



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., February 1, 2021

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 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 9:01 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. (Due to audio technical difficulties the meeting was recessed). Meeting resumed at 9:11 a.m. Chairman Woodard read the invocation provided by Rev. Keith Dey and then 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 the Chairman during his opening remarks, which can be viewed in their entirety in a video on the Dare County website.

- Last week the County Manager, Vice-Chairman Overman and he met virtually with Representative Hanig, Senator Steinburg, DOT representatives and representatives of Burris and Tillis offices to discuss the critical replacement of the Alligator River Bridge.
- Thanked those who listened to the State of the County address last week which informed of Dare County’s progress and successes in 2020.
- Asked everyone to continue participation in practicing the 3 W’s. Currently there had been over 2,500 COVID cases in Dare County. To date in excess of 6,000 vaccinations had been administered. He thanked Dr. Davies and her staff for all of the hard work they have done since March.

ITEM 2 – PUBLIC COMMENTS

At 9:19 a.m. the County Manager opened the meeting for public comments via email to the Board at DCBOC@darenc.com. No one responded to the invitation to address the Board. The County Manager closed Public Comments at 9:20 a.m.

ITEM 3 – PRESENTATION OF COUNTY SERVICE PIN – February 2021

Shanna Fullmer, Director of Public Works, was recognized for her twenty-five years of service to Dare County. The County Manager presented the pre-recorded segment while a photograph of Ms. Fullmer was displayed.

ITEM 4 – CLARK CLUSTER HOME GROUP DEVELOPMENT (MARITIME RIDGE)

This agenda item was handled as a quasi-judicial proceeding. Before offering any testimony, the Assistant Planning Director, Noah H. Gillam, and all parties to this proceeding were duly sworn by the Clerk to the Board. Mr. Gillam outlined the Conditional Use Permit (CUP) application from Christopher and Kathryn Clark and noted their property in Frisco at 50636 NC 12 Highway was presently zoned S-1 and cluster homes were permitted. Mr. and Mrs. Clark proposed to construct four 900 sq. feet homes, each with two gravel parking spaces. Appearing on behalf of the applicant: Engineer Michael Strader indicated they were making use of the existing infrastructure and the application was a good proposed use and in complete compliance with the ordinance.

The County Manager asked Mr. Strader if he was authorized to speak for the applicants, which he affirmed. Mr. Outten then asked if they agreed to the admission into evidence of the material submitted by the Assistant Planning Director, which was on file in the Planning Department, the facts presented by the Planner, and the terms and conditions outlined in the CUP. He had seen the CUP and agreed on behalf of the applicants, Mr. and Mrs. Christopher Clark.

MOTION

Commissioner House motioned to approve the proposed cluster home development and site plan submitted by Christopher and Kathryn Clark, as recommended by the Planning Board. Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 5 – ADDITIONAL REVISIONS TO TRAVEL TRAILER PARK AND CAMPGROUND ORDINANCE (Att. #1)

Donna Creef reviewed the substantial revisions adopted in October, 2020 to the Travel Trailer Park and Campground Ordinance. These included a provision for camper cabins and alternative camper units to be included at a campground at a 50/50 ratio. At the request of the Board in October, the Planning Board and staff had additional discussions regarding those ratios. The Planning Board had several months of discussions and now recommends amending the ordinance to allow 100% camper cabins or a higher ratio of camper cabins and alternative camping units at a decreased density. At 50/50 percent, there was a density of twenty-eight units per acre. The Planning Board proposed it may be appropriate to have the free-market forces decide what the appropriate ratio would be; however, if the ratio went up then the density would decline. There was also a Board request to make sure the lot coverage language was correct. Currently the ordinance excluded the wetlands areas but allowed pervious roads for balance. There was, therefore, no recommended change for the lot coverage language. There was a recommendation to change the language as to the ratios for camper cabins and alternative camper units. Before additional modifications could be made to the Travel Trailer Park and Campground Ordinance, a Public Hearing would be held and was suggested for February 16, 2021.

The Board began discussion and received clarifications from both Ms. Creef and Mr. Outten. Ms. Creef explained that per the example provided there was a 1,500 square foot requirement for campground sites. In a fixed layout of 1,500 square feet, an acre would accommodate twenty-eight sites. Commissioner Ross noted that as the travel trailer sites decrease, the cabins increase and the density decreases. With the Planning Board example, at the fifty percent level, there would be 140 trailers and 140 cabins. At the one hundred percent level, the trailers would be gone and the cabins remain at 140. Ms. Creef explained that was the tradeoff. If developers decided to have all cabins they would be held to the fourteen units per acre requirement. There would be fourteen camper/cabins per acre regardless of the total size of the tract. With a 100 percent of camper/cabins, there would be a proposed increase in developer overhead and maintenance expenses. The vacant property of the travel trailer site would have no anticipated upkeep costs. The Planning Board's goal was to address both the concerns of the Board and the public comments recently received. At 100 percent camper cabins, there would be a decrease in density so there would not be an inconsistency with the group-housing standards. In the October meeting, the discussion involved the definition distinction that a campground needed to have both cabins and travel trailer sites. The benefit of the 50/50 ratio for the developer would be increased density overall.

Commissioner Bateman commended the Planning Board for their due diligence. He offered an example where he had recently visited a campsite with 480 sites. At the time only four of the ninety-six small houses were occupied and all of the trailers were rented. He felt the ordinance allowed a developer the flexibility of having travel trailers and later, if the market shifted to the popularity of cabins, the ability of building cabins on previous trailer sites. Chairman Woodard agreed and noted travel trailers were currently very popular and preferred to cabin rentals.

MOTION

Commissioner Couch motioned to schedule a Public Hearing for February 16, 2021 at 5:00 p.m. on the proposed revisions to the Travel Trailer Park and Campground Ordinance as recommended by the Planning Board.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DARE COUNTY HOME HEALTH HOSPICE, (Att. #2)

Mr. Outten explained in an effort to find ways to solve some of the problems with the Dare Home Health and Hospice the Board had previously authorized retaining counsel to investigate whether it would make sense to sell the agency. In order to solicit information and potential proposals, the statute required publication of a notice and a resolution of intent. Mr. Outten reiterated no decisions had been made and this step would allow the County to solicit proposals for consideration. He read the resolution into the record, a copy of which would be on file with the Clerk to the Board. Commissioner House restated no decision had yet been made. The resolution would allow the county to look at all available options.

MOTION

Commissioner House motioned to adopt the Resolution Supporting Home Health and Hospice Request for Proposal.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 7– 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 (01.19.21) **(Att. #3)**
- 2) Reimbursement Resolution – Fiscal Year 20/21 Vehicle & Equipment Financing #2 **(Att. #4)**
- 3) Dominion Easement for College of The Albemarle Project
- 4) Department of Health and Human Services – Public Health –COVID-19 Funding

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 8 – BOARD APPOINTMENTS

1) Dare County Transportation Advisory Board

Commissioner Couch motioned to appoint Amanda Hooper and Lorenzo Foster to the Dare County Transportation Advisory Board.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

2) Upcoming Board Appointments

The upcoming Board appointments for March, April and May, 2021 were announced.

ITEM 9 – 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

- Congratulated Shanna Fullmer for her hard work and service.

Commissioner Couch

- He thanked Shanna for her dedication and noted the position was a “lightning rod” for public comment and response.
- Noted the Rodanthe Bridge was close to being completed by the end of the year. The project had employed many local residents and may be done by the fall.

Commissioner Tobin

- Thanked Dr. Davies and her staff for operating an amazing program of vaccine rollout.

Commissioner Ross

- Asked everyone to keep Tatum Love, a junior from First Flight High School, who was recently injured in an automobile accident in their thoughts and prayers.
- He reported the new officers of the Albemarle Commission were as follows: Lloyd Griffin is the Chairman, Jordan Davis is Vice-Chair and Fondella Leigh is Secretary.
- He and his wife received their COVID vaccines last week and he thanked Dr. Davies and all those involved with the professional and smoothly run operation.

Commissioner House

- Congratulated Dr. Davies for going above and beyond during the pandemic and applauded how smoothly the vaccine operation was being run.
- Mentioned there was a funding page for Tatum Love and urged contribution.
- NC House of Representative Tim Moore had recently announced the 2021/22 committee and chairman assignments. He added the Marine Resources and Aqua Culture Committee and had appointed Representative Hanig as chairman. Rep. Hanig had a good knowledge of both commercial and leisure fishing issues.
- The CCA (Coastal Conservation Association-North Carolina) had filed a lawsuit against the State and a few fishing trawlers about the use of shrimp trawling and gill nets. The NC Fisheries Association had joined with the state to file a motion in court to dismiss the action and to lay hands with the state to combat the facts of the lawsuit.
- He noted yesterday was the 100th anniversary of the shipwreck known as the *Carroll A. Deering*, which went aground in Cape Hatteras. The vessel had been found with no crew, life jackets or life rafts and became known as the *Ghost Ship*.

Vice-Chairman Overman

- Extended his thanks to Shanna Fullmer for her 25 years of services.
- Expressed best wishes and prayer for Tatum Love during recovery.
- Inquired whether the Board or County might prepare an amicus curiae brief to join the state in the CCA lawsuit. County Attorney Outten advised such a brief could be filed; however, it would be necessary to join as a defendant or third-party defendant dependent on whether the current parties felt it would benefit the action. He advised an amicus brief could not be filed at the trial level.

MANAGER'S/ATTORNEY'S BUSINESS

County Manager Outten mentioned the administering of the COVID vaccine was going smoothly; however, there continued to be an issue with the number of doses released to the County. He assured Dr. Davies and her staff were doing everything possible to secure additional doses.

Mr. Outten asked for a Closed Session pursuant to NCGS 143-318.11(a)(5) to instruct the County staff, or negotiating agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract, or proposed contract, for the acquisition of real property by purchase, option, exchange, or lease in the matter of Conch Street Endeavors and to maintain attorney/client privilege.

MOTION

Commissioner House motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 10:28 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 11:47 a.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney, and took no action.

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

MOTION

Commissioner Couch motioned to adjourn the meeting.

Commissioners Bateman and Ross seconded the motion.

VOTE: AYES unanimous

At 11:48 a.m., the Board of Commissioners adjourned until 5:00 p.m., February 16, 2021.

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