



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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THE DARE COUNTY BOARD OF COMMISSIONERS MEETING

February 6, 2012 — 9:00 A.M.

Dare County Administration Building, Manteo, NC

Commissioners Present: Chairman Warren Judge, District 3; Vice-Chairman Allen Burrus, District 4; Virginia Tillett, District 1; Max Dutton, District 2; Mike Johnson, District 2; Jack Shea, District 5

Commissioners Absent: Richard Johnson, District 1

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

Public Comments: Made by 4 people — Angel Khoury, Sybil Ross, Mattie Lawson, Ladd Bayliss

Presentations:

The Employee of the Month certificate for February 2012 was presented to Erin Putnam, Telecommunicator, Sheriff's Office Service Pins were presented to six (6) employees — Bettie Scarborough, Beulah Ashby, Tony Duvall, Al Midgett, Rhonda Creef, Clyde Gard Public Works Director, Edward Lee Mann, publically thanked and recognized three (3) employees who have provided services to Ocracoke

Actions:

Hurricane Irene (Hazard Mitigation Grant Program) HMGP — Elevation Project, Grant Application Process — **Approved**

Award of FY2011-2012 Vehicle and Equipment Financing — **Approved**

Series 2012 Limited Obligation Refunding Bonds ("LOBs") Preliminary Budget Amendment — **Approved** The Board adopted the Budget Amendment and reserved the \$546,483 FY2012 savings, as requested by the Local Government Commission, for the 2014 LOBs sale Shoreline Fund Expenditure Policy — **Approved**

Consent Agenda — Approved

1. Approval of Minutes (01.17.12)
2. Maintenance and Warranty Contract for Motorola
3. Transfer Funds from the Contingency Fund into the Communications Contracted Services Account
4. Health — Re-Class Part-Time Interpreter Position Back to Full Time
5. Health — New Contract for a Medical Home Case Manager
6. Health — Family Planning Bonus Funds
7. Receipt of Donation to Sheriff's Office
8. Advertise 2011 Tax Year Liens

Board Appointments —

1. Planning Board — **Reappointed John Finelli and Dan Oden**
2. Upcoming Board Appointments for March and April 2012 were announced

Commissioners' Business

1. Authorized sending a letter to the Dare County School Board recommending that the baseball field at the Cape Hatteras Secondary School of Coastal Studies be named "The Grady Austin Memorial Field." — **Approved**

Closed Session — Approved a motion to go into Closed Session pursuant to the provisions of NCGS 143-318.11 to approve the minutes of the last Closed Session. The Board entered into Closed Session at 10:40 a.m. and exited at 10:50 a.m. Afterward, the County Manager announced that the Board approved the minutes of the last Closed Session and took no other actions.

LAND OF BEGINNINGS

COMMISSIONERS OFFICE— PO Box 1000, MANTEO, NC 27954 • 252.475.5700 • DARENC.COM

Chairman Warren Judge called the February 6, 2011 meeting of the Dare County Board of Commissioners to order at 9:03 a.m. He invited the Rev. Keith Dey from the Lutheran Church, to share a prayer, and led the Pledge of Allegiance to the flag. Chairman Judge acknowledged that Commissioner Richard Johnson is absent and under the care of a physician.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Bettie Scarborough, Tax Customer Representative, received her 15-year pin from Eddie Francis.
- 2) Beulah Ashby, Water Department Customer Service Supervisor, received her 20-year pin from Ken Flatt.
- 3) Tony Duvall, Deputy Sheriff Lieutenant, received his 25-year pin from Sheriff Doug Doughtie.
- 4) Al Midgett, Detention Assistant Administrator, received his 25-year pin from Sheriff Doug Doughtie.
- 5) Rhonda Creef, Veterans Service Officer/Deputy Clerk, received her 25-year pin from Gary Gross.
- 6) Clyde Gard, Assistant Public Works Director, received his 30-year pin from Edward Lee Mann.

ITEM 2 – EMPLOYEE OF THE MONTH – (month) 2011

Erin Putnam, 9-1-1 Telecommunicator for the Sheriff's Office, received the Employee of the Month certificate for February 2012 from Lora Nock. Ms. Putnam was recognized as a hard worker who genuinely cares. She was credited with providing over 13 years of service and can always be counted on to help train co-workers and fill-in whenever needed. Ms. Putnam was given recognition for caring about the work that she does.

ITEM 3 – PUBLIC COMMENTS

County Manager, Robert Outten outlined the procedure for making public comments. Afterward four (4) people spoke, including – Angel Khoury, Sybil Ross, Mattie Lawson, and Ladd Bayliss

- 1) Angel Khoury said it seems the Board was unaware of the impact that the Roanoke Island Water Expansion Project would have on lot size. She noted that time is of the essence because once central water is available, there will be no turning back. Ms. Khoury said under the ordinance, as it now stands, some will have vested rights which are unfair and inconsistent with decades of practice. She said if the unintended consequence of the project is a 25% increase in density, she respectfully requests that the Board initiate the process to amend the zoning ordinance to acknowledge the years of citizen input advocating ½ acre residential lot sizes. She said this amendment would be fair to all those who have complied with the existing ordinance all these years.
- 2) Sybil Ross, a Manteo resident, expressed her concern over increased density. She said for a long time the size has been 20,000 square feet. She explained that this size requirement originated with the Department of Health and Natural Resources, before it was the Department of Environment and Natural Resources. She said a panel of physicians studied the average soils for North Carolina and determined that 20,000 square feet was needed to prevent a septic tank from contaminating drinking water. Ms. Ross said we are dependent on tourism and fishing and both require clean water. She warned that changing density by even 5,000 square feet could have a serious impact on shellfish beds and public health. She urged the Board to look at the science and hold dear the public trust on behalf of future generations. She asked the Board to forestall any rush to judgment by those who seek higher density for their land.
- 3) Mattie Lawson, a Kill Devil Hills resident, said she was not representing the Republican Party; however, she wanted the Board to know she is a Republican candidate for District 6 of the NC House of Representatives. While holding her grandson she explained that she is seeking public office because of her grandchildren in an effort to do what she can to help. She outlined a resolution exposing United Nations Agenda 21, which she described as extreme environmentalism. She said the resolution was approved by the Republican National Committee and delivered a copy to the Board Clerk. Ms. Lawson said Currituck County is presently struggling with this issue. She outlined how Agenda 21 is being covertly pushed through local “sustainable development” policies such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other Green or Alternative projects. She asked the Board to consider a similar resolution exposing Agenda 21.

- 4) Ladd Bayliss, from Manns Harbor, introduced herself as the new Coastal Advocate now serving in the Manteo office of the North Carolina Coastal Federation. She said in the past the Federation and the County of Dare has had a strong working relationship and she looks forward to working with the Board in the future. Ms. Bayliss provided her contact details to Public Information Officer, Dorothy Killingsworth.

ITEM 4 – PUBLIC WORKS – RECOGNITION OF OCRACOKE SANITATION EMPLOYEES

Public Works Director, Edward Lee Mann, publically thanked three (3) employees who had been providing pickup service on Ocracoke Island during the time when Dare County provided this service for Hyde County. Mr. Mann introduced Ikey O’Neal and Monroe Gaskill to the Board of Commissioners. He also acknowledged Dan Garrish, who was not able to attend. The men were praised for their hard work and dedicated service under adverse conditions and all types of weather. Mr. Mann said that in over thirty years there has never been one problem with their work. He noted that when Ocracoke went to an outside contractor they lost this extraordinarily high level of professionalism.

ITEM 5 – HURRICANE IRENE (HAZARD MITIGATION GRANT PROGRAM) HMGP – ELEVATION PROJECT (Att. 1)

Jenny Gray Jones explained that Dare County has participated in the Hazard Mitigation Grant Program (HMGP), known as the Elevation Project. She said this is a pre-disaster program focusing on elevation with established criteria, and is not a post-recovery mitigation project. She outlined a PowerPoint presentation documenting 42 houses raised since 1998 when the County began seeking Federal funds from FEMA. Ms. Jones said typically following a storm, FEMA gives 90 days notice that funding is available. However, she was only informed about two weeks ago that we have only 30 days to find out who is interested in a grant at this time. After consulting with the County Manager, community meetings were scheduled prior to presentation to the Board of Commissioners in order to meet the impending deadline. She said three meetings have already been completed and two additional ones are scheduled in an effort to reach a broad base of people throughout the County. She explained that after a preliminary list is submitted February 22, it will ultimately take about 18 months to go through the system for approval. She added that once approved, the program is reimbursable without matching money. In response to a question from Chairman Judge, Ms. Jones said 100 to 150 houses could be involved. Vice-Chairman Burrus expressed gratitude on behalf of the people who have been helped by this mitigation program.

MOTION

Vice-Chairman Burrus motioned to authorize proceeding with the HMGP grant application process. Commissioner Dutton and Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 6 – AWARD OF FY2011-2012 VEHICLE AND EQUIPMENT FINANCING (Att. #2)

Finance Director, David Clawson, said the County has received proposals for the financing of county vehicles and equipment as approved in the fiscal year 2011-12 operating budget. He said this includes 14 Sheriff vehicles, 3 ambulances, 2 residential side-loading trash trucks, and 1 commercial front-loading trash truck for a total of \$1,615,000 to be financed. Mr. Clawson said seven bids were received from six banks with rates ranging from 1.46% to 2.46%. He asked the Board to award the financing to RBC Bank at 1.46% for 36 months.

MOTION

Commissioner Shea motioned to adopt a Resolution awarding the financing to RBC Bank at an interest rate of 1.46% for 36 months, and to authorize the County Manager, Finance Director, and Clerk to execute all necessary documents.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 7 – SERIES 2012 LIMITED OBLIGATION REFUNDING BONDS (“LOBs”) PRELIMINARY BUDGET AMENDMENT (Att. #3)

Mr. Clawson reported on the sale of the Series 2012 Limited Obligation Refunding Bonds (LOBs). He said the Board had been given preliminary numbers that were prepared on January 17, 2012. He explained that since then, the bond sale was conducted on February 2, 2012 and a corrected budget amendment was prepared along with a

second revision over the weekend to adjust a small error. Mr. Clawson said prior to the sale, the County bond ratings were affirmed by all three rating agencies; Fitch at 'AA-', Standard & Poor's at 'AA-', and Moody's at 'AA3,' which is their equivalent of 'AA-.' He added that the GO ratings were affirmed at 'AA' from all three. The Finance Director reported that the sale could not have gone better. He explained the logistics of the sale process and credited Joe Niggel with Southwest Securities, and Doug Carter with DEC and Associates for the successful transaction, which involved 27 buyers at a net interest cost of 1.939%. Mr. Clawson said we beat our goal by \$695,042. He added that the Local Government Commission requires that any savings over that amount, in this fiscal year, which amounts to \$546,483, be reserved for when we do this again. He asked the Board to adopt the Budget Amendment and commit the \$546,483 savings to the series 2014 LOBs termination. Chairman Judge expressed thanks to the Finance Director and asked that gratitude be extended to Joe Niggel and Doug Carter on behalf of the Dare County taxpayers. Mr. Outten commented that the desirability of Dare County's bonds is attributable to the financial policies that the Board of Commissioners have done over the past few years. He added that the County bond ratings have remained strong even during the recession and Hurricane Irene.

MOTION

Commissioner Shea motioned to approve the budget amendment and reserve the \$546,483 FY2012 savings, as requested by the Local Government Commission, for the 2014 LOBs sale.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – SHORELINE FUND EXPENDITURE POLICY (Att. #4)

County Manager, Robert Outten reported that the Shoreline Management Commission (SMC) has reviewed and modified the proposed Shoreline Fund Expenditure Policy, as previously instructed by the Board. He said the policy being presented today reflects modifications recommended by the SMC, which includes changes in calculating access intervals. He added that small projects, where the fund share is less than 3 million, may be exempted from the access requirements. Mr. Outten outlined an added provision that allows the Board to waive or modify the access requirement when the benefits of the project can be demonstrably shown. He said the policy makes local government entities choosing to use shoreline money for a beach nourishment project to deal with public access in order to get public funds. He said the recommended policy was unanimously approved by the SMC and is being presented to the Board of Commissioners for review and approval.

MOTION

Commissioner Shea motioned to approve the recommended Project Funding Policy for the Shoreline Protection Fund.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONSENT AGENDA (Att. #5)

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (01.17.12)
- 2) Maintenance and Warranty Contract for Motorola
- 3) Transfer Funds from the Contingency Fund into the Communications Contracted Services Account
- 4) Health – Re-Class Part-Time Interpreter Position Back to Full Time
- 5) Health – New Contract for a Medical Home Case Manager
- 6) Health – Family Planning Bonus Funds
- 7) Receipt of Donation to Sheriff's Office
- 8) Advertise 2011 Tax Year Liens

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BOARD APPOINTMENTS

1) Planning Board

Vice-Chairman Burrus motioned to reappoint John Finelli as a District 3 appointment, and Dan Oden as an At-Large appointment.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

2) Upcoming Board Appointments for March and April 2012

County Manager, Robert Outten, announced the upcoming appointment for March as the Nursing Home Community Advisory Council. For April, he announced the Health Board.

ITEM 11 – COMMISSIONERS' BUSINESS

Commissioner Max Dutton

- Expressed his appreciation for those who received service pins.
- Commissioner Dutton thanked Employee of the Month, Erin Putnam for the job she does for Dare County.

Commissioner Virginia Tillett

- Reported that one of the goals of the North Carolina Association of County Commissioners (NCACC) is to have elected officials speak at meetings of community groups. She displayed an NCACC booklet that Commissioners are requested to use in keeping record of their speaking engagements. She advised the public that if any community group would like to have a guest speaker from the Board of Commissioners, to contact the County Manager, or the Clerk to the Board, to make arrangements.
- Commissioner Tillett asked everyone to mark Friday, February 17 on their calendar for the Roanoke Island Freedmen's Colony Blues Jam at the College of the Albemarle's Roanoke Island Campus at 7:00 p.m. She said the event was being held during February to coincide with National Black History Month.

Vice-Chairman Allen Burrus

- Said he received a letter from the Cape Hatteras Booster Club asking the Board of Commissioners to request that the School Board name the baseball field at the Cape Hatteras Secondary School of Coastal Studies in honor of Grady Austin. He explained that Mr. Austin was a dedicated educator who served in many ways. He asked the Board to consider sending a letter of request to the School Board.

MOTION

Vice-Chairman Burrus motioned to send a letter to the Dare County School Board recommending that the baseball field at the Cape Hatteras Secondary School of Coastal Studies be named "The Grady Austin Memorial Field."

Commissioner Tillett and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- Vice-Chairman Burrus displayed a series of photographs of the area north of Rodanthe, known as the "new, new inlet" on Hatteras Island. He compared images taken during the fall of 2011 to recent photos depicting the significant erosion that is occurring in that area. Commissioner Shea asked about stabilization plans and Vice-Chairman Burrus said they are working on a bulkhead structure surrounded by rock. He added that contrary to reports he has read claiming that the flow of water is affecting Oregon Inlet; he described it as having minimal impact on Oregon Inlet. Vice-Chairman Burrus also showed photographs of Hatteras Inlet and explained that the on-going shoaling problem there is adversely affecting ferry navigation. Mr. Burrus said the severity of the problem is very critical and threatens tourism. He expressed his frustration that the issue has been sitting on someone's desk in Washington, D.C. for at least six weeks without action.
- He expressed his gratitude to all the employees recognized at today's meeting including Clyde Gard.
- Mr. Burrus said he was working on a possible group of several people representing the Board of Commissioners and the Tourism Board to find extra funds to help with providing ferries and Emergency Management assistance that may be needed in the future. He asked the Board to begin thinking about this.
- He reported that the Outer Banks Scenic Byways Committee is actively working on projects to provide walkways and historical location signage. He said they are trying to develop funds for other projects on Hatteras Island and commended the group for the dedicated work they have been doing for five years.

- The Vice-Chairman paraphrased a letter published by Jim Keene thanking all the organizations that have put time, money and personal commitment into helping people recover from Hurricane Irene throughout Dare County. However, he asked where the Audubon Society was, with their vast amount of funds, during this effort. He also cited the Defenders of Wildlife and their substantial war chest of available money. Where were these groups when people needed help and access? He wanted everyone to realize that these organizations are narrow minded and only care about themselves. He added that they want to extract money from unsuspecting people; however, most of their funds are eaten up by lawyers trying to manipulate the system their way. He said the groups who try to close off our beaches and sounds were applauding Hurricane Irene for the damage that was done and the people that were run off.

Commissioner Jack Shea

- Thanked the service pin recipients and Employee of the Month, Erin Putnam.
- Commissioner Shea extended his best regards to Commissioner Richard Johnson and wished him well with his medical issues.

Commissioner Mike Johnson

- Provided the Board with a fisheries update on the legislative study group in Raleigh considering Game Fish Status. He reported that the group's Co-Chair, Representative Darrell McCormick, ran the meeting in a biased way and that most of the testimony given was 100% lies. Commissioner Mike Johnson said other than Captain Will Etheridge's valid comments about the heritage of working watermen; all the other testimony offered was fabricated. He said it was not a good day and he was sad to see our leaders allow it to happen. Commissioner Mike Johnson explained that he does not think Game Fish Status will happen right away and that Senator Stan White and Representative Tim Spear are working for us. He asked everyone to help by contacting the legislative study group considering Game Fish Status. He stated that Co-Chair, Darrell McCormick will not change his position, but he encouraged people to contact the others on the study group list, which is posted on the Dare County website www.darenc.com. Commissioner Mike Johnson also cautioned that the Atlantic Sturgeon may be added to the endangered species list. He said this is being done without giving proof or scientific justification. He observed that our working watermen only ask for the opportunity to go to work and provide for their families, compared to those who are trying to take away our resources. Vice-Chairman Burrus noted that recreational fishermen already have 80% of the harvest and their groups are trying to take the remaining 20% away from our commercial fishing industry. He pointed out the high rate of fish death that occurs during catch and release activities. Commissioner Mike Johnson said the catch and release death rate is higher than the commercial harvest. He concluded that this issue is not about conservation, it is about access.

Chairman Warren Judge

- He explained that local governments and organizations have responded to our call for help in opposing Game Fish Status. He thanked those who have joined Dare County in passing resolutions about this important issue. He emphasized that our commercial fishing industry just wants the opportunity to fish. He questioned why anyone would want to pass a Game Fish Status bill that would result in people being forced to buy imported seafood. Chairman Judge invited discussion on this important issue. However, he warned that Game Fish Status will not increase tourism. The Chairman said some people are falsely claiming that Game Fish Status will somehow increase tourism. However, he pointed out that recreational fisherman already have the right to fish and are coming to our area to do so. He said what Game Fish Status would do is hurt our commercial fishing industry.
- Chairman Judge remembered the opening of the reg-neg meetings on beach access. He said it was made evident that those who opposed access were in favor of buying out all the local residents and turning the area into a refuge without people. He agreed that these people do indeed root for calamity as a way to further their goal.

MANAGER'S/ATTORNEY'S BUSINESS

- 1) County Manager, Robert Outten said he wanted to give the Board a heads-up on correspondence that he has received from someone planning a facility known as the Hatteras Island Ocean Center, which would

replace the old Frisco Pier and provide educational and other amenities. Mr. Outten said the County is being asked to provide non-financial help by assisting the Center in dealing with the National Park Service. He said there is no mechanism for them to enter into an agreement directly with the Park Service, however, it might be possible for the County to serve as a pass-through. Mr. Outten said he told the Center the County has acted as a pass-through for things before, and depending on the agreement that will be needed, it may be possible unless it incurs future liabilities for the County. He added that he has spoken with Superintendent Mike Murray and the Park Service is supportive of the Center's proposal. Mr. Outten reported that the Center would like to move forward and prepare a draft agreement to be presented to the Board of Commissioners for review and approval. Vice-Chairman Burrus clarified that the facility will replace the pier, however, it will be in Hatteras Village and not where the old Frisco Pier was located. Commissioner Dutton asked if the facility would have non-profit status. Mr. Outten said it would be operated as a non-profit. In response to a question from Commissioner Shea about the project's timetable, Mr. Outten said it is unknown. Vice-Chairman Burrus said the Civic Association was told the project would be done component by component as permits are received.

ITEM 12 – CLOSED SESSION – TO APPROVE THE MINUTES OF THE LAST CLOSED SESSION HELD JANUARY 17, 2012

The County Manager announced that a Closed Session was needed pursuant to NCGS 143-318.11 to approve the minutes of the last Closed Session held January 17, 2012.

MOTION

Commissioner Dutton and Commissioner Shea motioned to go into Closed Session pursuant to the provisions of NCGS 143-318.11 to approve the minutes of the last Closed Session.

VOTE: AYES unanimous

AT 10:40 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 10:50 A.M.

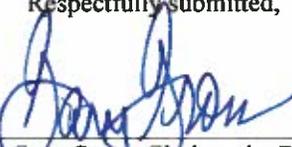
Chairman Judge reconvened the meeting. The County Manager reported that the Board approved the minutes of the last Closed Session and took no other actions.

AT 10:50 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON FEBRUARY 20, 2012.



Respectfully submitted,

By: _____


Gary Gross, Clerk to the Board

APPROVED:

By: _____


Warren C. Judge, Chairman
Dare County Board of Commissioners