



COUNTY OF DARE  
PO Box 1000, MANTEO, NC 27954

**DARE COUNTY BOARD OF COMMISSIONERS**

Dare County Administration Building  
954 Marshall C. Collins Dr., Manteo, NC

**Monday, May 18, 2020, 5:00 p.m.**

**“HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?”**

**AGENDA**

- 5:00 PM**            **CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1**            Opening Remarks - Chairman's Update
- ITEM 2**            Public Comments – via email to: DCBOC@darenc.com
- ITEM 3**            PUBLIC HEARING – Temporary Provisions for Restaurants and Mobile Food Units –  
Comments via email to: DCBOC@darenc.com
- ITEM 4**            Presentation of the Manager's FY2021 Budget
- ITEM 5**            **Consent Agenda:** Items on the Consent Agenda are considered to be non-controversial,  
routine in nature or items not requiring a presentation to or discussion by the Board in  
order to consider the item(s). Any item may be removed for discussion by the Board to  
hear the item presented and discussed.
- 1. Approval of Minutes
  - 2. Outer Banks Regional Hazard Mitigation Plan Adoption
  - 3. Budget Amendment for Law Enforcement Officers' Special Separation Allowance Fund
  - 4. Tax Collector's Report
- ITEM 6**            Commissioners' Business & Manager's/Attorney's Business

**ADJOURN UNTIL 9:00 A.M. ON JUNE 1, 2020**



*Opening Remarks - Chairman's Update*

**Description**

Dare County Chairman Robert Woodard will make opening remarks.

**Board Action Requested**

Informational Presentation

**Item Presenter**

Chairman Robert Woodard



*Public Comments*

**Description**

The Board of Commissioners encourages citizen participation and provides time on the agenda at every regularly scheduled meeting for Public Comments. This is an opportunity for anyone to speak directly to the entire Board of Commissioners for up to five minutes on any topic or item of concern.

Covid-19 changes:

Public comment may be presented to the Board by sending an email during the meeting to: [dcboc@darenc.com](mailto:dcboc@darenc.com)

Commissioners Meeting Room - Administration Building, 954 Marshall Collins Drive, Manteo

Video Link

- Fessenden Center Annex, 47017 Buxton Back Road, Buxton

**Board Action Requested**

Hear Public Comments

**Item Presenter**

Robert Outten, County Manager



***PUBLIC HEARING – TEMPORARY PROVISIONS FOR RESTAURANTS AND MOBILE FOOD UNITS***

**Description**

A public hearing on amendments/temporary procedures was scheduled in response to an email from the Outer Banks Restaurant Association. A staff report and guidelines are attached with the cover sheet.

**Board Action Requested**

Conduct public hearing on temporary provisions for restaurants and food trucks.

**Item Presenter**

Donna Creef

STAFF REPORT – PUBLIC HEARING ON TEMPORARY MEASURES FOR RESTAURANTS AND FOOD TRUCKS

TO: DARE COUNTY BOARD OF COMMISSIONERS

FROM: DONNA CREEF, PLANNING DIRECTOR

Earlier this month, the Board instructed staff to review our regulations for restaurants and food trucks in response to an email from the Outer Banks Restaurant Association. The OBRA has requested temporary measures on outdoor seating and mobile food trucks in response to the COVID-19 social distancing measures. I have reviewed the zoning regulations and have drafted some guidelines to address how outdoor seating can be accommodated relative to parking regulations and some other adjustments that could be approved as temporary measures for food service providers located in unincorporated Dare County. As this time, it is not known how long “temporary” will be but I have drafted the language with December 31, 2020 as the expiration date with extensions available if needed. It is important to note these zoning regulations are only for unincorporated Dare County. Health regulations and building and fire code provisions are state codes and cannot be changed at the local level.

A copy of the temporary provisions are attached with my staff report and are summarized below:

**FOOD STANDS/MOBILE FOOD TRUCKS** – in 2018 we amended our commercial zoning districts to allow food stands and mobile food trucks on sites with other existing commercial businesses. Therefore no adjustments are needed to add the use to any county zoning districts. The main distinction between the permanent regulations and the temporary provisions are that food trucks would be allowed on vacant property. The draft language also allows for the use of one sandwich board sign at food truck sites. The current permanent regulations require 10 parking spaces for any food truck. For the temporary guidelines, I have included language to allow the Planning Department flexibility to waive this requirement based on parking demands of the site.

**RESTAURANTS** – the provisions for restaurants focuses on the use of parking areas for outdoor seating and/or outdoor use areas. I am using the term “outdoor use areas” in conjunction with outdoor seating in case restaurant owners identify some other need in addition to outdoor seating. Use of the general term will cover anything that may be identified without additional amendments.

It is anticipated that the State will impose some capacity restrictions on food service limiting the number of seats in order to comply with social distancing guidelines. The state restrictions apply a 50% capacity to retail establishments and it is assumed this 50% capacity may be applied to restaurants. Any limit imposed by the State would free up parking areas that could be used for outdoor use and seating. Example – if the State imposes a 50% capacity limit on restaurants then a restaurant approved for 100 seats will be limited to 50 seats. The County parking regulations require one parking space for each three seats. 100 seats requires 34 parking spaces –so half of the parking area would be available for outdoor seating.

If no capacity on seating is imposed by the State just the social distancing requirements, we could adjust the parking ratio temporarily to require one parking space for each six seats. The main concern is that vehicles are not parked in roads creating unsafe conditions. The current regulations require one parking space for each three seats.

These provisions are drafted as temporary measures with December 31, 2020 as the end date however the need for possible extensions is stated in the provisions.

The Planning Board reviewed these proposals on May 11 and voted unanimously to recommend approval. At the close of the hearing on May 18, 2020 the Board will have the option to adopt the provisions, revise them based on public comment and/or board discussion, or take no action. A copy of the draft provisions have been sent to the Outer Banks Restaurant Association.

Motions for consideration to act on proposal:

To adopt as recommended by the Planning Board: I move the proposed draft temporary provisions for restaurants and mobile food trucks be adopted as recommended by the Planning Board. The temporary provisions shall be effective until December 31, 2020 unless extended by the Dare County Board of Commissioners.”

To adopt with revisions: I move the proposed draft temporary provisions for restaurants and mobile food trucks be adopted as revised (insert identified revisions). The temporary provisions shall be effective until December 31, 2020 unless extended by the Dare County Board of Commissioners.”

## **DRAFT Temporary Procedures --Food Stands and Mobile Food Units**

Intent and Effect: The section shall apply temporary procedures for the review, approval and operation of any food stand and/or mobile food unit as defined in Section 22-2 of the Dare County Zoning Ordinance unit and as permitted in the individual zoning districts of unincorporated Dare County. These procedures shall be effective until December 31, 2020 at which time the regulations for food stands and mobile food stands shall revert to the provisions found in Section 22-58.5 of the Dare County Zoning Ordinance. These temporary provisions may be extended by the Board of Commissioners.

Approval procedures: A food stand shall be subject to administrative approval by the Dare County Planning Department. Approval from the Dare County Health Department shall be also obtained .

Location: A mobile food unit shall be located on a parcel of land in conjunction with an existing commercial structure or use or may be located on a vacant parcel of land that is zoned for restaurant use under the terms of the Dare County Zoning Ordinance. Only one mobile food unit shall be located on a parcel of land.-Written approval from the owner of the commercial use shall be submitted as part of the site plan review process if the parcel is not owned by the applicant. Any food stand shall be limited to the seating restrictions of the State of North Carolina. The Dare County Health Department should be consulted on the applicable State regulations for food stands and mobile food units.

Public Restrooms: Any food stand, both permanent and mobile food units, that provides outdoor seating shall provide public restrooms on the same site for use by their customers and employees. Public restrooms of the affiliated business or restaurant may be used to meet this requirement if the restrooms meet the requirements of the North Carolina Plumbing Code. Portable toilets may be used to meet this public restroom requirement provided the portable toilets meet Dare County Health Department approval. Location of the portable toilets shall be approved by the Planning Department.

Setbacks: Any food stand shall meet the zoning setbacks for a principal use structure applicable to the site where such food stand is to be located.

Parking: Ten parking spaces, as required by Section 22-56 of the Dare County Zoning Ordinance for food stands, shall be identified on the property where the food stand will be located. This parking requirement may be decreased or waived by the Planning Director upon a review of the other uses of the property and parking demands of the site. Parking spaces for the existing business affiliated with the food stand may be approved for use by the food stand. Parking shall not occur in street rights-of-way, access easements or designated fire lanes.

Signage: A separate freestanding business sign for the food stand shall not be displayed. One temporary signage or sandwich board sign not to exceed 12 square feet may be used on the site. The placement of the temporary sign shall not block line of sight clearances for vehicles entering or exiting the site.

Solid Waste: Trash receptacles for customer and employee use shall be provided onsite by the food stand operator. Approval to use the solid waste containers of the affiliated business shall be submitted as part of the approval process. Solid waste containers provided at public beach accesses or other public sites shall not be used.

## **DRAFT Temporary Procedures for Restaurants**

Intent and Effect: The section shall establish temporary procedures for the review, approval and operation of any restaurants as defined in Section 22-2 Dare County Zoning Ordinance and as permitted in the individual commercial zoning districts of unincorporated Dare County. These temporary procedures are intended to provide for the use of excess parking areas, setback areas, and other areas of the site not occupied by above-ground infrastructure improvements that can be used for outdoor seating and other operational functions of a restaurant. The use of wastewater areas for outdoor use areas or outdoor seating is not authorized by these procedures. These procedures shall apply until December 31, 2020. These temporary procedures may be extended by the Board of Commissioners.

Approval procedures: Outdoor seating and outdoor use areas may be used subject to administrative approval by the Dare County Planning Department. A site plan or sketch plan of the restaurant depicting the proposed outdoor use areas shall be submitted to the Planning Department for review. A pre-approved site plan of the site may be used for review purposes under this section.

Outdoor Use/Outdoor Seating: Outdoor seating may be allowed on decks, porches, enclosures or other areas of the restaurant facility provided ingress/egress of the structure is maintained. Outdoor use areas may be located in any required setbacks area however such areas shall not be located closer than fifteen (15) feet from any street right-of-way or vehicular access easement.

Public Restrooms: Public restrooms of the restaurant shall be made available.

Parking: If restaurant capacity is reduced by State regulations, then the corresponding reduction in the required number of parking spaces shall be applied by the Planning Department. Excess parking spaces identified during the site review process may be used for outdoor seating or other outdoor use areas of the restaurant. Parking shall not occur in street rights-of-way, access easements or designated fire lanes.

If no reduction in seating capacity is mandated by the State of North Carolina, then a parking ratio of 1 parking space for each 6 seats shall apply. The excess parking spaces may be used for outdoor seating or outdoor use areas of the restaurant. Parking at other commercial businesses within 400 feet of the restaurant site may be used to supplement the parking requirements.

Signage: One temporary A-frame or sandwich board sign, not to exceed 12 square feet, may be used on the site. The placement of the temporary sign shall not block line of sight clearances for vehicles entering or exiting the site.





*Presentation of the Manager's FY2021 Budget*

**Description**

The County Manager will present the Manager's fiscal year 2021 budget.

**Board Action Requested**

Set Public Hearing for June 1, 2020 and instruct the Clerk to the Board to publish the notice.

**Item Presenter**

Robert Outten, County Manager



**Consent Agenda**

*\*Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Board in order to consider the item(s). Any item may be removed for discussion by the Board to hear the item presented and discussed.\**

**Description**

- 1) Approval of Minutes (5/05/2020); Budget Workshop Minutes (5/08/2020)
- 2) Outer Banks Regional Hazard Mitigation Plan Adoption
- 3) Budget Amendment for Law Enforcement Officers' Special Separation Allowance Fund
- 4) Tax Collector's Report

**Board Action Requested**

Approval

**Item Presenter**

Robert Outten, County Manager



*Approval of Minutes*

**Description**

The Board of Commissioners will review and approve their previous Minutes, which follow this page.

**Board Action Requested**

Approve Previous Minutes

**Item Presenter**

Robert Outten, County Manager



# 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., May 5, 2020

Commissioners present: Chairman Robert Woodard, Vice-Chairman Wally Overman  
Rob Ross, Steve House, Jim Tobin, 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 (remotely)  
Clerk to the Board, Cheryl C. Anby

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.com](http://www.darenc.com).

At 9:04 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. Rev. Keith Dey, from the Emmanuel Lutheran Church in Southern Shores, shared a prayer which was read by Chairman Woodard, and then he led the Pledge of Allegiance to the flag.

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

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website –

Chairman Woodard briefly outlined the County would begin the phased re-entry program for nonresident homeowners on May 4, 2020. He took an opportunity to welcome them back on behalf of Dare County and noted it had been extremely difficult for them and gave the reminder for patience, compassion and kindness as we move forward. He also reminded some services may still be limited due to circumstances and regulations. During these difficult times he asked we remember we are all in this together and together we can help insure that everyone stays safe and healthy.

#### ITEM 2 – PUBLIC COMMENTS

At 9:09 a.m. the Manager outlined the procedure for making public comments via emails during the Public Comment as noticed. No one responded to the invitation to address the Board via email comments. The County Manager closed Public Comments at 9:12 a.m. By consensus, the Board agreed to handle some agenda items out of sequential order to accommodate the advertised time-specific Public Hearings scheduled for 10:00 a.m.

**ITEM 3 – PUBLIC HEARING – DARE COUNTY CODE OF ORDINANCES S-12 SUPPLEMENT (Att. #1)**

At 10:11 a.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments, as publicly noted via email to [donnac@darenc.com](mailto:donnac@darenc.com) and via [DCBOC@darenc.com](mailto:DCBOC@darenc.com). County Manager explained the modifications or additions for Dare County Ordinances since the last update would be submitted for publication. Each of the ordinances in the S-12 supplement had been brought to the Board in previous meetings for approval. No one responded to the invitation to address the Board of Commissioners on this issue.

The County Manager closed the Public Hearing at 10:13 a.m.

**MOTION**

Vice-Chairman Overman motioned to adopt the Resolution to enact and adopt 2020 S-12 Supplement to the Dare County Code of Ordinances.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – PUBLIC HEARING – REVISED FLOOD MAPS, FLOOD ORDINANCE AND ZONING AMENDMENTS (Att. #2)**

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 via email to: [donnac@darenc.com](mailto:donnac@darenc.com) and via [DCBOC@darenc.com](mailto:DCBOC@darenc.com). The Board received one email response to this issue from the Outer Banks Home Builders Association and the Chairman requested the Manager read the letter. It is attached to these minutes as **(Att. #2A)**

The County Manager closed the Public Hearing at 10:17 a.m.

**MOTION**

Commissioner Bateman motioned to adopt the revised maps for Dare County, the updated Dare County Flood Damage Prevention Ordinance, and the associated Zoning Ordinance amendments with an effective date of June 19, 2020. The finding of consistency statement as submitted by staff is to be adopted as part of this action.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Commissioner Ross asked for clarification of the Flood Damage Prevention Ordinance (pg. 8 of the ordinance-pg. 18 of agenda) regarding the RFPE for VE zones, referred to as “the base flood elevation as designated on the effective FIRM plus 1 foot of freeboard.” Donna Creef explained the one foot freeboard in the VE zone with the following example. There is a number associated with VE10 zone which requires the first floor of living area to be at ten feet. Dare County’s modification would add one foot to the requirement; therefore, the first floor would have to be built at eleven feet. She added the RFPE refers to the Regulatory Flood Protection Elevation which is the base flood plus the free board. She continued with the AE zone definition with the following example: AE4 would require a FIRM plus three foot free board OR an elevation to or above eight feet, whichever is higher.

Commissioner Bateman asked about rebates as a result of changed flood certifications. Donna explained homeowners whose flood designations were changed should contact their insurance companies to inquire as to the eligibility for rebates.

Commissioner Tobin commented if a home was now designated as a “Shaded X” area of risk, it would still be important to secure flood insurance, citing recent North End flooding. Commissioner House joined in the emphasis of the importance of maintaining flood insurance. Chairman Woodard reminded citizens of the slogan of “Low Risk” is not “No Risk” and he encouraged homeowners to maintain their flood coverages. Commissioner Bateman mentioned his home had been flooded in Ocracoke and he agreed with the updated Dare County Flood Damage Prevention Ordinance.

**ITEM 5 – PROCLAMATION FOR EMS WEEK: May 17-23, 2020, (Att. #3)**

Chief Jennie Collins provided the Board with a proclamation for Emergency Medical Services Week to be recognized from May 17-23, 2020. This year’s national theme for Emergency Medical Services Week is “EMS Strong: Ready Today. Preparing For Tomorrow”. County Manager read the proposed proclamation. Commissioner House added in light of the recent loss of several high-ranking EMS retirees, their names should be added to the proclamation to honor them for their dedicated service to Dare County EMS. Those names were: EMS Capt. Denny Shoup, EMS Capt. Billy Deanes, Chief Dare Med Flight Pilot Sammy Pledger and Director of Operations, Chief Dare Med Flight Pilot Chad Jones.

**MOTION**

Commissioner Bateman motioned to approve the Proclamation for EMS Week for 2020, as amended by Commissioner House.

Commissioner Tobin and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PROCLAMATION FOR OLDER AMERICANS MONTH 2020, (Att. #4)**

Each May the Nation observes Older Americans Month. This year’s theme, “Make your Mark”, was selected to encourage and celebrate the countless contributions older adults made to our communities. County Manager read the proposed proclamation.

**MOTION**

Commissioner House motioned to approve the Proclamation for Older Americans Month 2020.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – FISCAL YEAR 2020 FUND BALANCE MOVEMENTS OF 6/30/2019 GENERAL FUND UNASSIGNED FUND BALANCE**

Dave Clawson explained this item looked at ending results of June 30, 2019 and policy recommendations from the financial advisors. He noted with two months remaining in the fiscal year, the recommendations could be changed based on the budget ahead. It was recommended in the General Fund, the unassigned fund balance with a target of 21%, to change the original recommendation and not use the Consolidated General Fund, which was the General Fund, Capital Investment Fund, the Law Enforcement Officers’ Special Separation Allowance Fund, and the Disaster Recovery Fund. The new recommendation with the 2019 ending year balance of \$5,448,779.00 was as follows:

Transfer \$3,437,104 to the Capital Investment Fund, \$200,565 to HEMS Project (helicopter project), \$413,437 to the Disaster Recovery Fund and leave \$1,397,673 in the General Fund (which was in addition to the 21%).

**MOTION**

Vice-Chairman Overman motioned to direct staff to return with an update of the County Financial Policies, which included the recommendations presented, approve the budget amendments for the General Fund, Capital Investment Fund and the Disaster Recovery Fund, and to adopt the amendment to the Capital Project Ordinance for the EMS Helicopter project.

Commissioners Tobin and House seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – REQUEST TO SELL HWY. 64/264 – PARCEL 025550001**

County Manager presented the tax map information on the subject triangular parcel, which was identified as Parcel 025550001, approximately 3,700 sq. ft. in size, and adjoined to the South line property of 101 S. Hwy., 64, Manteo, NC (Parcel #025550000). The parcel was between the Law Office of Wheless & Wheless and the new COA project area. Mr. Jay Wheless had contacted the County with a letter explaining his father bought the law office parcel and always thought the triangular parcel was part of the purchase. However, deeds reflect the smaller tract is actually owned by Dare County. Mr. Wheless had requested the County consider selling it to facilitate any future plans to expand his office building. The Board discussed whether the parcel would be needed as part of the College of the Albemarle project and the Manager explained the current construction was in the middle of the project site and anticipated future plans would not be affected by sale of the smaller parcel.

**MOTION**

Vice-Chairman Overman motioned to allow the County Manager to entertain an offer from Mr. Wheless for the purchase of the property.

Commissioners Bateman and House seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – CONSENT AGENDA**

The Manager announced the items as they were visually displayed in the meeting room. He reminded Commissioners to request with a motion to remove any items of concern, which required further question or discussion, from the Consent Agenda.

**MOTION**

Commissioner House motioned to approve the Consent Agenda:

- 1) Budget Update for Hurricane Dorian
- 2) Approval of Minutes, April 20, 2020, **(Att.#5)**
- 3) Juvenile Crime Prevention Certification Standards & Dare County Funding Plan  
Fiscal Year 2020-2021
- 4) Budget Amendment – DEQ Grant Contract #7767 Hatteras Inlet – Change Order

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

## **ITEM 10 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment:

### Commissioner House

- He mentioned the passing of Chief Med flight pilot, Chad Jones, and offered his condolences to the family and the EMS community. Chad would receive his final flight later in the afternoon from First Flight air strip back to the Manteo hanger, as the community could line the route to show their last respects.
- Economic relief for the area’s commercial fisherman was still needed and he reported that House Bill 1045 had been introduced for emergency assistance for them. If approved it would provide \$10 million in a non-reoccurring basis from the General Fund and given to the Department of Environmental Quality to be allocated to the Division of Marine Fisheries to administer an emergency assistance program for commercial fishing and for-hire fishing license operation holders who suffered economic loss from Covid-19. It has received strong support in Raleigh. After a brief discussion, the Board agreed Commissioner House would reach out to Senator Hanig, a co-sponsor the Bill, and express the Board’s support.

### Commissioner Ross

- He provided an overview concerning Covid-19 to include reflections of the many unknowns about the virus and initial responses of its threat to County, State and Nation. He recapped the response to protect ourselves with restrictive travel and isolation. This included the cancellation of sporting events, meetings, church services and the exclusion of tourists/visitors. He noted how the economy was in a tail spin with unemployment rates not seen since the Great Depression. Local leaders had received countless calls and emails to criticize and condemn the decisions to both close and open the area. Reports of unpleasant statements towards fellow neighbors, citizens and visitors should never have happened. He provided the positive case count of North Carolina, just under 12,000 known cases, and Dare County with only eighteen cases. Although the statistics were sad, we should remain encouraged. Recent serology tests, performed in New York, California and Europe, had indicated, through random sampling, that approximately 3-4% of participants had virus antibodies present. Although serology test results for North Carolina were not available, it could be deduced, using 3-4% rate, that approximately 300-400,000 of North Carolinians had contracted the disease. The current known facts reveal the virus would be here for a while; and without an effective vaccine, we would have to figure out ways to live our lives with the virus present. In his opinion, we could not continue to crush the economy. He mentioned of the 375 people, who had died in North Carolina over age 65, two-thirds had resided in nursing homes and congregate living facilities. This “danger zone” needed to be addressed and protected with zero tolerance. He encouraged the continued exercise of personal caution by those who were over 65 with an underlying condition, most seriously are those with diabetes, obesity, hypertension and asthma. Isolation and the newly published treatments of remdesivir and hydroxychloroquine have shown significant improvement for patients suffering from this virus. He opined the “rest of us should return to our daily lives practicing the things we’ve now learned” such as good hygiene, staying home if sick, and being mindful of others when we go out with either distancing or face coverings.



Commissioner Tobin

- He thanked Commissioner Ross for his Covid-19 overview and agreed with his assessment 100%. He had been approached by countless people in Dare County that want to reopen the county. He added the Control Group had done a fine job, but the next step to open the County needed to be taken.
- Next week he would be traveling to Florida with Commissioner House to visit the last shipyard for the dredge project. With the current oil industry situation, there had been many shipyards with projects placed on hold in part due to closure of some businesses. As a result, shipyards have come back with lower numbers.

Commissioner Couch:

- He reported on the bad condition of the Hatteras Inlet, with the inability to get in or out. The Coast Guard was also unable to get in or out. He was pleased to see in the Consent Agenda that the pipeline dredge Manteo would be coming in and hopefully it would help. A Waterways Commission virtual meeting would be held next week. It was likely to come back to the Board for support, whether in reaching out and exhibiting pressure on the federal government. In order to open up the County, it would be necessary to get boats out. Any incident occurring off of Diamond Shoals or anywhere off the stretch of Hatteras to Ocracoke would require a helicopter at this point.

Commissioner Bateman:

- Due to an email question he received concerning the brevity of public comment, he clarified the Board typically received and reviewed public comment prior to the meeting and during the time the County Manager opened up the public comment period.
- He thanked the Chairman, all of the Commissioners and everyone in Dare County for their outstanding job during the epidemic along with Commissioner Ross' "on point" earlier comments.
- He added the coming days would be tough on everyone with our current fragile economy, which depended on businesses, non-residents and tourists. It would be important to be respectful of everyone and living in harmony because all of the entities working together enable economic development of the County.
- He had recent discussions with Senators Burr, Tillis and Congressman Murphy. Many business owners have been blessed to receive the PPP money (Paycheck Protection Program); however, it is not tailored to accommodate for small businesses. It provides eight weeks from the date of receipt to utilize towards payroll at 75% and overhead at 25%. If the business was not open, as most have not been under the Governor's current order, there were six-seven weeks with inability to use the funds. He requested the County Manager to read a proposed resolution entitled, "Resolution Requesting Payroll Protection program Modification".

**MOTION**

Commissioner Bateman motioned to approve the Resolution Requesting Payroll Protection Program Modification

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Overman:

- He thanked the NCDOT Ferry Division, Dredge Operations, and especially Jed Dixon and Lance Winslow for rearranging the dredging schedule in Hatteras. The dredge Manteo would begin operations this week on the South Ferry Channel or the “cut through” to Hatteras Inlet this week to allow watermen’s safe access to the ocean.
- He thanked Donna Creef, Planning Director, and her staff for the fine work and effort on the updated Dare County Flood Map Ordinance in light of the revised flood maps.
- He asked about the current FEMA requirements for a declaration to involve the whole state for funding. As a coastal county, Dare County could experience situations where the county was devastated while the remainder of the state “remains whole”. He asked if coastal counties should unite with a petition to the government through NACo (National Association of Counties) to request change on how those guidelines were considered. County Manager advised it could be addressed but would probably realize little affect. Vice-Chairman Overman added the east and west coastal areas had a different dynamic with possible damage from a storm impacting the areas severely while a short distance away another area remained undamaged. Currently without a state declaration, the smaller coastal areas would be unentitled to emergency funding.
- He thanked everyone for their continued Covid-19 mitigation efforts and urged their continued vigilance.

Chairman Woodard

- The Control Group would hold its’ 33<sup>rd</sup> meeting on May 6, 2020 concerning Covid-19. Each meeting was typically 2 to 2 ½ hours long where they had reviewed data from the Health and Human Services Director, the available science material from the CDC, the Governor’s Executive Orders and the information provided by the United States Covid-19 Task Force. The decisions made by the group were not made just to protect the residents of Dare County. They had been made with the consideration to protect visitors and nonresident property owners and it was the right decision. He noted the need to move forward; however, it had been the Governor’s decision to close businesses. He acknowledged the need to move forward as both citizens and business owners were hurting; however, the Governor’s current decision was to remain closed. The Control Group cannot make the decision that decision and would continue to evaluate the situation. He urged everyone to maintain the current guidelines with regard to non-essential travel and the recommended protective periodicals. As discussions continue, a decision to reopen to visitors would hopefully occur soon.

**MANAGER’S/ATTORNEY’S BUSINESS**

As Covid-19 concerns prevented the completion of the biometric screenings of County staff. Screening, typically done in the spring, afforded participants the opportunity to receive a credit towards the cost of their health insurance. There were over 500 employees who had not had the opportunity to be screened due to the current health challenges and concerns. County Manager requested permission to waive the biometric screening, start screening next spring and not penalize anyone who had not completed the testing.

**MOTION**

Commissioner Steve House motioned to waive the biometric screening for 2020.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Mr. Outten advised the Planning Director was reviewing current ordinances with regard to restaurant operations. Once the Governor reopens public dining, there would be a need to discuss new guideline requirements. Dr. Sheila Davies was working through any health department issues. Presumably the reopening of restaurants would have seating capacity limits. A 100-seat restaurant could be permitted to open at 50% of capacity, while maintaining seating at six feet apart. One question would be how to allow the 50% of capacity to eat outside with picnic tables spaced apart without endangering the community. Some restaurants did not have land and would propose to use their parking spaces for outdoor dining, which would violate the parking ordinances. Parking on the right of way was prohibited. An on-site kiosk or food truck on restaurant sites was another consideration, but Dare County already had ordinances in place regarding those issues. He advised there would be a need to expedite approval of ordinance changes along with proposed waiver of fees. He noted no fee was necessary to modify our own ordinances. Donna Creef would work with her staff and try to find out what changes to ordinances would be needed. A public hearing would need to be scheduled on any suggested drafted ordinance changes. County Manager requested permission to set that now so the County would be in a position to adopt changes.

**MOTION**

Vice-Chairman Overman motioned approval proceeding with reviewing ordinances for changes as to restaurants with setting of a Public Hearing on May 18, 2020.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Commissioner House asked if these would be temporary ordinances. County Manager confirmed the duration would be for the pandemic or for approximately six months.

Commissioner Bateman thanked the Board for thinking ahead on this issue. He added there was only an approximate ten-week window of visitors. Governors would be trying to return students back to school as early as August, 2020.

**Finance Director Clawson:**

He thanked for the Board for addressing the policies and models. The Moody review was four weeks ago and no report has been received, which is a positive outcome.

He reminded that the local government commission would meet today to approve debt refunding. The bids for Health and Human Services project would be due this afternoon.

Closing for the refunding is next Tuesday.

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

**MOTION**

Commissioner House motioned to adjourn the meeting.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 10:33 a.m., the Board of Commissioners adjourned until 5:00 p.m., May 18, 2020.

Respectfully submitted,

[SEAL]

By: \_\_\_\_\_  
Cheryl C. Anby, 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 to the Board.



Friday, May 1, 2020

Dare County Board of Commissioners  
Post Office Box 1000  
Manteo, NC 27954

Dear Chairman Woodard and Dare commissioners,

Thank you for your leadership as our community works to maximize its resilience by revising the Flood Damage Prevention Ordinance (FDPO) in preparation for the 2020 Flood Insurance Rate Map (FIRM)'s June 19 effective date. The over 500 members of the Outer Banks Home Builders Association (OBHBA) appreciate the complexity of the task before you and welcome the opportunity this process presents us to apply our professional knowledge in service to the county. We are thankful for Planning Director Donna Creef and planning staff's responsiveness to our members' recommendations as the ordinance has developed in recent months, and are confident the text before you offers sound solutions to the challenges the 2020 FIRM poses for construction and development standards.

OBHBA members began working in early 2017 with the surveying and engineering community to assist local planning staff in designing new flood prevention measures to address an anticipated reduction in the 2006 FIRM's flood zone elevations in Dare County. Extensive consideration of historical flooding, previous FIRMs, and topographical data informed a consensus among county and municipal planning staff that administration of eight foot standards to a revised reference level, the bottom of the lowest floor or utility, would ensure adequate flood protection in X and Shaded X zones. Because our members operate in seven county and municipal jurisdictions with varying regulatory requirements, OBHBA's paramount interest throughout our communitywide flood map discussions has been promoting commonsense consistency in the development of new local elevation standards. OBHBA appreciates the proposed FDPO's inclusion of local elevation standards appropriately consistent with this paradigm. In addition, our association has offered extensive technical support to assist planning staff in crafting ordinance language that exactly tailors county regulatory goals to current area construction practices. We appreciate staff's consistent availability for productive discussions to achieve an FDPO that works on paper and in practice for homeowners, builders, and county permitting and inspection personnel. Dare County's FDPO clearly reflects planning staff's belief in a cooperative approach to community resilience that incorporates building community stakeholders' interests and expertise as fully as possible.

We hope OBHBA's intensive participation in the FDPO process communicates our seriousness about meeting the complex environmental and regulatory challenges involved in residential construction on our barrier islands. Thank you again for welcome our participation in the Outer Banks' cooperative endeavor to address present and future flood risk, an effort we feel serves other coastal communities as a model for stakeholder-inclusive regulation to promote sustainable building.

Regards,

*Vaughan Robinson*

Vaughan Robinson

*Jay Overton*

Jay Overton

*Porter Graham*

Porter Graham

President  
OBHBA

Legislative Chair  
OBHBA

Government Affairs Director  
OBHBA



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

DARE COUNTY BOARD OF COMMISSIONERS

### SPECIAL MEETING – BUDGET WORKSHOP

To engage in a workshop on the upcoming fiscal year budget and take such action as may come before the Board of Commissioners, as may be needed.

Dare County Administration Building, Manteo, NC

**8:00 a.m., May 8, 2020**

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

Commissioners absent: None

Others present: County Manager/Attorney, Robert L. Outten  
Deputy County Manager/Finance Director, David Clawson  
Clerk to the Board, Cheryl C. Anby

Clerk's Note: In order to maintain the safety of Dare County residents and to follow recommended Covid-19 social distancing guidelines, the Special Meeting Budget Workshop, was streamed live via the following link: <https://youtu.be/XFZtUW-lqwE> & via the Dare County YouTube channel page

At 8:12 a.m. Chairman Woodard called to order the Special Meeting with appropriate prior public notice having been given. Technical difficulties prevented the meeting from opening at 8:00 a.m. The Chairman then led in the Pledge of Allegiance to the flag. He noted that all Commissioners were present in person, along with the County Manager, Finance Director and Clerk.

**RECESS:** The meeting recessed again at 8:18 a.m. due to additional audio difficulties and resumed at 8:24 a.m.

**County Manager Outten:**

Manager Outten explained the County large item pick up could resume at the end of May for the Tri-villages and Martin's Point, as it had been interrupted due to Covid-19 outbreak concerns. If the pick-up recommenced, the items would need to be properly

sorted and not comingled with items not generally accepted for pick up using a mechanical pick-up truck. In past years staff often sorted through items themselves but could not safely manually sort at this time due to Covid-19 health concerns. If large items remained on the curb due to sorting issues, the Manager warned the Board could receive dissatisfaction with the process. The Board discussed the concerns, made several recommendations for resolution and the Manager suggested having the Public Information Officer provide additional notification and guidelines for citizens. The Manager agreed to move forward with the collection efforts, with extended messaging concerning sorting of large items.

County Manager advised there were currently grants as a result of Covid-19 concerns, such as CARES, FEMA and transportation grants, which had shortened deadlines that do not match up with the Board's normal meeting dates. Generally the Board is approached with grant guidelines and information before application. He had instructed staff to act upon these new grants, and if we are successful, to bring those grants to the Board for approval and to insure they are comfortable with the conditions. Waiting for a Board meeting in order to apply for some of the grants would cause missed deadlines.

**MOTION**

Vice-Chairman Overman motioned to allow staff to move forward and apply for grants offered due to Covid-19 in order to avoid missing deadlines.

Commissioner House seconded the motion

VOTE: AYES unanimous

**BUDGET WORKSHOP:**

County Manager explained the proposed budget schedule. It had been the intent to present the budget on May 18, 2020, with a public hearing on the budget on June 1, 2020 and adopt it that same meeting. The legislature put some new rules in place due to remote meetings. One change required a public hearing to give the public time to offer public comment twenty-four hours after the meeting, which would require two meetings to approve a fiscal budget. We would have to publish on the 1<sup>st</sup> and wait until June 15<sup>th</sup> to adopt, or have a special meeting in between. He suggested waiting for the second meeting in June to adopt the budget.

Vice-Chairman Overman asked if something changed after June 15, 2020 if another meeting would be needed. County Manager explained once the budget was adopted it could be amended with the exception of the tax rate.

**MOTION**

Commissioner Couch motioned to move forward with the suggested schedule.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**SUMMARY**

County Managed explained the year started normal with budget projections received by each department; however, with the outbreak of Covid, it had become evident revenue projections would change. Finance Director had come up with worse case projections going into the FY2021 budget based upon information from the NC League of Municipalities, Wells Fargo, Dare County Tourism Board along with past experiences.

In the event Covid did not impact the County badly, staff could review in the fall of 2020 and adjust accordingly. The FY2021 budget used a revenue neutral rate of 40.05 cents, which maintains a 21% unassigned fund balance. No services would be reduced. Department Heads had been requested to resubmit their requests upon the Covid outbreak and the County Manager praised their efforts to allow for a flat budget. The revised budget requests cut the original requests by \$3,437,438. Additionally there would be no employee COLAs, merit pay or bonuses included in the proposed budget.

Mr. Outten reviewed the FY20/21 General Fund Department Change Request Summary, which illustrated the differences in the original department head requests, their amended requests and the Manager's final figures. There would be no new vehicles, ambulances, backhoes or loaders, as previously requested.

Mr. Outten led the Board in a step-by-step analysis of the Occupancy Tax assumptions by the Tourism Board. Other declining revenues would be experienced in building permits, ROD revenue stamps, ABC profits and interest income.

Vice-Chairman Overman asked if beach nourishment would be affected and Mr. Clawson indicated they would not be impacted. The impact would be on new projects per Mr. Outten, as there were currently a lot of unknowns.

County Manager advised that even with the current budget, essential personnel hiring would be considered, however, non-essential positions could not be funded at this time.

Throughout the workshop, as each item was discussed, the Board asked questions, the Manager and Finance Director provided background information, direction and guidance. Dave Clawson also provided a detail explanation of the 2021 Capital Investment Fund/Capital Plan and Debt Affordability Model. He requested the Board review the model as an interim plan.

The proposed FY21 General Fund budget was presented as \$107,076,589, which was \$1,659,530 less than the FY20 General Budget of \$108,736,119.

There was no school funding increase and all school capital projects would be posted. In the school capital improvement plan there remained the replacement of portions of the 1988 and 1998 sections of the roof at Manteo High School due to severe leak issues.

**MOTION:**

Commissioner Bateman motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous



At 9:38 a.m., the Dare County Board of Commissioners adjourned the Special Meeting – Budget Workshop.

Respectfully submitted,

[SEAL]

By: \_\_\_\_\_  
Cheryl C. Anby, Clerk to the Board

APPROVED: By: \_\_\_\_\_  
Robert Woodard, Sr., Chairman  
Dare County Board of Commissioners



*Outer Banks Regional Hazard Mitigation Plan Adoption*

**Description**

In 2019, North Carolina Emergency Management funded the development of the Outer Banks Regional Hazard Mitigation Plan for Currituck and Dare County. A hazard mitigation plan is required to be eligible for all FEMA disaster assistance grants. Over the past year Wood, LLC staff members, led plan development efforts using state and federal guidance that included public meetings and working groups. Town and County staff participated in the effort leading to a plan that meets all state and federal requirements. We anticipate the new plan will have a positive impact on our CRS rating. Once adopted, FEMA will approve the plan allowing Dare County and our municipalities to remain eligible for disaster grant funding for the next 5 years.

\*The Plan may be viewed via the darenc.com website: Clicking on the Board of Commissioners' page, Meetings and clicking on the link to review the Outer Banks Hazard Mitigation Plan.

**Board Action Requested**

Plan adoption by board resolution.

**Item Presenter**

Drew Pearson

# RESOLUTION OF ADOPTION

## DARE COUNTY

### Outer Banks Regional Hazard Mitigation Plan

**WHEREAS**, Dare County is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

**WHEREAS**, the Dare County desires to seek ways to mitigate situations that may aggravate such circumstances; and

**WHEREAS**, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

**WHEREAS**, it is the intent of the Dare County Board of Commissioners to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

**WHEREAS**, it is also the intent of the Dare County Board of Commissioners to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Dare County; and

**WHEREAS**, Dare County in coordination with Currituck County, and the Towns of Duck, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores has prepared a regional hazard mitigation plan with input from the appropriate local and state officials;

**WHEREAS**, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Outer Banks Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

**NOW, THEREFORE, BE IT RESOLVED** that the Dare County Board of Commissioners hereby adopts the Outer Banks Regional Hazard Mitigation Plan and agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

By:

\_\_\_\_\_  
Robert L. Woodard, Sr. Chairman

\_\_\_\_\_  
Date:

SEAL:

Attest:

\_\_\_\_\_  
Cheryl Anby, Clerk to the Board



*Budget Amendment for Law Enforcement Officers' Special Separation Allowance Fund*

**Description**

Payments of the State mandated retirement benefit will exceed what was budgeted for FY2020. This budget amendment increases the transfer from the General Fund and increases line items for benefit payments by \$21,600. The County Manager executed the needed budget amendment in the General Fund using the Contingency line item.

**Board Action Requested**

Adopt budget amendment

**Item Presenter**

David Clawson, Finance Director

# DARE COUNTY

## BUDGET AMENDMENT

F/Y 2019-2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<b>Department:</b>					
LEOSSA Fund					
<u>Revenues:</u>					
Transfer from General Fund	133510	475500		\$21,600	
<u>Expenditures:</u>					
Salaries	134510	500200		\$20,000	
FICA	134510	500300		\$1,000	

Explanation:

Law Enforcement Officers' Special Separation Allowance

Payments for the retirement plan will be higher than what was planned for the FY2020 budget.

The County Manager has executed a budget amendment from Contingency in the General Fund to increase the transfer to the LEOSSA Fund

**Approved by:**

Board of Commissioners: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager: \_\_\_\_\_

Date: \_\_\_\_\_

**COPY**  
(sign in red)

Finance only:

Date entered: \_\_\_\_\_ Entered by: \_\_\_\_\_ Reference number: \_\_\_\_\_



*Tax Collector's Report*

**Description**

Apr 2020 Refunds over \$100  
Apr 2020 NCVTS Refunds over \$100

**Board Action Requested**

Approved

**Item Presenter**

Becky Huff, Tax Collector

**Refund Report for REAL ESTATE and PERSONAL PROPERTY**

*(Refunds over \$100.00 )*

**MONTH:** April

**DATE RANGE:** 4/1/2020 - 4/30/2020

**SUBMITTED BY:** Becky Huff

<b>Taxpayer Name</b>	<b>Parcel</b>	<b>Bill Year</b>	<b>Reason</b>	<b>Refund Amount</b>
BURNETTE, WILLIAM R JR	000139000	2019	Overpayment	-1,873.11
FORQUER, DONALD R	007003002	2019	Overpayment	-222.15
STACY, CHRISTIAN W	011630006	2019	Overpayment	-3,997.94
HEMILRIGHT, FRANCES D	017617000	2019	Overpayment	-130.64
LLOYD, LORI R TTEE	026469009	2019	Overpayment	-2,739.72
CIATTO, VINCE M	027776000	2019	Overpayment	-512.99
BYRUM, DANNY	936016000	2019	Overpayment	-146.70
FLETCHER, KENNEDY	936551000	2019	Overpayment	-100.20
OCONELL, ANTHONY ANDREW	937327000	2019	Duplicate Listing	-102.89
SPECK, RONALD	937372000	2019	Duplicate Listing	-136.25
WEIR, ANDREW S	962963000	2019	Overpayment	-708.16
GILBIRD, DEREK ALAN	936263000	2019	Pd in Pasquotank for 2019	-135.06
				<b><u>-10,805.81</u></b>



# North Carolina Vehicle Tax System

APRIL 2020 OVER \$100

## NCVTS Pending Refund report

Payee Name	Address 1	Bill #	Change	Interest Change	Total Change
DECOU, CHRISTOPHER JAMES	5209 BARLOW LN KITTY HAWK, NC 27949	0040638364	(\$111.69)	\$0.00	(\$111.69)
			(\$71.29)	\$0.00	(\$71.29)
			(\$9.50)	\$0.00	(\$9.50)
			<b>Refund</b>		<b>\$192.48</b>
<b>Refund Total</b>					<b>\$192.48</b>

Tax Jurisdiction	District Type	Net Change
C99	COUNTY	(\$111.69)
T08	CITY	(\$71.29)
T08BN	CITY	(\$9.50)
<b>Refund Total</b>		<b>(\$192.48)</b>





*Commissioners' Business & Manager's/Attorney's Business*

**Description**

Remarks and items to be presented by Commissioners and the County Manager.

**Board Action Requested**

Consider items presented

**Item Presenter**

Robert Outten, County Manager