



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

Meetings of the Dare County Board of Commissioners are videotaped and can be viewed at www.darenc.com

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., April 1, 2013

Commissioners present: Chairman Warren Judge, District 3
Vice-Chairman Richard Johnson, District 1
Virginia Tillett, District 1; Max Dutton, District 2;
Robert Woodard, District 2; Allen Burrus, District 4;

Commissioners absent Jack Shea, District 5

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

Chairman Warren Judge called the April 1, 2013 meeting of the Dare County Board of Commissioners to order at 9:04 a.m. He invited the Rev. Tom Wilson from All Saints Episcopal Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Victor Davis, EMT Intermediate, received a 10-year pin.
- 2) Vickie White, Income Maintenance Caseworker, received a 15-year pin.
- 3) Lee Wise, Assistant Information Technology Director, received a 25-year pin.
- 4) Allison Rucker, Network Specialist, Information Tech., received a 25-year pin.
- 5) Millie Barkley, Tax Processing Assistant, received a 25-year pin.
- 6) Susan Beck, Purchasing Agent, received a 35-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – APRIL 2013

Charlie Henderson, Detention Center, received the Employee of the Month certificate for April 2013 from Kathryn Bryan who told the Board of Mr. Henderson's dedication and hard work. She described him as an integral part of the team with an even disposition that makes him a joy to work with.

The Manager announced that Dare County has received two Excellence in Communications Awards from the North Carolina City and County Communicators. He called Dorothy Killingsworth and Sara Brubaker from the Public Relations Department to the podium to be recognized for this distinguished accomplishment. He said the

County's Mosquito Prevention video earned second place in the Television and Video category. Mr. Outten expressed special pride in the County receiving a first place award in the Communication Technology category for the Dare County Emergency Information Website.

ITEM 3 – PUBLIC COMMENTS

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

ITEM 4 – PRESENTATION BY FIRST FLIGHT HIGH SCHOOL CIVICS STUDENTS ON TRANSPORTATION

Anderson Weeks and Hannah Meyer made a presentation to the Board about a possible Outer Banks trolley service to transport visitors and residents to popular locations on the Beach Road. The students outlined the purpose of the venture and explained potential service routes. Revenue and expenses were reviewed and possible funding sources were identified. Commissioners thanked the students for the work they had done researching the presentation.

ITEM 5 – PROCLAMATION – CHILD ABUSE PREVENTION MONTH

Sara Sampson, Children & Youth Partnership, and Tanya Barkley-Graham, Dare County Department of Social Services, appeared before the Board in support of a campaign designed to create community awareness of child abuse prevention. Ms. Barkley-Graham identified a need for this and reported that 575 children received child protective services during 2012. The County Manager read a Proclamation in support of Child Abuse Prevention Month.

MOTION

Commissioner Dutton motioned to adopt a Proclamation establishing April as Child Abuse Prevention Month in Dare County.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PRESENTATION BY FIRST FLIGHT HIGH SCHOOL CIVICS STUDENTS ON PLASTIC WATER BOTTLES

The students were not present to give the scheduled presentation.

ITEM 7 – DARE COUNTY DEPARTMENT OF PUBLIC HEALTH “PUBLIC HEALTH MONTH” PROCLAMATION

Kelly Nettnin, Public Health Education Coordinator, said April is a special month at the Department of Public Health when their efforts to assure healthy people and healthy communities are commemorated. Ms. Nettnin recognized the team of dedicated public health professionals that serve Dare County and thanked the Board of Health and the

Board of Commissioners for the way they value the quality of life, promote health, and access to care. The County Manager read a Proclamation.

MOTION

Commissioner Woodard motioned to proclaim the month of April 2013 as Public Health Month.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PRESENTATION BY FIRST FLIGHT HIGH SCHOOL CIVICS STUDENTS ON A NEW FAMILY FRIENDLY PARK

Elizabeth Vignali, Preston Askew, and Seth Pugh made a presentation proposing a new family friendly park in Kill Devil Hills on the Baum Tract site behind First Flight High School. The students explained the mix of activities and services that would be offered along with cost projections. Commissioners thanked the students for an outstanding presentation.

ITEM 9 – PRESENTATION BY FIRST FLIGHT HIGH SCHOOL CIVICS STUDENTS ON SOLAR PANELS

Thorin Bein presented information about putting solar panels on the Dare County Justice Center. He outlined the benefits and provided details on possible solar panels and their cost per watt generated. Commissioners complimented the presentation and discussed with Mr. Bein that additional information be included about the savings over the current utility costs and projecting ongoing maintenance costs.

ITEM 10 – PRESENTATION BY FIRST FLIGHT HIGH SCHOOL STUDENTS ON MAKING AVIATION PARK MORE FAMILY FRIENDLY

Cameron Howard and Abbey Poznanski thanked the Board for hearing their presentation on making Aviation Park more family friendly. They explained that the park has become a site where high school students hang out, smoke, and loiter and outlined the needs and goals of the project. Commissioners urged the students keep up the good work. Chairman Judge noted that the presentation will be sent to the Town of Kill Devil Hills and encouraged the students to reach out to the Kill Devil Hills Mayor.

ITEM 11 – AGREEMENT FOR ENGINEERING SERVICES FOR PATHWAY ALONG HARBOR ROAD IN AVON (Att. #1)

The County Manager explained that bids on the Scenic Byway sidewalks project have been favorable and some of the project's grant money is left over to add additional length along Harbor Road in Avon. Vice-Chairman Johnson suggested that periodic reports be given about the project's progress. The Manager said the engineering contract being presented is for design work related to the additional Harbor Road portion of the project.

MOTION

Commissioner Burrus motioned to approve the agreement with Albemarle and Associates.

Commissioner Dutton and Commissioner Woodard seconded the motion.

VOTE: AYES unanimous

ITEM 12 – DISCUSSION OF SENATE BILL 76 AND THE POTENTIAL IMPACTS OF LIFTING THE BAN ON INJECTION WELLS TO DISPOSE OF HYDRAULIC FRACTURING WASTE IN THE DARE COUNTY WATER SUPPLY AQUIFER SYSTEM

Dr. Richard Spruill of Groundwater Management and Associates gave a comprehensive presentation on Senate Bill 76 that would allow fracking in the Piedmont area. He said one section of the bill lifts the ban on injecting fracturing waste products into the water system. He gave a detailed analysis of the fracking process and identified coastal areas where fracturing waste might be brought for disposal from inland areas of North Carolina. Mr. Spruill said the waste could be treated on site rather than shipped to the coastal area for disposal. He added that even the currently salty portion of our local aquifer represents a valuable future resource. Vice-Chairman Johnson suggested that fracturing waste should be required to be dumped within a certain number of miles from the fracking site. Commissioner Woodard noted for the record that he is altogether opposed to fracking and said it concerns him. The merits of opposing fracking were discussed. The Commissioners agreed to focus on the disposal issue as expressed in the Resolution presented to the Board.

MOTION

Commissioner Burrus motioned to adopt resolution #13-04-18 opposing the subsurface injection of fracking waste in eastern North Carolina.

Commissioner Woodard seconded the motion.

VOTE: AYES unanimous

RECESS: 11:15 a.m. – 11:37 a.m.

ITEM 13 – EAST LAKE ZONING PROPOSAL – FOLLOW-UP REPORT ON MARCH 4 HEARING

Planning Director, Donna Creef, outlined the requests that had been expressed by the community at the March 4, 2013 Public Hearing. It was explained that another public hearing will be needed to address any issues the Board wants to consider adding to the East Lake Commercial Services district and map. Chairman Judge outlined available procedural options for changes recommended by the Planning Board and staff. The County Manager clarified that the hearing notice will include language that reserves the right for the Board to include or not include any revisions.

MOTION

Vice-Chairman Johnson motioned that a public hearing be scheduled for 6:00 p.m., April 15, 2013 to consider text amendments and adjustments to the East Lake

Commercial Services district and associated map reflecting changes recommended by the Planning Board and staff and as clarified by the County Manager.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 14 – GOVERNMENT EDUCATION ACCESS CHANNELS – PROPOSED BUDGET (Att. #2)

The County Manager said typically this item would be presented on the Consent Agenda. However, because the budget includes a position he wanted it as an agenda item to explain that this position is on a contract basis and that County staff is not being expanded. Dorothy Killingsworth outlined the funding process for the Government Education Access Channels and described how programming is being expanded. It was asked what would happen if the Board approves the budget and then the State withholds the allocated funds. Ms. Killingsworth reported that funds are on hand to cover the expenses in the current budget. A video on bicycle and pedestrian safety was presented.

MOTION

Commissioner Burrus motioned to approve the proposed 2013-2014 budget for the Government and Education Channels.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Chairman Judge raised the question of whether the Board should address the composition of the Government Education Access Channels Committee. He asked Vice-Chairman Johnson if the Board should take a stand supporting a position that membership on the Committee consist of elected leaders for the entities on the Committee that are elected bodies. In response to the question, Vice-Chairman Johnson voiced a preference that elected bodies have Committee members who are elected officials. Chairman Judge asked for a motion to reflect this position for Vice-Chairman Johnson to take back to the next Government and Education Channels Committee meeting.

MOTION

Commissioner Burrus motioned that all participating organizations that are elected bodies have an elected member serve on the Government and Education Channels Committee.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 15 – UPDATE REPORT FROM THE OREGON INLET TASK FORCE ADVISORY COMMITTEE (Att. #3)

Commissioner Woodard presented two documents from the Oregon Inlet Task Force Advisory Committee and asked the Board to give their blessing to them. The County Manager noted that additional information reflecting dredging and jetty costs will be added in the future to the last portion of the material on Economic Development.

Commissioner Woodard explained that the Committee would like to do an assessment at a projected cost of \$4,500. He noted that he is not opposed to doing an assessment; however, it is a matter of timing. The Board discussed the assessment without taking action on it.

MOTION

Commissioner Woodard motioned that the Board of Commissioners bless the Mission Statement document and the Economic Development document presented in the agenda packet.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 16 – DARE COUNTY TOURISM BOARD REQUEST CONSENT FOR SPENDING FROM RESTRICTED FUNDS (Att. #4)

Diane Bognich, Director of Administration for the Outer Banks Visitors Bureau, outlined two requests for expenditures from Restricted Funds for the following projects. She provided details about grants in the amount of \$29,250 for 4th of July fireworks for Avon, Nags Head, and Manteo. Ms. Bognich also requested \$52,000 for VHB Engineering for planning at the Outer Banks Event Site.

MOTION

Commissioner Burrus motioned to approve expenditures of \$52,000 for VHB Engineering and \$29,250 for July 4th fireworks.

Commissioner Woodard and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 17 – PUBLIC HEARING – AMENDMENT TO CHAPTER 151 FLOOD DAMAGE PREVENTION ORDINANCE (Att. #5)

At 10:00 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning an Amendment to Chapter 151 Flood Damage Prevention Ordinance. The County Manager conducted the hearing and explained the procedure for making comments. No one in the meeting room responded. Chairman Judge closed the hearing at 10:01 A.M. The County Manager explained that the changes being presented were mandated by FEMA.

MOTION

Commissioner Burrus motioned that the revisions to Chapter 151.07 be adopted as advertised.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 18 – CONSENT AGENDA (Att. #6)

The County Manager presented the Consent Agenda.

MOTION

Commissioner Burrus motioned to approve the Consent Agenda:

- 1) Approval of Minutes (03.04.13)

- 2) Budget Amendment to Move Concealed Weapons Permit Revenue to Telephone/Postage
- 3) Budget Amendment to Receive Outer Banks Community Foundation Grant
- 4) Resolution Removing and Appointing Review Officers
- 5) Health – Additional Healthy Communities Funding
- 6) Budget Amendment – Parks & Recreation & Outer Banks Tennis Assoc. Tennis Tournaments
- 7) Parks & Recreation, Fessenden Center – Grant Opportunity
- 8) Rodanthe Beach Access Project – Grant Opportunity
- 9) Parks & Recreation – Grant Opportunity
- 10) Tax Collectors February 2013 Reports

Commissioner Tillett and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 19 – BOARD APPOINTMENTS

Mr. Outten presented a Board Appointment request for naming members to a new entity known as the Manns Harbor Commission. He explained the role of the Commission and presented seven names to serve on the panel. Vice-Chairman Johnson asked that terms on the Commission be staggered. Mr. Outten said the Bylaws that are being prepared will reflect staggered terms. He said when completed the Bylaws will be brought back to the Board of Commissioners for review and approval.

1) Manns Harbor Commission

Vice-Chairman Johnson motioned to appoint Ladd Bayliss, Cynthia Holda, Jeff James, Paul Mann, Jonathan Oglesby, Jessie Troy Outland, Sr. and Jessie Troy Outland, Jr. Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

2) Upcoming Board Appointments

The Manager announced the upcoming Board appointments for May and June 2013.

A Resolution was presented opposing NC Senate Bill 224 that would permit hunting on Sundays.

MOTION

Commissioner Burrus motioned that the Resolution be adopted opposing NC Senate Bill 224.

Commissioner Dutton and Vice-Chairman Johnson seconded the motion.

VOTE: AYES unanimous

Chairman Judge noted that former Commissioner Mike Johnson has an application on file for the North Carolina Wildlife Commission. He said Mr. Johnson has asked for a letter of support from the Dare County Board of Commissioners.

MOTION

Commissioner Tillett and Commissioner Woodard motioned authorizing a letter supporting the appointment of Mike Johnson.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 20 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Commissioner Allen Burrus

- He reported on talks that have been held with the Army Corps of Engineers and NCDOT.
- Commissioner Burrus gave an update on dredging and the Oregon Inlet and Waterways Commission.
- He wished everyone a wonderful Easter and spring season.

Vice-Chairman Richard Johnson

- He complimented Water Department Director Ken Flatt for the professional way he handled a recent project by suggesting a better way that it could be done. The Vice-Chairman also expressed appreciation for Edward Lee Mann and Ron Mills for their assistance in showing him a better alternative. He noted that it is a pleasure working with these people.

Commissioner Robert Woodard

- He thanked the service pin recipients for the work they do for Dare County.
- Commissioner Woodard congratulated Charlie Henderson on receiving the Employee of the Month award.

Commissioner Max Dutton

- He expressed appreciation for Dorothy Killingsworth and Sara Brubaker for the outstanding work the Public Relations Department has done with the Bicycle and Pedestrian Safety Coalition. He noted that the group is looking to do public awareness events in every community throughout Dare County. He thanked the Town of Nags Head for hosting the Coalition meetings and each town for their participation.
- Commissioner Dutton congratulated the service pin recipients and Employee of the Month, Charlie Henderson.
- He complimented the First Flight High School Civics Students for the presentations made to the Board of Commissioners.

Commissioner Virginia Tillett

- She announced that Dare Day is just around the corner on June 1, 2013. It was explained that the event’s planning committee is experiencing difficulty getting vendors and performers. The County Manager reported that efforts are being made to assess the future of the event with the Town of Manteo and the Town’s

business community. He noted that when the assessment is completed a decision will then be made about the event's future.

- Commissioner Tillett renewed her request for the County Manager to look into the issue of potholes at the Roanoke Island Recycling Center.
- She asked for information about possible increases in flood insurance that property owners may be facing. Mr. Outten explained that the amount of increase depends on several factors and could result in an average increase of 20 to 25%. He said more information will be coming out about this issue.
- Commissioner Tillett announced that the Alliance of NC Black Elected Officials will hold their annual Summit April 25-27 and expressed her willingness to attend.

MOTION

Commissioner Burrus motioned to approve Commissioner Tillett attending the 2013 Summit.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- She announced that the Dare Center will hold its Volunteer Celebration at 1:00 p.m. April 16, 2013.
- Commissioner Tillett thanked the First Flight High School students for their presentations to the Board of Commissioners. She said they did a fantastic job and their parents should be very proud.
- She said she is getting questions about a youth park on Roanoke Island on the property that is across from the aquarium. She asked the Board to consider this idea and work toward it by placing it for consideration on the plan for the Capital Improvements Planning Committee. She noted that the County does not own Westcott Park in the Lions Club Center.

Chairman Warren Judge

- He thanked Beth Midgett and Natalie Kavanagh for their efforts with the Bridge Moms group mobilizing comments to balance the effort of the Defenders of Wildlife group trying to stop the Pea Island Bridge.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten reported on three vacant county buildings including the old Sea Grant facility, the old Administration Building, and the old Alternative School. He said a letter has been received from the School Board describing future plans they may have for the old Alternative School site at Manteo Elementary. He noted that the facility is in disrepair and is not currently being used. Mr. Outten suggested that the lease be terminated so the Board of Education can pursue their plans for the facility.

MOTION

Vice-Chairman Johnson motioned authorizing the County Manager to terminate the lease with the Board of Education for the old Alternative School.

Commissioner Woodard seconded the motion.

VOTE: AYES unanimous

The County Manager said the Public Defenders' office will be moved to the white CSI house by the end of the month, which will get the County out of leasing space. He said he intends to get the Capital Improvements Planning Committee (CIPC) to look at the future of the old Administration Building.

2. The Manager announced that NCDOT will be conducting a meeting in Kitty Hawk at 10:30 a.m., April 12, 2013 to outline the future of what they are proposing for Highway 158. He said the plan could include a guardrail down the center, which would remove the turn lane on the highway.
3. Mr. Outten reported that he had hoped to have a contract ready with Coastal Science and Engineering and Dr. Tim Kana for beach nourishment work on Hatteras Island. He explained that they have already done some of the preliminary investigatory work in advance of the contract, which will be presented to the Board when it is received.

ITEM 21 – BUDGET DISCUSSION

The County Manager briefed the Board on efforts underway to prepare the 2013-2014 budget. He identified 7.7 million in differences between requested amounts, including state mandates, versus revenue sources. Mr. Outten said he and Finance Director, David Clawson are pairing the amount down, however, it includes 2.3 million in mandated items that are unavoidable. He explained that his goal in preparing the budget is not to grow government by adding new programs, services, or employees. He said we need to fix and maintain what we have and not take on more. Mr. Outten said this includes replacing vehicles on schedule and replacing capital items on the adopted schedule. He noted that turnover is up and we are having trouble in many departments finding capable replacements. He expressed an interest in retaining employees and reviewed the cost of living index compared to the lack of increases in recent years. The Manager said efforts are underway to minimize health insurance increases. He reported that he is working to build up the Fund Balance, which has been challenging with three seasons of storms that have necessitated tapping into it. He explained that in presenting this information he wanted to be sure this is the approach that the Board wants. Commissioner Tillett said she was glad he was advocating doing something for County employees. Mr. Outten explained that in some cases new hires are earning more than existing employees. He noted that the gap cannot be solved in one budget year; however, we need to move it in the right direction. In response to Vice-Chairman Johnson's question about attrition, Mr. Outten said there has been very little staff growth since 2007. The Manager and Finance Director provided clarification for Commissioner Woodard about efforts to reduce insurance costs. After hearing the Board's questions and discussion, The Manager said he concludes that he is moving in the right direction in preparing the budget as he described.

AT 1:16 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED
UNTIL 5:00 P.M. ON APRIL 15, 2013.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

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