



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

5:00 p.m., April 15, 2013

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

Commissioners absent Vice-Chairman Richard Johnson, District 1

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 15, 2013 meeting of the Dare County Board of Commissioners to order at 5:04 p.m. He invited the Rev. Craig Peel to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Judge explained that Vice-Chairman Richard Johnson is traveling and unable to attend the meeting. He acknowledged Malcolm Fearing, the newly appointed member to the North Carolina Department of Transportation (NCDOT) Board and invited him to address the Board of Commissioners. Mr. Fearing reported on the hard work and efforts of NCDOT staff and contractors in getting service restored to the Alligator River Bridge.

The Chairman expressed gratitude that the local people who went to the Boston Marathon were not hurt in the terrorist attack that occurred at the sporting event.

ITEM 1 – PUBLIC COMMENTS

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

ITEM 2 – CHILDREN & YOUTH PARTNERSHIP FOR DARE COUNTY – PROCLAMATION “WEEK OF THE YOUNG CHILD”

Loretta Michael, Executive Director, Children & Youth Partnership for Dare County described how early childhood experiences determine how young brains are wired. She explained that investing in a child's first 2000 days is an investment that produces a

lifetime of results. She outlined local services and programs that are available and reviewed statewide goals and benchmarks that have been achieved in Dare County. Tim White joined in the presentation and invited everyone to Kidsfest on Friday, May 10, 2013 and showed a video highlighting the event. County Manager Outten read a proclamation adopting April 14-20, 2013 as the Week of the Young Child.

MOTION

Commissioner Shea motioned to adopt the Proclamation establishing April 14-20, 2013 as Week of the Young Child in Dare County.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 3 – 2013 GOVERNOR’S VOLUNTEER SERVICE AWARDS

Sharon Elliott, President of the Outer Banks Community Foundation, recognized five outstanding volunteers who were each presented the Governor’s Volunteer Service Award. The award recipients were Ann Groves, Daniel Spruill, Anne Kelleher, Anna Davis, and Claudette Smith.

ITEM 4 – DARE COUNTY PARKS & RECREATION PARTF RESOLUTION

Mr. Outten explained that Dare County has participated in the North Carolina Parks and Recreation Trust Fund (PARTF) program for many years and has received over one million dollars. He said the program is vital to the Dare County Parks and Recreation Department and called on the Board to adopt a Resolution urging the General Assembly to maintain PARTF funding.

MOTION

Commissioner Burrus and Commissioner Woodard motioned to adopt a Resolution urging the General Assembly to maintain funding for the Parks and Recreation Trust Fund (PARTF).

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – BUDGET AMENDMENT FOR SALE OF SERIES 2013 REFUNDING LIMITED OBLIGATION BONDS (Att. #1)

Finance Director, David Clawson, briefed the Board on the recent sale of the Series 2013 Refunding Limited Obligation Bonds (LOBs). He said the Net Present Value savings was 6.17% and outlined the savings that were achieved. He presented a Budget Amendment reflecting the final numbers from the sale. Chairman Judge expressed appreciation for the excellent work that was done on the refunding.

MOTION

Commissioner Shea motioned to adopt the Budget Amendment adjusting the previously approved preliminary numbers to reflect the LOBs that were sold on March 27, 2013.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 6 – ENGINEERING CONTRACT FOR PROPOSED HATTERAS ISLAND BEACH NOURISHMENT PROJECTS (Att. #2)

Mr. Outten presented a memo with recommended changes for the draft contract with Coastal Science & Engineering for the Hatteras Island beach nourishment projects. He reported that the engineer is willing to make the changes outlined in the memo. He noted that a paragraph has been deleted and a provision added calling for mandatory, non-binding mediation as the first step in any dispute resolution. He asked the Board to approve the contract with the Manager's recommended changes and authorize him to sign it. In response to a question from Commissioner Woodard, Mr. Outten said the Engineer understands the need to move quickly because of the urgency of this project.

MOTION

Commissioner Burrus motioned to approve the Coastal Science & Engineering contract with the changes outlined by the County Manager and authorizing the Manager to sign the contract.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Mr. Outten said the County along with the Towns of Kitty Hawk, Kill Devil Hills, and Duck have been talking about doing beach nourishment projects. He said these four entities need studies to be done and asked that the current Beach Nourishment Policy be modified to set aside one million dollars, with up to \$250,000 for each of them to use for this purpose. The Manager explained how this could result in a cost savings if projects can be done concurrently. Mr. Outten asked for authorization to sign whatever budget amendments or project ordinances may be needed.

MOTION

Commissioner Shea motioned to amend the policy as outlined for expenditures of the Beach Nourishment Fund.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 7 – DARE COUNTY EMPLOYEE HEALTH INSURANCE (Att. #3)

The County Manager explained that employee health insurance is usually addressed in the budget process; however, under the new federal health care laws, information must be presented to employees by May 1. He reviewed material in the Board packet detailing cost increases that have been experienced and said the County has been working with the consultants to pair it down. Mr. Outten said the goal has been to impact as few employees as possible without reducing their paycheck. He highlighted provisions of option #3, which he recommended to the Board for adoption.

Commissioner Shea asked if employees understand the importance of avoiding the hospital emergency room when it is not necessary. The County Manager and Human Resources Director Elizabeth Reilly reported on the County's efforts to heighten awareness of the cost savings through email messages, open enrollment information, and through the Wellness program. It was noted that although progress has been made, the number of employees who visit the hospital emergency room is higher than the comparative Book of Business for Blue Cross Blue Shield. Commissioner Tillett

questioned the Manager on the recommended increases and expressed concern that many employees do not realize the services that are available. The Board discussed the role of primary care physicians and urgent care centers in controlling costs. Commissioner Woodard suggested that there should be penalties for using the hospital emergency room for non-emergencies. He said a traditional insurance plan might be better in the future than being self-funded and added that he found it hard to believe that traditional programs are not interested in providing coverage. He expressed concern that this will need to be looked at closely in the future to find less expensive alternatives.

MOTION

Commissioner Burrus motioned to approve the recommended health care plan for fiscal year 2014 as presented by the County Manager.

Commissioner Shea seconded the motion.

VOTE: AYES (5) Chairman Judge, Commissioners Burrus, Dutton, Shea, and Woodard
NOES (1) Commissioner Tillett

ITEM 8 – MANNS HARBOR COMMISSION – BYLAWS (Att. #4)

Mr. Outten presented the Bylaws, with staggered member terms, that have been prepared for the recently formed Manns Harbor Commission. He added that the State of North Carolina is working on a lease agreement for the property and said he has told them that the County will not accept any financial liability and that any lease agreement will have to be presented to the Board of Commissioners for approval.

MOTION

Commissioner Burrus and Commissioner Woodard motioned to approve the Manns Harbor Commission Bylaws.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – UPDATE REPORT FROM THE OREGON INLET TASK FORCE ADVISORY COMMITTEE (Att. #5)

Commissioner Woodard asked the Board to consider approving a \$16,510 reimbursement to the Oregon Inlet Users Group for the Coastal Planning and Engineering (CP&E) study that was done November 2012 with the funds coming out of the contingency fund.

MOTION

Commissioner Woodard motioned to reimburse \$16,510 to the Oregon Inlet Users Group for the CP&E study with the funds coming out of the contingency fund.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 10 – COMMISSIONER COMMITTEE AND BOARD REPORTS

Commissioner Shea reported on a Regional Planning Organization meeting in Hertford. He said he asked that a Hatteras bike path be added to the Transportation Improvement

Priority list. He also asked that Isabel Inlet be included in the long range planning. Commissioner Shea said the status of the Mid-County Bridge is in limbo. He added that NCDOT is considering changes to the passing lane on Highway 158 that may include some type of median.

Commissioner Dutton outlined a recent meeting held with staff at NCDOT who have been instrumental in helping the Bicycle and Pedestrian Safety Coalition with educational material. He announced that May 8 will be the kick-off event for the Coalition at the Food Lion behind the Outback Steak House in Nags Head. He also reported that NCDOT's Gretchen Byrum told him that funds are available for upgrading crosswalks. Commissioner Dutton announced that the Board of Education will be meeting tomorrow at First Flight High School.

Commissioner Burrus briefed the Board on the Oregon Inlet & Waterways Commission by giving a summary of the Army Corps of Engineers plan. He explained the dredging that has been done at Hatteras Inlet and reported on Shallowbag Bay and Wanchese. Commissioner Burrus reported on a meeting he had with the Avon Homeowners Association and commented on Mirlo Beach.

Commissioner Tillett suggested that the old Visitors Center property at the north end of Roanoke Island would be a good location for a Heritage Center. She asked that the State be approached about giving the site to Dare County. The County Manager said he will talk with our representatives in Raleigh about how to get that dialogue started.

ITEM 11 – PUBLIC HEARING – EAST LAKE ZONING PROPOSAL (Att. #6)

At 6:01 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the East Lake Zoning Proposal. The County Manager conducted the hearing and explained the procedure for making comments. The following people spoke:

- 1) Ted Moseley thanked the Board of Commissioners for their guidance and help in handling the issues for East Lake. He said he was proud of the Commissioner's service to the community.
- 2) Fred Willard said he has two East Lake parcels and apologized for being late with his request noting that he has health issues related to a chronic illness. He explained that he represents the Lost Colony Center for Science and Research and the Sugg Willard Foundation. He said Midgette Marine Works previously owned one of the parcels and they have used the site as a well-established business. He asked the Board to consider changing the parcels to East Lake Village Commercial rather than East Lake Residential.
- 3) Courtney Gallop, representing Capital Crematory located in East Lake, said she supported the text amendments and encouraged the Board to adopt the

changes to the East Lake Commercial Services District adding manufacturing. She said this shows an interest in creating jobs and stimulating business growth. In addressing the proposed buffer increase from 25% to 40%, Ms. Gallop said existing businesses that want to grow should be allowed to do so more than 25% before triggering the buffer. She said this ordinance is a step in the right direction.

- 4) Ed Coulbourn explained that he has eight acres in East Lake that has been used as an industrial site for eight or nine years. He said although the site has been inactive recently due to the economy, it is his intention to resume activity and asked that his property be grandfathered.
- 5) George Hyde from Manteo said he has a parcel across from Bill Beatty's sawmill. He said he wants the site to be included in the East Lake Village Commercial.
- 6) Rosemarie Doshier asked for clarification about whether Mr. Willard wants two parcels designated for commercial use.

Chairman Judge closed the hearing at 6:13 p.m.

Planning Director, Donna Creef, identified the two new requests on maps electronically displayed in the meeting room. The Board reviewed the procedural steps that would be needed if the properties were considered. The Board discussed the merits of acting on the zoning tonight and having any new requests including those submitted by Mr. Willard, Mr. Coulbourn, and Mr. Hyde presented to the Planning Board for future action. Chairman Judge summarized the entire process to date. Commissioner Woodard said he does not want the buffer requirement to hurt small businesses that may want to grow. Mr. Outten explained that specific small business needs can be addressed by a modification of the ordinance.

MOTION

Commissioner Burrus motioned to approve the East Lake zoning map and associated zoning regulations that were advertised for the April 15, 2013 Public Hearing and clarified by Chairman Judge to include the following: LP gas sales and service as a conditional use, Manufacturing as a conditional use, and the map adjustment for the Hatchell property. The motion also included the finding that the map and the regulations are consistent with the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County and is in the public interest of Dare County by providing for the orderly development of unincorporated Dare County with land use regulations that protect the coastal heritage of our community and policy LUC#7 identifies the consideration of zoning regulations for East Lake as an implementation action.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

RECESS: 6:38 p.m. – 7:00 p.m.

ITEM 12 – CONSENT AGENDA (Att. #7)

The County Manager presented the Consent Agenda.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.01.13)
- 2) Resolution Authorizing Purchase of EMS Monitor/Defibrillators Through Sole Source Purchase
- 3) Emergency Communications System, Amendment to Capital Project Ordinance
- 4) Roanoke Island Volunteer Fire Department, Inc. Contract and Agreement
- 5) Outer Banks Hospital Community Benefits Grant
- 6) Tax Collectors March 2013 Reports
- 7) OAS Budget Amendment

Commissioner Dutton and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 13 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioner Shea

- He congratulated Ann Groves, Daniel Spruill, Anne Kelleher, Anna Davis, and Claudette Smith on receiving Governor's Volunteer Service Award.

Commissioner Woodard – None

Commissioner Dutton – None

Commissioner Tillett

- She expressed interest in moving forward on naming the portion of Highway 64/264 in Manteo in honor of Marc Basnight.
- Commissioner Tillett thanked Chairman Judge and Commissioner Dutton for visiting her mother on her 92nd birthday.

Commissioner Burrus

- He conveyed his gratitude for the good job done by the North Carolina Department of Transportation (NCDOT)
- He reported that work has started on the sidewalk project in Avon.
- Commissioner Burrus explained why the Game Fish Status bill that is being talked about in Raleigh is foolishness. He said those who are pushing it are greedy and just trying to do away with net fishing. He said it would destroy the coastal heritage that we have and put a sector out of business. He noted that it is wrong to take a public trust and turn it over to a select group of people.

Chairman Judge

- He reported that the Senate Subcommittee on National Parks will conduct a hearing next Tuesday on Senate Bill 486. The bill, pertaining to the Cape

Hatteras National Seashore Recreational Area, has been introduced by Senator Burr and co-sponsored by Senator Hagan. He said that hopefully the bill will be able to get out of committee.

- Chairman Judge said the County will work with Senator Cook and Representative Tine in opposing any Game Fish Status Bill in Raleigh.

MANAGER'S/ATTORNEY'S BUSINESS

County Manager Outten reported that Dare County Older Adult Services has a \$1,000 grant opportunity from the Department of Insurance for outreach to help Medicare recipients. He explained that the item is being presented now because performance guidelines associated with the grant would be delayed waiting until the next meeting to be on the agenda. Mr. Outten said there is no county match required and he asked for authorization to move forward with the \$1,000 grant.

MOTION

Commissioner Burrus motioned to approve the request.
Commissioner Dutton and Commissioner Shea seconded the motion.
VOTE: AYES unanimous

AT 7:56 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED
UNTIL 9:00 A.M. ON MAY 6, 2013.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

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