



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., December 21, 2020

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

Commissioners absent: Steve House -

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.

At 5:04 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He reported Commissioner House had an excused absence. The invocation was provided by Rev. Cynthia Simpson of All Saints Episcopal 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 can be viewed in their entirety in a video on the Dare County website:

- He reminded everyone to limit their group exposure over the holidays. It had been a challenging 2020 for everyone as we look forward to better days. There had been a huge increase in COVID cases in the entire State and the County after Thanksgiving. He urged everyone to maintain social distancing, continue to wear masks and wash hands frequently to help the entire community. He noted he was personally thankful for all of those in Dare County who had worked to keep us safe, well and supplied during the COVID crisis. This included the healthcare workers, EMS, first responders and those working hard to keep our supply chain filled. He noted thanks to the many who have reached out to help their neighbors. He wished everyone a safe and Merry Christmas as we pray for a healthy, happy and prosperous 2021.
- He recited the lyrics from “My Grownup Christmas List” which included a message for a “world in need” where “times would heal all hearts” and “love would never end”.

ITEM 2 – PUBLIC COMMENTS

At 5:13 p.m. the Manager opened public comments via email to the Board. No one responded to the invitation to address the Board. The County Manager closed Public Comments at 5:14 p.m.

ITEM 3 – JOE THOMPSON (AVON PIER LLC) TRAVEL TRAILER SITES ON EXISTING COMMERCIAL PROPERTY CUP APPLICATION (AVON BY THE SEA RV PARK)

This agenda item was handled as a quasi-judicial proceeding. Prior to offering testimony, Joe Thompson, on behalf of Avon Pier LLC, and Noah Gillam, from the Planning Department, were duly sworn by the Clerk. Mr. Gillam gave an overview of the applicant’s conditional use permit for two acres of the 4.85 acre parcel known as Avon by the Sea RV Park currently used as a commercial site. The applicant proposed 26 sites with 15-foot separation between each on the area to be dedicated solely for travel trailers and had submitted a site plan which was provided to the Board. The existing onsite infrastructure would be used for storm water, wastewater treatment and disposal. Land disturbance would be less than one acre and would not require a permit from NC Division of Environmental Quality. The Dare County Planning Board had reviewed and recommended approval of the proposal at their November 9, 2020 meeting. The Fire Marshal had added a few conditions.

The County Manager asked the applicant if he agreed to the findings of fact listed in the CUP, the supporting documents on file with his consent, and the facts and evidence presented by the Planning staff. Joe Thompson, on behalf of Avon Pier, LLC, indicated his agreement. Mr. Thompson added he was excited about the project which was “trending in the market place” and would be good for the community. He applauded the Planning Department’s proactive job in assuring each project followed the same ordinances and specifications.

MOTION

Commissioner Tobin motioned to approve the proposed travel trailer sites in conjunction with an existing commercial property with the site plan submitted as recommended by the Planning Board.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 4 – PRESENTATION OF FISCAL YEAR 2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDIT RESULTS

Dave Clawson and Bob Taylor, CPA, of Potter & Company, presented the Comprehensive Annual Financial Report along with audit results for the fiscal year ending June 30, 2020. There were no findings or questioned costs revealed in the audit and the only material weakness was the Capital Projects Fund negative fund balance realized due to the delayed debt issuance. The County received its 29th consecutive GFOA (Government Finance Officers Association) award, which was a tribute to the reporting efforts of the Dare County Finance Department’s conscientious staff. Even with the impact of COVID on retail and other revenues, the CAFR reflected positive year-to-date figures in Article 39, 40 and 42 sales tax figures, as well as in occupancy, land transfer taxes and the Register of Deeds collections. Mr. Taylor referred to and highlighted several pages of the Financial Statement, which had been posted on the Dare County website. The County Manager noted it was a good financial statement and the Finance Department had worked very hard. Department Heads had also been diligent on managing their budgets while maintaining good service to taxpayers.

ITEM 5 – RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR THE FINANCING OF CERTAIN COUNTY FACILITIES AND EQUIPMENT, AND AMENDMENT TO THE CAPITAL PROJECT ORDINANCE FOR COSTS OF ISSUANCE (Att. #1)

Finance Director Clawson presented a summary of the resolution to be approved as the final action needed for the issuance of the Series 2021A Limited Obligation Bonds. The resolution would allow the County to enter into an Installment Purchase Contract with the Dare County Public Facilities Corporation and a Deed of Trust which would pledge the DHHS buildings, project and site as collateral. The Board had been provided the drafted security instruments for review and approval. A public hearing on this item had been held on December 7, 2020. The issuance of Limited Obligation Bonds would support the following projects:

College of the Albemarle (new construction less bonds from State)	\$16,120,560
Dare County Department of Health & Human Services (construction and renovation of existing bldgs.)	5,738,583
Dare County Animal Shelter (Budget & GMP) (new construction)	6,596,988
Manteo High School Roof Replacement	1,012,600
Property & Bldgs. at 711 & 715 N. Highway 64/264, Manteo	789,959
Property at Buxton (purchase land and building)	320,043
DC 2020 CIP Equipment (EMS computers and cardiac monitors)	<u>1,498,316</u>
	TOTAL: \$32,077,049

Mr. Clawson also provided summaries of bond pricing, bond summary statistics and bond debt service.

MOTION

Commissioner Ross motioned to adopt the Approving Resolution and adopt the amendment to the Capital Project Ordinance

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 6- REVIEW OF 2021-22 GRANT APPLICATION FROM THE ECONOMIC IMPROVEMENT COUNCIL

The Economic Improvement Council (EIC) presented their 2021-22 Community Services Block Grant Program application for funding to the Board for review with no action required. The federal grant was designed to help support a wide range of community-based activities to reduce poverty, assist in securing low-income individuals and families with employment and training, education, housing, Head-Start Programs and other regional Northeastern Carolina community services. The County Manager gave the Board an overview of some of the services provided to break down the barriers of poverty and offered to look into any Board questions. Commissioner Ross followed up with concerns on the five or ten years metric of the ROMA (Results Oriented Management Accountability) and whether any progress was being made. It was proposed that post-COVID there would be further discussion with the program director of the council which served the ten counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Perquimans, Pasquotank, Tyrrell and Washington.

ITEM 7 – HOME HEALTH HOSPICE UPDATE

The County Manager gave an overview of the Dare County Home Health Hospice Program which had been very successful; however, recently it struggled to keep and retain nurses. Some of the difficulty was believed to be the irregular hours. The result has been a limit to how many people are served by the program. to limit how many people we can take in due to no nurses. Revenues had gone down and costs to provide the services had risen. For more than a year the Health Department had been working on resolving the issues with options to change salaries; subsidize the services or let the free market come in to run the program. No decisions had been made and the Board would be brought in for determination of what would be best for the community. The option of the free market had been discussed with Erin Roberts of Roberts Law Office, who specialized in this area. She could provide information on that option at a flat fee cost of \$37,500, or an hourly rate. The County Manager assured no recommendation could be made to the Board without first investigating all options and to insure concerns of our current employees would be adequately and properly addressed per the current market. He asked the Board for authority to retain Roberts Law Office to begin the complicated procedure. The Board discussed briefly as to the all-inclusiveness of the costs, the timetable estimations to include RFQ's and the continuance of in-home care. Once the providers are known, more answers could be provided with an emphasis on the compensation of our nurses, the number of staff needed and maintaining the level of patient care. Currently Dare is one of eight counties that provide home health hospice.

MOTION

Commissioner Couch motioned to give authority to the County Manager to retain Roberts Law Office to serve as special counsel for a flat fee of \$37,500.00 to cover legal and consultant services.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – BEACH NOURISHMENT FUNDING PLAN PROPOSAL

Bobby Outten advised Avon has struggled with beach nourishment issues and looking for a way to fund a beach nourishment project to keep water off Hwy 12 and protect the ocean side homes from over wash. We engaged a study of the cost with a report of \$14 million if done alone or \$11 million if done in conjunction with the Buxton project. Southern Shores was also looking into a nourishment project for the Beach Nourishment Fund to aid them as well. In the past Dare has funded all the projects over the years. Currently there was \$8.5 million in available funds. Southern Shores' project was estimated at \$14-16 million and they are ready to move forward. There are currently \$25 million in projects to be funded. The County Manager had collaborated with the Finance Director over several models to be prioritized by the Board. Each town and the County had received a \$1.4 million State grant for beach nourishment not tied to any particular project. Our policy has been how to leverage our dollars to spread as much sand as possible across all of Dare County. If the County reduced the amount given to each town by the amount of the grant, more projects could be realized. He presented the proposal with an example to increase the taxes on the project areas. This would allow immediate funding of the projects and maintenance of the projects while maintaining necessary reserves. The Manager and Chairman had discussed the proposal with the Mayors. He would take them through model examples at their January meetings to further outline possible implementation of the projects. At the first or second meeting of the

Board in January, it could be decided whether to tax the project area side of these various projects and the amount of County funding to each town's project. The Board discussed how Oceanside areas would be enthusiastic while Soundside residents would be resistant. The State Grant was restricted for beach nourishment. Chairman Woodard noted the import of the "economic engine" of maintaining sand on our beaches and added this plan would help the areas in immediate need. Commissioner Couch added the communities would be able to voice whether they would agree with the proposal. The County Manager advised it was the goal of the Fund to support all of Dare County's beaches for the continuity of community services to include doctor appointments and trips to the grocer. Commissioner Tobin inquired as to the tiers of the tax and County Manager noted it would be a two-tier tax. It would be the future decision of the Board as to how the tax would be set, the rate of the tax each year and whether it would remain in perpetuity for maintenance of the projects. The topic would be revisited in January Board meetings with projects expected to begin in 2022.

ITEM 9 – ALLIS HOLDINGS, LLC – DECLARATION OF CONSERVATION EASEMENT

County Manager Outten addressed the Board regarding the water tower in Duck and is located next to a shopping center. Allis Holdings, LLC, owner of the center, has requested a conservation easement. They want to add much needed parking and have some wetlands to fill. The conservation easement would be located on Dare property near the water tower. The Water Department Director had advised the only impact to the County would occur when the tower needed to be painted and staging would be needed for maintenance. The value of the easement had been set by Allis at \$10,000 to be paid to the County. The Board had previously approved the easement; however, the design had not been completed at the time of approval. The Manager asked the Board for authority to sign the Conservation Easement on the condition that a satisfactory Staging Agreement would be created for future water tower painting and maintenance. Commissioner Couch asked whether fencing around the tower would be needed and the County Manager advised fencing was already in place.

MOTION

Vice Chairman Overman motioned to approve the conservation easement and gave authority to the County Manager to sign final Declaration of Conservation Easement with a satisfactory Staging Agreement for when we need to paint the tower.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – PLACEMENT OF OCRACOKE SCHOOL DEMOLITION IN THE DARE COUNTY LANDFILL

The County Manager explained Ocracoke needed a new school after the damage realized from Hurricane Irene. As they began demolition, they needed somewhere to dispose of the debris. The current policy was Dare landfills were restricted for use only by residents. Ocracoke had an urgent need to transport the frame-structured school demolition material to Manns Harbor to maximize the funding for the new school project and had agreed to pay tipping fees to Dare.

MOTION

Commissioner Bateman motioned to approve and authorize Ocracoke to transport their school demolition debris to the Dare County Landfill.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 11 – CONSENT AGENDA

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

MOTION

Commissioner Couch motioned to approve the Consent Agenda:

- 1) Approval of Minutes (12.07.20) (Att. #3)
- 2) DHHS – Social Services Division COVID APS/CPS Essential Worker Funding Amendment
- 3) Tax Collector’s Report

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – BOARD APPOINTMENTS

Dare County Tourism Board

Outer Banks Chamber of Commerce

Commissioner Ross motioned to appoint Tim Beacham.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

Outer Banks Hotel/Motel Association

Commissioner Tobin motioned to reappoint Jamie Chrisholm for another term.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Town of Duck

Vice-Chairman Overman motioned to appoint Monica Thibodeau.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

Town of Southern Shores

Vice-Chairman Overman motioned to reappoint Leo L. Holland for another term.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Town of Manteo

Commissioner Tobin and Vice-Chairman Overman motioned to reappoint Bobby Owens for another term.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Hatteras Island – Member at Large

Vice-Chairman Overman motioned to appoint Donna L. Peele.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 13 – 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 Bateman

- Remembered James McCleave, a good friend who had passed away over the weekend and had been a longtime and well-respected employee of the Town of Manteo.
- Wished everyone a Merry Christmas and a Happy and prosperous New Year.

Vice-Chairman Overman

- Wished everyone a Merry Christmas and Happy New Year to everyone and please stay safe.

Commissioner Ross

- He noted Dr. Davies’ report indicated the first doses of COVID vaccine had arrived in Dare County and were being distributed today.
- Congratulated Dave Clawson and the Finance Department for all of the work in the CAFR report, as well as the approved \$32 million LOB resolution.
- Commended Chairman Woodard on his tireless energy and drive, which had brought the College of the Albemarle project to fruition.
- Cares Acts had announced \$32 million funding for broadband expansion in North Carolina. He reported the Albemarle Region would not receive any funding.
- He wished everyone best wishes for Christmas and the New Year.

Commissioner Tobin

- Page Lilly, who had done a fantastic job with 4-H in the past three years, was retiring.
- Reported on the progress of the new dredge project and the latest discussion and resolution of the propulsion sketch configuration and weld specs for stiffening bars.
- Had recently met Col. Ben Bennett at the Corps of Engineers and had a good conversation regarding the Task Force history, funding and community needs. They also discussed the need to have Hatteras Inlet marked as a federal channel for future dredging possibilities.
- He remembered the McCleave family with the loss of James McCleave. He also noted Harry Kaplan had recently lost his father, Arthur Kaplan, who had been a nuclear physicist. Mr. Kaplan had written a touching tribute.

Commissioner Couch

- He reported on the progress of the dredging of Shallowbag Bay.
- Noted he would be on the lookout for the “Christmas Star”, as he headed back home. Jupiter’s moons and the rings of Saturn were expected to be visible for the first time in a conjunction tonight.

MANAGER’S/ATTORNEY’S BUSINESS

County Manager presented and read a letter from Ricki Shepherd, Chair of the Hatteras Village Community Center District, who thanked the Board for approving the Tourist Impact Grant to Hatteras Village provided by the Outer Banks Visitors Bureau.

Mr. Outten presented a Budget Amendment for the Board of Elections. The State Board of Elections had provided COVID-19 response funds of \$13,908 for one-stop worker bonus pay.

MOTION

Commissioner Tobin motioned to approve the budget amendment

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

County Manager reported the Health Department had received 400 doses of COVID-19 vaccines and would begin administering them to the priority 1A healthcare workers.

The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the County in order to preserve the attorney-client privilege.

MOTION

Commissioner Tobin motioned for a Closed Session

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 7:20 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 7:46 p.m. and Mr. Outten reported that during the Closed Session the Board gave the County Attorney guidance and took no other action.

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

MOTION

Commissioner Tobin motioned to adjourn the meeting.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

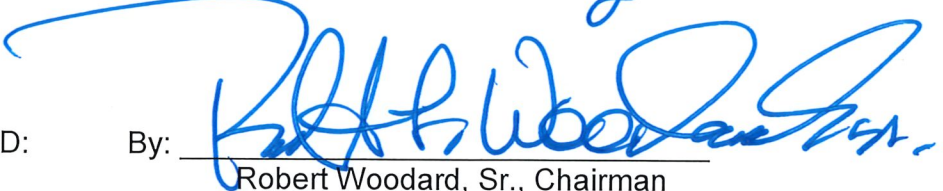
At 7:47 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 4, 2021.



Respectfully submitted,

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.