



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., 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.

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 and via 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 and via 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’ 33rd 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,



By: *Cheryl C. Anby*
Cheryl C. Anby, 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 to the Board.

AH. # 2A



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