



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

THE DARE COUNTY BOARD OF COMMISSIONERS MEETING

May 16, 2011 — 5:00 P.M.

Dare County Administration Building
PO Box 1000, Manteo, North Carolina 27954

Commissioners Present:

Chairman Warren Judge, Dist. 3; Virginia Tillett, Dist. 1; Richard Johnson, Dist. 1; Max Dutton, Dist. 2; Mike Johnson, Dist. 2; Jack Shea, Dist. 5

Commissioners Absent: Vice-Chairman Allen Burrus, Dist. 4;

Others Present: County Manager/Attorney Bobby Outten; Finance Director, Dave Clawson; Clerk to the Board, Gary Gross

Public Comments: County Manager Outten and Chairman Judge asked for public comments — there were none

Presentations:

Dare County Dept. of Public Health — Recognition of World No Tobacco Day 2011 and clean-up efforts by Hatteras Island students

Actions:

Fiscal Year 2011 Audit Contract — **Approved**

Ocracoke Sanitation Fund Unreserved and Undesignated Fund Balance at June 30, 2010 — **Approved**

Resolution to Transfer Two Sanitation Trucks to Hyde County — **Approved**

Draft Revisions to Dare County Code Chapter 96: Littering — **Approved with the fine to be \$200.00 plus the actual cost of disposal, and adding language to the definition of litter to include crab and fish scraps, and mollusk shells**

Public Hearing — Text Amendments to Review Process for Family Child Care Homes — **Hearing Held, Amendments — Adopted**

Public Hearing — Text Amendments for Fire Stations and Public Buildings — **Hearing Held, Amendments — Adopted**

Consent Agenda — **Approved with amended language for the Engineering Contract for the Roanoke Trails Project to include reimbursement only for work done in compliance with grant requirements**

1. Approval of Minutes (05.02.11)
2. Budget Amendment for Courthouse HVAC Compressors
3. Workers' Compensation and Liability & Property Insurance Renewal
4. Old Swimming Hole Contract
5. Older Adult Services Budget Amendment
6. Social Services Foster Care/Adoption Budget Amendment
7. Teen Court Budget Amendment
8. Engineering Contract for Roanoke Trails Project

Board Appointments

1. Airport Authority — **Reappointed Phelpie Edmondson**

Commissioner's Business & Manager's/Attorney's Business

1. Instructed the County Manager to negotiate with the ABC Board on their request for additional parking at the Manteo location
2. Authorized the Outer Banks Scenic Byways Board to apply for grant funding with the Manager signing the necessary documents

LAND OF BEGINNINGS

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Chairman Warren Judge called the May 16, 2011 meeting of the Dare County Board of Commissioners to order at 5:00 p.m. He then invited the Rev. Ted Bishop, All Saints Episcopal Church, to share a prayer, and led the Pledge of Allegiance to the flag. Chairman Judge recognized and welcomed Dylan West from Boy Scout Troop #117 Kitty Hawk who was attending a local government meeting as part of his pursuit of an Eagle Scout award.

ITEM 1 – PUBLIC COMMENTS

County Manager Outten and Chairman Judge asked for public comments. No one came forward to speak.

ITEM 2 – DARE COUNTY DEPARTMENT OF PUBLIC HEALTH – RECOGNITION OF WORLD TOUCH NO TOBACCO DAY 2011

Lisa Phillips, Youth Tobacco Prevention Coordinator, Dare County Department of Public Health, was joined by Brenda Shiflet with the Peer Power Program, and Cape Hatteras Secondary School of Coastal Studies students Chris Bateman and Anna Fletcher. Ms. Phillips said the students have been working on a project for the past five (5) weeks in recognition of World No Tobacco Day, which is observed on May 31. Christopher Bateman reported that cigarette butts are the #1 littered item in Dare County and worldwide. He said World No Tobacco Day draws attention to the dangers of tobacco use on our health and environment. He introduced a video showing student efforts to remove cigarette butts from Hatteras Island beaches. Anna Fletcher reported the clean up of nearly 1,400 cigarette butts in five locations. She said research shows cigarette butts have potentially toxic effects on ecosystems and outlined the importance of clean-up efforts and education in addressing the problem. The students displayed a banner encouraging people not to litter on Hatteras Island beaches and asked that it be displayed at the Fessenden Center. The banner was presented to Tim White. Chairman Judge explained that Vice-Chairman, Allen Burrus, who was absent due to illness, would be proud of the student's effort on behalf of the community.

ITEM 3 – FISCAL YEAR 2011 AUDIT CONTRACT (Att. 1)

Finance Director, Dave Clawson, reported that Fiscal Year 2011 is the second year of a four-year agreement with Potter & Company for audit services. He said the audit contract amount was \$59,500 and asked for authorization to have Chairman Judge and Commissioner Shea, as Chairman of the Audit Committee, execute the contract. Commissioner Shea said he was glad the County chose Potter & Company, which is a reliable audit firm.

MOTION

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

Commissioner Tillett and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – OCRACOKE SANITATION FUND UNRESERVED AND UNDESIGNATED FUND BALANCE AT JUNE 30, 2010 (Att. 2)

Finance Director, Dave Clawson, reported that Hyde County will not be renewing the trash collection contract for Ocracoke Island as of 7/1/2011. He explained that each contract year called for a 25,000 reserve for truck replacement and Hyde has requested the unreserved and undesignated fund balance, as of June 30, 2010, in the amount of \$145,599. Commissioner Richard Johnson asked if Hyde will be using our transfer station. County Manager Outten said if they use the Dare County facility, they will be charged the prevailing rate. Commissioner Tillett asked why Hyde was not renewing the contract. Mr. Outten reported that every year Hyde County discusses not renewing the contract, and their new County Manager informed us of their decision without giving a reason.

MOTION

Commissioner Shea motioned to adopt the budget amendment authorizing payment of \$145,599.00 to Hyde County. Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 5 – RESOLUTION TO TRANSFER TWO SANITATION TRUCKS TO HYDE COUNTY (Att. 3)

Dave Clawson, Finance Director, explained that Dare County has two (2) trucks used for Ocracoke trash collection. He said one is a commercial vehicle, and the other is residential. He reported that both trucks were paid for by Hyde County through the contract. Mr. Clawson said upon termination of the contract, the trucks are to be transferred to Hyde County and asked the Board to approve a Resolution to transfer the vehicles, which staff would do on July 1, 2011. Commissioner Tillett asked if the trucks have been used for other trash pickups and was told they have not.

MOTION

Commissioner Shea motioned to adopt the resolution to transfer two sanitation trucks to Hyde County.

Commissioner Richard Johnson and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DRAFT REVISIONS TO DARE COUNTY CODE CHAPTER 96: LITTERING (Att. 4)

County Manager Outten reported that Commissioner Richard Johnson had requested an improvement in the littering and debris Ordinance. He said the Planning Director has worked on it and has drafted revisions to present to the Board. Donna Creef outlined the revisions to Chapter 96 of the Dare County Code of Ordinances as providing broader scope and the ability to charge fines in an effort to clean up increased littering activity involving household contents and abandoned mobile homes. She reported Commissioner Shea's suggestion that the definition of litter be revised to include a reference to crab and fish scraps and mollusk shells. Ms. Creef explained that the proposed revisions, if adopted, would establish notification procedures, fines for littering violations, and a reimbursement process for those situations where the County is forced to clean up litter. Commissioner Richard Johnson asked for clarification on whether renters violating the ordinance, must be notified first, as a separate step, before property owners are notified. Ms. Creef said if both the tenant and the property owner can be identified, they will both get the notice at the same time. She added that the property owner is ultimately responsible. Commissioner Richard Johnson said the fine should be no less than \$200 because abandoned mobile homes cannot be hauled away for that amount. County Manager Outten said we can apply the maximum zoning fine of \$500. Public Works Director, Edward Lee Mann, said it can take up to a day for clean up of an abandoned mobile home trailer. County Manager Outten suggested a fine of \$200.00 plus the actual cost of disposal. Commissioner Tillett asked how the public will be notified of the new policy. It was explained that in addition to press coverage, information would appear on Channel 20. Commissioner Tillett also asked if having additional large item pick-ups during the year would help. Mr. Outten said limiting large item pickup to twice per year, limits the amount of time that debris is visible beside the road. Commissioner Dutton asked how long it will take for violators to get a notice. Ms. Creef said letters would be sent out promptly. Mr. Outten added that current violators will be asked politely to comply with the new ordinance prior to proceeding with a fine. Commissioner Tillett thanked the Public Works Department for the job they do throughout Dare County.

MOTION

Commissioner Shea motioned to adopt the revisions to the Littering Ordinance with the fine to be \$200.00 plus the actual cost of disposal, and adding language to the definition of litter to include crab and fish scraps, and mollusk shells.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PUBLIC HEARING – TEXT AMENDMENTS TO REVIEW PROCESS FOR FAMILY CHILD CARE HOMES (Att. 5)

AT 5:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING THE AMENDMENTS TO REVIEW PROCESS FOR FAMILY CHILD CARE HOMES.

County Manager Outten conducted the hearing and invited the public to speak. James Reibel was listed on the sign-up form; however, he was not in the meeting room. Public Works Director, Edward Lee Mann, told the Board Mr. Reibel wanted to express his appreciation for their continued support in opposition of the Game Fish bill.

No one came forward to speak at the public hearing on the review process for Family Child Care Homes.

Chairman Judge closed the hearing at 5:35 P.M.

MOTION

Commissioner Tillett motioned that the proposed text amendments to the Dare County Zoning Ordinance for the review and approval of family child care homes be adopted as advertised. I find these amendments to be consistent with the policies of the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County and in the public interest of Dare County by providing for the timely review and approval of family child care homes.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PUBLIC HEARING – TEXT AMENDMENTS FOR FIRE STATIONS AND PUBLIC BUILDINGS (Att. 6)

AT 5:36 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING TEXT AMENDMENTS FOR FIRE STATIONS AND PUBLIC BUILDINGS. County Manager Outten conducted the hearing and invited the public to speak. No one came forward to speak. Chairman Judge closed the hearing at 5:36 P.M.

MOTION

Commissioner Shea motioned that the proposed amendments for fire stations and public buildings be adopted as advertised. I find these amendments to be consistent with the policies of 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 location of fire stations and public buildings in all commercially-zoned areas of unincorporated areas of Dare County.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONSENT AGENDA (Att. 7)

County Manager Outten explained that item 9-8 (Engineering Contract for Roanoke Trails Project) is a grant funded project and the contract needs language added that says reimbursement will only made for work done in compliance with the grant requirements. Mr. Outten said the engineering firm agrees to this.

MOTION

Commissioner Shea motioned to approve the Consent Agenda, with the amended language as presented on Item 9-8 (Engineering Contract) to include reimbursement only for work done in compliance with grant requirements:

- 1) Approval of Minutes (05.02.11)
- 2) Budget Amendment for Courthouse HVAC Compressors
- 3) Workers' Compensation and Liability & Property Insurance Renewal
- 4) Old Swimming Hole Contract
- 5) Older Adult Services Budget Amendment
- 6) Social Services Foster Care/Adoption Budget Amendment
- 7) Teen Court Budget Amendment
- 8) Engineering Contract for Roanoke Trails Project

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BOARD APPOINTMENTS

- 1) Airport Authority

Commissioner Shea motioned to reappoint Phelpie Edmondson to the Airport Authority.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

Chairman Judge clarified that there is no residential district requirement for this Board Appointment.

ITEM 11 – COMMISSIONERS’ BUSINESS

Commissioner Jack Shea – None

Commissioner Richard Johnson – None

Commissioner Mike Johnson – None

Commissioner Max Dutton – None

Commissioner Virginia Tillett

- Extended an invitation to the Board of Commissioners from the Monday Night Alive program to attend their end of the year celebration at Manteo Middle School on May 23 at 5:00pm.

Chairman Warren Judge

- Said he has received emails about the need for bike paths in the Colington area. He said this Board of Commissioners is supportive of these types of improvements, however, they require a lot of work in order to be accomplished. He called for the people, who live in areas wanting bike paths, to work together on these projects and expressed willingness to help groups get their project started. He said the success of Hatteras Island in receiving grants has been the result of a committee, put in place in 2003, which had many steps to complete in achieving their goal. He added that Mary Helen Goodloe-Murphy, on behalf of the Outer Banks Scenic Byways Committee, is willing to share information about their process. Commissioner Richard Johnson asked if the Town of Duck raised taxes to fund bike paths when they were unable to get grant funding. Chairman Judge reported that the Town of Duck created a property tax fund through a Beautification District, while the group on Hatteras Island pursued grant funding for their project. Mr. Judge encouraged community groups interested in starting projects to contact him or any member of the Board of Commissioners.

MANAGER’S/ATTORNEY’S BUSINESS

- 1) County Manager Outten reported that Ray White, with the ABC Board, has need for additional parking at the Manteo location. He explained the County gave ABC part of the Manteo parcel and kept half. Mr. White would like to have access to the County’s vacant portion for additional parking. If the Board is willing to pursue this, the County Manager said he would meet with Mr. White and negotiate details to be presented to the Board of Commissioners for approval. The Board instructed Mr. Outten to proceed.
- 2) Mr. Outten said the Outer Banks Scenic Byways Committee has an opportunity to apply for a \$251,000 grant. He explained that Dare County is a conduit for the grant and there is no County money involved. He said the grant is due May 27 and the Scenic Byways Committee requests approval to apply for the grant, and to allow the County Manager to sign the necessary documents.

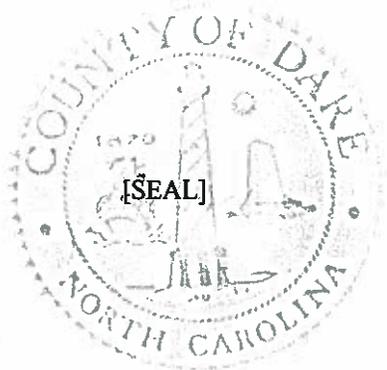
MOTION

Commissioner Shea motioned to authorize the grant application and for the County Manager to sign the necessary documents.

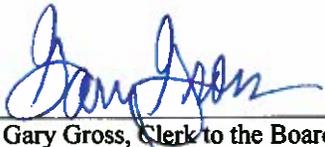
Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

AT 5:48 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON JUNE 6, 2011.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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

