



# 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](http://www.darenc.com)

## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**5:00 p.m., June 17, 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 June 17, 2013 meeting of the Dare County Board of Commissioners to order at 5:05 p.m. He invited Sheriff Doug Doughtie to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Judge announced the absence of Vice-Chairman Richard Johnson and the County Manager introduced John Watts, the new Emergency Medical Services (EMS) Director. The Chairman asked for a motion to amend the agenda to add Item 8-A for a presentation by John Harris on behalf of the First Flight Foundation.

#### **MOTION**

Commissioner Burrus motioned to amend the agenda to add Item 8-A for a presentation by the First Flight Foundation.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

#### **ITEM 1 – PUBLIC COMMENTS**

The County Manager outlined the procedure for making public comments. The following people spoke –

1. Bob Oakes said Nags Head will be returning \$500,000 to Dare County because the Town came in under budget on their beach nourishment project. Mr. Oakes noted concern over the state of the economy and additional insurance costs. He cautioned that the timing of beach nourishment permits can take forever and that the quality of sand is an important issue. Mr. Oakes urged the Board to give the vacation rental industry ample notice if the additional one percent Occupancy

Tax is implemented in order for it to be put into next year's rental contracts. He also expressed support for Fred Willard's rezoning request in East Lake.

2. Thomas Spruill voiced support for Fred Willard's East Lake rezoning request.
3. Wilbur Cahoon said he has seen boats on Mr. Willard's property and supports his request for rezoning.
4. Philip Foreman said he grew up and went to school in Manteo. He noted that his wife serves as PTO President and works diligently helping the children of Roanoke Island. Mr. Foreman said it would be a waste if his children were to be bused to another school. He urged the Board to support the funding of an addition to Manteo Elementary School.

#### **ITEM 2 – PRESENTATION OF SGT. EARL MURRAY OUTSTANDING OFFICERS AWARD**

Becca Cooke and Sheriff Doug Doughtie presented the Sgt. Earl Murray Outstanding Officers Award to Tom Mears, Investigator, Dare County Sheriff's Office. Mr. Mears was honored for his dedicated service and thanked for his professionalism, passion, and going the extra mile. Ms. Cooke explained that the Sgt. Earl Murray Outstanding Officers Award is an endeavor of the Outer Banks Public Safety Auxiliary (OBPSA) to recognize an officer or deputy that has gone above and beyond the call of duty.

#### **ITEM 3 – LOST COLONY – RECIPIENT OF TONY HONOR FOR EXCELLENCE IN THEATRE**

Bill Coleman, CEO of The Lost Colony, displayed the Tony Honor received by The Lost Colony in recognition of extraordinary achievement in theatre.

#### **ITEM 4 – DARE COUNTY TOURISM BOARD – REVIEW OF 2012-2013**

Anna Sadler, Dare County Tourism Board Chair, and Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, gave a presentation to the Board of Commissioners. Ms. Sadler shared the group's vision and outlined a progress report that described how they have reinvested in the community through tourism grant programs. Mr. Nettles provided a snapshot of the economic impact generated by local tourism and described the initiatives that have been launched to enhance tourism on Hatteras Island. The Tourism Board's marketing plans for 2013-2014 were outlined in the presentation.

#### **ITEM 5 – DETENTION CENTER – CONTRACT WITH TRANSFORM HEALTH CS (Att. #1)**

The County Manager presented a series of contracts for the Detention Center. He commended Kathryn Bryan for her hard work in negotiating favorable deals for the County. The first contract presented was for Detention Center health care services.

**MOTION**

Commissioner Shea motioned to approve the contract with TransformHealthCS for healthcare services at the Detention Center.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – DETENTION CENTER – CONTRACT WITH CORRECTIONAL BEHAVIORAL HEALTH (Att. #2)**

A contract was presented to the Board for Detention Center mental health services.

**MOTION**

Commissioner Shea motioned to approve the contract with Correctional Behavioral Health.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – DETENTION CENTER – CONTRACT WITH TRINITY SERVICES GROUP (Att. #3)**

A food services contract for the Detention Center was presented to the Board.

**MOTION**

Commissioner Shea motioned to approve the contract with Trinity Services Group for food management services at the Detention Center.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – DETENTION CENTER – CONTRACT WITH MCDANIEL SUPPLY COMPANY (Att. #4)**

The Board was presented with a commissary services contract for the Detention Center.

**MOTION**

Commissioner Shea motioned to approve the contract with McDaniel Supply Company for commissary services at the Detention Center.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 8-A – FIRST FLIGHT FOUNDATION**

John Harris, on behalf of the First Flight Foundation, read a Resolution repudiating the claim by the State of Connecticut that Gustave Whitehead had a successful powered flight on August 14, 1901.

**MOTION**

Commissioner Shea and Commissioner Woodard motioned to adopt the Resolution.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – IG HOLDINGS LLC GROUP DEVELOPMENT – CUP APPLICATION AND SITE PLAN REVIEW**

Planning Director, Donna Creef explained that the project's Engineer, John Delucia, informed her this afternoon of last minute minor changes needed to the site plan and reviewed them with the Board of Commissioners. She also reported that the concerns of the Fire Marshal have been addressed. Commissioner Burrus said he did not want to see storm water on the road and noted that the applicant has been a good neighbor. Commissioner Tillett asked if anyone in the neighborhood has objected to the project. Ms. Creef said one person inquired, but offered no comments. She added that one of the neighbors, John Harris, is present at tonight's meeting. At the direction of the County Manager, the Clerk to the Board administered oaths to the Planning Director and the Project Engineer pertaining to their testimony for this agenda item.

**MOTION**

Commissioner Burrus motioned to approve the Conditional Use Permit and site plan for IG Holdings LLC group development with the changes outlined by the Planning Director. Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – FRED WILLARD REZONING REQUEST – EAST LAKE ZONING MAP**

The Planning Director explained that when the East Lake zoning map was adopted it did not incorporate a request from Mr. Willard, which is now being submitted to the Board. She outlined the two parcels for which Mr. Willard seeks a new classification to address the historical use of his property for boat repairs. Ms. Creef said the Planning Board voted 6 to 1 to recommend the requested change. She noted that a Public Hearing on the proposed rezoning is required.

**MOTION**

Commissioner Woodard motioned to schedule a Public Hearing on the proposed rezoning for 5:30 p.m. July 15, 2013.

Commissioners Dutton, Tillett, and Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – RECOMMENDED FY 2014-2018 CAPITAL IMPROVEMENT PLAN**

Finance Director, David Clawson, presented a PowerPoint on the recommended Capital Improvement Plan (CIP) for 2014-2018. He reviewed the projected ending fund balances in the Capital Reserve Fund. He also gave a step-by-step outline of the recommended capital improvement projects and their costs, including construction of an addition at Manteo Elementary School. Chairman Judge noted the importance of not deferring building maintenance and said the Board was supportive of North Carolina Senate Bill 236 that would give Dare County the option to take responsibility for school construction and building maintenance. Mr. Clawson explained that revisions will need to be made to the CIP to reflect changes related to the Land Transfer Tax. He said a revised CIP will be presented to the Board for review and approval at a future meeting.

**ITEM 12 – WORLD FISHING NETWORK PRIZE AWARD TO CHAPA (Att. #5)**

The County Manager explained that the Fishing Network conducts a contest and gives cash awards that pass through local government entities to winning community groups. He reported that based on online voting, the Cape Hatteras Access Preservation Alliance (CHAPA) was a winner and will be receiving a \$3,500 prize.

**MOTION**

Commissioner Burrus motioned to approve the acceptance of funds for awarding to the Cape Hatteras Access Preservation Alliance (CHAPA).

Commissioner Woodard and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – OREGON INLET ASSESSMENT PROJECT PROPOSAL (Att. #6)**

Mr. Outten said the Board has previously addressed this assessment and the proposal being submitted presents the final terms, conditions, and description of the project.

**MOTION**

Commissioner Woodard motioned to approve the assessment proposal and authorize the County Manager to move forward and spend the \$11,091 to fund the project.

Commissioner Dutton and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – IMPLEMENTATION OF ADDITIONAL ONE PERCENT OCCUPANCY TAX FOR BEACH NOURISHMENT**

The County Manager reported that the Towns of Duck, Kitty Hawk, and Kill Devil Hills along with Dare County are contemplating beach nourishment projects. He said legislation gives the Board of Commissioners the authority to levy an additional one percent Occupancy Tax to fund beach nourishment. He noted that the Towns of Duck, Kitty Hawk, and Kill Devil Hills have requested that the additional tax be implemented to help them fund their projects. He reviewed a spreadsheet outlining the balance in the beach nourishment fund and outlined the projected costs of the projects under consideration. Mr. Outten explained that if the additional tax is implemented it is important to let the property management companies know as soon as possible so they can prepare for next year's rentals. Chairman Judge noted that legislative authority to levy the additional tax was given several years ago; however, it was not needed at that time. Mr. Outten said the County and the Towns will participate in an upcoming meeting with permitting officials in hope of coordinating a similar timeline, which would help save permitting and mobilization costs. Chairman Judge announced that a Public Hearing is required before the additional tax can be enacted. The Manager asked for authority to move forward with the necessary procedural steps to conduct a Public Hearing.

**MOTION**

Commissioner Woodard motioned to set a Public Hearing for August 5, 2013 on the request to levy an additional one percent occupancy tax for beach nourishment purposes and authorize the County Manager to do all the necessary procedural steps.

Commissioner Dutton and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

The County Manager later advised the Board that after checking the Statute, a Public Hearing with the required 10 days' notice could be scheduled before August 5.

**MOTION**

Commissioner Woodard motioned to change the date of the previous motion to 5:30 p.m., July 15, 2013 regarding the setting of a public hearing on the request to levy an additional one percent occupancy tax for beach nourishment purposes.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – CONSENT AGENDA (Att. #7)**

The County Manager presented the Consent Agenda.

**MOTION**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (06.03.13)
- 2) Agreement for Protection, Development, Improvement of Forest Land in Dare County, NC
- 3) Outer Banks Hospital Grant Awarded for Fessenden Center
- 4) Non-Matching Grant Opportunity for Fessenden Center
- 5) Budget Amendment – Game and Wildlife Fees
- 6) Village of Avon Fireworks Display 2013
- 7) Town of Manteo Fireworks Display 2013
- 8) Nags Head Fireworks Display 2013
- 9) Road Request – Morrison Grove Rd
- 10) Tax Collectors May 2013 Reports

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – BOARD APPOINTMENT**

- 1) Oregon Inlet and Waterways Commission

Commissioner Woodard motioned to appoint Jim Tobin to fill the unexpired term of Commissioner Richard Johnson.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS**

Commissioner Allen Burrus – None

Commissioner Jack Shea

- He reported on attending a meeting of the Albemarle Regional Solid Waste Management group.
- Commissioner Shea congratulated Tom Mears on receiving the Sgt. Earl Murray Outstanding Officers Award.

Commissioner Robert Woodard

- He presented a recently made video about Oregon Inlet and thanked Dorothy Killingsworth, Public Information Officer, for producing such an outstanding video.

Commissioner Max Dutton

- He commended Ms. Killingsworth on the Oregon Inlet video. He lamented that after 40 or 50 years there is still no jetty or common sense solution for the problems at Oregon Inlet.

Commissioner Virginia Tillett – None

Chairman Judge – None

**MANAGER’S/ATTORNEY’S BUSINESS**

Mr. Outten explained a cooperative agreement with the National Park Service regarding the Scenic Byway Trail in Salvo. He noted that it includes \$15,000 in grant funds and meets the requirements of the Health Department for an additional grant. He asked for approval and authority to move forward.

**MOTION**

Commissioner Burrus motioned to approve the request as outlined by the County Manager.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

The County Manager asked the Board to authorize a 5-year lease for a postage machine, which is in the budget.

**MOTION**

Commissioner Burrus motioned to approve the 5-year postage machine lease.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Mr. Outten explained that annually a recodification is done to the County Ordinance book. When the process is complete, the entire book will be brought to the Board of Commissioners for adoption. He noted that a Public Hearing is required and requested that one be scheduled.

**MOTION**

Commissioner Shea motioned to set a Public Hearing for 5:30 p.m., July 15, 2013

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

AT 7:13 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED  
UNTIL 5:00 P.M. ON JULY 15, 2013.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

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