



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., February 22, 2022

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

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

At 5:02 p.m. Chairman Woodard called to order the regularly scheduled meeting with the appropriate prior public notice having been given. He invited Commissioner Couch and Rev. Jody Moore to share prayers 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:

- Col. Gail Halvorsen, best known as the “Candy Bomber”, had passed away on February 16, at 101 years of age. Karin Edmond, who had organized the reenactment of the event with him in Manteo since 1999, said she hoped to continue the yearly celebration.
- Remembered the untimely loss of the teenagers and adults whose plane crashed while returning home from a hunting trip in Hyde County. He named the victims: Ernest Rawls, Jeffrey Rawls, Stephanie Fulcher, Jonathan McInnis, Douglas H. Parks, Noah Lee Styron, Michael Daily Shepard and Jacob Nolan Taylor.

He asked for a moment of silence to remember Halvorson and the plane victims.

ITEM 2 – PUBLIC COMMENTS

At 5:11 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. Following is a summary of all citizen remarks:

1. John Espinosa, of Kill Devil Hills, a soccer coach for twenty years, stated the teams had no place to train or compete with the closure of the county's fields. Manteo middle school would allow the use their field to train but it was not enough. He was critical of past field closures and field repair. Mr. Outten responded to his concerns and updated him on the status of the fields and the current repair process.
2. Reese Stecher advised tomorrow in New Bern, NC the Marine Fisheries Commissioner would be meeting regarding the striped bass management plan. It would be an opportunity to fix quota allocation inequities. The quota was cut effective January 1, 2021 by 83.376%. Fifty percent of the quota for recreation was split with the Albemarle Sound and Roanoke Rapids region. He requested the Board adopt a resolution to ask MFC for a quota allocation based on water area.
3. Rick Shastan, of Rodanthe, discussed affordable housing and suggested trailers for low-income housing as a solution. He questioned what would the new bridge be named and stated Hatteras Islanders did not want it politicized. He questioned the effectiveness of the traffic circle with a merge lane at the end of the bridge. He stated the mile marker signs were inaccurate and should be corrected.
4. John Robbins, of Manteo, recommended artificial turf for the county soccer fields. He commented on the affordable housing issue. He had a few long-term rentals for workers and suggested a tax break as an incentive for homeowners. He cited reasons for favoring Woda, with thirty years of experience, over Coastal, which was newly formed, to construct and manage the county's housing projects.

There were no comments from Buxton and the County Manager closed Public Comments at 5:50 p.m.

ITEM 3 – BRIGHTSPRING HEALTH SERVICES UPDATE

Michael Calderon, VP of Operations, and Senior Director of Marketing Development for Advanced Home Health, Mickey Antley, appeared to provide an update on home health services. They oversaw thirteen facilities in South and North Carolina. Commissioner Ross and Chairman Woodard expressed the huge importance to discuss the hospice operations in Dare. Mr. Outten explained BrightSpring had not addressed the Board in December and it was assumed this presentation was a hospice update. Chairman Woodard reiterated the importance of a report on hospice services and asked Messrs. Calderon and Antley to proceed with their home health update. Mr. Calderon advised they had had success growing their staff from four to eleven home health staff members to include a coordinator. The current contracted payer participants were MedCost, Cigna Evicore, Cigna Medicare, Aetna, Aetna Medicare and Cigna HealthSpring. They had not yet secured Blue Cross and Blue Shield explaining the process was underway. Mr. Calderon also stated they were working on relocating their offices, but they had not yet found a viable office site. Commissioner Bateman restated the Board's request and expectation for a hospice update from a senior representative of BrightSpring to answer questions soon.

ITEM 4 - AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR TOWN'S BEACH NOURISHMENT PROJECT (Att. #1)

Mr. Clawson explained the amendment to the Capital Project Ordinance was due to amendments to the Coastal Protection Engineering proposal for "tasks" required for the Town's Beach Nourishment upcoming projects. There was a small decrease in the beach maintenance plan and a \$60,193 decrease for the removal of the benthic monitoring in the Kill Devil Hills permit. The turtle monitoring had increased to an additional \$44,620.

MOTION

Vice-Chairman Overman motioned to adopt the Capital Project Ordinance amendment. Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 5 – DARE COUNTY BEACH NOURISHMENT – TOWNS PROJECT

Dustin Peele, Project and Procurement Manager, presented the Board with the proposal between Dare County and Coastal Protection Engineering (CPE) for construction administration and engineering services as required by the regulatory permits. The proposal covered six tasks which were explained in Exhibit A of the proposal. Mr. Clawson explained Task 3 would be billed as a "not to exceed" amount of \$446,886.75. The remaining tasks would be billed as a lump sum totaling \$206,442.

MOTION

Commissioner House motioned to approve the Coastal Protection Engineering proposal and authorize the County Manager to sign the agreement.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – BUDGET AMENDMENT FOR EMS MEDICAID COST SETTLEMENT REVENUE

Medicaid Managed Care had changed how the county would receive EMS Medicaid Cost Settlement revenue. It was now required to be treated separately. Medicaid allowed a certain rate for billing. The County was allowed to show the rate versus our actual costs and receive a settlement amount. The net amount did not change. The manner of processing the fees changed which necessitated the budget amendments presented.

MOTION

Vice-Chairman Overman motioned to adopt two budget amendments and authorize the County Manager to execute future budget amendments to both revenue and expense line items in equal amounts to net to zero.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 7 – AUDIT CONTRACT FOR FY 2022

The audit contract for Potter & Company for fiscal year 2022 was presented. It was the fourth year of their agreement. The new contract in the amount of \$70,000 represented a 1.82% increase from last year's renewal. The agreement allowed a yearly increase of two percent.

MOTION

Commissioner Bateman motioned to approve the contract and authorize Chairman Woodard and Commissioner Ross to execute the contract.

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 8 – USE OF AMERICAN RESCUE PLAN GRANT (Att. #2)

Mr. Clawson introduced that the county had been awarded \$7,188,564 from the American Rescue Plan State and Local Fiscal Recovery Funds. Half had been received on May 20, 2021. He explained the "Final Rule" had been released which contained a significant change. It permits an automatic revenue loss allowance of \$10 million. If chosen, it would provide more flexibility in how the funds are to be used; however, the choice is irrevocable. It was recommended that the County follow the UNC School of Government recommendation (as per item summary), claim the \$10 million revenue loss, use for the expenditures clearly allowable under the Final Rule and those incurred in compliance with federal Uniform Guidance. Mr. Outten provided the scenario of cutting \$7 million from EMS, Sheriff, etc. and replace it with the ARP funds. The cut funds could be designated for use for affordable housing. It was recommended to use the ARP funds for public safety salaries and fringes as listed on the Grant Project Ordinance.

MOTION

Commissioner House motioned to adopt the Grant Project Ordinance.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – DISCUSSION AND SELECTION OF AFFORDABLE HOUSING PRIVATE PARTNER (Att. #3)

Mr. Outten overviewed that the CIPC had reviewed three written responses to the RFQ for a private public partner for affordable housing projects. They had met again to receive in-person presentations from two of those companies, Coastal Affordable Housing, LLC and Woda Cooper Companies. On February 17, 2022 the Board discussed the issue once more and received additional responses to their questions from both companies. Chairman Woodard asked the Board if they had any further questions for the two companies, who were both present. Vice-Chairman Overman thanked both companies for their professional presentations. Commissioner Ross stated he had probed the qualifications of both companies and felt they were both solid.

MOTION

Commissioner Ross motioned that the Board select Coastal Affordable Housing as the private partner for Dare County to construct affordable housing units, subject to negotiation of an agreement that is satisfactory to the Board pursuant to the provisions of Session Law 2021, Senate Bill 105, Section 24.3. Further that the Board direct the Board Chairman and County Manager to meet with representatives of Woda Cooper to discuss their interest in developing the Bowsertown site for affordable housing. This motion incorporates the strengths of both organizations.

Commissioner Tobin seconded the motion and added it was a good equitable solution

VOTE: Ayes unanimous

Both Vice-Chairman Overman and Commissioner Bateman stated they were very satisfied with the motion. Commissioner Couch was concerned about the use of LIHTC funds and Mr. Outten stated they would schedule some time quickly to discuss action with both organizations. Commissioner House added he thought it was a good equitable solution.

ITEM 10 – CONSENT AGENDA

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

MOTION

Commissioner Tobin motioned to approve the Consent Agenda:

- 1) Approval of Minutes (02.07.22) (Att. #4)
- 2) Tax Collector's Report
- 3) Advertise 2021 Tax Year Liens
- 4) Transportation Program-Additional Grant Award/Change Order from NCDOT

Commissioner Couch seconded the motion.

VOTE: AYES unanimous

ITEM 11 - BOARD APPOINTMENTS

1) Commission for Working Watermen

Commissioner House motioned to reappoint Alana Harrison.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

ITEM 12 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

The following is a summary of the Commissioners' closing remarks:

Commissioner House

- He would try to act on the striped bass issue and stated if the matter had been brought to the Board in 2020, it would be easier to take effective action.
- The Southern Flounder Fishery Management Plan Amendment 3 had been approved by DEQ secretary and was ready for finalization. The final vote on the Shrimp Amendment 2 was also ready and would now ensure open shrimping waters around Roanoke Island.
- For a "day in history" he reported the first no fly zone was established in 1935. It prohibited flights over the White House because President Franklin D. Roosevelt was being wakened by air traffic.
- He thanked Coastal Affordable Housing and Woda Cooper for excellent presentations.

Commissioner Overman

- Commented the fishing season for stripers or "rockfish" during the spawn made no sense for a species considered to be endangered, especially in a confined spawning area like the upper Roanoke River. It was likened to shooting "fish in a barrel".

Commissioner Bateman had no further business or comment.

Commissioner Couch

- Excited with the prospect of affordable housing and mindful there "was a long way to go".
- Reported over 600 people had signed up to run across the Jug Handle Bridge. The exposure would be statewide.
- Thanked Chairman Woodard for once more mentioning the tragic loss of the teenagers and adults in the Carteret County plane accident.

Commissioner Tobin

- Provided an update on the dredge "Miss Katie" stating she was being painted or "putting on her makeup" for the next couple of weeks. All the mechanical parts were now in the U.S. except for the long GFI circuit breakers, which would be available mid-April.

- Thanked Chairman Woodard for recognizing the loss of the victims in the Carteret plane crash. East West was doing a fund raiser to help support the families.

Commissioner Ross

- Remembered the unexpected passing of Patrick N. Kelly at age forty-five.
- He was looking forward to a BrightSpring update in March.
- March was Meals on Wheels month and he encouraged volunteers to help distribute nutritious meals to older adults throughout the community.
- He would be in the meeting tomorrow with Manteo to discuss the affordable housing potential at the Bowsertown site.
- He and Commissioner Bateman had participated in the Polar Plunge today to raise awareness and funds for the Dare County Special Olympics.

Commissioner House remembered Dorris "Dotty" Fry, who had recently passed and was a former Register of Deeds in Dare County.

MANAGER'S/ATTORNEY'S BUSINESS

County Manager Outten, Dave Clawson and Dorothy Hester had no further business.

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

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioners Ross and Bateman seconded the motion.

VOTE: AYES unanimous


At 6:55 p.m., the Board of Commissioners adjourned until 9:00 a.m., March 7, 2022.



APPROVED:

Respectfully submitted,

By: 
Cheryl C. Anby, Clerk to the Board

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