



# County of Dare

P.O. Box 1000 | Manteo, NC 27954

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## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., March 7, 2022**

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

Commissioners absent: Danny Couch

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](http://www.darenc.com).

At 9:00 a.m. Chairman Woodard called to order the regularly scheduled meeting. He invited Rev. Gaye Morris 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:

- On February 24, 2022, Vladimir Putin had launched a full-scale invasion of Ukraine. The unprovoked attack was made with no justification and it was incumbent on all nations to ensure that Putin was met with severe consequences. Chairman stated in part that the unlawful military actions by Putin would undoubtedly lead to loss and suffering. He commended the brave leadership of President Zelenskyy. He presented quotes from President John F. Kennedy and President Ronald Reagan as they related to the peace and strength of a free nation along with the U.S. Junior Chamber Creed.

#### **ITEM 2 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Natalie Matusko, Public Health Nurse II, received a 10-year pin.
- 2) Sally DeFosse, Assistant Finance Director received a 20 year pin
- 3) Robin Etheridge, Land Records Manager received a 35 year pin

#### **ITEM 3 – EMPLOYEE OF THE MONTH – March, 2022**

Jessica Parra received the Employee of the Month award from Pat Irwin. She began as a customer representative in May, 2021 and was now the senior customer representative. She continues to take on new responsibilities and recently began managing the debt setoff program.

#### **ITEM 4 – PUBLIC COMMENTS**

At 9:40 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. Following is a summary of all citizen remarks made in Manteo:

1. Laura Allendorf spoke to the Board about the 2022 Citizens Guide, published since 1998 and distributed to business offices throughout Dare County. The League of Women Voters of Dare County, with support from donors and other local contributors, will distribute 6,600 copies of the annual guide.
2. Tom Amatucci, President of Rodanthe Civic Association, spoke about houses which washed into the ocean. He proposed community assistance to help empty the homes ahead of their ocean raze. He also provided an update on the 600 registrants for the Rodanthe bridge run, which would take place in March or April. The event had approximately twenty-four sponsors with 150 runners on its waiting list to participate.
3. Kathryn Fagan addressed the Board regarding the proposed fifty-six homes to be built near Airport Road. She voiced concerns over notice of the project, anticipated traffic and whether an impact study or environmental study had been completed. She was also concerned over the water piping for the project.

***There were no comments from Buxton and Mr. Outten closed Public Comments at 9:51 a.m.***

#### **ITEM 5 – BRIGHTSPRING HOSPICE SERVICES UPDATE**

Joseph Moore and Kevin McDaniel provided a presentation. Mr. Moore stated seven employees had completed their first six-months with BrightSpring and would be receiving their employment retention bonuses. Any funds remaining would be returned to the County pursuant to agreement. The company had struggled to find a hospice community liaison. This position would help educate the community and explain the appropriate utilization of hospice for a better end-of-life experience and facilitates the care transition. Mr. Moore mentioned the difficulty in locating a centrally located office with the right footprint at the right budget point. He reviewed the contracted payers and the inability to provide some contracts until completion of the "tie-in notice" with CMS and the federal government. They had, however, admitted a patient without an approved payer and would not turn down a need for payer status. Ninety percent of admissions were those with Medicare as a primary source. Mr. Moore stated home health and hospice were different. Typically hospice care patients converted to conventional Medicare and in-home health patients maintained their payer. Chairman Woodard praised Pat, the hospice caregiver who had tended to his mother. BrightSpring's patient experience score exceeded the national average. There were eleven patients currently in hospice care and seventy-three being assisted with home health. Dr. Davies advised Dare had a high monthly total in care of 120 during 2014-15. Prior to the transfer of care to BrightSpring, the county was having difficulty with 50 due to staffing shortages. Commissioner Ross commented at the time of the sale there had been some public concern that patients may be neglected in home healthcare. Mr. Moore addressed there were some home healthcare gaps but every transition had bumps. Vice-Chairman Overman asked about anticipated growth and Mr. Moore said it was a three-year plan. The current staff could handle 10-12 patients per nurse. They were staffed for

35 patients at this time. Commissioner Tobin noted he had seen at least three obituaries which referenced and spoke highly of BrightSpring's staff for the care of their loved one. He thanked them for a good job.

**ITEM 6 – HEALTH & HUMAN SERVICES – PUBLIC HEALTH DIVISION - CAREGIVER'S DAY OUT PRESENTATION**

Sheila Davies and Diane Denny presented this item. Caregivers' Day Out program would be an additional resource to offer activities for seniors with dementia. The program, provided by Outer Banks Dementia Friendly Coalition would allow caregivers an opportunity to refresh, recharge, or engage in other activities while volunteers provided activities to seniors. Ms. Denny, the program director, also discussed other programs to help our area become "dementia friendly". Restaurants and other businesses that completed training in dealing with dementia patrons could display the purple seahorse symbol. Volunteers were always needed and welcomed.

**ITEM 7 – DARE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH DIVISION – AMEND DARE COUNTY ORDINANCE 34.02 (Att. #1)**

Medicaid prohibited the use of tobacco and/or tobacco products "on or around the facilities of any provider of services who bills Medicaid for said services". This ordinance amendment would prohibit the use of tobacco in and around Dare County's Department of Health and Human Services. A marked up ordinance with changes was presented to the Board.

**MOTION**

Commissioner Tobin motioned to approve amendment to Dare County Ordinance 34.02 as presented.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – DARE COUNTY DEPARTMENT. OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH DIVISION - AMEND DARE COUNTY ORDINANCE CHAPTER 91 SECTION 91.030 (Att. #2)**

Dr. Davies explained this ordinance amendment was to clarify and mirror the state statute references of potentially dangerous and dangerous dogs and to make the language consistent. Mr. Outten added this was prompted by a recent incident of a dog attacking another dog and would allow the ability to exercise some other options instead of euthanasia.

A marked up ordinance with suggested changes was presented to the Board.

**MOTION**

Vice-Chairman Overman motioned to approve amendment to Chapter 91, Section 91.030 as presented.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

***The Board recessed at 10:43 a.m. and reconvened at 10:54 a.m.***

**ITEM 9 – DARE COUNTY BEACH NOURISHMENT – AVON/BUXTON PROJECT – OWNER/CONTRACTOR AGREEMENT**

The Board approved Great Lakes Dredge and Dock Company, LLC as the “apparent low bidder” for the Avon and Buxton Nourishment projects. Dustin Peele, Project and Procurement Manager, advised the next step would be to issue the Notice of Award and execute the Owner/Contractor Agreement.

**MOTION**

Commissioner House motioned to approve the owner/contractor agreement with Great Lakes Dredge and Dock Company, LLC and authorize the County Manager to sign the agreement.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – DARE COUNTY BEACH NOURISHMENT – AVON/BUXTON SAND FENCING**

Dustin Peele also presented this item asking for approval of the sand fencing agreement.

**MOTION**

Commissioner House motioned to approve the owner/contractor agreement for sand fencing and beach planting and authorize the County Manager to sign the agreement.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – RESOLUTIONS APPROVING FINANCING TERMS: \$2,980,682 FOR 36 MONTHS AT 1.45% FOR VEHICLES AND EQUIPMENT AND \$1,345,236 FOR 59 MONTHS AT 1.83% FOR PUBLIC WORKS HEAVY EQUIPMENT (Att. #3)**

Dave Clawson presented two resolutions.

**MOTION**

Vice-Chairman Overman motioned to adopt resolutions to award financing to Truist Bank and authorize the County Manager and Finance staff to execute all necessary financing documents.

Commissioner House seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – 2022 CLASSIFICATION AND COMPENSATION STUDY**

The County had noticed for qualifications to conduct a classification and compensation study for Dare County employees. Seven responses had been received: Baker Tilly US, LLP, Bolton, Evergreen Solutions, LLC, Gallagher Human Resources & Compensating Consulting, JER HR Group, Management Advisory Group and Piedmont Triad Regional. Mr. Outten explained how the responses had been reviewed to eliminate and narrow the choice of companies based upon North Carolina experience, timing and cost of the proposed study. Evergreen Solutions had local experience and was \$30,000 less expensive than other responses. They were recommended for the full spectrum evaluation to address all 257 positions in the county. Commissioner House asked about the timeline for completion of the study, and Mr. Outten advised he expected completion in 5½ months.

**MOTION**

Commissioner Ross motioned to approve Evergreen Solutions, LLC to conduct a 2022 classification and compensation study and authorize the County Manager to sign the final agreement and any associated budget agreement.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous.

### **ITEM 13– 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 (02.17.22) (02.22.22) **(Att. #4)**
- 2) Ground Lease, Sublease Agreements and Memorandum of Lease Agreements between Dare County and the NC Department of Administration
- 3) NCDOT Right of Way Three-Party Encroachment Agreement for KOA, Rodanthe
- 4) Budget Amendment – Emergency Pumps
- 5) Budget Amendment – Homeland Security Grant CCTV Trailer

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

### **ITEM 14 – BOARD APPOINTMENTS**

#### 1) Manns Harbor Marina Commission

Commissioner Tobin motioned to reappoint Paul Mann, V, Jeff James and Jessie Outland, Sr. for another term.

Commissioner House and Vice Chairman Overman seconded the motion.

VOTE: AYES unanimous

#### 2) Dare County Transportation Advisory Board

Vice-Chairman Overman motioned to appoint Stephanie Webb for Human Services Sector seat.

Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

#### 3) Dare County Parks and Recreation Advisory Board

Commissioner Bateman motioned to appoint Cindy Perry to replace George Berry and appoint Thomas Floyd to fill the remaining term of Kelli Harmon.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

#### 4) Upcoming Board Appointments - April, May and June, 2022 were announced.

### **ITEM 15 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS**

Commissioners and the County Manager frequently make extensive remarks. Following is a brief summary outline of the items mentioned by Commissioners during this segment:

#### Vice-Chairman Overman

- Thanked service pin recipients for their dedication and congratulated Jessica Parra.
- He thanked the ABC Board for removing all Russian products from local stores and encouraged other businesses to do the same.
- He had reached out to Senators Thom Tillis and Richard Burr asking them to broaden their posture on any and all weapons for Ukraine. He stated the Ukrainians had showed fortitude and “they just need some help”. He likened this event as Ukraine’s 1776 and 1812 all wrapped into one and the world needed to support them as fast as possible.

Commissioner Bateman

- He congratulated the service pin recipients.
- Remembered the Ash Wednesday Storm of 1962 which had struck the Outer Banks.
- He agreed with previous Board remarks regarding the Ukraine and praised the integrity and hard-working ethic of Ukrainian workers. He mentioned higher gas prices were a small sacrifice to pay.

Commissioner Tobin

- Provided an update on *Miss Katie* advising the stern section of the port had failed a recent stabilization test. The starboard side of the vessel passed the same test. There would be a rerunning of the numbers to avoid a possible three week delay.
- Reported his family had a friend in the Ukraine who was providing daily videos of the unfolding crisis.

Commissioner Ross

- He concurred with much of the Commissioner's statements regarding Ukraine and stated his grandparents had come from a small village there.
- Presented a letter of support for Trillium Health Resources to continue management of Medicaid recipients involved in the foster care system.

**MOTION**

Commissioner Ross motioned that the county approve the letter of support.

Commissioner Tobin and Vice Chairman Overman seconded the motion

VOTE: AYES unanimous

- Trillium Mobile Health clinics were rolling out and he would be attending a ribbon cutting in Rodanthe/Waves/Salvo on March 29, 2022 with Vice-Chairman Overman.
- The Audit Committee would have their next meeting on March 24, 2022.
- Commented with concern on the shortage of primary care physicians in the county.

Commissioner House

- He stated prayers should continue for Ukraine. He recited the three main things then General Dwight D. Eisenhower stated helped the United States win WWII: armament, invention of the mechanical army (jeep) and the will of the American people.
- Remembered the historic March 7, 1965 Selma to Montgomery marches, known as 'Bloody Sunday', during the crossing of the Edmund Pettus Bridge in Selma, Alabama.
- Introduced a resolution relative to the Striped Bass Amendment 2. The Board discussed and after it was presented, Commissioner Ross asked that there be some clarifying percentages added to the resolution.

**MOTION**

Commissioner House motioned to approve the Resolution as amended.

Commissioner Tobin seconded the motion

VOTE: AYES unanimous

**MANAGER'S/ATTORNEY'S BUSINESS**

Mr. Outten presented a budget amendment for a grant received for the Sheriff's Office.

**MOTION**

Commissioner House motioned to approve the \$84,270 budget amendment.

Commissioner Bateman seconded the motion

VOTE: AYES unanimous.

Mr. Outten explained Dan Bullock, of Holtz Builders, was interested in a project to construct dormitory-style housing, often used for J1 workers. He had sent specifics regarding a request for \$1,500,000 in subsidy over ten years. The 192 units to be built would have 1 - 2 bedrooms. The Board discussed and was interested in more details. The County Manager would provide an update after more conversations with Mr. Bullock.

**CLOSED SESSION:** At 11:46 a.m. Mr. Outten 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 relative to Blackburn v. Dare, personnel issues and to approve the minutes of the last closed session.

**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 Ross seconded the motion.

VOTE: AYES unanimous

Dorothy Hester announced there would be an Avon and Buxton beach nourishment public live-streamed meeting on March 24, at 5:00 p.m., at the Fessenden Center. The tentative windows for the commencement of the projects were early June for Avon and July for Buxton. The COA ribbon cutting would be April 8, 2022 at 2:00 p.m. Mr. Clawson added it was hopeful the remaining siding would be installed on the building by that time.

At 11: 49 a.m., the Commissioners exited the room to meet in Closed Session. They reconvened in Open Session at 12:12 p.m. Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, had discussion with the County Attorney, gave guidance and took no action.

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

**MOTION**

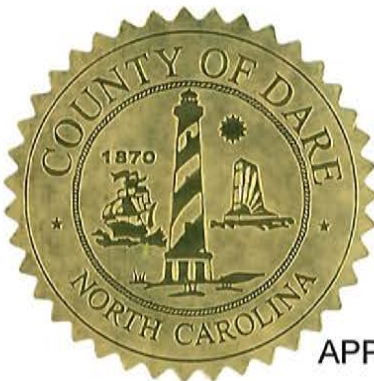
Commissioner Tobin motioned to adjourn the meeting.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

At 12:13 p.m., the Board of Commissioners adjourned until 5:00 p.m., March 21, 2022.

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