



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., September 7, 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 that is available for viewing on the Dare County website www.darenc.com.

At 9:02 a.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. Commissioner Danny Couch shared a prayer and then Chairman Woodard 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:

- Presented an op-ed written by Dr. Anita D. Sircar, an infectious disease physician and clinical instructor of health sciences at the UCLA School of Medicine. It discussed her treatment of a man under 50 with COVID-19. When antibiotics and self-administered hydroxychloroquine did not work, he was admitted to the hospital. The man and his wife had decided not to be vaccinated because the FDA had not yet approved the vaccine. Dr. Sircar continued to explain he died of a stroke nine days after admission and noted it was an entirely preventable loss had he been vaccinated.

ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Ricki Burrus, Customer Service Representative, received a 10-year pin.
- 2) Bonnie Cooper, Community Social Service Technician, received a 10-year pin.
- 3) John Luke, Metering Services Technician, received a 10-year pin.
- 4) Mary Jernigan, Leisure Activity Coordinator received a 15-year pin.
- 5) Decatur (Steve) Gwaltney, Auto Body Mechanic, received a 15-year pin.
- 6) George Bowman, Community Program Coordinator, received a 25-year pin.
- 7) Brandi Bohanan, Community Center Manager, received a 25-year pin.
- 8) Debbie Dutton, Public Health Nursing Director, received a 30-year pin.

ITEM 3 – EMPLOYEE OF THE MONTH – September 2021

Hannah Wallace received the Employee of the Month award from Cpt. Jennie Collins who described the many ways that she is an asset to the EMS Department.

ITEM 4 – PUBLIC COMMENTS

At 9:38 a.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. No one responded to the invitation to address the Board from Manteo or Annex in Buxton. The County Manager closed Public Comments at 9:40 a.m.

ITEM 5 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO (Att. #1)

Dave Clawson advised the Board that this item was the first step to financing the beach nourishment projects for the towns and the improvements to the Justice Center. Bids had come in and he briefly reviewed them. Coastal Protection and Engineering of North Carolina would be consulting with each of the towns to see if there were any changes in the cubic yards of sand. At the next Board meeting, he would be requesting Board approval for the final debt resolution. Eleven financing bids came in last week with Regions Bank coming in at a low rate of 0.890%. Mr. Clawson presented the initial resolution and advised there was no property tax increase necessary. Commissioner Bateman asked where the projects would begin and Mr. Outten advised the contractor would make that decision based upon efficiency. The proposed construction commencement would be May 1, 2022.

MOTION

Commissioner Ross motioned to adopt the Initial Resolution.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PUBLIC HEARING – 2021 B INSTALLMENT FINANCING CONTRACT

At 9:48 a.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. No one responded to the invitation to address the Board of Commissioners on this issue in Manteo or the Annex in Buxton. The County Manager closed the Public Hearing at 9:48 a.m.

ITEM 7 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS (Att. #2)

The Finance Director presented the 2021A Installment Financing Contract which was the final resolution to approve the financing in the amount of \$3 million for the purchase of the Manteo Masonic Lodge together with improvements and purchase of the parcel known as Mako Mike's Beach Grille. The LGC would approve it at their meeting on September 14, 2021. There were seven responses for the ten-year financing contract. The high was 1.90%. The low was 1.48% from First Bank in Kill Devil Hills. It would allow for prepayment at any time.

MOTION

Commissioner Tobin motioned to adopt the resolution with authority given for signatures by the County Manager, Finance Director and Clerk of the security instruments with any changes that may be necessary.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 8 – UPS ZONING TEXT AMENDMENT – REQUEST TO SCHEDULE A HEARING

The Planning Director, Donna Creef, provided the background information concerning a zoning text amendment request filed on behalf of United Parcel Service (UPS) to expand their facility on Etheridge Road in Roanoke Island. The Planning Board had reviewed the request and before the Board could act on a proposed C-3 amendment, a public hearing must be held. Commissioner Coach commented UPS services were critical to the future of Dare Regional Airport and the expansion was much needed.

MOTION

Commissioner House motioned to schedule a public hearing on the UPS zoning text amendment to be scheduled for September 20, 2021 at 5:00 p.m.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – RESOLUTION APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION (Att. #3)

Mr. Outten recapped the opioid litigation has been settled with \$26 billion pot of money nationally to be distributed amongst the states and counties. There was a federal formula for distribution. The states and local governments could negotiate a different formula. The federal formula only allocated 5% to local governments and the rest would go to the state or a state-controlled entity. North Carolina counties did not agree with the formula and formed the 555 Working Group. It was composed of five commissioners, five attorneys and five county managers to negotiate with the state to get more for the local governments. Their goal was to get more funds into local hands for each community. Mr. Outten had served on the committee as one of the county managers. They had successfully negotiated a Memorandum of Agreement with the counties each receiving 80% of the funds and the state receiving ten percent. A five percent pool was available for the counties to receive another five percent. The MOA was unique and being held out as a model for other states. A \$1.6 billion pot of money was available for attorneys. Typically their contingency fee would be 25%. Some national large firms joined with several of the North Carolina counsel to negotiate with the states with a national back stop to allow a greater percentage of their fees to come off the top. There were some North Carolina counties that did not join in the litigation that would receive funds. The MOA presented for Board approval set out the funds could be used for opioid abatement measures and litigation expenses. Mr. Outten said the Attorney General indicated the intent was always for litigation expenses to include attorney fees. The settlement funds would be paid out over eighteen years. Over half of the North Carolina counties had already approved the presented MOA. Once Dare County approved the MOA, the settlement to be received would increase by five percent. Mr. Outten read the resolution to the Board.

MOTION

Vice-Chairman Overman motioned to adopt resolution to approve MOA and authorize the County Manager to take such measures as necessary to comply with the terms and receive any settlement funds, including executing any documents.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – ARCHITECTURAL CONTRACT FOR 2022 EMS STATION PROJECTS

Dave Clawson gave a summary explaining that Oakley Collier and Associates had been selected as the master architect for the 2022 EMS station projects. The projects included Southern Shores, Nags Head and Rodanthe, which could be renovations or new construction, and Kill Devil Hills, which could be either new construction or a joint venture with the town. The goal was to bring thirty old buildings up to speed. Oakley had priced the Service Order at 10% of the “owner’s cost of work”. The price would not include items such as owner’s costs, contingencies, furniture, fixtures, equipment, permits, etc. Mr. Clawson had provided the Board with the project percentages for previous projects such as the animal shelter, COA, DHHS and others to illustrate the reasonableness of this service order. The Board was requested to set an initial budget of \$250,000 in order to begin the architectural services. Mr. Outten added this was the initial planning phase. Kitty Hawk had come in with high numbers due to higher construction labor costs and materials. With approximately \$19 million set aside, it was likely the estimates would have to be revisited for each project and it may be necessary to reconfigure the CIP for the projects.

MOTION

Commissioner House motioned to authorize the Chairman to execute the Service order to the Master Agreement and adopt the capital project ordinance.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 11 – RESOLUTION TO AUTHORIZE THE USE OF ELECTRONIC ADVERTISEMENT FOR CONTRACTS SUBJECT TO G.S. 143-129 (Att. #4)

General Statute 143-129(b) stated in part that “a governing board must approve a resolution authorizing the political subdivision of the State to use electronic advertising as the only method of advertising for particular contracts or generally all contracts.” Mr. Outten explained in a rebid situation, using the newspaper could take away time from a critical project. The opportunity to electronically rebid a project, which had initially received only two bids, would allow the county to save time and avoid LGC deadlines which could also delay projects.

MOTION

Commissioner House motioned to adopt the resolution to authorize the use of electronic advertisement for contracts subject to G.S. 143-129

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 12 – ONE CALL NON-EMERGENCY AMBULANCE SERVICE AGREEMENT

Mr. Outten explained Item 12 and 13 were very similar. The contracts were non-negotiable. As part of the Medicaid transformation, the state had entered into contracts with various providers. In order for Dare to be reimbursed, it was required to enter into a contract. The

recipient/patient chose which company provided their service. One Call would serve as a "middle man" for reimbursement of the services we provided the recipient/patient.

MOTION

Commissioner House motioned to approve One Call Non-Emergency Ambulance Service Agreement and authorized the County Manager to sign the agreement.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

ITEM 13 – WELLCARE HEALTH PLANS, INC. PROVIDER AGREEMENT

Mr. Outten introduced this item and explained it was for the EMS services. Like One Call, for non-emergency services, Wellcare Health Plans, Inc. required joinder in their contract in order for the county to receive reimbursement. These non-negotiable agreements were multi-year contracts which needed Board approval.

MOTION

Commissioner House motioned to approve and authorized the County Manager to sign the final provider agreement with Wellcare Health Plans, Inc.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

Commissioner Tobin commented Wellcare had overwhelming negative reviews. Mr. Outten advised the reviews were from Medicaid recipients of service.

ITEM 14 – PROCLAMATION – CONSTITUTION WEEK

The Virginia Dare Chapter of the Daughters of the American Revolution had promoted the observance of the United States Constitution for many years. A proclamation was presented to recognize September 17 - 23 as Constitution Week. Peggy White spoke to the Board regarding the history of the DAR, whose chapters in all states strove to commemorate the U.S. Constitution and encouraged others to learn more about this important document.

MOTION

Vice-Chairman Overman motioned to issue the 2021 Proclamation for Constitution Week

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 15 – RESOLUTION OPPOSING THE U.S. FISH & WILDLIFE SERVICE'S PROPOSED DESIGNATION OF CRITICAL HABITAT UNIT NC-1 AND NC-1A (OUTER BANKS-HATTERAS ISLAND AND SHOALS) FOR THE RED KNOT RUFA (Att.#5)

The US Fish & Wildlife Service proposes to designate critical habitat for the federally threatened Red Knot Rufa under the Endangered Species Act of 1973, as amended. In total, approximately 649,066 acres were proposed in 61 counties of 13 states as critical habitat for the bird. The Board discussed briefly that the red knot rufa did not live or breed at the Outer Banks and simply made a brief stop in our area on its way to migrate from South America to the Arctic. The Board's full discussion may be viewed on the county website.

MOTION

Commissioners Tobin and House motioned to adopt the resolution opposing the U.S. Fish & Wildlife Service's proposed designation of critical habitat as Units NC-1 and NC-1A for the red knot rufa.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 16– CONSENT AGENDA

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

MOTION

Commissioner Bateman motioned to approve the Consent Agenda:

- 1) Approval of Minutes (08.16.21) **(Att.#6)**
- 2) 2021 CRS Annual Report
- 3) Designated Agent Approval Form
- 4) Health & Human Services Public Health Div., School Health Liaison Funding
- 5) Health & Human Services Public Health Div., Breaking Through Task Force-Public Awareness Campaign to Address Community Mental Health Grant
- 6) Health & Human Services-Public Health Div. Quality Improvement Design Team Stipend
- 7) Health & Human Services – Johnson Controls, Inc.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 17 – BOARD APPOINTMENTS

1) Upcoming Board Appointments

The upcoming Board appointments for October, November and December, 2021 were announced.

ITEM 18 – 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 Overman

- He attended the celebration of National Aviation Day at the airport on August 19.
- The NC Association of County Commissioners met on September 1 with a webinar on COVID across the state and discussed how some counties were handling the pandemic.
- On September 2 he and Commissioner Ross attended a meeting with Trillium regarding the Regional Community Crisis Plan. One item of note involved transportation.
- He thanked and congratulated the service pin recipients with a cumulative total of 140 years of service among them. He also congratulated Hannah Wallace on receiving the employee of the month recognition.

Commissioner Bateman

- Attended the swearing in ceremony for Jennifer K. Bland as 1st Judicial District Court Judge. As a district attorney, she had been an officer in the Recovery Court program.
- He congratulated the county’s service recipients and the employee of the month.
- Discussed an update of the broadband issue regarding Charter Communications. Vice-Chairman Overman had spent a huge amount of time on the matter. There were federal funds available; however, pushing the providers for progress updates had been a slow and typically and unresponsive process.
- He noted it had been a very successful tourist year and he looked forward to fall business.

Commissioner Couch

- Occupancy numbers were expected to hold pretty strong into November.
- He also attended the Aviation Day event and noted the county did not take its historic position in flight for granted.
- Day at the Docks in Hatteras, typically a huge social occasion, had been scaled back due to COVID and limited contributors.
- The Jug Handle Bridge's trestles met this week, which connected the north and south ends of the construction. He added there were some beautiful ocean and sunrise views.

Commissioner Tobin

- Provided an update and assessment on the condition and status of Conrad Shipbuilding and the area after Hurricane Ida hit New Orleans. He asked for thoughts and prayers for those who were west of the hurricane eye in Houma, where many of the shipyard workers resided.

Commissioner Ross

- Commented the Dare employees certainly exhibited genuine emotions, care and concern.
- North Carolina had 14,700 COVID-19 deaths in one year. There were more than 16,000 opioid and drug overdose deaths in the state during the same period. He cautioned against a casual approach and attitude regarding our efforts against opioid abuse.
- He shared recent COVID numbers which included over 600,000 deaths in the United States. He stated nearly 80% (500,000) of the deaths were citizens age 65 and above. For children under the age of eighteen, the U.S. had seen a total of 470 fatalities.
- He thanked Dave Clawson for the hard work on securing an extraordinary interest rate for the beach nourishment and other pending projects. Borrowing costs were amazingly low.
- The Board had received a booklet to commemorate Constitution Week. He referred to a quote from President John Adams who regarded the constitution as "the greatest single effort of national deliberation that the world has ever seen".

Commissioner House

- Congratulated the service pin recipients and commented working for the county was being a part of a "bigger family".
- Referenced the lawsuit filed by the Coastal Conservation Association of NC against the state based upon their toleration of the overfishing of flounder and other species of coastal fish. The state filed a motion to dismiss last year. In the past few weeks a judge in Raleigh had decided it could move forward into federal court. He stated the US Fish and Wildlife had confirmed N.C. was leading the nation in bycatch reductions.
- The N.C. Marine Fisheries Commission voted to approve the Coastal Habitat Protection Plan 2021 Amendment for public comment and advisory committee review.
- Day in History: 1916 marked the passage of the Workman's Compensation Act; the initiation of the German Blitzkrieg began against England in 1940, and in 1979 ESPN began broadcasting. He also remembered the upcoming twentieth anniversary of the 9/11 attack on the United States. He stated 3,000 citizens lost their lives on that day including 345 New York City firefighters.
- He requested a moment of silence for the marines recently killed in Afghanistan and the American citizens left behind.

MANAGER’S/ATTORNEY’S BUSINESS

Mr. Outten stated the County had purchased special bear-resistant trash cans for \$263 each and sold them to residents for \$97. There were only a few left and they had to be purchased in increments of 100. It was the consensus of the Board to purchase more and sell them for \$97 as before.

He advised Barton Grover had been looking into the brick grants (used for infrastructure and resiliency). The county’s stormwater issues could qualify for some of those grants. Duck and Southern Shores had already received some funds for projects. October 1st was the submission deadline. Mr. Outten asked if the Board had any higher priorities or should they continue to move forward on the stormwater issues. The Board agreed to continue efforts seeking grants to work on stormwater problems.

Vice-Chairman Overman asked about the two derelict boats in Pirates Cove. Mr. Outten explained the process had been completed on one boat with Wildlife Services and it was determined it did not meet the criteria for removal. The County Manager would inquire into the other recently beached vessel. Barton Grover would also look into the several trees and a pole believed to be impeding the Bowsertown boat dock.

David Clawson presented the Board with a budget amendment to adjust the Home Health & Hospice sale numbers to the actual closing figures. He explained the retention bonuses were less than originally projected and the attorney fees were previously omitted. The unrestricted proceeds amount increased by \$5,754.00. The Board did not vote on the budget amendment.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

At 11:25 a.m., the Board of Commissioners adjourned until 5:00 p.m., September 20, 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.