



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

December 7, 2020, 9:00 a.m.

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 available for viewing on the Dare County website www.darenc.com.

Chairman Woodard called the regularly scheduled meeting to order at 9:04 a.m. with appropriate prior public notice having been given. He read the invocation offered by Father John Hanley, of Holy Redeemer by the Sea, and then led the Pledge of Allegiance to the flag.

The Clerk outlined the procedures for the swearing in ceremony and election of Chairman and Vice-Chairman. She noted the oaths of office would be conducted in order of district.

ITEM 1 – SWEARING IN CEREMONY (Att. #1)

The Clerk to the Board administered the oath of office to Wally Overman (District 1), Robert Woodard, Sr. (District 2), Steve House (District 3) and Danny Couch (District 4). The oath was in the form prescribed in Article IV, Section 7 of the North Carolina Constitution.

ITEM 2 – ELECTION OF CHAIRMAN (Att. #2)

The Clerk conducted the election and explained in accordance with Robert's Rules of Order, no second would be necessary for a nomination and four votes would be required to win the election.

NOMINATION

Commissioner Bateman nominated Commissioner Robert Woodard, Sr. for Chairman. There were no other nominations.

VOTE: AYES – Seven votes by a show of hands.

Commissioner Woodard was reelected as Chairman by unanimous vote.

ITEM 3 – ELECTION OF VICE-CHAIRMAN (Att. #3)

Newly re-elected Robert Woodard, Sr. conducted the election of Vice-Chairman.

NOMINATION

Commissioner Tobin nominated Commissioner Overman.

There were no other nominations.

VOTE: AYES – Seven votes by a show of hands.

Commissioner Wally Overman was reelected as Vice-Chairman by unanimous vote.

ITEM 4 - 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 gave an update on COVID-19 and asked everyone to continue their vigilance to protect themselves and others. Since March 1, 2020, there have been 1,133 reported cases in Dare County, as we remain in the orange category of the new North Carolina Covid Alert System. This indicates substantial community virus spread with 33.5 percent of all Dare County COVID cases occurring in November, 2020.
- The Health Department has been working with the State on our local vaccine plan. The first shipment would go to Outer Banks Hospital to healthcare workers who directly give care to COVID patients and later to high-risk individuals.

ITEM 5 – PUBLIC COMMENTS

At 9:22 a.m. the Manager outlined the procedure for making public comments via email to the Board at bocdc@darenc.com. No one responded to the invitation to address the Board.

The County Manager closed Public Comments at 9:23 a.m.

ITEM 6 – DARE COUNTY MOTORSPORTS CHARITY GROUP

Terry Gray, of the Dare County Motorsports Charity Group presented a \$21,000.00 charitable donation to Sandy Pace, Director of the Dare Center. He explained the private organization had come together 2016. Although there had been many difficulties this year, he thanked the community and local businesses for their generosity and assistance. The funds would be used to provide toys to Dare County children in need.

ITEM 7 – COMMUNITY FOR KIDS

Katy Bell and Vicki Basnight presented information on the Community for Kids non-profit organization. The group, which started with just a few concerned mothers, now distributed gently used clothing which was donated by the community to area elementary students. They hoped to broaden donations to include school supplies and musical instruments to create confidence in children and give them and their families one less concern. The organizers also wanted to instill positivity in Dare youth. As the community united to help children, it was anticipated the children would pass on the kindness to others. They had partnered with school guidance counselors to supply winter coats. Ms. Bell thanked the County Manager for space close to the elementary school which gave better storage and distribution of the clothing. The best way to schedule an appointment for clothing and assistance would be through the Community For Kids (C4K) website at www.c4kobx.org.

ITEM 8 – WAVES RETREAT CLUSTER HOME DEVELOPMENT– CUP AND SITE PLAN REVIEW

This item was handled as a quasi-judicial proceeding. Planning Director, Donna Creef, and the applicant, David Peres for Waves Retreat LLC, were duly sworn by the Clerk before offering testimony. An outline of the Conditional Use Permit (CUP) application from Mr. Peres was provided to the Board. Cluster homes were made part of the essential housing initiative with changes made to Section 22-31.1 Dare County Zoning Ordinance. This project would consist of twelve homes with one being an existing residence. Some of the conditions address the use of the current structure. The driveway would be improved to provide site access. One condition would require the residences to be occupied year round or on a long-term basis. A full account of the Board's discussion and action on this item is archived on a video available for viewing on the Dare County website.

The County Manager asked the applicant if he agreed to the findings of fact listed in the CUP, the supporting documents on file, and the terms, conditions and facts presented by the Planning Director, which included the year round occupancy requirement. Mr. David Peres indicated his agreement on behalf of Waves Retreat, LLC.

Mike Strader, engineer for Quibble, having been sworn, was available for questions. Commissioner Couch asked him to address a neighbor's concern regarding trespass issues on his property for those accessing the sound. Mr. Strader indicated this had been adequately addressed with a barrier on the southern perimeter to prevent additional occurrences of trespass.

MOTION

Commissioner House motioned to approve the site plan and draft conditional use permit as recommended by the Planning Board.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 9 – PUBLIC HEARING ON SERIES 2021 LIMITED OBLIGATION BONDS (Att. #4)

At 9:47 a.m. the Board held a Public Hearing to receive input concerning this item. The Manager outlined the procedure for making public comments. No one responded. The County Manager closed the Public Hearing at 9:48 a.m.

Dave Clawson gave the order of the bond process for the next two weeks: the audit had been turned in as we wait for the final compliance for the Cares Act. He would send out document drafts for the preliminary offering statement for Board review, which would be provided for the public bond sale per SCC regulations. A Public Facilities meeting would be held prior to the next Board meeting to approve the Non-Profits Resolution. A rating agency review would be on December 15 and 16. Commissioner Ross asked at what rate the bonds were expected and Mr. Clawson responded the last rate was 2.8.

ITEM 10 – PRESENTATION OF COUNTY SERVICE PINS

The following Dare County employees received service pins for their service to Dare County: Elizabeth Reilly, Jeff Deringer, Sheriff Doug Doughtie, Jill Liverman and Erick Portilla received ten-year pins. David Saffell and Dustin Walston received fifteen-year pins. The County Manager presented the segment while a photograph of each employee was displayed.

ITEM 11 – DARE COUNTY TOURISM BOARD REQUEST CONSENT EXPENDITURE FROM SHORT TERM UNAPPROPRIATED LINE ITEM 4999

Lee Nettles presented this item with seven TIG (Tourism Impact Grant) awards, which are made annually. This year they include a redevelopment at Meekins Field, a 3.19 mile pathway in Hatteras Village, assistance for the Manteo Town Common project with restrooms and informational kiosks, a pedestrian connection along Admiral Street in Nags Head, a redesign and installation of a skate park in Nags Head, replacement of a portion of the parking lot with environmental improvements to Baum Bridge boating area and replacement of security cameras and other improvements to the Outer Banks Gun Club range. These grants would total \$814,640.00. The Board inquired as to the decision process for these grants and Mr. Nettles responded the impact on tourism and public safety comes into consideration with each project. Chairman Woodard commended the Tourism Board on what they give back to the community over the years.

MOTION

Commissioner Bateman motioned to consent to expenditures totally \$814,640.00 for TIG Awards from the Short Term Unappropriated Line Item 4999.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – CHAPTER 160D – NC LAND USE LAWS (Att. #5)

Donna Creef, Planning Director, explained the 2019 NC General Assembly had adopted legislation which updated and combined statutes relating to planning, zoning and building codes. Revisions to land use ordinances must be adopted to ensure consistency with Chapter 160D. An outline of the amendments was provided and public hearings would be scheduled prior to adoption of the revisions. The Board discussed the big undertaking for the Planning Department and the County Manager explained much of the revision would be technical with definition changes; however, many processes would be much the same. The difficult and time-consuming task would have our Ordinances track the updated language.

BOARD RECESSED at 10:22 a.m. and RECONVENED at 10:42 a.m.

ITEM 13 – GUARANTEED MAXIMUM PRICE FOR COLLEGE OF THE ALBEMARLE PROJECT

Dave Clawson explained the Barnhill GMP was currently \$114,000 under the not-to-exceed number set by the Board in August. The total project was \$238,000 under the not-to-exceed estimate. He brought the Board's attention to the Final GMP Alternates Summary and indicated the GMP included items 1 (preferred door hardware) and 3 (add standing seam roof in lieu of shingles). The architect was reviewing the scope of items 4 (enhanced landscaping), 5 (free-standing canopies at entry) and 6 (vertical airfoil shades). There was also consideration given to painting the exterior back of the Professional Arts building the same color as the new project to realize some savings. Board discussion followed.

MOTION

Vice-Chairman Overman motioned to approve the final guaranteed maximum price and a total project budget for the COA project totally \$16,054,537.00, approve Barnhill change order for GMP, and to approve the Capital Project Ordinance for Series 2021A LOB's
Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 14 – DESIGNATION OF VOTING DELEGATES TO NCACC LEGISLATIVE GOALS CONFERENCE

The North Carolina Association of County Commissioners would hold their bi-annual Legislative Goals Conference virtually on January 14-15, 2021.

MOTION

Vice-Chairman Overman motioned to approve Chairman Woodard as voting delegate. Commissioners Ross and Tobin seconded the motion.

VOTE: AYES unanimous

MOTION

Chairman Woodard motioned to approve Vice-Chairman Overman as alternate voting delegate.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – EASEMENT TO TOWN OF NAGS HEAD – 9013 E. HUNTER STREET

The Town of Nags Head had requested an easement across this County-owned parcel, as part of the preparation for their beach nourishment project. County Manager reminded the Board the remnant parcel was not buildable and became owned by the County in the 1990's.

MOTION

Commissioner House motioned to approve the easement, as attached, and authorize the County Manager to execute.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 16 – REQUEST TO SELL 48944 NC HWY. 12 - PARCEL 026511000, BUXTON HARBOR

County Manager Outten explained this portion of the parcel adjoined the road and was approximately \$6,500 square feet. An offer had been made for 20,000 for the property. Once a resolution was adopted, the proper advertisement could be published and the bid process would move forward.

MOTION

Vice-Chairman Overman motioned to authorize the sale, approve an offer and approve the resolution declaring the parcel as surplus property for the County.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 17– CONSENT AGENDA

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

MOTION

Commissioner House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (11.16.2020) **(Att. #6)**
- 2) Authorization to Present Service Weapon to Retiring Deputy Sheriff
- 3) Dare County Transportation TITLE VI Plan – 2020
- 4) Revised Schedule of Meeting Dates for 2021 **(Att. #7)**

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 18 – BOARD APPOINTMENTS

1) **Senior Tar Heel Legislative Delegates**

Vice-Chairman Overman motioned to reappoint Kaye White as Legislative Delegate and Sue Kelly as Alternate.

Commissioners Bateman and House seconded the motion.

VOTE: AYES unanimous

2) **Special Motor Vehicle Valuation Review Board**

Commissioner House motioned to reappoint Danny Couch, Dock Sawyer and David Light for another one-year term.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

3) **Parks and Recreation Advisory Council**

Vice Chairman Overman motioned to reappoint Missy McPherson for another term.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

4) **Board of Equalization and Review**

Commissioner Bateman motioned to reappoint Nelson V. Jones, Jonathan Waddill, Jeffrey Scott, Terry Gore and Charles Evans for another one-year term.

Commissioner House seconded the motion.

VOTE: AYES unanimous

5) **Upcoming Board Appointments**

The upcoming Board appointments for January, February and March, 2021 were announced.

ITEM 19 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager remarks can be viewed in their entirety in a video on the Dare County website. A brief summary of the items mentioned follows:

Commissioner Tobin

- Announced and welcomed Tanya Lamo as the new County Extension Service Director.
- He explained the Murden had been dredging the southern route with many successful days and over 2,000 feet in one day as they attempt to get a ten foot depth.
- The Coastguard was moving their navigational aids and a new route was being marked.
- Congratulated Roger Bullock, integral with the Corps, on retiring January 2, 2021.
- Gave an update on construction of the new dredge with a preconstruction meeting scheduled for December. They were close to having all of the engineering and computerized milling complete. Complete plans were in for the drag heads.

Commissioner Ross

- He congratulated our re-elected Commissioners.
- Acknowledged the superb work by the County's Finance Department.
- Congratulated the service pin recipients and gave an additional "well done" to Erick Portilla, who was a "tremendous asset to this County".
- Reminded everyone to stay COVID vigilant, faithful and have a Merry Christmas.

Commissioner Couch

- Reported the passing of Don Bridge, who had been an integral part of the Dare County arts community for many years to include Lost Colony performances.

Commissioner House

- Provided historical details about the declaration of war process after the invasion and bombing of Pearl Harbor on December 7, 1941. He also mentioned the multitude of civil rights actions which were championed by Jeannette Rankin, the Montana representative who voted against the declaration of war. He noted it was important to look at her entire record rather than her one declination vote after Pearl Harbor.
- Noted Delaware became the first state to ratify the U.S. Constitution on December, 1787.
- On December 7, 1972, Apollo 17 was launched as the last United States moon mission.
- Reported on the Jeep Toy Run which was a success with \$1,000 and countless toys for Dare County youth.
- He announced Steve Murphey was retiring as Director of the NC Marine Fisheries after thirty-years of service and wished him well.
- He thanked the citizens of Dare County for his re-election as Commissioner and wished everyone a safe holiday season and Merry Christmas.

Commissioner Bateman

- Congratulated his fellow commissioners on their reelection and added it was a pleasure to serve with each of them.
- Reported on a participant of the Recovery Court Program, who now had a good job and was buying a home. There were currently eighteen in the program changing lives one at a time. Vice-Chairman Overman suggested perhaps he would consider providing the Board with his testimony and progress through the program.

Vice-Chairman Overman

- He thanked the Board for his reappointment as Vice-Chairman.
- Congratulated the service pin recipients with a total of eighty years of service.
- Thanked Terry Gray for the Toy Run t-shirt and his dedication to Dare County's children.
- Announced there were helicopters in search of an over-turned kayaker who would hopefully be found safe.
- He introduced a resolution to the Board recommending Oregon Inlet be declared in a state of emergency due to unsafe navigation conditions and related economic impact.

MOTION (Att. #8)

Commissioner Bateman motioned to adopt the Resolution for Oregon Inlet to address the emergent and critical need.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Chairman Woodard

He thanked the Board for their continued support in electing him to serve as Board Chairman for another term. He wished citizens early Happy Holidays and encouraged everyone to continue to take personal responsibility to prevent spreading the virus.

MANAGER’S/ATTORNEY’S BUSINESS

Mr. Outten advised the Board he had received the renewal of the County’s yearly lobby contract with McGuireWoods. The terms were unchanged.

MOTION

Commissioner Couch motioned to approve the renewal of the lobbyist contract with McGuire Woods and to authorize County Manager to execute the contract.

Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

County Manager presented a resolution which would designate Brent Johnson as primary Dare County Agent and Mr. Outten as secondary agent for the home elevation program under FEMA grants for Hurricane Dorian damages.

MOTION

Vice-Chairman Overman motioned to appoint Brent Johnson as primary agent and Robert Outten as secondary agent for Hurricane Dorian Disaster Relief.

Commissioner House seconded the motion.

VOTE: AYES unanimous

Dorothy Hester announced the ground breaking for the new COA project would be a small event held on December 10, 2020, at 10:00 a.m. and would be live streamed for the public.

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

MOTION

Commissioner Tobin motioned to adjourn the meeting.

Commissioners House and Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

At 11:27 a.m., the Board of Commissioners adjourned until 5:00 p.m., December 21, 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.