



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., February 5th, 2024

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman
Rob Ross, Steve House, Bea Basnight, 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 9:04 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Gaye Morris to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Woodard announced that the meeting was unable to be livestreamed due to technical difficulties and recognized Superintendent Steve Basnight, and Ron Payne from the Board of Education.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

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

- Announced that the State of the County Event was successful and it can be viewed on the Dare County Website.
- Spoke at the Leadership OBX Session and stated that a great group of individuals attended.
- Announced that February 4th – 10th is National Burn Awareness Week.
- Reported that the first Housing Task Force meeting took place on January 23rd and felt that it was a very productive meeting. Moving forward, the Task Force will convene on the third Tuesday of every month.
- Vice-Chairman Overman and himself attended Representative Murphy’s 3rd annual WATERS Summit in Greenville on January 23rd. He stated that during the event, they had the opportunity to learn about successful strategies that were implemented across the state for mitigating the impacts of flooding. Additionally, there were many experts that shared their insights and knowledge on various aspects of flood and water issues.

ITEM 2 – EMPLOYEE OF THE MONTH – February 2024

Eileen Proctor received the Employee of the Month award from Jack Scarborough who described the many ways that she is an asset to the Communications Department.

ITEM 3 – EMPLOYEE OF THE YEAR – 2023

Dustin Peele, Purchasing and Special Projects Manager, 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”. Mr. Dave Clawson presented the award and stated that Dustin does his job extremely well and that he could not do it better.

ITEM 4 – PUBLIC COMMENTS

At 9:23 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, which may be viewed in their entirety in a video on the County website:

No one responded to the invitation to address the Board.

The County Manager closed Public Comments at 9:24 a.m.

ITEM 5 – PUBLIC HEARING – AVON ZONING MAP AMENDMENT (Att. #1)

Mr. Gillam explained that a zoning map amendment application was submitted by Dale Petty of Surf and Sound Realty and John Robert Hooper for their properties located adjacent to Westerly Lane in Avon. The parcels are currently zoned R2-A Alternative Medium Density. The applicants are requesting to have their parcels rezoned C-2 Commercial. He explained that this amendment would give Mr. Petty the opportunity to expand his real estate office and construct a storage warehouse that would help facilitate his offices and rental properties.

At 9:25 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:

The following comments were made in Manteo:

1. Bobbie Gray – expressed her strong opposition to the Avon Zoning Map Amendment.

There were no comments made in Buxton.

The County Manager closed the Public Hearing at 9:32 a.m.

A full and complete account of the Board's discussion on this agenda item is archived on a video that is available for viewing on the Dare County website www.darenc.com.

Commissioner Bateman inquired if the Board could specify a buffer. Mr. Gillam responded that in the C-2 zone, anytime a commercial use abuts a residential use there is a buffer requirement. Additionally, if the rezoning were to be approved, Mr. Petty’s use would trigger a special use permit as well which would also allow another level of review to implement conditions. Mr. Gillam also noted that the property’s current zoning designation (R2-A) does

afford commercial uses including fish houses, real estate offices, camp grounds, and bed and breakfasts.

Commissioner Couch clarified that the flooding is Pamlico Sound related vs. ocean related due to "First Creek" running from the shore side and it essentially makes the village of Avon an island.

Mr. Petty informed the Board that they are trying to expand their operation in Avon which requires additional space. He noted that when the rezoning was completed in Avon, they split the zoning of the parcel.

Chairman Woodard explained that the parcel looked heavily vegetated and raised a request to the applicant to consider only removing the footprint of the building and preserving the remaining live oaks. The applicant expressed willingness to comply and stated that it is their preference to retain as much vegetation as possible.

Commissioner Couch provided additional information, stating that Avon is rapidly becoming the largest village among the seven unincorporated villages. Operations are exceeding capacity and the season is approaching. If the rezoning was to be approved while implementing some type of buffer, it could be a favorable outcome for the applicant and Ms. Gray.

MOTION

Commissioner Couch motioned to adopt the Petty/Hooper Zoning Map Amendment which reclassified parcels 01471200 and 014722000 in Avon, NC from R2-A Alternative Medium Density Residential to C-2 Commercial.

Commissioner Basnight and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – OLDER ADULT SERVICES ADVISORY COUNCIL ANNUAL REPORT

Chairperson Mary Pendill and Vice-Chairman Maggie Dennis gave the annual report and highlighted that they updated their Bylaws, the Council started rotating their meetings between all three centers, and the requests for transportation vans dedicated to the Baum and Fessenden Center became a reality. In addition, each facility is able to offer active living programs everyday and there has been growth in senior fitness.

ITEM 7 – RESOLUTION TO SPONSER THE SOUTHERN HATTERAS ISLAND OFFSHORE SAND ASSESSMENT STUDY (Att. #2)

Barton Grover explained that the North Carolina Department of Environmental Quality Division of Water Resources is now accepting applications for the Coastal Storm Damage Mitigation Fund. This fund can only be used for costs associated with beach nourishment or other projects designed to mitigate or remediate coastal storm damage to ocean beaches and dune systems of the state. This fund provides a 50% match.

Dare County's grant application would propose identifying sand sources for future beach nourishment events in Avon and Buxton. This would require vibracores and surveys of offshore sites to be performed and permit coordination with designated agencies. Total cost \$500,000. Dare County match \$250,000. Mr. Grover noted that the beach nourishment fund has sufficient funding for proposed project.

Commissioner Ross brought up the concept of sand shifting and further questioned the accuracy in us knowing that all the sand wouldn't move twenty miles south in two years. Mr. Outten responded that he does not have an answer for a two-year time frame, but he clarified that in the five-year timeframe we conduct surveys before and after each event which results in us to be able to determine the status of the sand both before and after it is moved.

MOTION

Vice-Chairman Overman motioned to adopt the Resolution to Sponsor the Southern Hatteras Island Offshore Sand Assessment Study.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 8 – RESOLUTION REQUESTING THAT THE NORTH CAROLINA MARINE FISHERIES COMMISSION HOLD A QUARTERLY MEETING IN DARE COUNTY EACH YEAR (Att. #3)

Commissioner Steve House explained that the North Carolina Marine Fisheries Commission holds quarterly meetings and according to their statutes it is mandatory to have at least three of their meetings in the designated areas of coastal North Carolina. He further clarified that that no meeting has taken place in Dare County since 2018. He also reported that the NC Northern Regional Advisory Committee passed a motion for the NCMFC to hold a meeting in Dare County which helps solidify Dare County's position.

MOTION

Commissioner House motioned to adopt the Resolution Requesting that the North Carolina Marine Fisheries Commission Hold a Quarterly Meeting in Dare County Each Year.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – RESOLUTION OPPOSING STRIPED MULLET FISHERY MANAGEMENT PLAN DRAFT AMENDMENT 2 DUE TO OUTDATED, UNRELIABLE DATA (Att. 4)

Commissioner Steve House shared the striped mullet fishery has a Management Draft for Amendment 2 to further regulate this fishery. He attended an advisory council meeting where this issue was being discussed, and he expressed that he was alarmed. His primary concern is that the data used to support this proposal was gathered solely from 2019. Unfortunately, data collection was not possible in 2020 and 2021 due to the Governor's State of Emergency, which limited the activities of Marine Fisheries, including their ability to conduct sample studies and gather up-to-date information. He further explained that it is important to note that the striped mullet species has a relatively short maturation period, with them being able to spawn and reach maturity in just two years. Therefore, the data from 2019, which is being used as the basis for the proposed restrictions, may no longer accurately represent the current state of the striped mullet population in our waters.

MOTION

Commissioner House motioned to adopt the Resolution Opposing Striped Mullet Fishery Management Plan Draft Amendment 2 Due to Outdated, Unreliable Data.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – A REQUEST TO PERMANENTLY CLOSE AN UNIMPROVED PORTION OF WASHINGTON ST. IN MANTEO (Att. 5)

Mr. Gillam addressed the Board and stated that a request has been made to permanently close a portion of the unimproved extension of the road known as Washington Street on Roanoke Island located between First Street and N US 64/264 Highway, and north of Barlow Street. He stated that the Board needed to adopt the Resolution and schedule public hearing for March 4th.

MOTION

Commissioner Bateman motioned to schedule a Public Hearing for 9:00 a.m. March 4th, 2024.

Commissioner House seconded the motion.

MOTION

Chairman Woodard made a motion to include the approval of the Resolution Declaring its intent to Permanently Close a Portion of the Unimproved Extension of the Dare County Public Road known as Washington Street.

Commissioner Couch seconded.

VOTE: AYES unanimous

ITEM 11- DARE COUNTY SCHOOLS EARLY COLLEGE

A full account of the Board's discussion and action on this item is archived on a video that is available for viewing on the Dare County website. Following is a brief synopsis—

Mr. Outten addressed the Board and explained that after nearly two years or more a possible decision has been made about the Early College. Initially, we considered using the old COA Building on Russell Twiford Road and use the existing Building B (newer building) in its current state and renovating Building A (older building.) However, upon architect's examination, we have discovered that the renovating the facility to meet current building code would cost more than anticipated, amounting to 2.6 million dollars. Furthermore, it was determined that the older building could not be brought up to code at a reasonable cost, with a complete renovation costing a total of 17 million dollars. On the other hand, constructing a new building would cost 21 million dollars. The CIP Committee has recommended that we construct a new building at the new COA campus, considering that we have a designated funding source for school construction. The School Board has verified that the planned growth in the future does not raise any concerns in regards to necessary expansions in any of the current schools. He emphasized that the allocated funds can only be used for the physical infrastructure of our schools, namely bricks and mortar.

Superintendent Basnight further explained the benefits and importance of the Early College. He also informed the Board on how students would qualify to participate in the program.

Mr. Outten noted that COA is enthusiastic about the Early College being constructed on their campus and the Town of Manteo has also expressed excitement.

Chairman Woodard exited the room at 10:36a.m. He returned at 10:39a.m.

MOTION

Commissioner House motioned to move forward with the proposal of the Early College Project on the COA Campus.

Commissioner Basnight and Commissioner Ross seconded the motion.

VOTE: AYES unanimous

Mr. Outten stated that with the approval of the Early College the next step is to get an RFQ together to get an architect involved to start the programming process.

MOTION

Vice-Chairman Overman motioned to authorize an RFQ to be sent out for the Early College. Commissioner House seconded the motion.

VOTE: AYES unanimous

The Board recessed at 10:45 a.m., they reconvened at 10:55 a.m.

ITEM 12 – DARE GUARANTEE SCHOLARSHIP

Commissioner Bateman emphasized the significance of education for individuals that are suffering from alcohol or substance abuse. He highlighted that education plays a pivotal role in helping these individuals reclaim their lives, and gain back respectability within the community. He also shared that the cost of holding someone in the Manteo jail is \$137 per day, which amounts to nearly \$50,000 per year. Considering this information, he believes it would be wise to allocate funds towards educating the individuals that are in Dare Challenge and Recovery Court.

Chairman Woodard expressed that the Board created this scholarship to help our citizens, especially the children, get an education. He questioned if majority of the individuals in Recovery Court or Dare Challenge were actual Dare County residents. Commissioner Bateman responded that approximately 60% of Dare Challenge participants and majority of the participants in Recovery Court are Dare County residents.

Mr. Outten clarified that there are a number of factors that determine someone's residency. He further explained that the Board can define the residency requirements for the scholarship how they want to define it because they are establishing the ground rules for it. He also noted that Mr. John Hunley, COA Administer for the scholarship, stated the only concern he had with it was the residency requirement. He then explained that these individuals would already be eligible under the current rules, but if you were going to open it to folks that were not Dare County residents who participated in either one of these programs then you would have to make a change to the ground rules.

Mr. Outten addressed Commissioner Bateman and said if they were to keep the residency requirements as is and the individuals do in fact live at the Dare Challenge facility, that solves the residency problem. The only other issue would be is there anyone going through Recovery Court who is not a Dare resident and are we trying to make that person who happened to go to court here eligible for use of our tax dollars for their education. Commissioner Bateman believes that majority of the individuals participating in Recovery Court are Dare County residents.

Commissioner Bateman expressed that he agrees that the individuals need to be a Dare resident and that he just wants to be able to enable as many people as possible to get an education and have the opportunity to go to that next level in their lives.

Mr. Outten stated that if we find out later that we are excluding a population that we want to include we can always come back later and change it.

MOTION

Commissioner Bateman made a motion to approve that graduates of Dare Challenge and graduates of the Recovery Court Program, who are Dare County residents, are eligible for the Dare Guarantee Scholarship.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 13 – MANNS HARBOR – TRAFFIC SAFETY

The County Manager explained that for a number of years residents from Manns Harbor have been trying to work with DOT to lower the speed limit as you exit the bridge and enter Manns Harbor. While they have previously made both successful and unsuccessful attempts, they are now asking the Board for assistance in achieving some of their goal of enhancing safety.

Robin Mann was present on behalf of the Manns Harbor Civic Association, she exclaimed that they had concerns over the increasing amount of speeding traffic through the busy intersection and the safety of all individuals who use the road. She noted that the posted speed limit in this area is 40 mph, but very few motorists adhere to that speed limit. She stated that conversations with DOT have resulted with the placement of the new message board alerting motorist to slow down. This change has received positive feedback from the community. Furthermore, The National Park Service and the Tourism Board have informed them that the visitor numbers have increased over the past five years to record breaking numbers and majority of them are traveling in from the Manns Harbor area. She asked the Board for support on the following proposed modifications.

- Installation of message boards for traffic approaching from the west and eastbound lanes, indicating "Slower Speeds Ahead" and a board showing the motorist speed with reminders of the slower speed limit.
- A flashing "Lower Speed Limits Ahead" sign installed on the westbound lane railing of the Virginia Dare Bridge.
- Lower the posted speed limit through the commercially-zoned four-lane intersection from 40 mph to 35 mph. With strict enforcement from combined efforts with the Dare County Sheriff's Office and the NC Highway Patrol, the message will soon become abundantly clear that slower speeds through Manns Harbor will continue to be enforced.
- More frequent trimming of trees and shrubs on either side of the four-lane near the west end of the Virginia Dare Bridge which can restrict or hamper visibility.

The Board had a lengthy discussion on possible solutions and formed a consensus to send a letter to DOT supporting the Manns Harbor Civic Associations proposed modifications and Chairman Woodard stated that he will meet with the Dare County's Transportation representative to get his support.

ITEM 14 – LEASE AGREEMENT – COUNTY OF DARE TO TOWN OF KITTY HAWK

Mr. Outten explained that the County will be constructing a new EMS Station in the Town of Kitty Hawk. To facilitate this project, the county has acquired a property on the bypass from the Town of Kitty Hawk, in which he has the deed in his office. In order to proceed with the construction, there is a lease agreement that needs to be approved which involves the Town of Kitty Hawk receiving a fire truck bay in exchange for providing us with the property. The

length of the lease is 40-years. There are provisions within the lease that allows the county to do the financing and handle the maintenance.

MOTION

Commissioner House motioned to approve the Lease Agreement to the Town of Kitty Hawk. Commissioner Couch and Commissioner Bateman 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 Couch motioned to approve the Consent Agenda:

- 1) Approval of Minutes (01.02.24) (**Att. #6**)
- 2) Tax Collector's Report
- 3) Revision to the Board of Commissioner List of 2024 Meeting Dates (**Att. 7**)
- 4) FY2024 Transportation Department's Drug and Alcohol Testing Policy
- 5) Stumpy Point Volunteer Fire Department – Firefighter Relief Board Appointment
- 6) Amendment to Capital Project Ordinance & Budget Amendment for Capital Investment Funds for Manteo and Frisco EMS Stations
- 7) NC 911 Board Portable Radio PSAP Grant
- 8) DHHS – Division of Social Services – YoungWilliams Contract Agreement Amendment
- 9) DHHS – Public Health Division – Bridge Access Program Funding for COVID-19 Vaccines

Commissioner House and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 16– BOARD APPOINTMENTS

1) Land Transfer Tax Appeals Board

Commissioner Couch motioned to appoint Dylan Tillett.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

2) Veterans Advisory Council

Vice-Chairman Overman motioned to appoint Lisa Lloyd.

Commissioner House seconded the motion.

VOTE: AYES unanimous

3) Older Adult Services Advisory Board

Chairman Woodard motioned to appoint Commissioner Bea Basnight.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

4) Planning Board

Chairman Woodard motion to appoint John DeBoy as Chairman.

Vice Chairman Overman and Commissioner House seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Overman motioned to reappoint David Hines.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Wally Overman motioned to appoint Eddie Twyne.
Commissioner Ross seconded the motion.

VOTE: AYES unanimous

5) Albemarle Commission-Board of Directors

Rob Ross motioned to appoint Chairman Bob Woodard.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

6) Upcoming Board Appointments

The upcoming Board appointments for March, April, and May, 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:

The Clerk exited the room at 11:22 a.m., she returned at 11:25 a.m.

Commissioner Couch

- Pleasantly surprised to hear that a project can be done in Rodanthe, there was already over wash on the road while he was traveling to the meeting.
- Stated that there is a lot of heated discussion right now on how to deal with flood water resiliency.
- With the closing of Seagull St. in Rodanthe the first of several houses had begun getting moved, which has been a fascinating process.
- Acknowledged the lives of Sharon Peele Kennedy and former Chairman Bobby Owens.

Commissioner Basnight

- Congratulated the Employee of the month, Eileen Proctor and the Employee of the Year, Dustin Peele.
- Stated that so many people have commented on how wonderful the State of the County event was.
- Announced that several of the Board members attended the Martin Luther King Celebration and elaborated on how wonderful the Elizabeth City State Choir was.
- Expressed her excitement about the Early College.

Commissioner Ross

- February 9th, the Dare Education Foundation is hosting an annual fundraiser event called “Dueling Pianos” at 108 Budleigh at 6:00 p.m.
- On February 8th, he will be meeting with a new group “The Friends of Jockeys Ridge” and they are preparing for the 50th Anniversary Celebration of Jockey’s Ridge State Park being a state park in 2025.
- On March 9th there will be a Polar Plunge to benefit Special Olympics which is coordinated through the Virginia Tillett Center and Mary Pendill.
- On February 13th at 4:00 p.m. the Outer Banks Community Foundation is holding a grand opening of their new office facility in Manteo at 704 Hwy. 64.

Commissioner House

- Expressed what an excellent production the State of the County was and stated that he has had many individuals give complements and express gratitude.
- Recognized the lives of three individuals, Former Chairman Bobby Owens, Sharon Peele Kennedy, and Assistant Fire Chief for Kitty Hawk Fire Department, Justin Water.
- Stated that there is a vacant seat on the Oregon Inlet Task Force and that Captain Greg Mayer has expressed interest.

MOTION

Commission House made a motion to appoint Capt. Greg Mayor to the Oregon Inlet Task Force.

Commissioner Bateman seconded.

VOTE: AYES unanimous

- Our Day in History: In 1789 a Unanimous Vote of the US Electoral College elected General George Washington to be the first President of the United States of America.
- Pet of the Week: Lindsay Sterling, a one-year-old domestic cat, was shown and is available for adoption at the SPCA.

Vice-Chairman-Overman

- Expressed gratitude to the Employee of the Month, Eileen Proctor and Employee of the Year, Dustin Peele.
- Announced that Dr. Peele's Dentist Office is participating in the "Give Kids a Smile" campaign and will be offering free dental services to children K-12 on Friday, February 23rd, 2024 at 2038 NC Hwy 345, Wanchese.

Commissioner Bateman

- Also acknowledged the lives of three individuals, Former Chairman Bobby Owens, Sharon Peele Kennedy, and Assistant Fire Chief for Kitty Hawk Fire Department, Justin Water.

Chairman Woodard Congratulated Dustin Peele on his Employee of the Year award and reminisced on some of the wonderful times he had with former Chairman Bobby Owens.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten

- Mr. Outten explained that under the county's Budget Rules, he has the authority to move money from one department to another, but when he does he has to report to the Board. He reported that \$250,020 was moved from the Maintenance and Repair Line in Buildings and Grounds to the Parks and Recreation Field Improvement Line for the First Flight Field Repairs.
- Mr. Outten referenced the January Board Meeting regarding the Sanitation Department having issues with staffing the driver positions. There are 17 CDL Driver positions when fully staffed, three are currently vacant, two are out on workers comp, and two are eligible to retire at any time. We are getting by with the twelve employees we currently have working, but the season is approaching which is a cause for concern.

A summary of the proposed options to help this situation are listed below:

- Contracting Out– The advantage of contracting out is that it gets us out of the Sanitation Business. However, there are many cons with this solution. Firstly,

we must think about the cost with the distance to Hatteras. Secondly, even if we manage to secure a favorable contract initially, once we terminate our involvement in Sanitation, including the elimination of employees and disposal trucks, we become vulnerable in negotiating subsequent contracts. Lastly, we explored the possibility of contracting out specific areas, but this would result in increased rates for certain citizens.

- Salary – We have given raises based on the salary study, however, we are still seven to ten thousand dollars behind the Town of Nags Head on what we pay our sanitation drivers. Our Human Resources Department ran numbers to determine what it would cost the cost of bringing our staff's salaries in line with those of the Town of Nags Head. We also considered adjusting the salaries of employees who have been with us for a longer period to maintain the existing wage structure, so that everyone is not making the same amount. Mr. Outten stated that he reviewed the numbers and provided details on potential salary adjustments. He stated that from his perspective to keep the compression right and to keep the county in tune with the other municipalities it would cost the county \$235,000 a year. If we were to start on March 1st, it would cost \$80,000 for the rest of this budget year and then in the next budget we would have to allocate \$235,000 more in the budget. He stated that he feels that this would make our positions attractive and could be successful in keeping employees because we do have overtime opportunities.
- The county has already implemented hiring non-CDL drivers, and pay them a salary and send them to CDL School. Once they graduate and come to work for us they will receive a raise.
- Lastly, there are other CDL Drivers within the county, and in case of an emergency, we would like to use those drivers but give them a paid differential when they are moved to drive the trash truck.

Commissioner Bateman asked if the \$235,000 would match KDH and Nags Head and would it be to the county's advantage to go beyond that? Mr. Outten responded yes it matches, but if we were to go to \$55,000 and the Town of Nags Head loses a driver to us, they are going to raise their salary up \$5,000, so he hopes that if we keep it even their employees will not come here and our employees will not go there.

Vice-Chairman Overman stated that the county needs to adopt a policy to prevent from losing drivers to a municipality. Chairman Woodard expressed interest in a sign-on bonus, Mr. Outten replied that although the matter hasn't been looked into yet, it is could be something worth considering. He further noted that in the past, we haven't offered sign-on bonuses to other struggling departments.

MOTION

Vice-Chairman Overman motioned to support the points cited by the County Manager in order to help with the hiring and maintaining of Sanitation Drivers.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

- Mr. Outten stated that the Board needed to schedule a Public Hearing on March 4th, 2024 for the Phase 3 Bonds.

MOTION

Vice-Chairman Overman made a motion to schedule the Public Hearing on March 4th, 2024 for the Phase 3 Bonds.

Commissioner House seconded the motion.

VOTE: AYES unanimous

- Mr. Outten asked the Board to give him the authority to adjust or waive building permit fees for individuals whose permits have expired within a 30-days.

MOTION

The Board voted unanimously to approve giving the County Manager authority to adjust or waive building permit fees within a 30-day window of a building permit expiring.

Mr. Outten noted that this has been approved, but he is going to look into seeing if it needs to wait and be done in the budget ordinance.

Chairman Woodard exited the room at 11:49 a.m., he returned at 11:52 a.m.

Dorothy Hester: Announced that they are working to confirm the date for the Ribbon Cutting and Open House for the Southern Shores EMS Station. It is tentatively scheduled for March 15th.

Dave Clawson -- None

ITEM 18 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 pursuant to NCGS 143-318.11(a)(5) to instruct the County staff, or negotiating agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract, or proposed contract, for the acquisition of real property, and to approve the minutes of the last Closed Session.

MOTION

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

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 12:05p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 12:34 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, gave the County Attorney advice on the negotiating agents on behalf of the county on the acquisition of the Davidson property, and discussed the Baker McKenzie Settlement as well as the O'Hara settlement.

Mr. Outten explained that the Baker McKenzie settlement is an occupancy tax issue, and that Dare County has been offered an unknown sum of money that we will move through with the Baker McKenzie law firm in New York to obtain that occupancy tax funding.

MOTION

Commissioner Couch motioned to authorize the County Attorney to move forward and sign the documentation to proceed with the settlement.

Seconded by Commissioner Bateman.
VOTE: AYES unanimous

Mr. Outten announced that the O'Hara matter is an employment issue that has been going on for more than a year. We have reached a settlement amount of \$650,000. The reason we recommend this settlement is that our litigation costs are growing incrementally. It is basically a financial decision to cut our losses because the county would spend that even if we were to win the lawsuit.

MOTION

Vice-Chairman Overman made a motion to approve the Budget Amendment. The funds for the O'Hara settlement will be taken from the Insurance and Risk Management fund.

Seconded by Commissioner Bateman
VOTE: AYES unanimous

MOTION

Commissioner Couch motioned to authorize the settlement as outlined and authorize the County Manager/Attorney to sign the various settlement documents as they are prepared to consummate the settlement.

Commissioner Bateman seconded.
VOTE: AYES unanimous

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

MOTION

Commissioner Ross motioned to adjourn the meeting.
Commissioner House seconded the motion.
VOTE: AYES unanimous

At 12:37 p.m., the Board of Commissioners adjourned until 9:00 a.m., March 4, 2024.

Respectfully submitted,



By: Skylar Foley
Skylar Foley, Clerk to the Board

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