



COUNTY OF DARE, NORTH CAROLINA

District 1: Roanoke Island & Mainland; District 2: Nags Head, Colington, Kill Devil Hills; District 3: Kitty Hawk, Southern Shores, Duck; District 4: Chicamacomico, Avon, Buxton, Frisco, Hatteras; District 5: At Large

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MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., January 6, 2014

Commissioners present: Chairman Warren Judge, District 3
Vice-Chairman Allen Burrus, District 4
Virginia Tillett, District 1; Wally Overman, District 1
Max Dutton, District 2; Robert Woodard, District 2;
Jack Shea, District 5

Commissioners absent None

Others present: County Manager/Attorney, Robert Outten
Finance Director, David Clawson
Public Information Officer, Dorothy Killingsworth
Clerk to the Board, Gary Gross

Chairman Judge called the January 6, 2014 meeting of the Dare County Board of Commissioners to order at 9:06 a.m. He invited the Rev. Keith Dey from the Lutheran Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Judge asked for a motion to amend the agenda to pull the second item from the Consent Agenda (Resolution – Opposing Any Proposed Bans on the Taking of Coyotes) and make it Agenda Item 12-A.

MOTION

Commissioner Shea motioned to amend the agenda as requested.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 1 – EMPLOYEE OF THE MONTH – JANUARY 2014

Georgia Ellis from the Fire Marshal's Office received the Employee of the Month certificate for January 2014 from Steve Kovacs who described her dedication and service to the County.

ITEM 2 – EMPLOYEE OF THE YEAR – 2013

Eric Cleaver, 2012 Employee of the Year, acknowledged all the Employees of the Month for 2013 before announcing Randolph Murray from Public Works as the 2013 Employee of the Year. Public Works Director, Edward Lee Mann, noted that Mr. Murray is an outstanding employee who goes the extra mile. Mr. Murray expressed the pride that he takes in doing his job and making sure that the public is satisfied with his work.

ITEM 3 – PUBLIC COMMENTS

The County Manager outlined the public comment procedure. The following spoke –

1. Jay Mauri of Manteo commented on the taking of coyotes and expressed his concern about the inadvertent taking of other animals, such as the red wolf, and asked what steps and precautions will be taken. He noted that a lot of people have invested a great deal of time, effort, and money to protect and reintroduce the red wolf into the area and said we need to be sure we do not have predation against them.

ITEM 4 – NCDOT UPDATE ON NC HIGHWAY 12 PROJECT IN RODANTHE

Bobby Lewis, NCDOT Chief of Staff, outlined the dates and locations for the Public Hearings being held this week on the long-term solution for the section of NC Highway 12 in the southern portion of the Pea Island National Wildlife Refuge and northern Rodanthe. He explained the goals of the Public Hearings and outlined two alternatives and the relative cost estimates for each. He invited people to get involved in the Public Hearing process and asked that they be specific in expressing their concerns. Vice-Chairman Burrus asked whether property owners in Mirlo Beach might be able to have an alternate route to their homes when over wash occurs and if a dune line can be established at the new inlet bridge. Chairman Judge thanked NCDOT for its efforts in keeping open the Dare County transportation system.

ITEM 5 – PROPOSAL FOR RECONSTRUCTION OF THE HISTORIC DARE COUNTY COURTHOUSE BELFRY (Att. #1)

County Manager Robert Outten explained that in 1933 a hurricane damaged the Old Courthouse belfry. He said the Manteo Preservation Trust (MPT) seeks permission to restore the belfry at no cost to the County. BeBe Woody, on behalf of MPT, outlined a time line for the project and said their plan had not yet been presented to the public until the proper authorizations could first be obtained. Mr. Outten noted that the entire building is now usable and that it is something of which to be proud.

MOTION

Vice-Chairman Burrus motioned to proceed with the belfry reconstruction project as outlined by the County Manager.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013 (Att. #2)

Bob Taylor, Potter & Company, and Dare County Finance Director, David Clawson presented the 2013 Comprehensive Annual Financial Report (CAFR). Mr. Taylor said his firm did the financial audit and compliance reports and concluded with full assurance that the CAFR presents fairly the financial position of Dare County. He noted that there were no findings or any questioned costs. Mr. Clawson presented a PowerPoint that provided details about the 2013 CAFR. He identified two issues – 1) General Fund results reflecting a fund balance level with a 2.3 million dollar decrease. 2) Insurance Fund results showing a 2.1 million dollar loss for the year. Mr. Clawson reviewed

General Fund revenues and expenditures, the Water Fund, and other Dare County funds. Commissioner Shea said the CAFR is a very good report and noted that we need to address the insurance issue, which will be an even greater problem in the future. Chairman Judge thanked Mr. Taylor and Mr. Clawson for an excellent report.

ITEM 7 – DARE MEDFLIGHT – AMENDMENT TO PURCHASE AGREEMENT FOR NEW HELICOPTER (Att. #3)

John Watts, Emergency Services Director, presented five items not included in the original spec that have been added to the helicopter in order to enhance safety and operations, and reduce long term preventative maintenance. Mr. Watts explained why the items, valued at \$342,292 were not added when the helicopter order was originally placed. Mr. Outten noted that the budgeted dollars for the project remains the same and that the funds needed for the contract amendment will come out of the portion that was set aside to cover unknown items.

MOTION

Commissioner Shea motioned to approve the purchase agreement amendment and authorize the Manager to execute any budget amendments, contracts, and other necessary documents.

Vice-Chairman Burrus and Commissioners Dutton and Overman seconded the motion.
VOTE: AYES unanimous

ITEM 8 – RECLASSIFICATION OF TWO EMS POSITIONS (Att. #4)

Emergency Services Director, John Watts, asked for approval to reclassify position 200283 from a Lieutenant to a Captain; and to reclassify position 200324 from a Lieutenant to a Paramedic. He explained that the request relates to a revamping of the scheduling system that has reduced five shifts to four. He said the reclassification would provide a Captain for each shift and would be budget neutral. Mr. Watts noted that the Department is cutting down on overtime and continuing to provide EMS services at less cost. He also gave a time line update on delivery of the new helicopter and said it should be in service approximately June of 2015.

MOTION

Commissioner Shea motioned to approve reclassifying position 200283 from a Lieutenant to a Captain, and reclassifying position 200324 from a Lieutenant to a Paramedic.

Commissioner Dutton seconded the motion.
VOTE: AYES unanimous

ITEM 9 – RFQ FOR E-911 CONSOLIDATION CONSULTANT

The County Manager reported that a review of firms resulted in a recommendation that Mission Critical Partners (MCP) be selected as the consultant to determine if 911 services should be consolidated with neighboring counties. He asked for permission to negotiate a contract with MCP subject to Board approval. Mr. Outten noted that determining the possible cost share basis of any consolidation effort with neighboring counties would be done after obtaining a contract with MCP and those findings would be presented to the Dare County Board of Commissioners.

MOTION

Commissioner Shea and Commissioner Overman motioned to select Mission Critical Partners as the consolidation consultant and authorize the County Manager to negotiate a contract to present to the Board for approval.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – DARE COUNTY PARTICIPATION IN DEPARTMENT OF DEFENSE – JOINT LAND USE STUDY (Att. #5)

Mr. Outten reported that Seymour Johnson Air Force Base (SJAFB) has asked Dare County to participate in a Joint Land Use Study (JLUS) designed to be a collaborative tool to assist State and Local governments in promoting compatible uses in support of Department of Defense missions. He said the military wants to make sure our land use plan is compatible and avoid problems while land use projects are in the planning stages. Commissioner Shea noted that it is important that nothing interfere with aircraft instrument approaches to the Dare County Airport.

MOTION

Commissioner Shea motioned to adopt a Resolution approving participation in the Joint Land Use Study as outlined by the County Manager.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PUBLIC HEARING – C-2 TEXT AMENDMENT FOR COMMERCIAL GROUP DEVELOPMENTS

At 10:05 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the C-2 Text Amendment for Commercial Group Developments. The County Manager conducted the hearing and explained the procedure for making comments. No one in the meeting room responded to the invitation to speak. Chairman Judge closed the hearing at 10:06 a.m.

Planning Director, Donna Creef, reviewed the proposed Text Amendment submitted by OT Enterprises, LLC. She said it is specific to the C-2 District as it applies in unincorporated Dare County involving commercial group developments that are served by centralized wastewater treatment.

MOTION

Commissioner Tillett and Commissioner Woodard motioned that the C-2 Text Amendment be adopted as advertised for public hearing and that it is consistent with the policies of the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County and is in the public interest of Dare County by providing for the continued sustainability of older businesses in unincorporated Dare County.

Commissioner Shea and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

ITEM 12 – PUBLIC HEARING – PROPOSED FREEBOARD AMENDMENT TO FLOOD ORDINANCE (Att. #6)

At 10:07 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the Proposed Freeboard Amendment to the Flood Ordinance. The County Manager conducted the hearing and explained the procedure for making comments. The following spoke –

- 1) Duke Geraghty, Vice-Chairman of the Outer Banks Homebuilders Association, and a member of the NC Homebuilders Association Building Codes and Legislative Committee, said he wanted the Board to be aware of the seriousness of this issue. He said it involves more than raising houses up one foot. He expressed concern about the number of non-conforming structures that will be created and the people who will not be able to remodel their homes without making different changes. Mr. Geraghty said during Hurricane Irene, the areas that were built to base flood elevation did not get flooded. He said while he wants flood discounts, he questioned whether other options may be available and urged the Board to explore other alternatives. He noted that he has not been able to discuss this with Planning Director Donna Creef because he has been out of town.

The County Manager clarified that the proposed freeboard requirement would reinstate what had been in place until it recently expired. He said it would not add an additional one foot to the previous level. Ms. Creef added that the NC Building Code had a one-foot freeboard requirement in effect since March 1, 2012, which has since expired. She explained that applicants are now technically building to base flood levels under the Building Code with no freeboard requirement, but, the proposed amendment would add one foot of freeboard putting it back to where it was under the Building Code before it expired. Chairman Judge closed the hearing at 10:12 a.m.

Commissioner Woodard asked whether the proposed amendment will create additional non-conformities. Mr. Outten explained that in 2012 when the Building Code was adopted with the 1-foot freeboard requirement, it created a certain number of non-conformities, and that rule has been in place until just recently. Mr. Outten added that if the proposed freeboard requirement is adopted, it would continue the same non-conformities that have existed since 2012. He said the potential for new ones would be if someone, between the expiration date and today, asked to build below the 2012 rule, which would, in theory, create a non-conformity. Ms. Creef reported that no building permits have been issued since the beginning of the year that have been below base flood level. Commissioner Woodard asked what is being done to accommodate those who are non-conforming. Mr. Outten said the 50% rule under the flood program would apply to those who rebuild or repair. Commissioner Shea asked about the impact of new flood maps that are anticipated. Mr. Creef said if the new maps change a person's flood zone, their property could be rendered non-conforming under the federal flood insurance rules. She noted that the freeboard requirement and the flood maps are two separate components, with the freeboard requirement designed to achieve points in

order to help reduce flood insurance. Mr. Outten explained that the impact could be great if the new maps list a property in a higher rated zone, which is why it is worthwhile to achieve points that will help earn rate discounts.

MOTION

Vice-Chairman Burrus motioned to approve the proposed amendment to the Dare County Flood Damage Prevention Ordinance as advertised adding a one-foot freeboard requirement, and finding this amendment to be consistent with the policies of the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County and is in the public interest of Dare County by providing for increased flood damage protection. Commissioner Shea and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

RECESS: 10:21 a.m. – 10:42 a.m.

ITEM 12-A – RESOLUTION – OPPOSING ANY PROPOSED BANS ON THE TAKING OF COYOTES (Att. #8)

Commissioner Overman reported that he received a call concerning the efforts of the Southern Environmental Law Center (SELC) to ban the taking of coyotes. He explained that coyotes are a nuisance and create havoc causing millions of dollars in losses of livestock, commercial farm animals, and pets. Commissioner Overman explained the importance of allowing the continued hunting of coyotes. He called on the Board of Commissioners to support a Resolution and stand with Hyde and Tyrrell counties in opposition of the SELC effort to ban the hunting of coyotes.

MOTION

Commissioner Shea motioned to adopt a Resolution opposing any proposed bans on the taking of coyotes.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 13 – CONSENT AGENDA

The County Manager presented the Consent Agenda.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (12.02.13 & 12.10.13) **(Att. #7)**
- 2) Resolution - Opposing Any Proposed Bans on Taking of Coyotes (See #12-A)
- 3) Revision to the Dare County Transportation Advisory Board's Bylaws **(Att #9)**
- 4) Budget Amendment for Tourism Board Grant for Oregon Inlet Study
- 5) Social Services Budget Amendment – Money Follows the Person
- 6) Budget Amendment – Parks & Recreation Dance Registration
- 7) Title III-D Health Promotion/Disease Prevention Grant
- 8) Community Transformation Grant
- 9) Designation of Assistant Finance Officer
- 10) Tax Collectors November 2013 Reports

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 14 – BOARD APPOINTMENTS

1) Health and Human Services Board

Vice-Chairman Burrus motioned to appoint Tanya Barkley-Graham to fill the vacant social worker position.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

2) Upcoming Board Appointments

The upcoming Board appointments for February and March 2014 were announced.

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

Commissioner Dutton

- He wished everyone a Happy New Year and said he was thankful to serve with this Board of Commissioners.
- Commissioner Dutton congratulated Georgia Ellis on receiving the Employee of the Month certificate and Randolph Murray on being selected as the 2013 Employee of the Year.
- He said that hopefully we will get a bridge in 2014.

Commissioner Tillett

- She extended a Happy New Year greeting to everyone and said she looked forward to a year of working together to get things done.
- Commissioner Tillett reported on conversations she has had with Commissioner Overman about what should be done with the Old Rest Area at the northern end of Roanoke Island. She said we need to make sure we are moving in a way that the citizens want and noted that the project will have to be developed in stages in view of the limited funds that may be available. She recommended getting citizen input and submitting the project to the Dare County Capital Improvements Planning Committee.
- She informed the Board that Robert Dough from Greenville has asked if the County provides upkeep for cemeteries, such as the small one his family has in Dare County. She asked the County Manager to respond to Mr. Dough about his inquiry.

Vice-Chairman Burrus

- He said he did not know why the Southern Environmental Law Center (SELC) is getting involved in the taking of coyotes (Agenda Item 12-A) but we need to keep an eye on this.
- Vice-Chairman Burrus noted that flooding is a problem for the houses in Mirlo Beach. He asked the County Manager to see if something can be done in coordination with the State to alleviate the problem.
- He identified a need for sand fences at the south end of the new inlet bridge. Chairman Judge suggested that the County Manager contact Mike Bryant at U.S. Fish and Wildlife about this.

- The Vice-Chairman congratulated the Employee of the Year and the Employee of the Month.
- He extended best wishes for the New Year and cautioned everyone that insurance issues could present a hardship for property owners this year and he called for both of our Senators to get on board with this.
- Vice-Chairman Burrus noted that our State's coastal areas have real enemies and people should not give money to groups like the Southern Environmental Law Center, Audubon Society, Defenders of Wildlife, and the Sierra Club.

Commissioner Shea

- He wished everyone a Happy New Year and expressed hope for 2014.
- Commissioner Shea congratulated the Employee of the Year and the Employee of the Month.

Commissioner Overman

- He gave Happy New Year greetings and noted that 2014 will present hard budgetary decisions.
- Commissioner Overman acknowledged the Employee of the Year and the Employee of the Month.
- He thanked Hatteras Island residents for participating in recent meetings on a variety of issues and said they deserve all the support we can give them.
- Commissioner Overman said he supports the bicycle lights program as part of a countywide effort to reduce injury and loss of life. He thanked the County Manager for providing financial assistance for this effort.
- He asked the Board for their views on whether there is interest in the Benny's Seafood property in Stumpy Point. The Board agreed to discuss this further at the conclusion of Commissioners' business.

Commissioner Woodard

- He wished Dare County citizens a happy and prosperous 2014. He said he looks forward to working with the Board in tackling the issues before us in 2014.
- Commissioner Woodard congratulated the Employee of the Year and the Employee of the Month.
- He echoed the comments of Vice-Chairman Burrus about the Southern Environmental Law Center and noted that this organization has continued to put roadblocks in our path and people should not give them money.

Chairman Judge

- He recommended that a letter be sent supporting the stand of the State Insurance Commissioner in opposition to a rate increase requested by the insurance industry. He said Dare County would closely monitor this issue.

MOTION

Vice-Chairman Burrus motioned to send a letter to the North Carolina Insurance Commissioner.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- He outlined the series of meetings being held this week by NCDOT concerning their long term improvements for Rodanthe

The Chairman asked if anyone had ideas to suggest for use of the old Rest Area at the north end of Roanoke Island. None were expressed and he encouraged the Board to pass along suggestions to Commissioners Tillett and Overman and the County Manager. Mr. Outten said this item can be put on the agenda for the next meeting of the Capital Improvements Planning Committee.

The Board then discussed the Benny's Seafood building in Stumpy Point and the offer to have it donated to the County. The County Manager said he does not see a practical use for it, noted that there are back taxes due on the property, and advised against taking on the liability. It was suggested that the fire department may want to use it as a training exercise. The Chairman asked Mr. Outten to advise them to contact the local fire department and the North Carolina Forestry Service.

At 11:51 a.m., Commissioner Shea asked to be excused from the remainder of the meeting.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager said the Hatteras Island radio station is close to going on the air. He said they are looking for studio and office space and have asked to use vacant rooms at the County owned property under the old water tower, which is being used by Probation and Parole. He said it is better for vacant property to be used and said a rent-free lease could be prepared similar to what was done for the old Administration Building in Manteo with the provision that they would have to vacate if the County needed the space in the future. Mr. Outten said the Scouts also need storage space and he explained that user groups would maintain the interior along with any costs for up fitting the space for their use. He explained that the County would be responsible for maintaining the exterior, which it is doing anyway for Probation and Parole. Vice-Chairman Burrus provided background information about the radio station and explained how it will serve the needs of the community especially during emergencies.

MOTION

Commissioner Dutton motioned to authorize the County Manager to negotiate and prepare a lease to accommodate the requests for space by the Scouts and the Hatteras Island radio station.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous (Commissioner Shea was not present for voting on this item)

2. Mr. Outten informed the Board that Crown Castle, a radio tower company, has asked about putting a 100 by 100 foot square pad at the Fessenden Center and possibly other locations, such as the Buxton baseball field, and a school site. He said they have proposed a \$1,000 per month rental payment in exchange for space for them to build a tower, which they would then rent out. He asked for

Board input and Chairman Judge recommended against it. Vice-Chairman Burrus noted that in view of how precious land is for Parks and Recreation and the schools, he could not imagine giving up use of our property. Mr. Outten said he would advise the firm that the County is not interested in their offer.

3. The Manager explained that the Transportation RPO has two entities that meet and there is a need for Alternates to be appointed to represent Dare County –
 - o The Rural Transportation Coordinating Committee (RTCC) is typically made up of staff people. Mr. Outten said he serves as the representative to the RTCC and recommended appointing Planning Director Donna Creef as his Alternate.
 - o The Rural Transportation Advisory Committee (RTAC) is the other group, which has Commissioner Shea as the Dare County Representative. He said Commissioner Overman has expressed willingness to serve as an Alternate.

MOTION

Commissioner Woodard motioned to appoint Commissioner Overman as the Alternate to Commissioner Shea on the Rural Transportation Advisory Committee and to appoint Donna Creef as the Alternate to the County Manager to the Rural Transportation Coordinating Committee.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous (Commissioner Shea was not present for voting on this item)

4. Mr. Outten reported that Emergency Management Director, Sandy Sanderson, has advised that he is retiring June 2015. The Manager said he would like to hire a replacement in June 2014 in order for the new person to get up to speed so there is a seamless transition. He explained that this is not a budgeted position and the extra salary would need to be covered for a one-year period. Commissioner Woodard questioned why a one-year transition period was needed. Mr. Outten said Dare County is one of the most active hurricane sites in the nation and the new Emergency Management Director needs time to get to know the many people and agencies that Dare County depends upon during emergencies. He said he would like to advertise for the position right away and start recruiting for a hire date of June 2014. Commissioner Woodard said this should be discussed during our upcoming budget cycle rather than now. Mr. Outten said if we delay in advertising for the position it would mean that an experienced job candidate would not want to leave their existing employment during this year's hurricane season. He added that he and Finance Director David Clawson are confident that cuts can be made to pay for this position without increasing our revenues. Vice-Chairman Burrus said he appreciates the budgetary concerns, however, in view of the wide scope of critical responsibilities handled by the Emergency Management Director, he supports the County Manager in looking ahead to fill this important position.

During discussion on the motion, Commissioner Woodard noted that he does not object to the position from June 2014 to June 2015, but does not think it should be done today without any budget guidance. Commissioner Tillett suggested that we defer this item until the next meeting to allow for further study and for all Commissioners to be present.

MOTION

Vice-Chairman Burrus motioned to authorize the County Manager to create an Assistant Emergency Management Director position and begin moving forward with the recruiting and hiring process.

Commissioner Dutton seconded the motion.

VOTE: AYES: (4) Commissioners Judge, Burrus, Tillett, and Dutton

NOES: (2) Commissioners Woodard and Overman

ABSENT: (1) Commissioner Shea was not present for voting on this item

At 12:15 p.m., the Board of Commissioners adjourned until 5:00 p.m., Tuesday, January 21, 2014.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED: By: 
Warren C. Judge, Chairman
Dare County Board of Commissioners