



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

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MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., May 5, 2014

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

Commissioners absent None

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 meeting to order at 9:10 a.m. He invited the Rev. Craig Peel to share a prayer, and then he led the Pledge of Allegiance to the flag.

The Chairman asked for a motion to amend the agenda to remove Item #11-2 from the Consent Agenda (Amendment to Capital Project Ordinance for Manteo Elementary School Addition) and place it on the agenda as item #9-A.

MOTION

Commissioner Shea motioned to remove item #11-2 (Amendment to Capital Project Ordinance for Manteo Elementary School Addition) from the Consent Agenda and place it on the Agenda as Item #9-A.

Commissioner Dutton and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Kelly Hemrick, Deputy Sheriff Master Officer, received a 15-year pin.
- 2) Linda Webb, Detention Trans/Class Officer, received a 15-year pin.
- 3) Edward Mann, Public Works Director, received a 15-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – MAY 2014

Larry Grubbs, Emergency Medical Services, received the Employee of the Month certificate for May 2014 from John Watts who described the Paramedic's dedication and exemplary performance.

In other award presentations – The Manager presented Planning Director Donna Creef with a Coordinator’s Award from the North Carolina Division of Emergency Management in recognition of her outstanding performance and unwavering commitment. Mr. Outten credited her with bringing the County into complete compliance with FEMA regulations.

ITEM 3 – PUBLIC COMMENTS

The County Manager outlined the public comment procedure. The following spoke -

1. Susan Vaughan shared information with the Board about traumatic brain injury (TBI). She described the scope of the problem, called for local TBI screening, and asked that proper help and support be given to TBI survivors and families.

ITEM 4 – PROCLAMATION – ELDER ABUSE AWARENESS MONTH (Att. #1)

Kaye White, Dare County Senior Tar Heel Delegate, presented a Proclamation establishing May 9 – June 16, 2014 as Elder Abuse Awareness Month. She explained that this is an important legislative priority and described ways people can get involved. Ms. White asked the Board to issue a Proclamation establishing the period from Mother’s Day to Father’s Day for the observance of Elder Abuse Awareness Month.

MOTION

Commissioner Tillett motioned to issue a Proclamation establishing May 9 - June 16, 2014 as Elder Abuse Awareness Month.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 5 – PRESENTATION ON THE SPRING FOR THE ARTS AND HISTORY HOME AND GARDEN TOUR (Att. #2)

A presentation was made on the events and activities that have been organized by a community partnership in commemoration of the 25th anniversary of the Outer Banks History Center. Clark Twiddy, Carl Curnutte, and Bebe Woody described the collaborative efforts of the Elizabethan Gardens, Roanoke Island Garden Club, Dunes of Dare Garden Club, the Manteo Preservation Trust, and the Friends of the Outer Banks History Center. A Proclamation was presented to the Board of Commissioners.

MOTION

Commissioner Shea motioned to proclaim May 10, 2014 as Spring for Arts and History Day in Dare County.

Commissioner Overman seconded the motion.

VOTE: AYES unanimous

ITEM 6 – BOUNDARY AGREEMENT HATTERAS VILLAGE PARCEL (Att. #3)

Jay Wheless presented boundary agreements for a parcel of land in Hatteras Village that adjoins property owned by Dare County along one line and the Hatteras Village

Civic Association on the other. He explained that the agreements would make the public records conform with what has been in use on the ground.

MOTION

Vice-Chairman Burrus motioned to approve the boundary agreement as presented and authorize the Chairman to execute the document.

Commissioners Dutton, Woodard, and Shea seconded the motion.

VOTE: AYES unanimous

ITEM 7 – YOLANDA COLLINS CUP APPLICATION FOR FAMILY CHILD CARE HOME

At the onset of this agenda item, the Clerk to the Board administered an oath to Planning Director, Donna Creef, and the applicant, Yolanda Collins, about the testimony each of them would provide in this quasi-judicial proceeding.

The Planning Director reviewed the Conditional Use Permit (CUP) application and noted that the Planning Board recommends approval. In response to a question from Commissioner Woodard about the term of the CUP, Ms. Creef explained that staff can renew the agreement as outlined in the Dare County Zoning Ordinance. Commissioner Overman asked if other agencies that care for children are allowed to inspect the facility. He was told that other agencies look at child care compliance while the Planning Department's role is to regulate zoning compliance. Commissioner Tillett asked the applicant if she wanted to limit her operation to Monday through Friday. Ms. Collins said she did not want to have Saturday hours for her business.

MOTION

Commissioner Tillett motioned to approve the Conditional Use Permit (CUP) for Ms. Yolanda Collins to operate a family child care home at 113 Cross Court on Roanoke Island.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 8 – KINNAKEET SHORES SOUNDSIDE PHASE 16 – PROPOSED GROUP HOUSING DEVELOPMENT

At the onset of this agenda item, the Clerk to the Board administered an oath to Mark Bissell, with the Bissell Professional Group, and to David Pharr, representing the waste water treatment plant, about the testimony each of them would provide in this quasi-judicial proceeding. The Planning Director, Donna Creef, remained under oath from the previous agenda item.

Ms. Creef presented a site plan and Conditional Use Permit (CUP) submitted for a group housing development in the Kinnakeet Shores Soundside development. She explained the history of the project and introduced Mr. Bissell who described the efforts of the site's new developer in addressing wastewater issues. Commissioner Shea asked if the plant can handle the proposed expansion. He was told by Mr. Bissell that there is sufficient capacity. Vice-Chairman Burrus asked if the problems identified in the

March 7, 2014 letter have been fixed. Mr. Bissell in addressing items in the letter said that funds are available to make repairs. He added that granting the CUP would free up the necessary resources. Vice-Chairman Burrus noted concerns over the septic system and said this is something with which the County needs to be careful. Chairman Judge reminded everyone that Condition #2 clearly states that the roads do not meet NCDOT standards and as such shall remain private and subject to maintenance by the Kinnakeet Shores Homeowners Association.

MOTION

Commissioner Woodard motioned to approve the Kinnakeet Shores Soundside Phase 16 site plan and CUP for the proposed residential group housing development.

Commissioners Tillett, Dutton, and Overman seconded the motion.

VOTE: AYES unanimous

ITEM 9 – SELECTION OF AUDIT FIRM FROM AUDIT SERVICES RFP AND AUDIT CONTRACT FOR FISCAL YEAR 2014 (Att. #4)

Finance Director, David Clawson, briefed the Board on the results of the audit services Request for Proposals (RFP). He said the Audit Committee reviewed the proposals and recommends continuing the service provided by Potter & Company. Among the reasons cited were the large number of partner hours, field hours by partners, community center audit fees, and positive past experiences with the firm. Vice-Chairman Burrus said he was glad to see the community center audits grouped together.

MOTION

Commissioner Shea and Commissioner Overman motioned to award the fiscal year 2014 audit contract to Potter & Company, and authorize Commissioner Shea to sign the contract as Chairman of the Audit Committee, and authorize the Chairman to execute the contract.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9-A – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR MANTEO ELEMENTARY SCHOOL ADDITION (Att. #5) (moved here from the Consent Agenda)

Mr. Clawson explained that the amendment to the Capital Project Ordinance (CPO) pertains to the permanent power connection charge that was reported by the Board of Education (BOE). He said the BOE initially said that the power charge would be \$12,039, which would reduce the Contingency and FF&E (Furniture, Fixtures, & Equipment) line item to \$134,287. The Finance Director reported that the BOE has since revised the initial power connection charge by increasing it to \$42,099, which would further reduce the Contingency and FF&E to \$104,227. Mr. Clawson outlined a possible private placement for funding of the project, which he hoped could be at a 15-year term, rather than 10 to 12 years. The Commissioners expressed concern that the reduced FF&E not hurt the children and they discussed the need to have reliable numbers from the Board of Education as quickly as possible.

MOTION

Vice-Chairman Burrus motioned to adopt the Amendment to the Capital Project Ordinance for the addition to Manteo Elementary School.

Commissioner Tillett and Commissioner Overman seconded the motion.

VOTE: AYES unanimous

RECESS: 10:33 a.m. – 11:01 a.m.

ITEM 10 – PRESENTATION OF MANAGER’S FISCAL YEAR 2015 RECOMMENDED BUDGET (Att. #6)

County Manager, Robert Outten, presented the Manager’s recommended budget for fiscal year 2015. He said the total budget is \$127,133,817 and it has no proposed change in the tax rate. He reviewed revenues for the coming year along with an analysis of the Fund Balance. Mr. Outten explained that the budget reflects the Board’s priorities to maintain existing service levels without adding new programs or increasing County funded positions. He also described the health plan being provided to County employees for FY2015.

Mr. Outten outlined the formula used to fund Dare County Schools and expressed serious concern that maintenance of school facilities is not being performed. He noted that the Board of Commissioners has offered to take over school maintenance. Mr. Outten reported that the BOE has asked for additional funds to address maintenance items. He described conversations that he has had with school officials stressing the importance of performing regular maintenance and paying for it out of the funds that are provided to the BOE each year. He said this is an ongoing issue that goes back to 2001 and shared excerpts of previous Minutes documenting this position. The Manager gave an analysis of the Local Current Expense (LCE), which shows Dare County as the #1 per pupil funded school system in the State of North Carolina at \$3,958 and well above the State average of \$1,512. He said the 2015 proposed budget would allocate \$21,152,827 for school funding, which includes School Nurses and School Resource Officers. He explained that out of the \$21,152,827 total amount, \$1,427,000 will be set aside in a County controlled account that must be used for school maintenance.

The County Manager was thanked for doing a thorough job in preparing the budget. Commissioner Tillett said she is concerned about employee insurance costs and the inability to give raises. She also expressed concern about the impact of a water rate change on senior citizens. She added that County facilities should not be buying equipment that cannot be maintained. Chairman Judge noted that a Public Hearing on the budget is required.

MOTION

Commissioner Shea motioned to schedule a Public Hearing on the FY2015 budget for 5:30 p.m., May 19, 2014.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 11 – CONSENT AGENDA

The County Manager presented the Consent Agenda. Commissioner Overman asked that the Consent Agenda items be read into the record.

MOTION

Commissioner Shea motioned to approve the Consent Agenda as amended at the onset of the meeting with the removal of Consent item #11-2 and making it item #9-A.

1. Approval of Minutes (04.21.14 & 04.23.14). **(Att. #7)**
2. Amendment to Capital Project Ordinance, Manteo Elementary School Addition.
3. Scenic Byway Agreement with Tourism Board for Interpretation Grant.
4. NCDOT Utility Relocation Agreement – US 264 Stumpy Point, Bridge 13.
5. DC DHHS-Health – AHHC Grant for Nurse Aide Training .

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 12 – BOARD APPOINTMENTS

1) Board of Adjustment

Commissioner Shea motioned to reappoint Roland Bowser and Anna Creef.

VOTE: AYES unanimous

2) Tourism Board

Commissioner Overman motioned to appoint Tonia Cohen to the Outer Banks Hotel/Motel Association seat.

VOTE: AYES unanimous

3) Veterans Advisory Council

Commissioner Shea motioned to reappoint Marsha Brown and Joe Pope.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

4) Upcoming Board Appointments

The upcoming Board appointments for June and July 2014 were announced.

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

Commissioner Tillett – None

Vice-Chairman Burrus

- He thanked the service pin recipients and congratulated Larry Grubbs on being honored as Employee of the Month.
- Vice-Chairman Burrus said it was good to see the community partnership working on the Arts and History Home and Garden Tour.
- NCDOT's Road Division was thanked for their work during the Easter holiday.
- The Vice-Chairman said the channels are still a problem for the Ferry Division.
- He expressed hope that the dredge Currituck will be able to get more done.

Commissioner Shea

- He thanked the service pin recipients and the Employee of the Month.
- Commissioner Shea congratulated Planning Director, Donna Creef, on receiving the Coordinator's Award.
- He identified a need for traumatic brain injury screening.
- Commissioner Shea thanked the Manager for a thorough budget presentation.

Commissioner Overman

- He acknowledged the service pin recipients and the Employee of the Month.
- In recognizing the Board's Proclamation for Elder Abuse Awareness Month, Commissioner Overman said Dare County must be a safe place for senior citizens. He warned that any type of elder abuse will not be tolerated in Dare County and any instance will be prosecuted to the fullest extent of the law.
- Commissioner Overman reported on a Resolution by the Dare County Community Collaborative for Children to have School Resource Officers (SROs) at all Dare County schools. Mr. Outten explained that there are SROs at all schools except Kitty Hawk Elementary School. He said the total cost of providing SROs is almost \$497,000 of which Dare County, collectively with the Sheriff, funds nearly 90%. He said the Towns in which the schools are located are being asked to pay the remaining 10% at a cost of \$54,795 or \$10,950 per municipality. He noted that this request excludes Nags Head, which already funds a SRO at Nags Head Elementary. **(Att. #8)**

MOTION

Commissioner Overman motioned to support the Resolution calling for School Resource Officers in every Dare County School and directing the County Manager to pursue funding of this with the municipalities.

Commissioners Burrus, Dutton, Woodard, Shea, and Tillett seconded the motion.

VOTE: AYES unanimous

Commissioner Woodard

- He congratulated the service pin recipients and the Employee of the Month.
- Commissioner Woodard recognized Planning Director Donna Creef on being honored with the Coordinator's Award.
- He thanked the Manager for his work on the budget. He said he shares Commissioner Tillett's concern about funds for equipment repair. He suggested to the Manager that there may be money for this in the Contingency Fund.
- Commissioner Woodard said it is discouraging that we have five Towns that are not willing to help fund School Resource Officers. He expressed hope that the County Manager will be able to make progress on this matter.
- He announced that Bert Banks at the Albemarle Commission is retiring at the end of June. He said a search is underway for a replacement.

Commissioner Dutton

- He described the recent Flying Pirate Half Marathon and the First Flight 5K as great events. He thanked the hundreds of volunteers and business community who made it an overwhelming success.

- Commissioner Dutton reported on a meeting he attended with Erica Harris about the effort to help the students who come to work for the summer in Dare County. He said the group is working on developing information about hurricane evacuation plans, handbooks, ride shares, housing, and bicycle safety.
- He said the recent 3rd annual Bike Rodeo conducted by the Nags Head Police and Planning Department was a huge success.
- He recognized the service pin recipients and the Employee of the Month.
- Commissioner Dutton expressed appreciation for Planning Director, Donna Creef, and her service to the County.

Chairman Judge

- He reported on the arrival of the dredge Currituck at Oregon Inlet.
- Chairman Judge described a recent meeting hosted by North Carolina Watermen United that he attended along with Commissioners Overman and Tillett.
- He said the Oregon Inlet Land Acquisition Task Force is preparing a report for the General Assembly with data from the latest economic impact study.
- The Chairman announced that Governor McCrory is coming to Dare County on Thursday, May 8, 2014 as part of National Tourism Week.

MANAGER'S/ATTORNEY'S BUSINESS

1. County Manager Outten reported that the need for repairs of County equipment, referenced earlier in the meeting, will be handled in the 2015 or 2016 budget.
2. He said the County is working toward 911 consolidation as previously authorized and needs a Resolution of support from the Board for the grant package. **(Att. #9)**

MOTION

Vice-Chairman Burrus motioned to approve a Resolution supporting 911 Consolidation and authorize the Chairman to sign it.
Commissioner Overman seconded the motion.

VOTE: AYES unanimous

3. Mr. Outten explained that Probation and Parole has requested office space, for Officers to use on an as needed basis for appointments in Kill Devil Hills. He said this would geographically expand what they now have available in Buxton and Manteo. Mr. Outten described space the County has at the Wilkinson Building in Kill Devil Hills that could meet their needs on a no cost basis. Vice-Chairman Burrus noted that many of those served by Probation and Parole do not have driver's licenses and providing this space in Kill Devil Hills might help compliance, which would be a win/win situation.

MOTION

Commissioner Shea motioned to authorize the request for space as presented.
Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

4. The Manager reported that the County has received copies of new zoning maps, which are the same as the current ones, except for a new format of colors. Although the zoning districts remain the same, the Board must formally adopt the new maps.

MOTION

Commissioner Shea motioned to adopt the new zoning maps and authorize the Chairman to sign them.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

5. Mr. Outten announced that Drew Pearson has been hired as the new Emergency Manager to replace the retiring Sandy Sanderson. Mr. Outten outlined the educational background and qualifications of Mr. Pearson highlighting his distinguished Coast Guard service and familiarity with Dare County.

Commissioner Judge asked for a motion to adjourn the meeting.

MOTION

Commissioner Shea motioned to adjourn the meeting.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

At 12:31 p.m., the Board of Commissioners adjourned until 5:00 p.m., May 19, 2014.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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