tourists.

Commissioner Couch

- Recognized the passing of three individuals from the Hatteras Community: Hilton Rollinson, Sarah Austin, and Captain Johnny Williams Sr.

- Referenced the exemplary soccer programs within the county, and that basketball season is approaching. He believes there will be multiple high achieving basketball teams this year.
- Stated that Coaches vs. Cancer program is beginning to receive nationwide attention.
- Expressed that we are beginning to lose a lot of citizens from the greatest generation and he is concerned about the future of this country.

Commissioner Ross

- Attended one of the Saving Lives Task Force Meetings and expressed he is majorly concerned for the upcoming generations.
- Recognized that Veterans Day is approaching and announced that on November 8th there is a Veterans luncheon at the Virginia Tillett Community Center.
- November 14th at 2:30 p.m.: The Wall that Heals will be arriving where people will be welcoming the memorial by lining the streets.
- November 14th at 4:00 p.m.: There will be a Ribbon Cutting event at the Animal Shelter for the new emergency surgery center.
- November 16th 10:00 a.m.: The Wall that Heals Opening Ceremony.
- November 17th at 6:00 p.m.: Candlelight ceremony to honor the Veterans.
- Announced that he had spoken to Commissioner Couch and the County Manager about a safety concern that had been received in regards to a fully bulk headed retention pond located on an old abandoned golf course in Frisco. He formally asked that the issue be looked into and a remedy to the safety concerns be created.

Commissioner House

- Asked that the masks and social distancing requirement be removed from the Public Comment title page summary.
- Recognized the life of Commissioner Jim Tobin, expressed that himself and the Board deeply mourn his loss.
- Expressed his gratitude to Chairman Woodard for recognizing his father-in-law, who was a 30-year United States Marine Corps Marine Master Gunnery Sergeant.
- Stated that he will be following behind Chairman Woodard in his Jeep escorting in The Wall That Heals.
- Our Day in History: 1860 Abraham Lincoln was elected President of the United States.
- Pet of the Week: Cletis, a cat, is available for adoption at the SPCA.

Vice-Chairman Overman

- Recognized Service Pin Receipts and the Employee of the Month, John Morris.
- November 14th: The Wall that Heals will arrive. He asked for individuals to line the sidewalks and wave American Flags to show support.
- November 15th: The Wall that Heals will be set up with a soft opening that afternoon.
- November 16th at 10:00 a.m.: Opening Ceremony with an Admiral speaking as well as several other Vietnam Veterans and Chairman Woodard.
- November 17th: The Candlelight Ceremony will be held.
- Announced that the Wall will be open 24 hours a day and that transportation will be provided, particularly from Hatteras Island, on Thursday, Friday, & Saturday. He stated

that people can contact Dare County Transportation at 252-475-5640 if they are interested. The shuttle will run twice a day and one of the vans is wheelchair accessible.

- November 18th: Veterans Walk to the Wall that begins at 11:00 a.m. at the event site where Veterans will gather and proceed out to the Wall.
- Thursday Oct 26th: The Fourth Saving Lives Task Force Summit was held at St. Andrews by the Sea. He stated that it was very well attended program and there were great speakers on substance abuse.

Chairman Woodard expressed that the amount of people and talent on the Saving Lives Task Force is incredible.

Dorothy Hester – None

Dave Clawson – Announced that the first bid opening for the Phase II EMS Bid is November 28th and the second bid opening is December the 12th.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Bateman and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 11:15 a.m., the Board of Commissioners adjourned until 9:00 a.m., January 2nd, 2024.



Respectfully submitted,

By: 
Skyler Foley, Clerk to the Board

APPROVED: By: 
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 of Commissioners at this meeting are on file in the office of the Clerk. Attempts have been made to accurately spell each podium speaker.