



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., May 6, 2013

Special Note: This meeting of the Dare County Board of Commissioners took place on two different days: May 6, 2013 & May 13, 2013.

At the conclusion of the May 6, 2013 session, the Board of Commissioners recessed the meeting until 6:30 p.m. May 13, 2013 to consider Agenda item #11 (Presentation of Manager's Budget)

Board of Commissioners: Chairman Warren Judge, District 3
Vice-Chairman Richard Johnson, District 1
Virginia Tillet, District 1; Max Dutton, District 2;
Robert Woodard, District 2; Allen Burrus, District 4;
Jack Shea, District 5

Commissioners present: May 6, 2013 – All Commissioners were present when the meeting was called to order. However, Chairman Judge and Commissioner Woodard, along with the County Manager left the meeting early at 9:21 a.m. to attend a legislative hearing in Raleigh. The gavel was turned over to Vice-Chairman Johnson to conduct the remainder of the meeting.

May 13, 2013 – All Commissioners, except Vice-Chairman Richard Johnson, were present for the recessed portion of the meeting for presentation of the budget.

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 May 6, 2013 meeting of the Dare County Board of Commissioners to order at 9:01 a.m. He invited Jennifer Frost to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Judge announced that he, Commissioner Woodard, and the County Manager needed to leave the meeting early in order to attend a hearing in Raleigh on the proposed Coastal Game Fish Bill. He explained that this issue is a vital concern for

Dare County. He outlined the following adjustments that needed to be made to the agenda in order to accommodate having Board representation at the legislative hearing:

- Item 11 – Presentation of the County Manager’s Recommended Budget: At the conclusion of today’s activity, the Board will recess the meeting until 6:30 p.m., Monday, May 13, 2013 at which time the budget will be presented.
- Items 4 & 9 – Request Consent for Four Graves Moved from Private Property & Update report from the Oregon Inlet Task Force Advisory Committee: These items will be moved on the agenda to occur immediately following the Employee of the Month presentation and before Public Comments.
- Item 13 – Board Appointments: Because of their importance, these will be removed from today’s agenda and done at a future meeting so that all Commissioners can participate.

MOTION

Commissioner Shea motioned to amend the agenda as outlined.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (7 Commissioners present for voting on this motion)

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Deborah Equils, Landfill Attendant, received a 10-year pin.
- 2) Yvette Pollock, Day Care Service Coordinator, received a 15-year pin.
- 3) Donna Stoneking, Paramedic, Dare County EMS, received a 25-year pin.
- 4) Brad Creef, Chief Real Property Appraiser, received a 30-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – MAY 2013

Jonathan “Chad” Jones, EMS Dare MedFlight, received the Employee of the Month certificate for May 2013 from Charlie Watson who described Mr. Jones’ EMS and Helicopter flight training. It was reported that Mr. Jones was instrumental in expediting Dare MedFlight becoming an FAA Part 135 operation. The County Manager thanked Mr. Jones for his effort pushing this project forward.

ITEM 3 – PUBLIC COMMENTS

Finance Director, David Clawson outlined the procedure for making public comments. One person spoke –

1. Perry White presented a packet of information about House Bill 983 (Coastal Game Fish) including a copy of the Bill, a letter from a High School Senior, and an article that appeared in the Island Free Press. Mr. White said the bill would be an economic disaster and it is an attempt to destroy all commercial fishing. He urged everyone to send email letters opposing this harmful bill.

ITEM 4 – REQUEST CONSENT FOR FOUR GRAVES MOVED FROM PRIVATE PROPERTY (Att. #1)

Christopher L. Seawell (Aldridge, Seawell, Spence & Hudspeth, LLP) on behalf of Tanya Dawn Tillett Crow, reported that four graves have been moved from private property and that his client was the closest kin to those who were buried there. He explained that although the proper permits were obtained, it was not known that consent of the Board of Commissioners was also needed. Mr. Seawell said the graves have been moved to Austin Cemetery in Kitty Hawk and asked the Board to give consent for the procedure that has been done. Vice-Chairman Johnson asked the County Manager what, if any, recourse the County has if this occurs in the future. Mr. Outten was asked to research the issue for future reference.

MOTION

Commissioner Shea and Commissioner Tillett motioned to give consent to the procedure that has been done.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (7 Commissioners were present for voting on this motion)

RECESS: 9:21 a.m. – 9:28 a.m., May 6, 2013

During the recess, Chairman Judge, Commissioner Woodard, and the County Manager exited the meeting to travel to Raleigh for the legislative hearing. (See note on page 1)

ITEM 5 – REPORT FROM THE LOST COLONY

Bill Coleman, CEO of the Lost Colony and Roanoke Island Historical Association, thanked the Board for their support. He provided information about the new Director, Ira David Wood, who is a Lost Colony alumnus from the 70's and announced that The Lost Colony has received a Tony Award. Mr. Coleman provided details about new features and programs and explained that Dare County Nights are being expanded this year to include the first three Fridays in June to benefit local food banks.

ITEM 6 – REPORT FROM OUTER BANKS SPORTING EVENTS

Lynda Wood and Jim Snyder from Outer Banks Sports Events (OBSE) provided information on the OBSE mission and explained how their events benefit the local community and economy. A framed print from the 2012 Marathon was presented to the Board of Commissioners. Vice-Chairman Johnson expressed appreciation for what OBSE does to help Dare County during the shoulder tourism season.

ITEM 7 – COLINGTON HARBOUR ENTRANCE MAINTENANCE DREDGING & JETTY ALIGNMENT – REPLACEMENT PROJECT (Att. #2)

Jenny Gray Jones reviewed the grant project to assist in the maintenance dredging of Colington Harbour entrance channel. She explained that the State has funding

available for them to match with the Colington Harbour Association. It was noted that the harbour serves the community in a special way during rescue and other public safety efforts. Ms. Jones asked the Board to approve the grant, adopt the Resolution and give permission to assist in this project. Vice-Chairman Johnson clarified that this is a pass through grant that does not require County funds.

MOTION

Commissioner Burrus motioned to approve the grant, adopt the Resolution, and direct staff to assist in this project.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (5 Commissioners were present for voting on this motion)

ITEM 8 – AUDIT CONTRACT FOR FISCAL YEAR TO END JUNE 30, 2013 (Att. #3)

David Clawson, Finance Director, presented the audit contract and engagement letter with Potter & Company, P.A. for the fiscal year to end June 30, 2013. He explained that this is the final year of a four-year agreement and noted that an RFP (Request for Proposal) will be advertised this fall related to this service. He reported that the audit contract fee is \$60,500. Mr. Clawson asked the Board to approve the audit contract and authorize Commissioner Shea, as Chairman of the Audit Committee, and Chairman Judge to execute the contract and engagement letter.

MOTION

Commissioner Burrus motioned to approve the contract and authorize Commissioner Shea, as Chairman of the Audit Committee, and Chairman Judge to execute the contract and engagement letter.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (5 Commissioners were present for voting on this motion)

ITEM 9 – UPDATE REPORT FROM THE OREGON INLET TASK FORCE ADVISORY COMMITTEE

Commissioner Woodard reported that the Oregon Inlet Task Force Advisory Committee is working on a list of stakeholders to participate in the study that is under consideration. He said the stakeholder list has not yet been finalized; however, he will bring it to the Board when it is completed.

ITEM 10 – RESOLUTION – OPPOSING THE DESIGNATION OF CRITICAL HABITAT FOR THE LOGGERHEAD SEA TURTLE

A resolution was presented to the Board of Commissioners opposing the designation of critical habitat for the loggerhead sea turtle.

MOTION

Commissioner Shea and Commissioner Burrus motioned to adopt a resolution opposing the designation of critical habitat for the loggerhead sea turtle.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (5 Commissioners were present for voting on this motion)

ITEM 11 – PRESENTATION OF THE COUNTY MANAGER’S RECOMMENDED BUDGET FOR FISCAL YEAR 2013-14

At the conclusion of the May 6, 2013 session, the Board of Commissioners recessed the meeting until 6:30 p.m., May 13, 2013 to consider this Agenda item. On May 13, 2013, Chairman Warren Judge called the recessed portion of the May 6, 2013 meeting to order at 6:45 p.m. for the budget presentation. All Commissioners were present, except for Vice-Chairman Richard Johnson, for the recessed portion of the meeting.

The County Manager, Robert Outten, presented the recommended budget for Fiscal Year 2014 in a PowerPoint that identified a total budget of \$125,588,072 and a General Fund budget of \$99,283,383. He explained the impact of consolidating the School Capital Reserve Fund into the General Fund. Mr. Outten also reviewed estimated revenues, requested expenditures, and the property tax rate set in the budget at \$0.43 per \$100 of valuation. He noted that the previous year’s rate was \$0.28 and briefed the Board on the revenue neutral tax rate. The Manager identified changes outlined in the budget related to the Special Districts tax rate. He explained the goals that were used in preparing the budget, which included maintaining existing Board priorities, addressing employee retention, and not expanding county services. Mr. Outten provided details about federal and state mandates and increased costs for existing County programs. The County Manager outlined a proposed Cost of Living Allowance (COLA) of 3% for county employees. He gave a history of COLA’s and outlined the County’s COLA history compared to the municipalities within Dare County. He also identified a cost increase in employee health care and announced increased co-pays and deductibles. Mr. Outten reviewed items resulting from prior budgets and explained the General Fund Balance as outlined in the budget. He also presented a \$449,572 increase in funding to the Board of Education.

Following the Manager’s presentation, Chairman Judge opened the floor for Commissioner comments and questions. Commissioner Shea said he has reviewed the budget and made notes that he will review with the County Manager and Finance Director. Commissioner Woodard raised several questions including one about the Fund Balance and how reducing it could be viewed by the rating agencies. Mr. Outten explained the Fund Balance graph on page 42 of the budget and noted efforts that have been made. Commissioner Woodard expressed his concern about a recommended across the board 3% COLA. He noted that County employees are fortunate to have a very generous compensation and benefits package while those in the community are facing hard economic times. He said the idea of a COLA for those on the lower end of the pay scale might be entertained rather than awarding an increase to those on the higher end. Commissioner Woodard cited a need for establishing penalties for employees who misuse the hospital emergency room for non-emergencies. Chairman Judge noted that he and Commissioner Shea, while serving on the Audit Committee, have advocated for deductible increases related to misuse of the emergency room. Commissioner Burrus recommended that people whose regular doctor is part of an urgent care system, should pick-up the phone and make an appointment, even for the same day, as a way of saving costs. He commented to Commissioner Woodard that the Board is supportive of him asking budget questions and noted that David Clawson

and Sally DeFosse are always available in the Finance Department and very helpful with questions. The Manager answered inquiries about Dare County fees and specific line items in the budget for various County Departments. Commissioner Shea observed that a lot of work has gone into preparing the budget and he thanked the County Manager and staff for their efforts. In response to a question from Commissioner Dutton about beach nourishment, the Finance Director outlined the account balance. Commissioner Tillett requested information from the County Manager about specific special appropriations included in the budget. Chairman Judge asked the Manager if there have been any new developments since preparing the budget. Mr. Outten said an increase has been requested for the physician who serves as the Medical Director for the EMS system. He also reported that talks are underway about putting law enforcement Resource Officers in Dare County elementary schools and explained the budgetary impact it could have.

While discussing the budget, Chairman Judge presented North Carolina Senate Bill 236 that authorizes counties to assume responsibility for construction, improvement, ownership, and acquisition of public school property. Mr. Outten briefed the Board on the history of bill and explained that if Dare County wants this as a possible option, it needs to be included in the legislation as soon as possible.

MOTION

Commissioner Shea motioned to instruct the Manager and Chairman to communicate with the legislative delegation and advise them that Dare County would like to be included in Senate Bill 236.

Commissioner Dutton seconded the motion.

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

The Board discussed the need to set a Public Hearing on the recommended budget.

MOTION

Commissioner Shea motioned to set a Public Hearing on the Manager's Recommended Budget for 5:30 p.m., Monday, May 20, 2013.

Commissioner Dutton and Commissioner Burrus seconded the motion.

VOTE: Unanimous (6 Commissioners were present for voting on this motion)

Chairman Judge asked for a motion to adjourn. At 8:29 p.m., May 13, 2013 the Board of Commissioners adjourned until 5:00 p.m., May 20, 2013.

MOTION

Commissioner Burrus motioned to adjourn the meeting.

Commissioner Shea seconded the motion.

VOTE: Unanimous (6 Commissioners were present for voting on this motion)

ITEM 12 – CONSENT AGENDA (Att. #4)

Finance Director, David Clawson presented the Consent Agenda. He informed the Board that the EMS service contract (Item 12-2) reflects changes in the arbitration clause designating North Carolina as the arbitration location rather than out of state.

MOTION

Commissioner Tillett motioned to approve the Consent Agenda:

- 1) Approval of Minutes (04.15.13)
- 2) Multi-Year POS Service Agreement for the EMS Cardiac Care Equipment
- 3) Resolution Supporting Continued State Funding for Museum of the Albemarle
- 4) Hatteras Island Local Emergency Planning Committee (HILEPC)
- 5) Dare County Transportation Department Security Camera Policy
- 6) Juvenile Crime Prevention Council County Plan 2013/2014
- 7) Budget Amendment for Community of Juvenile Services
- 8) Dare County – Evidence Collection Support Grant
- 9) Detention Center – Budget Amendment
- 10) “Old Swimming Hole” Lifeguard Contract
- 11) Social Services Budget Amendment

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (5 Commissioners were present for voting on this motion)

ITEM 13 – BOARD APPOINTMENTS

No action was taken on this Agenda item at the 5/6/13 meeting. (see note on page 2)

- 1) Airport Authority
- 2) Dare County Board of Adjustment
- 3) Health Board
- 4) UNC Coastal Studies Institute (CSI) Board of Directors
- 5) Veterans Advisory Council
- 6) Upcoming Board Appointments

ITEM 14 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Commissioner Max Dutton

- He expressed appreciation for the service pin recipients and congratulated Chad Jones on being selected as the Employee of the Month.
- Commissioner Dutton reported on correspondence he received from Gretchen Byrum at NCDOT outlining four transportation projects that have been set up through Spot Safety Funding. He added that any County or Municipality requests for additional crosswalks should be directed to Jason Davidson at NCDOT. He asked the Clerk to forward this information to all Dare County municipalities.
- He announced the date, time, and location of the kick-off event for the Outer Banks Bicycle & Pedestrian Safety Coalition.

Commissioner Virginia Tillett

- She said a letter has been received thanking the County and the businesses that assisted in the recent High School Prom endeavor. She commended the Always Stylin salon for their efforts in helping young ladies get ready for the prom at no cost. She recognized the JCPC for their commitment in sponsoring the After Prom Party, which provides well-supervised activities.

- Commissioner Tillett provided details of an invitation from Kitty Hawk Elementary School to attend the Grand Opening of their Farm to Market Greenhouse.
- She asked each Commissioner to submit nominees for the Dare Day Citizen of the Year award.
- She extended Happy Birthday greetings to Perry White.
- Commissioner Tillett expressed condolences to the family of former Dare County Commissioner Orman Mann

Commissioner Allen Burrus

- He thanked the service pin recipients and congratulated the Employee of the Month, Chad Jones.
- Commissioner Burrus reported that he has met with the NCDOT Secretary and noted that they are an important part of what we do in Dare County.
- He described efforts of the Oregon Inlet and Waterways Commission to get the emergency channel open to assist ferry traffic.
- Commissioner Burrus took issue with newspapers who characterize NC Highway 12 as a “road to nowhere.” He explained that there are millions of people who use Highway 12 to visit Hatteras Island and travel to Ocracoke Island.
- He thanked the Employment Office for their efforts in helping our community.
- Commissioner Burrus described the proposed Coastal Game Fish bill as detrimental to the region and explained that it would negatively impact commercial watermen, restaurants, seafood markets, and all areas of tourism.
- He voiced respect for former Commissioner Orman Mann who recently died. Commissioner Burrus said Mr. Mann will be missed as a community leader.

Commissioner Jack Shea

- He thanked the service pin recipients for their efforts that make Dare County a wonderful place.
- Commissioner Shea congratulated Chad Jones on being selected as the Employee of the Month.

Vice-Chairman Richard Johnson

- He reported that former Commissioner Mike Johnson has requested a Resolution supporting Senate Bill 352 – Black Bear Management.

MOTION

Commissioner Shea motioned to adopt a resolution supporting Senate Bill 352 – Black Bear Management.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (5 Commissioners present for voting on this motion)

MANAGER’S/ATTORNEY’S BUSINESS

Finance Director, David Clawson, presented an amendment to the Capital Project Ordinance for the Outer Banks Scenic Byway sidewalk project. He explained that language was added so that effective May 1, 2013 the County Manager could execute change orders with the contractors or construction manager as long as the project ordinance amount is not violated and the change order is within budget.

MOTION

Commissioner Burrus motioned to adopt the amended Capital Project Ordinance. Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (5 Commissioners were present for voting on this motion)

Mr. Clawson reported on the annual withdraws from the ADM Fund and Lottery Fund. He said getting the withdraw applications to the State is time sensitive. He said there is no ADM money; however, there is \$41.13 in interest from last year. He noted that the Lottery Funds are \$355,000. He asked for authorization for the Chairman to sign the withdraw applications.

MOTION

Commissioner Shea motioned to authorize the Chairman to sign the withdraw applications.

Commissioner Dutton seconded the motion.

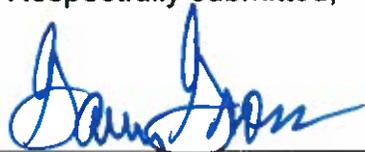
VOTE: AYES unanimous (5 Commissioners were present for voting on this motion)

AT 10:17 A.M. ON MAY 6, 2013 THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED THE MEETING UNTIL 6:30 P.M. ON MONDAY, MAY 13, 2013.

AT 8:29 P.M. ON MAY 13, 2013 THE DARE COUNTY BOARD OF COMMISSIONERS ADJORNED THE MEETING UNTIL 5:00 P.M. ON MONDAY, MAY 20, 2013.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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