



County of Dare

P.O. Box 1000 | Manteo, NC 27954

**MINUTES
DARE COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING**

8:30 a.m., July 6, 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
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 8:40 a.m. Chairman Woodard called to order the special meeting with appropriate prior public notice having been given. Commissioner Couch led in prayer and Chairman Woodard led the Pledge of Allegiance to the flag.

ITEM 1 – CLOSED SESSION

County Attorney Outten requested a Closed Session pursuant to the provisions of NCGS 318.11(3) to consult with an attorney hired or retained by the County to preserve the attorney/client privilege in the matters of Bailey v. Dare County, Dare County v. Purdue Pharma, et al (opioid lawsuit) and to take any actions as may be appropriate.

MOTION

Commissioner Tobin motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes as cited by the County Attorney.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

At 8:43 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 9:39 a.m. and Mr. Outten reported that during the Closed Session the Board and County Attorney discussed the Dare County v. Purdue Pharma matter and took no action.

Bailey v. Dare County was discussed in Closed Session. Mr. Outten advised a resolution of the case had been reached after a twelve-hour mediation of the matter had been conducted with the parties. The proposed settlement agreement would require Board approval.

He reviewed the terms of the agreement as follows:

(1) Non-resident property owners in Dare County would be classified similar to full-time residents during future “public health emergencies”. The World Health Organization defines a public health emergency as one that requires the governor to declare “an occurrence or imminent threat of an illness or health condition, caused by bio terrorism, epidemic or pandemic disease or a novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability”. “The declaration of a state of public health emergency permits the governor to suspend state regulations, change the functions of state agencies.”

In those events in the future, the County would classify a nonresident as a resident. He clarified the classification would not include hurricanes or other emergencies and would only apply in a health emergency, as earlier defined. The term “non-resident” would include property owners, their spouses, parents, children, brothers, sisters, grandparents, grandchildren, as well as step, half and in-law relationships.

(2) Dare County would formally readopt Chapter 92, the ordinance related to emergency powers.

(3) Dare County would pay certain plaintiffs’ attorney fees and costs totaling \$16,500.00.

(4) The proposed settlement would not constitute an admission of liability or fault on behalf of Dare County. Mr. Outten explained the plaintiffs would file a voluntary dismissal with prejudice which would release the County from any liability now or in the future.

MOTION

Vice-Chairman Overman motioned to approve the proposed settlement agreement.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 2 – BONNER BRIDGE DEMOLITION MATERIAL, (Att. #1)

The County Manager Outten presented this item and explained the NCDOT had requested a modification to their permit, as it related to placing the *Bonner Bridge* demolition debris on an artificial reef near Carteret County, rather than to the reefs off Dare County’s coast. He noted emails and calls had been received from area fisherman and community members opposing the proposed modification. The bridge debris would help enhance area reefs, which had not been maintained or supplemented with material for many years. Commissioner House commented the reefs off the coast had not been replenished with new material and local fishing associations agreed the Bonner Bridge debris would help promote a good fishing habitat for Dare County’s reefs.

MOTION

Commissioner House presented and motioned to adopt the Resolution Opposing Herbert C. Bonner Bride Debris Disposal Permit Modification

Commissioner Tobin and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 3 – REQUEST FROM THE DARE COUNTY TOURISM BOARD

County Manager advised the Tourism Board had presented a request to the Board to approve the use of up to \$25,000 from the Tourism Board’s Short-Term Restricted Fund for traffic control (off duty or overtime officers) at the US158/Ocean Boulevard intersection during the 2020 peak season summer months.

MOTION

Commissioner House motioned to approve the Tourism Board request.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Commissioner Ross inquired as to the status of the recently recorded public information segments regarding wearing of masks. Dorothy Hester advised the messages were part of a series and several would be available in the coming week.

Commissioner Tobin provided the Board with an update regarding recent contact by the State’s Ombudsman for assisted living facilities. There had been a survey and some discussion to possibly allow advocates to tour and inspect the facilities while wearing more sophisticated personal protective equipment. He would provide further updates as available.

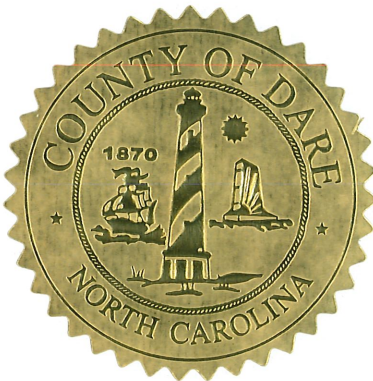
At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

MOTION

Commissioner House motioned to adjourn the meeting.
Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 9:58 a.m., the Board of Commissioners adjourned until 5:00 a.m., July 20, 2020.



APPROVED:

Respectfully submitted,

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 at this meeting are on file in the office of the Clerk to the Board.