



# 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

April 2, 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; Richard Johnson, District 1; Max Dutton, District 2; Mike Johnson, District 2; Jack Shea, District 5

**Commissioners Absent:** None

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

**Public Comments:** Made by 17 people, including— Michael Davenport, Terry McDowell, Lib Fearing, Duke Geraghty, Tama Creef, Angel Khoury, Kathryn Gore, Allison Martin, Tim Imeson, Juanita Wescott, Estelle Jones Wilson, Willo Kelly, Jeffrey Midgett, Eddie Simmons, Malcolm Fearing, John Robbins, Mike Egan

### **Presentations:**

The Employee of the Month certificate for March 2012 was presented to Dr. Stephen Ciccinato, Department of Public Health Service Pins were presented to three (3) employees— Duncan Wright, Cara Basnight, Ken Randall

### **Actions:**

Proclamation — Child Abuse Prevention Month — **Approved**

Proclamation — Public Health Month — **Approved**

Resolution — Animal Control Officer Appreciation Week — **Approved**

Dare County Tourism Board Short Term Restricted Fund Line Item Increase — **Approved**

Kiddy Lane Water Distribution Expansion Project — Preliminary Assessment Resolution — **Approved**

Outer Banks National Scenic Byway Committee — **Authorized** the Manager to enter into contract negotiations with Albemarle & Associates

Angel Khoury — Zoning Text Amendments — Minimum Lot Size Requirements — **Petitioner's Request Failed For Lack Of A Motion**

Public Hearing — Moratorium on Borrow Pits in East Lake — **Conducted** a Public Hearing & **Approved** a Resolution enacting a Borrow Pit Moratorium in the East Lake Tax District until October 2, 2013

Consent Agenda — **Approved**

1. Approval of Minutes (03.19.12)
2. Approve Submission of Grant Application to Governor's Crime Commission for AFIS Fingerprint Identification System
3. Budget Amendment to Correct Revenue for Energy Efficiency Grant
4. Budget Amendment Accepting Grant Funds from Gov-Ed Television
5. Budget Amendment for Government Access Channel Sales Tax

### Board Appointments

1. Health Board — **Reappointed** David Ryan, Dr. J. Trahey Maner, Coy Tillett & **Appointed** Alexis (Alex) Hodges
2. Parks and Recreation Advisory Council — **Appointed** Jack Painter, II
3. Upcoming Board Appointments for May and June were announced

### Manager's/Attorney's Business

1. **Authorized** — County Manager to set a public hearing required for an update of the Dare County Code of Ordinances book
2. **Authorized** — County Manager to arrange a presentation from Zacchaeus Legal Services on their tax collection services

LAND OF BEGINNINGS

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Chairman Warren Judge called the April 2, 2012 meeting of the Dare County Board of Commissioners to order at 9:03 a.m. He invited the Rev. Fran Peel, Presbyterian Retired, to share a prayer, and led the Pledge of Allegiance to the flag. The Chairman recognized former Town of Manteo Mayor, John Wilson and former Town of Nags Head Commissioner Bob Muller –

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

- 1) Duncan Wright, EMS, received his 10-year pin from William “Skeeter” Sawyer.
- 2) Cara Basnight, Social Services, received her 10-year pin from Tanya Barkley-Graham
- 3) Ken Randall, EMS, received his 15-year pin from William “Skeeter” Sawyer.

#### **ITEM 2 – EMPLOYEE OF THE MONTH – April 2011**

Dr. Stephen Ciccinato, Department of Public Health, received the Employee of the Month certificate for April 2012 from Health Director, Anne Thomas. She described Dr. Ciccinato, known as “Dr. C.,” as a caring, compassionate dentist, and explained his work with the Miles of Smiles dental van and other endeavors. Ms. Thomas praised Dr. Ciccinato as a competent and professional dentist.

#### **ITEM 3 – PUBLIC COMMENTS**

The County Manager outlined the procedure for making public comments. Afterward 17 people spoke regarding issues pertaining to Item 10 (Angel Khoury – Zoning Text Amendments – Minimum Lot Size Requirements)

- 1) Michael Davenport as President of the Outer Banks Association of Realtors and a resident of Roanoke Island’s north end said he hopes the Board will not make any changes to the current zoning ordinance.
- 2) Terry McDowell said fire insurance is not going down due to the water system and why can’t the Board keep it at 20,000 square feet and give people the opportunity to be heard at a public hearing.
- 3) Lib Fearing expressed concern for first time homebuyers and young people who would have to invest in so much property in order to have a house. She opposed the proposal that is being made.
- 4) Duke Geraghty said the current ordinance has served well for over 30 years. He told the story of a young woman’s struggle with a 35,000 foot Wanchese lot. He asked the Board to leave the ordinance as it is.
- 5) Tama Creef said Roanoke Island has been promoted as a unique, quiet destination. She outlined the impact of a density increase and pointed out the strain this would put on roads, schools, and hurricane evacuations.
- 6) Angel Khoury explained that she wanted to appear during public comments for those who were too nervous to voice their concerns. She asked for a show of hands of those who support having a public hearing.
- 7) Kathryn Gore asked where the younger generation will live if the lot size is 20,000 square feet. She said people cannot afford it and asked the Board to reject the proposed Zoning Text Amendment.
- 8) Allison Martin spoke while holding a child in her arms and said the issue is about the future generation. She said a big lot is too expensive for people to afford. She said we do not need a public hearing.
- 9) Tom Imeson opposed a reduction in lot size and asked what will happen to infrastructure and where will money come from to provide services due to increased density. He asked for an evening public hearing.
- 10) Juanita Wescott supported keeping lot size at its current level. She said Manteo cannot sustain its current population and expressed concerns about schools and roads, and she asked for a north end public hearing.
- 11) Estelle Jones Wilson said more development is not necessarily better and sometimes enough is enough. She asked the Board, in the spirit of democracy, to schedule a public hearing so people can be heard.
- 12) Willo Kelly, as Government Affairs Director for the Outer Banks Home Builders Association and the Outer Banks Association of Realtors, said we support no change in the current zoning ordinance.

- 13) Jeffrey Midgett said he is paying water impact fees on three pieces of property. He said one of those is 15,000 square feet. He told the Board he wants to be able to do what he wants with his property.
- 14) Eddie Simmons asked the Board to consider the impact on the average college graduate that would be coming home and only making \$25,000 to \$30,000 a year. He said the law should not be changed.
- 15) Malcolm Fearing said it appears this movement is coming out of the past and present Town of Manteo government and outlined developments they have done. He said the Ordinance should not be changed.
- 16) John Robbins said since water lines have gone in, he has not seen a land rush to subdivide property. He said density will not double, and a 20,000 foot lot is not needed for the average size house.
- 17) Mike Egan described himself as a tree hugger and expressed concern for the trees of Roanoke Island. He called for stricter setbacks on building lots, whatever their size, and asked the Board to revisit setbacks.

The name of Broway Douglas appeared on the Public Comment sign-up form; however, the person did not come forward when their name was called

#### **ITEM 4 – PROCLAMATION – CHILD ABUSE PREVENTION MONTH**

A presentation was made by Sara Sampson from the Children and Youth Partnership along with Tanya Barkley-Graham from the Dare County Social Services Department. They explained that their colorful mobile display represents children who receive protective services due to issues of abuse, neglect, or dependency. During April, the display will be moved throughout the County. It was reported that 558 children received help during 2011. It was also announced that pinwheels have been selected a symbol of child abuse prevention and represents a bright future for our children and the community. People were reminded of the important role each person has in preventing child abuse and supporting families. The Manager read the Child Abuse Prevention Month Proclamation.

#### **MOTION**

Commissioner Shea motioned to issue the Proclamation establishing April as Child Abuse Prevention Month in Dare County.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

#### **ITEM 5 – DARE COUNTY DEPARTMENT OF PUBLIC HEALTH “PUBLIC HEALTH MONTH” PROCLAMATION**

Health Director, Anne Thomas, outlined the many ways the Dare County Department of Public Health contributes to the health of residents and visitors through the efforts of its dedicated and knowledgeable staff. She said their mission is accomplished in large part due to community partnerships with individuals and organizations. She said efforts to limit smoking have produced positive results and called on the Board to reconsider a smoke free policy for Dare County facilities. Ms. Thomas said the Department has identified needs and is working to address them. She added that putting emphasis on prevention has paid health dividends for the community. In keeping with the Public Health Month theme, Ms. Thomas encouraged people to make even small health and lifestyle changes that will make a positive difference. She said Dare County is currently ranked sixth in health standing on a statewide basis and the goal is to become the healthiest county in the state. The Health Director read a proclamation explaining the Public Health Month theme of “A Healthier America Begins Today. Join the Movement.”

#### **MOTION**

Vice-Chairman Burrus & Commissioner Tillett motioned to proclaim April 2012 as Public Health Month.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

#### **ITEM 6 – ANIMAL CONTROL OFFICER APPRECIATION WEEK - RESOLUTION**

Nancy Clemmons, Director, Outer Banks SPCA described the role of Animal Control Officers. She said they are trained professionals that provide a wide range of community services including investigating and enforcing animal control ordinances and providing public education about responsible pet care. Ms. Clemmons also explained the hazards and dangers that Animal Control Officers face when performing their duties. She read a Resolution calling for the week of April 8-14 to be recognized as Dare County Animal Control Officer Appreciation Week.

**MOTION**

Commissioner Shea motioned to adopt the Resolution recognizing the week of April 8-14 as Dare County Animal Control Officer Appreciation Week.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – DARE COUNTY TOURISM BOARD SHORT TERM RESTRICTED FUND LINE ITEM INCREASE (Att. #1)**

Lee Nettles, Executive Director, Outer Banks Visitors Bureau asked the Board to increase funding in the Short Term Restricted Fund line item by \$1,750 to fully fund fireworks grants. He said this would help the Avon Property Owner's Association, the Town of Nags Head, and the Town of Manteo. Mr. Nettles reported that this increase would bring the fireworks line item total to \$26,750. In making a motion to approve the item, Commissioner Shea commented that this is a good thing for Dare County.

**MOTION**

Commissioner Shea motioned to increase Short Term Restricted Fund line item 5160, for fireworks, by \$1,750.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

Commissioner Tillett was not present for this vote having left early due to her mother being taken to the hospital.

**ITEM 8 – KIDDY LANE WATER DISTRIBUTION EXPANSION PROJECT – PRELIMINARY ASSESSMENT RESOLUTION (Att. #2)**

County Manager, Robert Outten, reported that a water distribution expansion is planned for Kiddy Lane in the Village of Avon in response to a request from property owners on the street. He explained that the General Statutes require that a Preliminary Assessment Resolution be adopted prior to the imposition of an assessment for the project. He said the assessment to be levied is \$2,356.26 per lot and, if approved, could be paid in full or in ten equal annual payments of principal without interest. Mr. Outten identified that the Resolution provides for a Public Hearing on the matter to be held at 10:00 a.m. on Monday, May 7, 2012. The Manager explained that a morning hearing was recommended in order to complete the process as expeditiously as possible so the project can get underway to benefit the people. Vice-Chairman Burrus concurred on the need for a prompt public hearing.

**MOTION**

Vice-Chairman Burrus motioned to adopt the Preliminary Assessment Resolution.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Commissioner Tillett was not present for this vote having left early due to her mother being taken to the hospital.

**ITEM 9 – OUTER BANKS NATIONAL SCENIC BYWAY COMMITTEE FOR DARE COUNTY AUTHORIZATION FOR CONTRACT NEGOTIATION FOR PROFESSIONAL SERVICES (Att. #3)**

The County Manager explained the project to construct 7.9 miles of pathway in Rodanthe, Waves, Salvo, and Avon and that Request for Letters of Interest from engineering companies to work on the project have been published. The scope of work will include designing, engineering, obtaining permits and handling construction bidding. Ten letters were received and the Committee interviewed three candidates including Albemarle & Associates, RK&K, and Kimley-Horn & Associates. He said the Committee requests the Board of Commissioners to authorize the County Manager to enter into contract negotiations with one of the following – Albemarle & Associates or Kimley-Horn & Associates to provide professional services as the project engineer. Afterward he said he would bring a contract back to the Board for review and approval.

**MOTION**

Vice-Chairman Burrus motioned to authorize the County Manager to enter into contract negotiations with Albemarle & Associates.

Commissioner Mike Johnson, Commissioner Dutton, and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Commissioner Tillett was not present for this vote having left early due to her mother being taken to the hospital.

**ITEM 10 – ANGEL KHOURY – ZONING TEXT AMENDMENTS – MINIMUM LOT SIZE REQUIREMENTS (Att. #4)**

Planning Director, Donna Creef, said Angel Khoury has submitted a request to amend the text of several zoning districts seeking a 20,000 square foot lot size regardless of water supply. She explained that current regulations set

the minimum lot size for new subdivision lots at 15,000 square feet when a central water supply is available, and 20,000 square feet when served by a private well. Ms. Creef reported that for those districts that permit duplex structures, the petitioner's request proposes a minimum lot size of 25,000 square feet regardless of the method of drinking water. Ms. Creef said Ms. Khoury has submitted petitions supporting her request. Ms. Creef reviewed material provided to the Board including a copy of the zoning ordinance with the original 1975 language establishing zoning on Roanoke Island, a 1982 Resolution from the Board of Health, and information from the Dare County Land Use Plan. She explained that the Planning Board reviewed this request at their March 12, 2012 meeting and recommended that the amendment be denied. Commissioner Mike Johnson asked for clarification on procedural options available for the Board. The County Manager said it could be designated for public hearing, or the Board could make a motion not to, or by not making any motion at all it would fail for lack of a motion and the current zoning would remain in place. Ms. Angel Khoury addressed the Board of Commissioners and said she has been going door to door and felt that people were not really aware of what was going to happen. She said even Bobby Outten told the Board that he gave incorrect information at the November meeting. She explained that we are going to get a 25% increase in density because this was put in place 30 years ago. Ms. Khoury said Wanchese asked to keep their lot sizes at 20,000 square feet and many feel the same thing should be done for the rest of Roanoke Island. She added that she has spoken to several realtors, who told her that smaller lots do not necessarily equate to lower prices. She said Manteo had a vision and created a town through a participatory public process and pointed out that the north end has not had that. She cited nearly 160 signed petitions that were submitted asking for a public hearing and urged the Board to conduct a properly advertised, Public Hearing that is held in the evening so everyone concerned can have a chance to speak. Vice-Chairman Burrus asked if all the lots in Wanchese are 20,000 square feet. Ms. Creef said that since 1982 if there was a private well and septic in place it was platted at 20,000 square feet. Commissioner Richard Johnson asked what percentage of property is already subdivided on the north end of Roanoke Island. Ms. Creef said there is a lot of property that is platted and probably several hundred acres that are still vacant and perhaps 800 or so vacant acres without factoring in wetlands. Commissioner Richard Johnson asked if two lots could be made into three for land that is already platted. Ms. Creef explained that in concept if someone owned the adjoining property, it could be recombined, reconfigured and re-platted at 15,000 square feet. She added however, that in neighborhoods with active homeowners associations, their covenants might preclude it. Chairman Judge asked the County Manager if a landowner who has purchased property has any entitlement to zoning that is there at the time. Mr. Outten said the Board always has the right to change zoning. He outlined that in order to have a vested right, there are several conditions that must apply. Chairman Judge said a lot of comparison has been made to Wanchese. He explained that Wanchese started without zoning and went through a long, involved process and said is not a direct comparison. Commissioner Tillett said people have contacted her who were not in favor of the water project, but when they saw that it might be an advantage for their families to leave property to their children, they saw a benefit. She said she is in favor of leaving the zoning ordinance as it is. She added that she is not in favor of changing it because it will certainly hurt a lot of poor people. Commissioner Richard Johnson said he did not support the requested change. Commissioner Mike Johnson suggested we move on. Chairman Judge asked if any Member had an action they wanted to bring before the Board. None responded. Petitioner's request failed for lack of a motion. The Chairman thanked Ms. Khoury for her time and effort and thanked all those who participated by making Public Comments.

#### **ITEM 11 – PUBLIC HEARING – MORATORIUM ON BORROW PITS IN EAST LAKE (Att. #5)**

AT 10:08 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING A MORATORIUM ON BORROW PITS IN EAST LAKE.

County Manager, Robert Outten conducted the hearing and invited the public to speak. The following people spoke:

- 1) Duke Geraghty, Legislative and Building Codes Chairman of the Outer Banks Home Builders Association, asked that a moratorium not be put into effect because borrow pits are needed. He said every septic system repair needs dirt and sand as fill. He did not see using a moratorium as a planning tool and said it would be premature to put a moratorium in effect now and that East Lake is our last source of sand in the County.
- 2) Michelle Perrot said the community had requested a meeting for zoning but it was postponed and put on the back burner. She said East Lake suffers because there is no zoning and we receive what can't or won't be allowed in other parts of the County. She said the community already has two borrow pits as well as five towers and a crematorium. She stated that the people want more control over what is allowed. She called on the Board to halt the borrow pit because of health, noise, and traffic issues.

- 3) Illa Mae Ambrose said East Lake is the love of her life and she loves her home and community. She said she doesn't want everything taken away and called upon the Board of Commissioners for help.
- 4) Wendy Hemiright explained that her home is close to the proposed borrow pit. She said the dust problems will be horrible and asked that a moratorium be established and that zoning be done for East Lake.
- 5) Nancy Craddock said, as 31 year resident of the area, she appreciated having nice, quiet property and asked the Board to help the community.
- 6) RoseMarie Doshier stated that this is an emotional topic. She said East Lake does not want everybody else's issues and asked that a moratorium be put in place because it is needed. She explained that the Board of Commissioners did not put East Lake zoning on the back burner.
- 7) Corey Hemilright presented aerial images of the area and cited potential problem with dust, noise, wells, and flooding. He said as a low-lying area, we depend on canals and ditches and a borrow pit is not in the best interest of Dare County when another pit is available that has not been fully used. He asked for help.
- 8) Steve Doshier said people want to put things in East Lake that they do not want elsewhere. He added that the community does not need another pit.
- 9) Carl Worsley said he has no financial interest in East Lake, although he used to own the land that the bank now owns. He expressed concerns about property rights and that taking away a vested right for the current property owner would be an injustice. He said the County and contractors need sand and expressed hope that compromise on both sides would be possible and that people could live in harmony.
- 10) Eugene Smith said Duke Geraghty wants sand and he does not care who he steps on. Mr. Smith said East Lake has been hurt by a crematorium and towers. He called for the passage of a moratorium.
- 11) Steven Gruninger, First South Bank, explained that the property was acquired through foreclosure. He said the permit has been in effect for years and that many requirements including setback, have been met. He asked the Board to allow them to use the property in accordance with the established rules and regulations and not penalize them with a moratorium. He said he had a note from homeowner Walter Cahoon stating that the mine would not bother him at all. Mr. Gruninger said the borrow pit would help builders control costs, which would help stimulate the economy of Dare County. He said the Bank intends to do nothing different than the County is doing in operating a borrow pit. He added that it is unfair to target the Bank.
- 12) Ted Hemilright said he owns land next to the proposed pit and that there will be water drainage issues. He said we don't need another borrow pit and it would be an injustice for them to ruin our lives and make us suffer for it. He said he has lost sleep over this and asked that a moratorium be put in place until we can get zoning for East Lake.

Chairman Judge closed the hearing at 10:34 A.M.

**RECESS: 10:35 A.M. – 10:59 A.M.**

Chairman Judge reconvened the meeting and announced that Agenda Item #11 (Public Hearing – Moratorium on Borrow Pits in East Lake) would resume until finished, and then proceed to Item #10 to accommodate a scheduling need with one of the Commissioners. He apologized to those waiting to present Items #7-9, which would be heard following Item #10. He asked for a motion to amend the agenda.

**MOTION**

Commissioner Shea motioned to amend the agenda to go to Item #10 following the conclusion of Item #11.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Chairman Judge acknowledged email correspondence received from Matthew Doshier and Kelly Gunter expressing their support of borrow pits construction and opposition of a moratorium. The Chairman said their email would be added to the record of the Public Hearing. The County Manager explained that if a moratorium is enacted after a public hearing it must be for a specified period of time and geographical area. Commissioner Richard Johnson said he is usually in favor of land rights, but nobody wants these pits in their backyard. He added that East Lake is getting everything that other people do not want in their community.

#### **MOTION**

Commissioner Richard Johnson motioned to adopt a Resolution enacting a moratorium on borrow pits in the East Lake tax district until October 2, 2013.

Commissioner Tillett and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

#### **ITEM 12 – CONSENT AGENDA (Att. #6)**

#### **MOTION**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (03.19.12)
- 2) Approve Submission of Grant Application to Governor's Crime Commission for AFIS Fingerprint Identification System
- 3) Budget Amendment to Correct Revenue for Energy Efficiency Grant
- 4) Budget Amendment Accepting Grant Funds from Gov-Ed Television
- 5) Budget Amendment for government Access Channel Sales Tax

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

#### **ITEM 13 – BOARD APPOINTMENTS**

- 1) Health Board

Vice-Chairman Burrus motioned to reappoint David Ryan, Dr. J. Trahey Maner, Coy Tillett & appoint Alexis (Alex) Hodges.

VOTE: AYES unanimous

- 2) Parks and Recreation Advisory Council

Vice-Chairman Burrus motioned to appoint Jack Painter, II.

VOTE: AYES unanimous

- 3) Upcoming Board Appointments

The County Manager announced that the upcoming appointments for May will be the Extra Territorial Jurisdiction (ETJ) District and the Dare County Board of Adjustment. The June appointments will be the College of the Albemarle Board of Trustees, Fessenden Center Advisory Board, Hatteras Community Center Board, Health Board, Library Board Dare, Library Board Regional, Manns Harbor Community Center Board, Oregon Inlet & Waterways Commission, Roanoke Island Community Center Board, Rodanthe-Waves-Salvo Community Center Board, Social Services Board, Dare County Transportation Advisory Board, Juvenile Crime Prevention Council, and the Workforce Development Board.

#### **ITEM 14 – COMMISSIONERS' BUSINESS**

##### Commissioner Jack Shea

- He congratulated all service pin recipients and Employee of the Month, Dr. Ciccinato. He credited these people for making Dare County what it is today.

##### Commissioner Richard Johnson

- Explained that it bothers him when people say the Board does not care about the northern end of Roanoke Island. He said if people there want to get together and pursue zoning, he would support their endeavor. He noted that many who signed petitions for a Zoning Text Amendment live elsewhere or reside on small

lots. He said the rule has been in effect and people have known about this for years. Commissioner Richard Johnson said they are trying to bypass the regular zoning process and that is why he would not make a motion on the matter either way.

#### Commissioner Mike Johnson

- He apologized for missing the last Board of Commissioner's meeting.
- Complimented the League of Women Voters of Dare County for publishing the helpful Citizen's Guide.

#### Commissioner Max Dutton

- Expressed his appreciation for the service pin recipients and Dr. Ciccinato, April Employee of the Month.
- He said in listening to the Health Director's presentation today he would like the Board to revisit a smoking ordinance at the next meeting. He explained that we want to keep our facilities safe and the people healthy. He said he asked the County Manager to revise the ordinance language to allow for the designation of smoking areas where allowed. Commissioner Dutton said this would be a step toward Dare County becoming the healthiest county in the state.

#### Vice-Chairman Allen Burrus

- Thanked service pin recipients and the Employee of the Month for their efforts on behalf of Dare County.
- Explained the problem with dredging at Hatteras Inlet is out of hand. He said one dredge was in for nine days, but it was supposed to be for 14 days. However, a crisis at Oregon Inlet caused them to go. He said they have done a good job, but they just didn't finish it. This has caused a slowdown in getting people to Ocracoke because the channel is not wide enough for ferries to pass in certain places. He reported that a Memorandum of Agreement has been sitting in Washington, D.C. since November waiting for an approval signature. The Vice-Chairman expressed his frustration that although the permitting process can take years, in this case, the Corps has the permits sitting in place waiting to be signed. He urged the County to continue efforts to get this approved as quickly as possible.
- Vice-Chairman Burrus noted that Easter brings not only the spiritual aspects of the holiday, but represents a period for increased economic growth and rebounding tourism. He wished everyone a beautiful Easter

#### Chairman Warren Judge

- He announced that Commissioner Tillett's mother has been taken to the hospital causing her to leave the meeting before its conclusion. He said the Board extends its thoughts and prayers on her behalf.
- Explained that we are one Dare County and that Hatteras Inlet is critical for everyone and efforts will continue in working with Washington, D.C. for a resolution of the problem.
- Chairman Judge reminded the people of East Lake that the 18 months authorized in the borrow pit moratorium will go by very quickly. He offered the community the services of Planning Director, Donna Creef and her team to assist in the process. Several members of the audience who participated in the public hearing stood up to thank the Board of Commissioners for listening to them.

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

- 1) County Manager, Robert Outten, explained that as Ordinances are adopted, the documents are inserted in an Ordinance book, which is updated on occasion by sending them to a company that assembles the material in an organized fashion. He said a Public Hearing is needed to re-adopt the Ordinance book, which will clear up any typos or other errors. He said that afterward the Ordinance book will then be the official code for Dare County.

#### **MOTION**

Vice-Chairman Burrus motioned to authorize the County Manager to set the required Public Hearing. Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 2) Mr. Outten recounted that last summer he advised the Board that help would be needed for some tax collection remedies. He said on certain properties staff has gone as far as they can go. He said a tax collection company was considered to minimize foreclosures. Mr. Outten explained that when Hurricane Irene hit last year it seemed inappropriate at that time to be pursuing collection efforts. He said Michelle

Evans has asked once again to move forward and suggests the firm of Zacchaeus Legal Services, which specializes in local government tax collections and has an excellent track record. He said the firm is not expensive to the County and they will work with taxpayers to achieve a high collection rate. Mr. Outten asked for authorization to have them make a presentation to the Board about helping with some collection issues that are five to seven years old.

**MOTION**

Commissioner Shea motioned to authorize the County Manager to arrange a presentation from Zacchaeus Legal Services.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

AT 12:02 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON APRIL 16, 2012.



Respectfully submitted,

By: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Gary Gross", is written over a horizontal line.

Gary Gross, Clerk to the Board

APPROVED:

By: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Warren C. Judge", is written over a horizontal line.

Warren C. Judge, Chairman  
Dare County Board of Commissioners