



# COUNTY OF DARE, NORTH CAROLINA

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

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## DARE COUNTY BOARD OF COMMISSIONERS MEETING

February 4, 2013 — 9:00 a.m.

Dare County Administration Building, Manteo, NC

**Commissioners Present:** Chairman Warren Judge, District 3; Vice-Chairman Richard Johnson, District 1; Virginia Tillett, District 1; Max Dutton, District 2; Robert L. "Bob" Woodard, Sr., District 2; Allen Burrus, District 4;

**Commissioners Absent:** Jack Shea, District 5

**Others Present:** County Manager/Attorney Bobby Outten; Finance Director, Dave Clawson; Public Information Officer, Dorothy Killingsworth, Clerk to the Board, Gary Gross

**Public Comments:** None

### **Presentations:**

Employee of the Month certificate was presented to Aubrey Remige for her work at Older Adult Services

Service pin was given to Melissa Turnage, Social Services Department

Recognition of Appreciation — Former Commissioner Mike Johnson was recognized for his service to Dare County, his advocacy on fisheries issues, and his leadership as Chairman of the Dare County Control Group

Report on the NC Senior Tar Heel Legislature — was presented by Kaye White and Mary Ellen Hawthorne

### **Summary of Actions:**

Proclamation — 2-1-1 Day — the Board approved designating February 11th as 2-1-1 Day in Dare County

Regional Library Agreement — Approved

Rodanthe Oceanfront Park — Engineering Proposal — Approved Creative Engineering Solutions on behalf of the Outer Banks Collaborative, to provide engineering services for the project and authorized the County Manager to make the necessary changes and clarifications in the contract as presented, and execute the document

Outer Banks National Scenic Byway Committee — Construction Management — Authorized the County Manager to begin negotiations with the Louis Berger Group to provide construction management services for the sidewalk project and prepare a document for Board approval

Draft Zoning Map for East Lake — Set a Public Hearing to be held in East Lake at 7:00 p.m., Mon., March 4, 2013 at the Community Center

City Beverage Storage — Group Development CUP —

Approved the site plan and CUP with the addition of Condition #10 that the site plan and CUP is contingent on approval by the Dare County Airport Authority

Revenue and Fund Balance Spending Policy — Adopted Revenue Spending and Fund Balance Spending policies

Resolution — Supporting NCACC Legislative Goals — Adopted

Consent Agenda — Approved

1. Approval of Minutes (01.22.13 & 01.15.13)
2. Request Permission to Apply for Outer Banks Community Foundation Grant
3. Detention Center — Budget Amendment
4. Foster Care Budget Amendment
5. Advertise 2012 Tax Year Liens

Board Appointments

1. Aging Advisory Council for the Albemarle Commission — Reappointed Brandi Rheubottom and Kaye White
2. Dare County Center Advisory Board — Appointed Suzy Barrett
3. Juvenile Crime Prevention Council — Appointed Natalie Evans and Malinda Lathan
4. Planning Board — Reappointed Ricky Scarborough, Jr. and Elmer Midgett
5. Upcoming Board Appointments for March and April 2013 were announced

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Chairman Warren Judge called the February 4, 2013 meeting of the Dare County Board of Commissioners to order at 9:06 a.m. He invited the Rev. Keith Dey 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 add a report from Commissioner Woodard about the first meeting of the Oregon Inlet Task Force Advisory Committee.

**MOTION**

Commissioner Dutton and Vice-Chairman Johnson motioned to add a report from Commissioner Woodard on the Oregon Inlet Task Force Advisory Committee as Agenda item 13-A.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Melissa Turnage, Social Worker, received her 10-year pin from Nancy Huff.

**ITEM 2 – EMPLOYEE OF THE MONTH – FEBRUARY 2013**

Aubrey Remige, Older Adult Services, received the Employee of the Month certificate for February 2013 from Brandi Rheubottom. She described Ms. Remige as an integral part of Older Adult Services who is loved by the people she serves.

**ITEM 3 – RECOGNITION OF APPRECIATION**

Chairman Judge recognized former Commissioner Mike Johnson for his service to the people of Dare County. His work on behalf of fisheries issues was described along with his outstanding leadership as Chairman of the Dare County Control Group. Chairman Judge and Emergency Management Director, Sandy Sanderson, presented Mr. Johnson with a commemorative plaque. Mr. Johnson said the plaque means a lot to him because he took seriously his role on the Control Group. He said as the group's Chairman, he appreciated the efforts of Sandy Sanderson, Bobby Outten, and Dorothy Killingsworth, and called them true Emergency Management professionals.

**ITEM 4 – PUBLIC COMMENTS**

The County Manager outlined the procedure for making public comments. No one in the meeting room responded.

**ITEM 5 – PROCLAMATION 2-1-1 DAY**

Patty McKenna, Coordinator of the Community Services Collaborative, outlined the scope of information available on the 2-1-1 system. She gave an overview of the vast amount of information on health and human services that is available by calling 2-1-1. Ms. McKenna said the group is working to increase awareness and asked the Board to help by Proclaiming February 11 as 2-1-1 Day in Dare County. The County Manager read a Proclamation.

**MOTION**

Commissioner Tillett motioned to proclaim February 11 as 2-1-1 Day in Dare County.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – REPORT ON THE NC SENIOR TAR HEEL LEGISLATURE**

Kaye White and Mary Ellen Hawthorne reported on the work of NC Tar Heel Legislature. Ms. White said the group is working to educate lawmakers in Raleigh about their program and seek their support. She said Senator Cook and Representative Tine have been invited to be with their group in March for the celebration of their 20<sup>th</sup> anniversary. Ms. White gave an overview of the meetings that were held during 2012. Ms. Hawthorne listed the group's 2013 legislative priorities to enhance the health and wellness of North Carolina seniors. She also described the efforts that were made to try to have the issue of Alzheimer's care included as one of the top five priorities. She pledged to keep working to get this important issue added to the list. Commissioner Tillett thanked Ms. White and Ms. Hawthorne for their report and Chairman Judge expressed gratitude for their passionate service.

**ITEM 7 – REGIONAL LIBRARY AGREEMENT (Att. #1)**

Jonathan Wark, Dare County Librarian and Director of the East Albemarle Regional Library System, said in 1964 the State was pushing to develop libraries in rural areas. He described the formation of 15 library systems serving 49 of North Carolina's 100 counties. He said for two generations there was no organizational change until two counties in western North Carolina disbanded. Mr. Wark reported that the Legislature recognizes that the existing library agreements do not reflect how the libraries are operating. He explained that changes to the North Carolina Administrative Code have caused a need to rewrite library agreements to reflect how they operate. He said the

contract being presented to the Board for approval has been vetted by the State to bring it into compliance with the new administrative code language. Mr. Outten informed the Board that there is discussion in our library region about a possible reorganization. He said the talks that are underway could result in creating two regions, or having each library go its separate way. He explained that based on funding formulas that are being examined there may be advantages to changing the structure of our region. Mr. Outten said he wanted the Board to know that although the contract presented to them today is timely and needs to be approved, there is a possibility that another contract could be presented to them in the future, if the library region moves towards organization.

**MOTION**

Commissioner Burrus motioned to approve the Regional Library agreement.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – RODANTHE OCEANFRONT PARK – ENGINEERING PROPOSAL (Att. #2)**

Mr. Outten said previously the Board reviewed engineering RFQ's and selected the Outer Banks Collaborative. He said their contract, now being presented to the Board, reflects the entire scope of the project and may exceed the funding that is now available. He explained that if additional grants are not obtained, the project's scope would be cut back and done in phases to match the available funding. Mr. Outten said the Capital Improvements Planning Committee (CIPC) reviewed the contract, and identified several items that need clarification including costs for attending meetings, wetlands mitigation, and the definition of significant changes to the project. He said the CIPC recommended accepting the contract and having the Manager clarify the questions that were identified. Vice-Chairman Johnson asked who will supervise the project and was told the contract includes a management component. Commissioner Burrus said this is a start in moving forward on the project and identified a need to move quickly. He assured the Board that the CIPC will ride herd on this project, and reminded that this project will be funded entirely by grant money, not tax revenue. Commissioner Dutton said we are engineering the entire project in hope that there will be funding to do everything and stressed the importance of staying within budget.

**MOTION**

Vice-Chairman Johnson motioned to approve Creative Engineering Solutions on behalf of the Outer Banks Collaborative, to provide engineering services for the Rodanthe Oceanfront Park and authorize the County Manager to make the necessary changes and clarifications in the contract as presented, and execute the document.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – OUTER BANKS NATIONAL SCENIC BYWAY COMMITTEE – CONSTRUCTION MANAGEMENT**

The County Manager said RFQ's were put out for engineering firms to provide construction management services for the sidewalks project. He explained that hiring a construction manager is a requirement of the project's grant and cannot be done in-house by Dare County. Mr. Outten said 4 or 5 firms attended the required submission conference, however, only two firms submitted bids. He identified Albemarle & Associates and the Louis Berger Group. He noted that under NCDOT grant guidelines, Albemarle & Associates is not eligible to be the construction manager because they are the project's design firm. He outlined three options: 1) Accept the Louis Berger Group, 2) Ask the State for a possible waiver for Albemarle & Associates, 3) Resubmit RFQ's to get additional submitters. Mr. Outten said the Capital Improvements Planning Committee (CIPC) in reviewing this item expressed concern that options 2 & 3 would cause delays in the start of the project, which would interfere with summer traffic and activity. He said the CIPC recommends that the Board authorize the County Manager to negotiate with the Louis Berger Group, and if their price is not reasonable, then we have the option to start the process over again to find someone who can meet our budget. Commissioner Tillett asked if we have met this firm. Mr. Outten said he talked with Barry Hobbs at NCDOT who told him that they have worked with this firm before. Commissioner Burrus said the CIPC wanted to make sure the project does not disrupt the community during June and July in the busy season. Chairman Judge said he does not like going with a firm from outside the County, but sometimes it makes sense to do so. The County Manager noted that the Louis Berger Group is the only firm that meets the qualification.

**MOTION**

Commissioner Burrus motioned to authorize the Manager to begin negotiations with The Louis Berger Group to provide Construction Management services for the sidewalks project and prepare a document to be presented to the Board for approval.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – DRAFT ZONING MAP FOR EAST LAKE**

Planning Director, Donna Creef, explained that last year the Board enacted a moratorium on borrow pits for the East Lake tax district. She said the moratorium resolution instructed the Planning Board and staff to begin working on a draft zoning map for East Lake. She said several meetings were held in East Lake with property owners and residents and the Planning Board held a workshop and conducted a Public Hearing. She outlined details of the draft zoning map's four (4) new zoning districts – East Lake Residential (ELR); East Lake Village Commercial (ELVC); East Lake Community Services (ELCS); and East Lake Natural Historic (ELNH). Ms. Creef said the issue of borrow pits and mining was a major concern for the residents and in deference to the wishes of the community they are not listed as permitted or conditional uses in any of the draft districts. She informed the Board that a Public Hearing is required before the zoning regulations can be adopted.

**MOTION**

Commissioner Dutton motioned to set a Public Hearing on the East Lake zoning map and text to be held in the Village of East Lake at 7:00 p.m., Monday, March 4, 2013 at the Community Center.

Commissioner Burrus and Commissioner Tillett seconded the motion.

VOTE: AYES

**ITEM 11 – CITY BEVERAGE STORAGE – GROUP DEVELOPMENT CUP**

Donna Creef, Planning Director, presented a site plan and Conditional Use Permit (CUP) application from Jay Dixon requesting approval to construct a second storage building on City Beverage property on Driftwood Drive in Manteo. She explained that the applicant has an existing mini-storage building at the location and the addition of a second building triggers review as a group development subject to Conditional Use Permit review. She reported that during the Planning Board review process, neighboring property owners were notified and no response was received. She added that modifications to the stormwater management permit and a soil erosion and sedimentation control permit are both required before the County will issue building permits. Ms. Creef outlined the requirements for fencing, parking, and hours of operation.

Vice-Chairman Johnson made a motion to approve the item, which was seconded by Commissioner Dutton. During discussion, a concern was identified that the applicant's plans not interfere with nearby airport operations. The Board agreed to add an additional condition to the CUP to address this concern. Commissioner Dutton's second of the original motion was withdrawn and Vice-Chairman Johnson then made the following motion:

**MOTION**

Vice-Chairman Johnson motioned to approve the site plan and CUP for City Beverage group development with the addition of Condition #10 that the site plan and CUP is contingent on approval by the Dare County Airport Authority.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – REVENUE AND FUND BALANCE SPENDING POLICY (Att. #3)**

Finance Director, David Clawson, explained that the Government Accounting Standards Board (GASB) requires a formalized "Revenue Spending" policy and a "Fund Balance Spending" policy that specifies the order in which funds are expended. He outlined the sequence of fund expenditures for each policy and asked the Board to approve sections VIII and IX of the Revenue Policy section of Dare County's Financial Policies:

**MOTION**

Commissioner Tillett motioned to adopt the Revenue Spending and Fund Balance Spending policies, numbers VIII and IX, as presented.

Commissioner Dutton and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – RESOLUTION – SUPPORTING NCACC LEGISLATIVE GOALS**

Mr. Outten presented a Resolution from the North Carolina Association of County Commissioners (NCACC) seeking Board support for the NCACC legislative goals adopted by the membership at their recent Legislative Goals Conference. He reported that Commissioner Tillett served as Dare County's Delegate to the Legislative Conference.

**MOTION**

Commissioner Tillett motioned to adopt a Resolution in support of the legislative goals adopted by the membership of the North Carolina Association of County Commissioners.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

### **ITEM 13A – OREGON INLET TASK FORCE ADVISORY COMMITTEE – UPDATE**

(This item was added to the agenda by a motion at the start of the meeting)

Commissioner Woodard reported that the Committee met February 1, 2013 and elected Jim Tobin as Chairman, and Harry Schiffman as Vice-Chairman. He read the mission statement that was adopted by the Committee. Commissioner Woodard said the group had preliminary budget discussions and agreed to meet on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month. He said in reviewing strategies, two items were identified and he asked the Manager to present them to the Board for consideration.

Mr. Outten said the group seeks to find a permanent solution to stabilize the inlet. He said to that end, the first item the Committee asks is that the Board authorize an RFQ (Request For Qualification) for engineering firms to determine the feasibility and costs of a trestle system as a possible way to stabilize the inlet. He explained that the Committee would like to compare trestle costs and feasibilities to a jetty system and dredging. He said the Committee felt that decisions could better be made on picking a permanent solution to pursue for the inlet with this information. Commissioner Tillett asked if County funding will be needed and if it is available. Chairman Judge explained that based on the RFQ, a recommendation would be made to the Board, and, if approved, the Manager would negotiate a fee that would be presented to the Board for action. He added that this step of the process does not incur any costs and might be an expense that has to be budgeted in the coming year. Mr. Outten said the amount of money that might be involved would need to first be identified, and then work to fund it in the budget. Commissioner Tillett asked Commissioner Woodard if the towns will be assisting financially and with other resources on this project. Commissioner Woodard said he will be seeking that and believes there is more than one stakeholder other than Dare County.

#### **MOTION**

Commissioner Woodard motioned to authorize the County Manager to prepare, advertise, and solicit Requests for Qualification.

Vice-Chairman Johnson seconded the motion.

VOTE: AYES unanimous

The County Manager said the second Committee item involves the possible State acquisition of land on the north side of Oregon Inlet that will be needed to accomplish any of the stabilization goals. He said the Committee asks that the Board acknowledge its support for State acquisition of the property and authorize County staff and others as directed to meet with our State delegations to begin pursuing State acquisition of the land. In response to a question from Commissioner Burrus, the Manager said the land involves 93 acres of Park Service property on the north side of the Bonner Bridge. Vice-Chairman Johnson clarified that the State would be acquiring the land, not Dare County. Commissioner Burrus asked who will be working on this with the State and was told by the Manager that the County and the Task Force will be working with the State in whatever way the Board decides is best.

#### **MOTION**

Commissioner Woodard motioned that the Dare County Board of Commissioners give its support to the acquisition of land by the State of North Carolina and authorize staff and others as directed to accomplish that goal.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

Chairman Judge noted that Jim Tobin, Chairman of the Oregon Inlet Task Force Advisory Committee was in the audience. He asked Mr. Tobin if he had anything to share with the Board today. Mr. Tobin said there are voluminous historical records that need to be digitized. He said he has met with someone at the Coastal Studies Institute (CSI) who is an authority on how to do that. He added that he has made initial contact with a company that constructed a unique system in Australia that may be beneficial at Oregon Inlet.

### **ITEM 14 – CONSENT AGENDA (Att. #4)**

The County Manager presented the Consent Agenda.

#### **MOTION**

Commissioner Burrus motioned to approve the Consent Agenda:

- 1) Approval of Minutes (01.22.13 & 01.15.13)
- 2) Request Permission to Apply for Outer Banks Community Foundation Grant
- 3) Detention Center – Budget Amendment
- 4) Foster Care Budget Amendment
- 5) Advertise 2012 Tax Year Liens

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Chairman Judge explained that Dare County will be the host of the North Carolina Beach, Inlet and Waterway Association meeting on March 18 and 19. He said the group had good attendance at its Dare County meeting last year and that this Association is very important as an advocate for coastal counties and towns. The Chairman noted that Dare County has been an integral part of the Association and we are asking for their help in supporting additional tools for shoreline protection. He recommended that as many Board Members as possible attend the upcoming Association meeting, which would require rescheduling the March 18 Commissioners meeting. He asked Board Members to look at their March calendars.

**MOTION**

Commissioner Woodard motioned to reschedule the 9:00 a.m. March 18, 2013 meeting of the Board of Commissioners to 9:00 a.m. on Monday, March 4, 2013.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Next, the Board selected a date and time for conducting a Public Hearing in East Lake to hear comments on a draft East Lake zoning map. (See Agenda Item #10) During the process of determining a time for the East Lake Public Hearing, the Board decided to change the time they originally selected for the March monthly Commissioners meeting that was rescheduled for March 4, 2013.

A motion was made to change the time that was set in the previous motion.

**MOTION**

Commissioner Dutton motioned to set the March 2013 meeting of the Board of Commissioners for 2:30 p.m. Monday, March 4, 2013 to be held in the Commissioners Meeting Room at the Dare County Administration Building in Manteo.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – BOARD APPOINTMENTS**

1) Aging Advisory Council for the Albemarle Commission

Commissioner Burrus motioned to reappoint Brandi Rheubottom and Kaye White.

VOTE: AYES unanimous

2) Dare County Center Advisory Board

Commissioner Tillett motioned to appoint Suzy Barrett.

VOTE: AYES unanimous

3) Juvenile Crime Prevention Council

Commissioner Tillett motioned to appoint Natalie Evans and Malinda Lathan.

VOTE: AYES unanimous

4) Planning Board

Commissioner Burrus motioned to reappoint Ricky Scarborough, Jr. (District 1) and Elmer Midgett (At-Large).

VOTE: AYES unanimous

5) Upcoming Board Appointments

The County Manager announced the upcoming appointments for March 2013 for the Parks and Recreation Advisory Council. He said there are no upcoming appointments for April 2013.

**ITEM 14 – COMMISSIONERS' BUSINESS**

Commissioner Max Dutton

- He recognized the service pin recipient and congratulated Employee of the Month, Aubrey Remige.
- Commissioner Dutton thanked Mike Johnson for the great job he did as a Dare County Commissioner.

Commissioner Virginia Tillett

- She passed along greetings to Vice-Chairman Johnson from two attendees she encountered at the NCACC Legislative Goals Conference.
- Commissioner Tillett said she had opportunity at the conference to talk with Governor McCrory. She said she was pleased with the concern that the Governor expressed for issues involving seniors. She said she encouraged Governor McCrory to visit Dare County and see firsthand the situation at Oregon Inlet. She noted that the Governor's Chief of Staff is a friend of hers.
- She announced that the NCACC County Assembly Day is May 22, 2013 in Raleigh. She explained the purpose of the event and said it is important that relationships be developed with the entire Legislature, and not just our own elected representatives.
- Commissioner Tillett shared with Board Members a booklet from the NCACC Legislative Goals Conference containing photographs of key officials in the new State administration and upcoming issues.
- She reported that the five legislative goals that she outlined at the last Commissioner's meeting were adopted at the Legislative Goals Conference.
- Commissioner Tillett reminded that February is Black History Month and she encouraged everyone to attend the Roanoke Island Freedmens' Colony 9<sup>th</sup> Annual Blues Jam. She said the event will be held at the COA Roanoke Island Campus Friday evening, February 8, 2013 and added that tickets are still available.

Commissioner Allen Burrus

- He congratulated the service pin recipient and Employee of the Month, Aubrey Remige.
- Commissioner Burrus expressed his appreciation for Mike Johnson and all of his hard work and efforts.
- He reported that Hatteras Inlet continues to be closed to ferry traffic, although work is being done to improve the situation.
- Commissioner Burrus said the Replace the Bonner Bridge Committee met last week and Chairman Judge and County Manager Outten attended the meeting. He said the group decided to expand their efforts to include the Highway 12 Corridor.
- He announced that Johnny Baum has released a new book of poems, including one about the Park Service that is worth reading, entitled "Shame on You."
- Commissioner Burrus wished everyone a Happy Valentine's Day and good month of February.

Vice-Chairman Richard Johnson – None

Commissioner Robert Woodard – None

Chairman Warren Judge

- He encouraged everyone to attend the Stumpy Point Oyster Feast on Saturday, February 9, 2013 as a benefit for Bayview Chapel. He explained that this year's event is extra special because it will be an opportunity for the community and the Board of Commissioners to thank Lowe's for the grant funding they provided to renovate the Old Fire House Building for use as a Community and Youth Center.

**MANAGER'S/ATTORNEY'S BUSINESS** - None

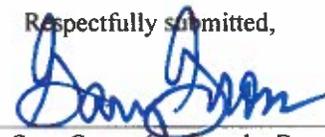
AT 10:55 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON FEBRUARY 18, 2013.



APPROVED:

Respectfully submitted,

By:

  
Gary Gross, Clerk to the Board

By:

  
Warren C. Judge, Chairman  
Dare County Board of Commissioners