



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., July 15, 2013

Commissioners present: Chairman Warren Judge, District 3
Vice-Chairman Richard Johnson, District 1
Virginia Tillett, District 1; Max Dutton, District 2;
Robert Woodard, District 2; Allen Burrus, District 4;
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 July 15, 2013 meeting of the Dare County Board of Commissioners to order at 5:06 p.m. He invited Rev. Richard Batzler to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Judge announced that officials of Dominion Power would be addressing the Board after Agenda Item #2.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Helen Hudson, Library Branch Manager, received a 10-year pin.
- 2) Laverna Brooks, Water Dept. Utility Billing Specialist, received a 15-year pin.
- 3) Bobby Swain, EMS Captain, received a 25-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – JULY 2013

Randolph Murray from Public Works received the Employee of the Month certificate from Edward Lee Mann who read excerpts of letters received from the public about Mr. Murray's outstanding customer service. Mr. Murray was described as a dedicated employee who is a bright ray of sunshine and goes above and beyond the call of duty.

PRESENTATION BY DOMINION POWER

Michael Thompson and Steve Saunders from Dominion Power briefed the Board on the recent power outage to Roanoke Island and Manns Harbor. Mr. Thompson described the configuration of underwater cables near the Washington Baum Bridge between Nags Head and Roanoke Island. He said the outage occurred in spite of the redundancy that is built into the system. Mr. Thompson and Mr. Saunders outlined the measures that were taken by Dominion Power to restore service.

ITEM 3 – PUBLIC COMMENTS

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

1. Terri Nunemaker outlined her concerns and submitted information about the lack of compliance with the 2010 Conditional Use Permit (CUP) granted to Bill's Marine. She cited numerous violations and asked the Board to help resolve the issue and direct the County Manager to correct the deficiencies at Bill's Marine and have the business come into compliance.
2. Amber Nunemaker Dodge explained that she grew up on Colington Island and said that her family's property is now in the middle of a toxic wasteland. She said people have a right to safety and questioned the integrity of Bill's Marine.
3. Ben Sproul, Chairman of the Board of Education (BOE), explained that the Board of Commissioners and the BOE have been working closely on finding a suitable solution for the overcrowding at Manteo Elementary School. He said there has been some controversy about the Old Alternative School and issues before the Town of Manteo Commissioners regarding their ordinances related to historic buildings. Mr. Sproul assured that these issues will be resolved and that the BOE is trying to do what is best for students and the future of the community.

ITEM 4 – PUBLIC HEARING – TRANSPORTATION DEPARTMENT NCDOT 5316 GRANT APPLICATION FOR FY2014-2015 (Att. #1)

At 5:52 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the "Transportation Department NCDOT 5316 Grant Application for FY2014-2015." The County Manager conducted the hearing and explained the procedure for making comments. No one in the meeting room responded. Chairman Judge closed the hearing at 5:53 p.m.

MOTION

Commissioner Burrus motioned to approve the FY2014-2015 NCDOT 5316 grant application.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – PUBLIC HEARING – 2013 S-6 SUPPLEMENT DARE COUNTY CODE OF ORDINANCES (Att. #2)

At 5:55 p.m., the Board of Commissioners held a Public Hearing to receive input concerning the "2013 S-6 Supplement Dare County Code of Ordinances." The County Manager conducted the hearing and explained the procedure for making comments. No one in the room responded. Chairman Judge closed the hearing at 5:56 p.m.

MOTION

Commissioner Shea motioned to adopt the Resolution for the 2013 S-6 Supplement for the Dare County Code of Ordinances.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PUBLIC HEARING – FRED WILLARD REZONING REQUEST

At 5:58 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the “Fred Willard Rezoning Request.” The County Manager conducted the hearing and explained the procedure for making comments. The following spoke –

1. Alvin Ambrose, Sr. spoke on behalf of Fred Willard’s request. He said he has known the applicant for about 16 years and during this time has seen different boats at Mr. Willard’s property. Mr. Ambrose said Mr. Willard should be allowed to continue what he has been doing all these years.
2. Carolyn Beck said she did not want to see Mr. Willard lose the use of his land as commercial property. She expressed hope that the Board will allow Mr. Willard to have his property zoned as commercial.
3. Fred Willard said he got involved with the two East Lake parcels about 20 years ago under the proprietor name of Midgett Marine Works. He explained how money raised from fixing and selling boats has funded local archeological research. He added that he has nine boats now in his inventory. He said if his request is not approved it will adversely affect the ability to generate funding for archeological projects.
4. Dwight Wheless said he represents the two parcels that were mentioned. He explained that they adjoin properties that are currently zoned as East Lake Village Commercial. Mr. Wheless said if it were not for Mr. Willard’s illness while zoning was being planned, he is certain that the parcels would have been zoned as requested today. He said the properties clearly meet the statutory requirements for consistency with the Dare County comprehensive plan and reflect the character of the district.
5. Christoph Manke said he has been working with Mr. Willard for about a year and has recently started his own boat cleaning and maintenance business. He explained that he has a contract to lease one of Mr. Willard’s properties and wants to make sure the parcel is zoned commercial so that he will not have a problem getting his new business off the ground.

Chairman Judge closed the hearing at 6:06 p.m.

MOTION

Commissioner Shea motioned that the East Lake zoning map be amended to rezone parcel #017556000 and parcel #017557000 to East Lake Village Commercial with the finding that this rezoning is consistent with the 2009 Dare County Land Use Plan and other officially adopted plans of Dare County and is to be in the public interest of Dare County by providing for the continued existence of locally-owned businesses that have historically occurred on these two parcels.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PUBLIC HEARING – IMPLEMENTATION OF ADDITIONAL ONE PERCENT OCCUPANCY TAX FOR BEACH NOURISHMENT (Att. #3)

At 6:08 p.m., the Board of Commissioners held a Public Hearing to receive input concerning the “Implementation of Additional One Percent Occupancy Tax for Beach Nourishment.” The County Manager conducted the hearing and explained the procedure for making comments. The following people spoke –

- 1) John Wasniewski, on behalf of the Outer Banks Chapter of the Surfrider Foundation, said whether Nags Head’s beach nourishment project is deemed successful or not, beach projects are moving forward on the basis that they drive the tourism economy. He said following a policy of artificial beach management based on mostly economic factors is one that must be carefully viewed. Mr. Wasniewski said according to a Visitors Bureau survey, 50% reported that they came to the Outer Banks for the beaches. He said Dare County and its municipalities should oppose offshore petroleum exploration and drilling, which would put the local economy at risk.
- 2) Don Kingston, representing the Town of Duck Council, read excerpts of the Resolution adopted by the Town asking for implementation of an additional one percent Occupancy Tax. He said although there is about \$17 million in the Shoreline Management Fund, it is not enough to fund the projects that are being advanced by the Town of Duck and other jurisdictions. He asked the Board of Commissioners to authorize the levy of an additional one percent Occupancy Tax.
- 3) Holly Austin referenced a letter from seven Hatteras Island property management companies giving conditional support for the enactment of an additional one percent Occupancy Tax. Among the conditions she outlined were that nourishment funds be used to protect the dune system where it impacts stability for Highway 12. She recommended an implementation date of January 1, 2015 in order to allow another year for economic recovery. She urged that a representative percentage of the funds be spent on Hatteras Island’s needs and that Hatteras Island have representation on the committee that determines where money will be spent. Ms. Austin asked that there not be another Occupancy Tax increase for five years.
- 4) Gary Perry spoke on behalf of the Town of Kitty Hawk Council. He said although they have opposed this in the past, they support it now. He explained that the fund is now available for all of Dare County and can be utilized for multiple uses including the enhancement of storm damage reduction, as well as for reducing or eliminating damage to primary roadways, public utilities, and recreational facilities. He said a reinterpretation of the authorizing legislation permits more than just pumping sand on a beach. He said the fund can be used to remove or demolish structures that are determined to be in the wash zone. He added that it can also be used to obtain and construct public beach access. He noted that this tax is the only

means for Dare County to locally fund storm damage reduction and recommended that the tax be implemented as proposed.

- 5) Tim Cafferty, owner of Outer Banks Blue Realty Services, said he favors the proposed one percent occupancy tax with some caution. He explained that free and open beaches are the product and brand of the Outer Banks. However, he cautioned that some of his colleagues are concerned that an additional tax will reach a “tipping point” that could have an adverse impact. He added that the Outer Banks Association of Realtors and the vacation rental community have contributed approximately 81% of this tax over the past five years and it is appropriate that they have representation on this issue as it moves forward.
- 6) Jeremy Adams from Nags Head said he is a Real Estate Broker who opposes the tax increase. He explained that when he talks with potential guests they say they love our rental rates. However, when the tax is added in he reported that many of them bolt. He said for many visitors the tipping point has been reached and we should be worried about this. He also advised that Fannie Mae is holding onto a ton of shadow real estate inventory that is not listed on the MLS. He said when this is released it will greatly affect the market and the health of the Outer Banks. He advised holding off until the shadow inventory hits the market and the industry has some time to recover.

Chairman Judge closed the hearing at 6:25 p.m. Vice-Chairman Johnson said he supports doing this now before the proposed nourishment projects are approved so that by the time the money is needed the funds will be available. Chairman Judge noted that if the projects do not move forward, the additional tax can always be rescinded.

MOTION

Commissioner Shea motioned to approve a Resolution implementing an additional one percent occupancy tax to become effective on the 1st day of January 2014.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

RECESS: 6:31 p.m. – 6:53 p.m.

ITEM 8 – CONSENT AGENDA (Att. #4)

The County Manager presented the Consent Agenda.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (06.17.13)
- 2) Reimbursement Resolution – FY2013-2014 Vehicle & Equipment Financing
- 3) Public Works – 2013 Community Waste Reduction and Recycling Grant
- 4) Motorola Services Agreement for Communications and E911
- 5) Blue Cross Blue Shield Community Garden Grant
- 6) Community Child Protection Team Annual Report
- 7) Salvo Volunteer Fire Department – Refinancing

8) Budget Amendment for Legal Fees

9) Tax Collector June 2013 Reports

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – BOARD APPOINTMENTS

1) East Lake Community Center Board

Commissioners Shea, Burrus, and Tillett motioned to reappoint Crystal Basnight, Joseph Sexton, and Shelly Perrot.

VOTE: AYES unanimous

2) Game & Wildlife Commission

Commissioner Tillett motioned to reappoint Timmy Midgett and Mike Johnson and to appoint Edward Bow Meekins.

VOTE: AYES unanimous

3) Land Transfer Tax Appeals Board

Commissioner Tillett motioned to reappoint Jacqueline Ricks-Sample (Town of Kill Devil Hills), June Neri (Town of Manteo), Emilie Klutz (Town of Kitty Hawk), and Barbara Connery (Commissioner Appointee).

VOTE: AYES unanimous

4) NC Senior Tarheel Legislative Delegate

Commissioner Tillett motioned to reappoint Kaye White and Alternate Mary Ellen Hawthorne.

VOTE: AYES unanimous

5) Parks and Recreation Advisory Council

Commissioner Burrus motioned to appoint Deon Simmons.

VOTE: AYES unanimous

6) Veterans Advisory Council

Commissioner Tillett motioned to appoint Billy Brown.

VOTE: AYES unanimous

7) Wanchese Community Center Board

Commissioner Tillett motioned to reappoint Rosie Davenport, Thomas Baum, Sally DeFosse, and Lish Meekins, and to appoint Becky Beacham.

VOTE: AYES unanimous

8) Upcoming Board Appointments

The upcoming Board appointments for August and September 2013 were announced.

ITEM 10 – FY2014–2018 CAPITAL IMPROVEMENTS PLAN

Finance Director, David Clawson, explained that the Capital Improvements Plan (CIP) was originally presented on June 17, at which time it was decided that the CIP would be

presented again after determining the Land Transfer Tax collections for the month of June. He reported that the Land Transfer Tax collections were up 11% over June of the previous year, but they were not enough to make up for the decrease during May. Mr. Clawson reviewed several different options for the CIP based on the revised revenue. He reported that the proposed addition for Manteo Elementary School does not affect FY2014 and whenever that project is ready to go, he would present the Board with a Reimbursement Resolution and a Capital Project Ordinance. Commissioner Burrus noted that after FY2014-2015 there would be extra funds from debt reduction to move forward fairly easily with the school addition. Mr. Clawson noted that he has talked with the Local Government Commission about the possibility of starting the school project in FY2014, completing it in FY2015, and having the debt service hit in FY2016. He reported that the State has not yet adopted their budget and discussed the impact it could have. Staff recommended waiting to see what happens with the State budget and was directed to put the Dare County CIP on the August 5, 2013 agenda.

ITEM 11 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Commissioner Allen Burrus

- He wished everyone a safe summer.
- Commissioner Burrus acknowledged the service pin recipients and the Employee of the Month. He described them as excellent employees of which to be proud.

Commissioner Jack Shea

- He thanked the service pin recipients and the Employee of the Month and credited them on their efforts that make Dare County such a wonderful place.
- Commissioner Shea encouraged everyone to safely enjoy the beach.

Vice-Chairman Richard Johnson – None

Commissioner Robert Woodard – None

Commissioner Max Dutton

- He said he appreciated the service pin recipients and Employee of the Month.
- Commissioner Dutton reported that the Bicycle and Pedestrian Safety Coalition has bags available with safety information. Those who would like to distribute bags were asked to contact him at (252) 216-6686 or maxd@darenc.com.
- He expressed hope that everyone will safely enjoy the beach. He noted that it is exciting to have a beach nourishment focus in place for Dare County.

Commissioner Virginia Tillett

- She thanked the Information Technology Department and the County Manager for their help getting her computer up and running.
- Commissioner Tillett passed along a thank you from her son to Chairman Judge for the speech he gave at the basketball camp.
- She reported that the F.C. Minton Basketball Tournament was a great success and extended kudos to Deshawn Banks and the Youth Center staff.

Chairman Warren Judge

- He thanked Commissioner Dutton for his leadership on the Bicycle and Pedestrian Safety Coalition.

MANAGER'S/ATTORNEY'S BUSINESS

1. The County Manager reported that Eric Kaplan at the Ocean Center has an opportunity to obtain a grant to work with IBM in creating technology to monitor turtle nests, which might be able to limit the time that beaches are closed for resource protection. Mr. Outten explained that the grant requires a local government partner. He added that no matching funds from the County are required and asked for approval to move forward with the grant.

MOTION

Commissioner Shea motioned to approve the grant application as outlined by the County Manager.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten explained that County policy requires that all grant applications be approved by the Board of Commissioners. He noted that sometimes grant opportunities arise that do not require matching funds where the application must be submitted before the next regularly scheduled Board meeting. He asked that the County Manager be authorized to submit grant applications contingent on them being reported to the Board and later submitted to the Board for approval if the grant application is successful. Vice-Chairman Johnson said he is unhappy with Departments procrastinating and failing to get their grant applications submitted in a timely manner for the Board's regular cycle of meetings. Mr. Outten clarified that in some cases it is because the grant may have only been discovered by the Department just prior to the application deadline.

MOTION

Commissioner Shea motioned to amend the grant policy as outlined.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

3. The Manager said the SPCA is in need of office space and they have asked to put some of their administrative functions in the vacant old Dare County Administration Building on a gratis basis.

MOTION

Commissioner Shea motioned to approve the SPCA request.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

4. Mr. Outten noted that the Rodanthe access project had a planned bathhouse on the ocean side of the project. He explained that for permitting reasons the bathhouse needed to be moved away from the ocean and toward the road. He

said to expedite the project, for purposes of permitting, he authorized the engineers to make the change and wanted the Board to know why it is different from what was originally proposed.

5. The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(6) for a personnel matter, and 143-318.11(a)(3) to preserve the attorney-client privilege, and to approve the Minutes of the previous Closed Session.

MOTION

Commissioner Woodard motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager. Commissioner Dutton seconded the motion.

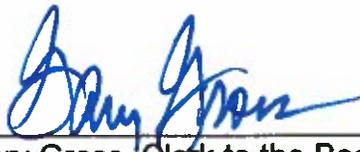
VOTE: AYES unanimous

At 7:19 p.m., the Board of Commissioners exited the room to meet in Closed Session. They reconvened at 8:06 p.m. The County Manager reported that the Board met in Closed Session regarding a personnel issue, an attorney-client privilege matter, and approved the Minutes of the previous Closed Session. He noted that the Board took no other action.

AT 8:07 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON AUGUST 5, 2013.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

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