



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., June 21, 2021

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman
Steve House (via phone connection), Jim Tobin, Danny Couch,
Ervin Bateman

Commissioners absent: Rob Ross

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 5:06 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He invited Rev. Wayne Berry to share a prayer, 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 may be viewed in their entirety in a video on the Dare County website:

- He extended good wishes to all fathers who recently celebrated Father’s Day.
- He thanked Dominion Energy for completion of the project to replace and upgrade poles to improve service across the Manteo-Nags Head Causeway. The project began a year after the Board had adopted a resolution in support of providing a lower risk of interrupted electrical service from storm and hurricane damages.

ITEM 2 – EMPLOYEE OF THE MONTH

Dr. Sheila Davies, Health and Human Services Director, received the June 2021 Employee of the Month award from Bobby Outten. He described her tireless work and extensive efforts throughout the COVID-19 pandemic. Over the past year she had often taken her fair share of criticism, but she had worked tirelessly on the front lines of the pandemic and through it all had “not wavered in her commitment to preserve the public’s health” and “supportive services for everyone in our community”. Chairman Woodard also honored Dr. Davies with a Certificate of Appreciation. He stated she had “gone above and beyond in the services” she had provided Dare County.

ITEM 3 – PUBLIC COMMENTS

At 5:32 p.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. A summary of all citizen remarks follows.

Comments from Manteo:

1. C. W. Baskette addressed the Board regarding residential flooding problems at Rabbit Hollow, which was a cul-de-sac area off of W. Tateway Road in Kitty Hawk. He referenced Sen. Basnight had looked at the area some time ago and agreed something needed to be done to improve the flooding issues which occurred after normal level rain events. He asked the Board to follow-up with help for the area.
2. Amanda Myers, a Dare physical therapist, spoke in opposition of the County's policy regarding payment of unused sick leave upon separation. Ms. Myers explained much of her unused vacation had rolled over into her sick leave bank. She asked the Board to change the policy and compensate her and her coworkers before the proposed sale of Dare Home Health and Dare Hospice was complete.
3. George Carver, resident of 110 Scarborough St., Manteo, voiced his opposition of a development maximum size of a new home for parcel 025399000. He stated the previous dwelling had been 1334 sq. feet. He provided comparison parcels for the Board's reference.
4. Charlie Parker praised Dr. Sheila Davies on her guidance and professionalism during the pandemic. He spoke against the proposed sale of Dare's Home/Health Hospice to BrightSpring and asked the Board whether they would want a for-profit company to make a decision for them in their ending days.

There were no comments made in Buxton and the County Manager closed Public Comments at 5:48 p.m.

ITEM 4 - PUBLIC HEARING – CHAPTER 160D AMENDMENTS TO VARIOUS ORDINANCES (Att. #1)

Donna Creef provided an overview of the amendments which affected six ordinance sections. The Zoning Ordinance was the bulk of the changes where the term "conditional use permit" would now be known as a "special use permit".

At 6:01 p.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments. **No one responded to the invitation to address the Board of Commissioners on this issue and the County Manager closed the Public Hearing at 6:01 p.m.**

MOTION

Vice-Chairman Overman motioned that the package of amendments to the Dare County Code of Ordinances be adopted as drafted by staff and recommended by the Planning Board.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

Chairman Woodard polled each Board member and received a unanimous vote.

ITEM 5 – DARE COUNTY HOME HEALTH AND DARE HOSPICE (Att. #2)

County Manager Outten explained after multiple meetings, a public hearing and following all the statutory guidelines a lot of detail and much consideration had been given to the options of selling the Dare County Home Health and Dare Hospice to BrightSpring. There were two main concerns: (1) make sure our service area was covered and (2) to do right by our current employees. The contract would provide for coverage of the current service area with a reversion of the certificate of need if that did not occur satisfactorily. A 10% retention bonus would be in place for employees with 5% paid upon closing and the remaining after six months if still employed with BrightSpring. Retirement and healthcare benefits would also stay in place along with a 401K provided by BrightSpring. Mr. Outten presented the Board with the draft contract and exhibits. He explained though not in final form there would be no expected substantive changes. Chairman Woodard asked if the Board had any questions regarding the contract. Mr. Outten answered Commissioner Bateman's concerns regarding allocation of the sale funds. They would be treated like any other unrestricted revenue. He responded to Vice-Chairman Overman whether BrightSpring or any subsequent owner of the certificate of need must abide by the obligations of the contract. Under statute for the first three years, the certificate of need could not be transferred. Afterward if a transfer occurred, a provider would still be required to provide the same level of services. Chairman Woodard added the information provided under Sections 2 and 3 of the proposed agreement, which he read in part, addressed the reversion of assets to the county in the event there was a failure to substantially comply with the contract conditions.

MOTION

Vice-Chairman Overman motioned to adopt the resolution to move to approve the terms of the Asset Purchase Agreement by and between Dare County and Adoration Home Health Care Virginia, LLC, an affiliate of Res-Care, Inc., d/b/a BrightSpring and to authorize the Chairman and County Manager to execute the final version of the Asset Purchase Agreement.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

After the vote, Chairman Woodard asked for each Commission to provide their comments. A full and complete account of the Board's comments on this agenda item is archived on a video that is available for viewing on the Dare County website www.darenc.com. Chairman Woodard called the roll: Comm'r. House – Aye; Comm'r. Couch – Aye, Comm'r. Bateman – Aye, Vice-Chairman Overman – Aye, Comm'r. Tobin – Aye and Chairman Woodard – Aye.

Mr. Outten provided background to note to alleviate concerns of a smooth transition a liaison would be beneficial. The position of the part-time diabetes nurse could be combined with a liaison. The nurse would split her responsibilities between the diabetes program and liaison work during the transition. The position would be a Public Health Nurse 3, Grade 73, with a salary range of \$52k-\$84,000. Mr. Outten said \$71,180, which included benefits, would need to be added to the budget to cover the position for a one year basis.

MOTION

Commissioner House motioned to create the position on a one year basis and to authorize County Manager to approve the budget amendments to transfer funds.

Commissioner Couch seconded the motion.

VOTE: Ayes unanimous

ITEM 6 – FY2022 BUDGET AMENDMENT FOR HOME HEALTH AND HOSPICE

Dave Clawson presented the budget amendment to continue operation of the County's Home Health and Hospice through the month of July, 2021. Vacation and comp time payouts for employees were included. He explained at the July 19th Board meeting there would be a clean-up budget amendment which would also include the position created in Item 5.

MOTION

Commissioner Tobin motioned to adopt the budget amendment for fiscal year 2022. Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – FY2022 BUDGET AMENDMENTS REQUIRED BY LGC MEMO 2021-04 FOR GASB STATEMENTS NUMBERS 84 & 97

Dave Clawson presented the Board with three new, budgeted Special Revenue Funds: The Deeds of Trust Fund, Fines & Forfeitures Fund and the Representative Fund pursuant to requirement of the State Treasury Department for the next two fiscal years.

MOTION

Commissioner Tobin motioned to adopt three budget amendments for FY2021 and three budget amendments for FY2022.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – RFQ FOR PROFESSIONAL ARCHITECTURAL SERVICES (Att. #3)

County Manager Outten discussed with the Board the need for architectural services on small projects. From time to time there was a need for architectural services or reports for various small projects such as the recent review of the EMS stations or a storage building added. Typically an RFQ would be advertised, a price negotiated and approximately 120 days passed before work could begin. He noted all three companies that responded were excellent firms. He presented to the Board the recommendation for Oakley Collier Architects to serve as the county architect for projects valued at \$50,000 or less.

MOTION

Commissioner Tobin motioned to approve Oakley Collier Architects as architect for projects valued at \$50,000 or less and to authorize the County Manager to negotiate a contract.

Vice-Chairman Overman and Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – 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 (06.07.21) **(Att. #4)**
- 2) Tax Collector's Report
- 3) Budget Amendment for Holiday and Comp Time Payout Approved on 5/17/21
- 4) Reimbursement Resolutions – FY 2021 -22 Vehicle & Equipment Financing and FY 2021-22 Public Works Equipment Financing
- 5) NCDEQ Grant Contract 8161 and 8162 Budget Amendment
- 6) Avon Property Owner's Association July 4th Celebration

- 7) Request to Approve Grant Application – Sheriff’s Dept.
- 8) NCDOT Right of Way Three Party Encroachment Agreement for Dare Challenge Report

Chairman Woodard seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BOARD APPOINTMENTS

1) Game and Wildlife Commission

Commissioner Bateman motioned to reappoint Andrew F. Horne for another term.

Commissioner Tobin and Vice-Chairman Overman seconded the motion.

VOTE: Chairman Woodard polled each Commissioner.

AYES unanimous

Commissioner Tobin motioned to reappoint Phil Haywood for another term.

Vice-Chairman Overman seconded the motion.

VOTE: Chairman Woodard polled each Commissioner.

AYES unanimous

Commissioner Tobin motioned to reappoint Harvey Scarborough, Jr.

Commissioner Couch seconded the motion.

VOTE: Chairman Woodard polled each Commissioner

Comm’r. House - Aye, Comm’r. Couch - Aye, Comm’r Bateman – Aye, Vice- Chairman Overman – Nay, Comm’r Tobin – Aye and Chairman Woodard – Nay

Motion carried 4 to 2.

Commissioner Tobin motioned to reappoint Buddy Shelton for another term.

Commissioner Bateman seconded the motion.

VOTE: Chairman Woodard polled each Commissioner

Ayes unanimous

2) Wanchese Community Center

Vice-Chairman Overman motioned to reappoint Tina Sherrod, Bill Wilson, Sally DeFosse, Becky Beacham and Joseph Lee Willis for another term.

Commissioner Bateman seconded the motion.

VOTE: Chairman Woodard polled each Commissioner.

AYES unanimous

3) East Lake Community Center

Commissioner Tobin motioned to reappoint Rosemarie Doshier.

Commissioner Couch seconded the motion.

VOTE: Chairman Woodard polled each Commissioner

AYES unanimous

ITEM 11 – 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 House Thanked everyone for the hard work and the move forward with the sale to BrightSpring.

- For a day in history he remembered 1788 when the United States Constitution was ratified after the vote by the State of New Hampshire.
- A video presented a tabby cat named “Ms. Virginia” as the SPCA Pet of the Week. He shared the success of a recent pet of the week which was advertised on Monday and adopted by Tuesday.

Commissioner Tobin

- Provided an update of the Oregon Inlet Task Force. There were two Coast Guard members leaving the group: Lt. Brittany Akers and CPO Ryan Agre, who would both be missed for their contributions to the task force and the County.
- Reported the *Merritt* was in the area providing dredging services.
- Gave an update of *Miss Katie* dredge. Weekly meetings continued. He explained a few of the issues with the forward hydraulic rams. The welding of the mid-body section was 50/65% complete. He suggested the Board go on a day trip next month to view the progress.

Commissioner Couch

- The tourist season was busy and he concurred with Chairman Woodard’s recent County video comments concerning the need for residents and visitors alike to remain patient and kind during this busy summer. He stated we were currently ten times our typical population.

Commissioner Bateman

- Acknowledged the rush of summer tourists was great.
- He congratulated and thanked Dr. Sheila Davies for her efforts during the pandemic. He also thanked Donna Creef for the labors involved in the rewrite of ordinance amendments.

Vice-Chairman Overman

- He offered Dr. Davies his many thanks, appreciation and admiration for the job she did during the pandemic and for the hard work she continues to do each day, which included assisting with the Saving Lives Task Force.

Chairman Woodard reiterated the Board’s praise of Dr. Davies. He said she “took some of the heat off” during the difficult times at the height of the pandemic and he respected her tremendously.

MANAGER’S/ATTORNEY’S BUSINESS

County Manager Outten:

- Dare Challenge was working on an expansion project in Wanchese. After clearing trees and stumps, they needed soil to fill holes. The County’s Shallow Bag Bay spoil from dredging could be used but needed first to be declared as a county surplus asset.

MOTION

Commissioner Couch motioned to authorize the County’s Shallow Bag Bay spoil be declared surplus and be transferred to the Dare Challenge site as needed.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Commissioner Tobin asked whether the spoil had been suitably tested for placement and the County Manager advised the project's engineer would make that decision.

- Mr. Outten explained there were unused funds in the Dare Guarantee College Tuition Scholarship Program. It was discussed with the COA Foundation to allow residents who were not recent graduates to apply on a first come basis to further their education or make career changes through the program. All courses may not be completed at the Dare Campus; however, they would need to be Dare residents to apply for scholarships. There would be a \$6,000 cap for each participant. The first priority for the funds would be for area graduates. The MOU would have to be amended to add the new guidelines. He also reported the Foundation had a part-time employee who promoted the tuition scholarship to high school students, parents and other residents. An increase of \$12,000 to the current salary was suggested to better sustain the position. Commissioner Couch asked how new applicants would be served. Mr. Outten stated no decision had been made. If there were more demand than money, funds would be prorated amongst new applicants.

MOTION

Commissioner Bateman motioned to amend the MOU to allow for additional resident applicants to the Dare County Guarantee Scholarship Program and to increase the current salary of the administrative assistant to the program by \$12,000.

Commissioner House seconded the motion.

VOTE: Ayes unanimous

- The Public Relations Department's software contract with Granicus was set to be renewed. The proposed contract would be a five year contract which required Board authorization to be given to the County Manager for execution.

MOTION

Vice-Chairman Overman motioned to authorize the County Manager to execute a five-year renewal software contract with Granicus.

Commissioners House and Tobin seconded the motion.

VOTE: Ayes unanimous

The County Manager reported the NC 12 Task Force was off to a good start. The next meeting of the subcommittee was set for July 13 and would include a trip to Hatteras to see the hot spots of concern firsthand.

There had been a 16-bedroom home in Kill Devil Hills which caught fire on June 20. Firefighters from all surrounding communities had done a remarkable job with no loss of life. Forty to seventy people were displaced. Drew Pearson, James Wooten and the team of Emergency Management helped respond to the displaced with the Kill Devil Hills Youth Center. The Red Cross came, they were fed and vans and transportation was provided. He commended everyone involved with the unfortunate event for a remarkable job which reflected the county's caring for others like family.

Dorothy Hester announced Drew Pearson, Director of Emergency Management, was hosting a forum on hurricane preparedness this evening. The PR staff recently published a hurricane guide which could be downloaded at darenc.com/em. She encouraged everyone to sign up for weather alerts.

Dave Clawson advised the Board there had been much activity and information released on the American Rescue Plan Funds, while city and towns completed their registration processes. There would be state matching funds. He and Mr. Outten recommended waiting to see how the state would allocate their matching funds, which would not happen until after adoption of the state budget, in order to best leverage the use of county funds. The county's deadline to decide what to do with the ARP funds would not occur until late 2022.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioners Tobin and Bateman seconded the motion.

VOTE: AYES unanimous

At 7:22 p.m., the Board of Commissioners adjourned until 5:00 p.m., July 19, 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.