



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

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

Commissioners present: Chairman Robert Woodard, Sr., 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 5:01 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He read the prayer offered by Rev. Michelle Lewis from the Mighty Wind United Methodist Church 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 may be viewed in their entirety in a video on the Dare County website:

- He welcomed the return of visitors and reminded everyone of the safety concerns as we move forward under the Governor’s current order. While North Carolina is currently under Phase 1, vacations will be a little different, as certain businesses were still closed, such as gyms, bars, with restaurants providing only take-out service. He added vacationers’ culinary experiences would differ from past years, with no seating outdoors or indoors at this time. Beaches remained open with all of the towns and park services having reported good social distancing. Even on the beach it is important to follow the 6-foot guidelines. Chairman Woodard reminded the virus was not over and we would need to remain vigilant to ensure everyone’s safety. “Wear, wait and wash” to keep you and other families safe.

- EMS Week would be May 17-23, 2020. The EMS Week theme would be “EMS Strong: Ready for Today - Preparing for Tomorrow” with more info on Dare County website. There are two coloring pages for children to return to EMS stations to show their support. In exchange, children will receive a small token of appreciation from EMS. Last year the EMS team responded to 9,716 incidents, approximately 26.6 per day along with 359 life-saving med flight expeditions.

ITEM 2 – PUBLIC COMMENTS

At 5:12 p.m. the Manager outlined the procedure for making public comments via email. Following is a summary of all citizen public comment remarks received via email and reviewed by the Board:

1. Denise Graham, from Southern Shores, sent an email applauding the County’s decisions during the Covid breakout to date; but raised concerns over the lack of consistency of mask wearing and other protections in retail establishments.
2. Peggy P. Feng, MD emailed her concerns of vacationing with large, multi-family groups, social distancing and rental company refund policies.
3. Morgan Antonacci sent an email inquiring about continued regulations and safety measures with the arrival of visitors.

The County Manager closed Public Comments at 5:16 p.m.

ITEM 3 – PUBLIC HEARING – TEMPORARY PROVISIONS FOR RESTAURANTS AND MOBILE FOOD UNITS (Att. #1)

Upon introduction of this item, Commissioner Bateman asked to be recused during the public hearing, as he is a restaurant owner, to avoid any possible conflict of interest.

MOTION

Commissioner House motioned to approve recusal of Commissioner Bateman during the public hearing.

Commissioner Tobin seconded the motion

VOTE – Ayes unanimous

After voting on the motion, Commissioner Bateman exited the room at 5:17 p.m. He reentered at 5:27 p.m., when the agenda item was completed.

County Manager introduced the Planning Director had worked with the restaurant association and had formed, incorporating their suggestions, new, temporary guidelines for restaurants and mobile food units, as they would need to prepare to reopen, in light of the expected Governor’s next executive order. The Planning Board had reviewed the guidelines and approved them and recommended approval by the Dare County Board of Commissioners.

At 5:17 p.m. the Board held a Public Hearing to receive input concerning this agenda item. The Notice for this item outlined the procedure for making public comments via email to DCBOC@DARENC.COM before and during the meeting.

No one responded via email to the invitation to address the Board of Commissioners on this issue prior to or during the Public Hearing, therefore, the hearing was closed at 5:19 p.m.

The Board reviewed the temporary provisions. County Manager explained if an issue arose, outside of these guidelines, the Board could convene with a special meeting for modifications or changes. Chairman Woodard asked Donna Creef to clarify the permitted location of mobile food units. Ms. Creef explained the new provisions would allow the units to be located on a vacant piece of property until these temporary measures expired. Commissioner Ross emphasized there would still be a provision of restrooms and portable toilets could be used for that purpose.

MOTION

Vice-Chairman Overman motioned to adopt the proposed draft temporary provisions for restaurants and mobile food trucks as recommended by the Planning Board, effective until December 31, 2020, unless extended by the Dare County Board of Commissioners.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous (Commissioner Bateman was not present for this vote.)

At 5:27 p.m., Commissioner Bateman returned to the board room.

ITEM 4 – PRESENTATION OF THE MANAGER’S 2021 BUDGET

County Manager clarified that at the Budget Workshop it had been proposed there would be a need for a 24-hour deadline after a budget presentation for public comment and another meeting for adoption. The new guidelines governing meetings had since clarified the definition of remote meetings were those where one or more commissioners participated remotely. As the complete Board was meeting in the same room, it would not require the remote meeting guidance; and therefore, not require the twenty-four hour time frame for public comment or an additional meeting. After the public hearing today, the Board could approve the FY2021 budget at the June 1, 2020 meeting.

Mr. Outten presented the FY2021 Manager’s recommended budget that included a General Fund of \$107,076,589 with the total of all funds being \$159,384,999. He announced the budget was balance and in compliance with the North Carolina Local Government Budget and Fiscal Control Act and “is aligned with priorities and direction given by the Board of Commissioners”. The County Manager gave a detailed PowerPoint presentation. He noted at the prior workshop the Board had provided the focus areas: Long Term Financial Planning for Capital; Economic Development, which included continued beach nourishment efforts and efforts towards affordable and workforce housing; Education with continued partnership with schools and expansion of the COA Dare County Campus; Human Resource continued implementation of the salary study recommendations; maintain current levels of service; maintain level of property utilizing the revenue neutral property rate and maintain an unassigned fund balance in the General Fund of 21% of General Fund revenues. He advised that FY21 budget is reduced further by the effects of Covid-19. He announced the FY02/21 presented a revenue neutral tax rate of 40.05 cents, which was a reduction from the previous 47 cent rate due to revaluation

Budget requests were submitted by department heads in February, 2020; however, as the effects of Covid-19 became clearer, the County Manager had instructed them to resubmit their budgets and eliminate all new requests, as well as make any possible reductions without

causing a reduction in County service levels. The County Manager had reviewed the second submissions and made further reductions. He noted the budget and revenue performances could be re-examined at mid-year to ascertain whether it would be possible to accomplish some of the requested but not funded items. If revenue performance improved from current projections, the Board could later reconsider those eliminated items.

MOTION

Commissioner House motioned to set a Public Hearing for 9:30 a.m., June 1, 2020, and instructed the Clerk to publish the notice.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 5 – CONSENT AGENDA

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

MOTION

Commissioner Ross motioned to approve the Consent Agenda:

- 1) Approval of Minutes (05.05.2020) and Budget Workshop Minutes (05.08.2020)
(Att. #2, 2A & 3)
- 2) Outer Banks Regional Hazard Mitigation Plan Adoption **(Att. #4)**
- 3) Budget Amendment for Law Enforcement Officers' Special Separation Allowance Fund
- 4) Tax Collector's Report

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – 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 Couch

- He remarked he had driven many miles over the weekend trying to gauge the "visitorship" they had in Hatteras. Overall he was pleased with the first weekend of tourists coming down to the island and was pleased to see enough social distancing and mask wearing. It was hopeful the visitor turnout for Memorial Day weekend would also be good.
- He noted heartfelt sympathies over the loss of the young mother and child from Kill Devil Hills in a weekend fire as a tragic Outer Banks loss.

Commissioner Bateman

- He also noted the tragic loss of the young mother and child in Kill Devil Hills.
- He praised the County EMS for the great job they were doing along with all of the County employees in these times.
- He complimented the professional and clear manner in which the County Manager, Finance and staff had prepared the FY2021 budget and noted department heads did a great job and readjusted in a very short time their departmental budget requests.
- He commented on the social distancing and wearing of masks in the area in order to protect ourselves, with the observation many patrons were not as enthusiastic about wearing masks.

Vice-Chairman Overman

MOTION

Vice-Chairman Overman motioned to allow the County Manager to use any excess funds above the costs of Recovery Court expenses from the Recovery Court line item for use in the county for opioid mitigation, education, prevention or treatment.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

- He welcomed visitors back to Dare County and urged everyone to continue to use common sense recommendations to include proper social distancing and wearing masks, especially in areas and businesses highly populated when outside and around non-family members or groups. He reminded we were “still on the steep side of the learning curve of Covid-19” and mitigation efforts were still essential.
- He congratulated the County Manager, Finance Director and staff on a well-done budget.

Commissioner House

- He thanked all of the EMS staff for their dedicated services during EMS Week. They continued to do an outstanding service during this pandemic, as noted in the many calls and emails they received.
- He recognized last week’s National Law Enforcement Memorial Day paid tribute to the law officers who had made the ultimate sacrifice in the line of duty.
- Covid-19 Act had passed with a good share of those funds slated to come to North Carolina and filtered through the Marine Fisheries Commission to aid local fisheries. This relief fund would be in addition to the State provided program.
- He also thanked the County Manager for a well-presented, solid budget. He acknowledged it was not an easy task for each department to reconfigure their budgets, and he applauded their accomplishment.
- Tropical Storm Arthur had prevented the filming of a “Pet of the Week”, but he urged everyone to check the OBXSPCA website and to adopt a pet.
- For an historic note, he mentioned today was the anniversary of the 1980 eruption of the Mount St. Helens volcano.

Commissioner Ross

- He followed up on Commissioner House’s fisheries update with a note that President Trump had issued an executive order to protect and defend the national seafood supply chain, and it would be very impactful in stopping excessive restrictions and regulations on commercial fishing.
- The Albemarle Commission had completed their search for a new executive director. The three final candidates would be interviewed by the commission next week.
- He offered his thanks to Chief Collins and her EMS team for their service to the community.
- He thanked both Mr. Outten and Mr. Clawson for their patience in answering questions and their thorough presentation, analysis and explanation of the FY2021 budget.
- He remarked two teenagers caught in a rip current in Hatteras had recently been incredibly rescued.

Commissioner Tobin

- He remembered the tragic loss of Ryan Dodson, a tree arborist and former firefighter.
- He thanked all of the sheriffs who manned check points during these challenging times.
- He announced the dredge contract would be awarded to Conrad Shipbuilding. A completed contract, coming in well under expected estimates, would be introduced for review and approval in mid-June. The company also built the Merritt dredge, which would facilitate much of the preliminary engineering work, as it was similar. Project completion would be expected in approximately eighteen months.
- He thanked Mr. Outten, Mr. Clawson and staff for a great budget presentation.

Chairman Woodard thanked Commissioner Tobin and the task force for seeing to the forward movement of the dredge project.

The past few months had been extremely hard on everyone. He expressed gratitude to each commissioner on handling the County's needs during unprecedented and uncertain times. He wished everyone an enjoyable Memorial Day weekend, as we remember those who courageously laid down their lives for the cause of freedom and provided us inspiration.

MANAGER'S/ATTORNEY'S BUSINESS

Mr. Outten clarified his direction from the motion for use of any excess funds from the Recovery Court. He would use that discretion with direction and guidance from the Substance Abuse Task Force, in addressing the broad spectrum of County needs moving forward. The Board concurred.

He appreciated the Board's recognition of the EMS team's hard work along with the comments of praise for the individual county departments. He also acknowledged the exceptional efforts of the Finance Department's staff with budget preparations. He would share those comments during the departmental staff meeting tomorrow.

The County Manager explained there had been a request to modify the Rollinson Channel federal authorization to include the South Ferry Channel down in Hatteras. Brent Johnson and others working with the Corps may, from time to time, require a letter or resolution which would not coincide with upcoming Board meetings and delay advancement in the process. He suggested the Board give the authority to Chairman Woodard to sign correspondence and/or resolutions, as may become necessary to avoid time lapses in moving forward.

MOTION

Vice Chairman Overman motioned to permit the Board Chairman the authority to sign letters and/or resolutions necessary to include the South Ferry Channel in the federally authorized Rollinson Channel.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 6:40 p.m. the County Manager reminded the Board there was an on-going opioid litigation action and asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege with regard to the Dare v. Opioid Litigation.

MOTION

Vice Chairman Overman motioned to go into a Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner House seconded the motion.

VOTE: AYES unanimous

The Board adjourned to go into Closed Session at 6:40 p.m.

The meeting reconvened to Open Meeting at 7:03 p.m.

The County Manager reported during the Closed Session he had updated the Board on the pending opioid litigation and the Board took no action.

Finance Director:

Mr. Clawson provided an update on the new dog park and noted construction was complete as they waited reopening the park until the grass grew.

He also noted the DHHS project was still waiting for bids on the HVAC system.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 7:06 p.m., the Board of Commissioners adjourned until 9:00 a.m., June 1, 2020.

Respectfully submitted,



APPROVED:

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

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 are on file in the office of the Clerk to the Board.