



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

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DARE COUNTY BOARD OF COMMISSIONERS MEETING

July 16, 2012 — 5:00 P.M.

Dare County Administration Building, Manteo, NC

Commissioners Present: Chairman Warren Judge, District 3; Vice-Chairman Allen Burrus, District 4; Virginia Tillett, District 1; Richard Johnson, District 1; Max Dutton, District 2; Mike Johnson, District 2; Jack Shea, District 5

Commissioners Absent: None

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

Public Comments: Made by 4 (four) people — Jack Bennett, Patricia Elliott, Bianca Aniski, Tom Pappas

Presentations: Employee of the Month certificate was awarded to Vince Mercer, Water Dept., and seven (7) Service Pins were presented

Actions:

Resolution Honoring the Life and Legacy of Andy Griffith — **Adopted**

Resolution Designating July as Parks and Recreation Month — **Adopted**

Parks & Recreation—Request for Qualifications for Engineering Services — **Selected** the Outer Banks Collaborative

Dare County Tourism Board Request for Spending From the Long Term Restricted Fund — **Approved**

Request from Hatteras Island Ocean Center for Grant Applications — **Authorized** applying for the grants

Proposed Regulations on Electronic Gaming — **Approved** sending draft regulations to the Planning Board, and authorized a Public Hearing

Draft Noise Ordinance Revisions — **Directed** the Manager to make changes, submit to the Planning Board, and authorized a Public Hearing

Resolution Opposing Rate Increase Requested by Dominion North Carolina Power — **Approved**

NCACC Voting Delegate — **Approved**

Resolution Authorizing Purchase of Emergency Medical Helicopter from American Eurocopter Through Sole Source Purchase — **Adopted**

Capital Project Ordinance for Approved FY 2012 CIP Projects for Emergency Medical Services — **Adopted**

Resolution — Reimbursement Resolution for Helicopter and Cardiac Monitoring Equipment — **Adopted**

Resolution — Acquisition of Helicopter and Equipment and Refunding — **Adopted**

Public Hearing — Regulations for East Lake Mining Activities — **Conducted** a Public Hearing & **Adopted** regulations

Public Hearing — Moratorium on Electronic Gaming Operations — **Conducted** a Public Hearing & **Enacted** a moratorium until Nov 12, 2012

Consent Agenda — **Approved** 1. Minutes (06.18.12) 2. Agreement for Protection, Development & Improvement of Forest Land 3. Reimbursement Resolution — Vehicle & Equip. Financing 4. Capital Project Ordinance — One NC Fund Gunboat Project 5. Moneris Solutions Merchant Application 6. Health— State Aid for Mosquito Control 7. Health—Community Transformation Grant 8. Health—Vidant Health Foundation Grant 9. Tax Collectors June 2012 Reports 10. Inmate Fee Schedule

Board Appointments —

1. East Lake Community Center Board — **Reappointed** Rosemarie Doshier and Shelly Perrot

2. Fessenden Center Advisory Board — **Reappointed** Cheryl Austin, Susan Gray, Bonnie Williams, Jinny McBride, John Griffin and **Appointed** Mary Ellen Ballance

3. Game and Wildlife Commission — **Reappointed** Andrew Horne, Phil Haywood, Harvey Scarborough, Phil Sawyer

4. Parks and Recreation Advisory Council — **Reappointed** Scott Midgette, Timmy Midgett, and Mel Covey

5. Wanchese Community Center Board — **Reappointed** Joyce Meekins and Robert Walton

6. Upcoming Board Appointments for August and September 2012 were announced

7. Shoreline Management Commission — **Appointed** Town of Duck Councilman Don Kingston due to the resignation of Dave Wessel

Manager's/Attorney's Business — *Following is a brief synopsis of Manager/Attorney items, see the Minutes for more information —*

Authorized the County Manager to extend the storm related building permit fee waiver until September 28, 2012

Authorized the Manager to make adjustments for County water customers hooked onto Town of Manteo water lines, and vice versa

Authorized Manager to arrange with Manteo for the hookups of approx. less than 10 County houses that front onto a Manteo water line, and established a 60 day signup period for those affected to opt-in after approval by the County and the Town of Manteo

Approved a 30 day extension for Roanoke Island Water Expansion sign-ups to August 31, 2012

Approved the use of R.V.'s by non-profit groups for storm related recovery for a period of six months, with a 6 month renewal option

Authorized the Manager to proceed with legal proceedings that may be needed to cleanup Avon Harbor and other areas of the County

Authorized Manager to enter into agreement with Albemarle & Assoc. for the Rodanthe, Waves, Salvo, Avon (RWSA) pathway project

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Chairman Warren Judge called the July 16, 2012 meeting of the Dare County Board of Commissioners to order at 5:05 p.m. He invited the Rev. Phillip Glick from Saint Andrews By the Sea Episcopal Church to share a prayer, and then he led the Pledge of Allegiance to the flag. Afterward Buddy Thompson sang God Bless America.

Chairman Judge made a general announcement explaining that a newspaper article incorrectly indicated that due to the length of the agenda, tonight's meeting would be recessing and reconvened on August 20. He noted that August 20 is the date of the next regularly scheduled Commissioner's meeting and that tonight's agenda will be completed and not carried over to August.

The Chairman recognized Sheriff Doug Doughtie and thanked him and his team who were assisted this week by volunteers from Fire Departments, EMS, and many citizens who joined together in the search for a missing woman.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Wanda McMahon, Community Health Technician, received her 10-year pin from Sue Hewitt.
- 2) Sandy West, Risk Manager/Safety Coordinator, received her 15-year pin from David Clawson.
- 3) Terry Sheehy, EMS Lieutenant, received his 15-year pin from Charlie Watson.
- 4) Ginny Midgett, Senior Adm. Support Specialist, received her 15-year pin from Charlie Watson.
- 5) Sandy Scarborough, Senior Services Manager, received her 15-year pin from Tim White.
- 6) Jennifer Wooten, Friends of Youth Program Assistant, received her 15-year pin from Bonnie Bennett.
- 7) Heidi Wescott, Office Support Specialist, received her 20-year pin from Sheriff Doug Doughtie.

ITEM 2 – EMPLOYEE OF THE MONTH – JULY 2012

Vince Mercer, Water Department received the Employee of the Month certificate for July 2012 from Ken Flatt who described how Mr. Mercer effectively repairs the Water Department process equipment. Mr. Flatt reported to the Board that Mr. Mercer is able to keep an even keel even in the most challenging of circumstances. Mr. Mercer was described as being an invaluable asset for the Water Department.

ITEM 3 – PUBLIC COMMENTS

The County Manager outlined the procedure for making public comments. Four (4) people made public comments.

- 1) Jack Bennett said for five (5) years complaints have been made about dumping at Avon Harbor that has consisted of general debris as well as water and fuel tanks. He said in spite of making formal complaints nothing has been done to rectify the situation. He said the problem was supposed to have been taken care of two (2) years ago and he does not understand why no action has yet been taken. He said there is an Ordinance on the books and people want to see something done about it.
- 2) Patricia Elliott expressed her concern about the dumping at Avon Harbor. She presented a series of photographs illustrating how the area has become an eyesore. She added that people are using her family's driveway as a public access. Ms. Elliott said she would be willing to clean it up if allowed and called on the Board of Commissioners to find a solution, and thanked them for the opportunity to speak about the dumping problem.
- 3) Bianca Aniski said she has been a property owner since 1989. She explained that her home is on the north side of Avon Harbor and sits near the property referenced by Jack Bennett and Patricia Elliott. She respectfully requested help from the Board to correct the dumpsite problem. She said the Zoning Administrator has sent a warning notice, however the dumping has increased. Ms. Aniski noted that the area is environmentally sensitive. She requested that the County take action and offered to provide transportation for any member of the Board of Commissioners who wants to see the dumping area.
- 4) Tom Pappas explained that he has become familiar with the foreign students who come here to work. He said he has seen a deterioration of services for these students and how they are treated. Last week he said he encountered some who were working the entire day and had no place to sleep. He added that many have to walk several miles to go to work and then go somewhere else for a second job. Mr. Pappas reminded the Board that these students pay a considerable amount to come here and said there is a need for a government body to help these students so they do not have to fend for themselves. He credited a program done by Harris Teeter that makes a conscious effort to provide opportunities for the students.

ITEM 4 – RESOLUTION HONORING THE LIFE AND LEGACY OF ANDY GRIFFITH (Att. #1)

County Manager, Robert Outten, presented a Resolution honoring Andy Griffith as a Favorite Son of Dare County. He read the resolution that asked all citizens of Dare County to join in the expression of heartfelt condolences to Andy Griffith's wife Cindi and daughter Dixie.

MOTION

Vice-Chairman Burrus motioned to adopt the Resolution honoring the life and legacy of Andy Griffith. Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – RESOLUTION DESIGNATING JULY AS PARKS AND RECREATION MONTH

Tim White, Public Services Director, asked the Board to adopt a Resolution designating July as Parks and Recreation Month in recognition of the integral part the Department's programs play in the lives of people throughout Dare County.

MOTION

Commissioner Tillett motioned to adopt the Resolution designating July as Parks and Recreation Month. Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 6 – PARKS & RECREATION – REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES (Att. #2)

The County Manager explained that Requests for Qualifications (RFQ's) were advertised for the Rodanthe Beach Access Project and four (4) engineering firms are being presented to the Board for consideration. The firms are Albemarle Associates, Bissell Professional Group, Outer Banks Collaborative, and Quible Associates. Chairman Judge noted that the County has dealt in the past with all four firms. By way of background, he explained that the County had purchased a tract of land near the Rodanthe water plant that runs to the oceanfront. He added that the purpose of the acquisition was to develop a beach access site with parking and bath facilities. He explained that the project is now ready to go and noted that the Manager has grant money and we have asked the Tourism Board to fill in the gaps. The Chairman clarified that today's purpose is to select the engineering firm to layout the site plan. Commissioner Richard Johnson asked if the people who will be working with them on the project have any preference. Vice-Chairman Burrus expressed his preference for the Outer Banks Collaborative.

MOTION

Vice-Chairman Burrus motioned to select the Outer Banks Collaborative. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 7 – DARE COUNTY TOURISM BOARD REQUEST FOR SPENDING FROM THE LONG TERM RESTRICTED FUND (Att. #3)

Lee Nettles, Executive Director of the Outer Banks Visitors Bureau, said the Tourism Board seeks to spend up to \$150,000 from the Multi-Purpose Site/Facility line item to provide fill to stabilize a portion of the Windmill Point site for event use. He explained that the portion closest to the Dairy Queen fills in with water during storms and needs work to become suitable for event parking.

MOTION

Commissioner Shea motioned to approve the spending request from the Long Term Restricted Fund. Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – REQUEST FROM HATTERAS ISLAND OCEAN CENTER FOR GRANT APPLICATION (Att. #4)

Eric Kaplan explained that the Hatteras Island Ocean Center (HIOC) wants to apply for grant applications from the Coastal Recreational Fishing License (CRFL) Grants program and the Outer Banks Visitors Bureau Green Space Open Space Preservation of Land (GOSPL) Grant program. He said the proceeds will be used for the purchase of a tract of land, primarily wetlands, which is important for its educational value and to protect it from commercial development. Mr. Kaplan requested that Dare County serve as the pass through applicant on behalf of HIOC for these grants. He added that all costs associated with the grants will be paid by HIOC.

The County Manager said although it is a pass through grant the County will have some management and accounting function. Commissioner Richard Johnson raised concerns that the County should not be in a decision-making role for the project or get involved in the middle of environmental issues. Mr. Outten said approval of the applications should have the caveat that the granting agency knows it is a pass through and understand that the County's role in the process is not as the property owner. The Manager clarified that this is a two-step process. He said step one is the authorization of grant applications. Then, if awarded, the Board would later be asked to accept the grant based on whatever terms are specified.

MOTION

Commissioner Shea motioned to authorize applying for the grants.
Vice-Chairman Burrus and Commissioner Dutton seconded the motion.
VOTE: AYES unanimous

ITEM 9 – PROPOSED REGULATIONS ON ELECTRONIC GAMING OPERATIONS

Mr. Outten explained that Planning Director, Donna Creef, drafted the proposed regulations based upon Commissioner comments at the last meeting. He said at this time staff is looking for guidance, rather than enactment, so they can go back to the Planning Board. Commissioner Shea said the draft regulations look reasonable as a good place to start. Commissioner Mike Johnson said he wanted to stand firm in controlling the maximum number of machines. The Manager noted that in looking at other local government regulations staff chose the low end of the spectrum and specified that gaming must be 500 feet away from churches, schools and residential areas. In response to Commissioner Mike Johnson's concerns about gaming operations being in places where alcohol is served, Mr. Outten clarified that the regulations specify that alcohol cannot be consumed on the premises, but it could be sold, such as at a 7-11 convenience store. Commissioner Richard Johnson expressed his concern that limiting operators to only two machines for an entire strip mall might not hold up in court. The Manager said that at this point nobody knows for sure what a court would rule. Commissioner Tillett asked what will happen if several people in a strip mall apply for permits. Mr. Outten said they would be awarded on a first come, first served basis and Commissioner Tillett noted that something is not right about that type of arrangement. The Planning Director clarified that the separation distance is 500 feet measured from property line to property line.

MOTION

Commissioner Shea motioned to approve sending the proposed regulations to the Planning Board and authorized the County Manager to set a Public Hearing when the item is brought back to the Board of Commissioners.
Commissioner Dutton seconded the motion.
VOTE: AYES unanimous

RECESS: 6:29 p.m. – 6:58 p.m.

ITEM 10 – DRAFT NOISE ORDINANCE REVISIONS

County Manager, Robert Outten, reported that over a period of months there has been an increase in the number of noise complaints. He said staff has tried to come up with regulations that would have enforcement teeth for the Sheriff's Office and yet create a reasonable ordinance that makes it possible for people to enjoy their property. He noted that several different types of communities were surveyed in preparing the draft regulations. Mr. Outten said staff is not asking the Board to adopt the ordinance at this time, but to provide feedback. In response to Commissioner Tillett's question about whether off-road vehicles would be exempt, the Manager said the ordinance did not attempt to undo what the Board had previously authorized for that activity. He noted that off-road vehicles are not what have been generating the noise complaints. Commissioner Dutton asked where the complaints are coming from and was told by the Manager that businesses playing loud music late at night near residential areas has been the issue. Commissioner Shea asked if the duration of a noise was defined in the ordinance. Mr. Outten explained that a one-time noise of limited duration is not really enforceable since the Sheriff's Office would have to go onsite and determine the decibel level. He said the ordinance would address situations where someone was playing loud music at a party, which could be determined by a decibel meter. In response to Commissioner Mike Johnson's concern that hunting noise be exempted, Mr. Outten said hunting related noise complaints have not been an issue, but the County could exempt hunting noise in places where that activity is legally authorized. Mr. Outten clarified for Commissioner Richard Johnson that an exemption is provided for construction activities during certain hours and for lawn mowers. The Manager explained that the draft ordinance provides exemptions for special events, which led to considerable discussion of appropriate hours, duration, and frequency of exemptions. The Board also discussed at length whether the County or the Sheriff's office should issue the exemptions. Mr. Outten said he would talk with the Sheriff and determine if his Department is willing to process the exemptions and if not, then it

will be done by the County. Commissioner Tillett asked if a Public Hearing is needed. The Manager said it is not required although he thought one should be conducted. He asked the Board to authorize staff to make changes to the ordinance and send it to the Planning Board. He also asked for authorization to set a Public Hearing when the item is brought back to the Board of Commissioners.

MOTION

Commissioner Shea motioned to direct the Manager to make changes to the draft ordinance and submit it to the Planning Board, and authorized a Public Hearing when the item is brought back to the Board of Commissioners.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 11 – RESOLUTION OPPOSING RATE INCREASE REQUESTED BY DOMINION NORTH CAROLINA POWER (Att. #5)

The County Manager presented for Board approval a Resolution opposing the rate increase requested by Dominion North Carolina Power.

MOTION

Vice-Chairman Burrus motioned to adopt the Resolution opposing the Dominion North Carolina Power rate increase.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 12 – NCACC VOTING DELEGATE

The County Manager reported that Commissioner Virginia Tillett will be attending the upcoming annual conference of the North Carolina Association of County Commissioners (NCACC) in Wake County during August. He explained that NCACC requires a designation of Voting Delegate and asked the Board to authorize Commissioner Tillett to serve in this capacity.

MOTION

Commissioner Shea motioned to designate Commissioner Tillett as the Dare County Voting Delegate.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 13 – RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY MEDICAL HELICOPTER FROM AMERICAN EUROCOPTER THROUGH SOLE SOURCE PURCHASE (Att. #6)

David Clawson, Finance Director, reported that the Capital Improvements Plan that was previously adopted by the Board of Commissioners included the placement of an order by August 1, 2012 for a new emergency medical helicopter. He reported that EMS considered several helicopter manufacturers and evaluated one as being the most compatible with the County's on-going mission and basis of operation, which was the overriding consideration. Mr. Clawson explained that only the Board of Commissioners can approve a sole source purchase and asked the Board to adopt the Resolution authorizing the helicopter purchase from American Eurocopter.

MOTION

Commissioner Tillett motioned to adopt the Resolution authorizing the purchase of an emergency medical helicopter from American Eurocopter through sole source purchase.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 14 – CAPITAL PROJECT ORDINANCE FOR APPROVED FY2012 CIP PROJECTS FOR EMERGENCY MEDICAL SERVICES (Att. #7)

The Finance Director presented a Capital Project Ordinance for the purchase of an EMS helicopter and replacement of cardiac monitoring equipment. He explained that both items will be financed with what will be the Series 2012C Limited Obligation Bonds (LOBs). He added that the Capital Project Ordinance establishes the budget for both of these projects and reflects a trade-in value of \$1,000,000 for the current EMS helicopter.

MOTION

Commissioner Shea motioned to adopt the Capital Project Ordinance.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 15 – RESOLUTION – REIMBURSEMENT RESOLUTION FOR HELICOPTER AND CARDIAC MONITORING EQUIPMENT (Att. #8)

Mr. Clawson explained that a Resolution is needed to allow the County to expend funds for replacement of the EMS helicopter and the purchase of EMS cardiac monitoring equipment prior to closing on the Limited Obligation Bonds (LOBs). Commissioner Richard Johnson asked if insurance costs will increase with the purchase of a new helicopter. Mr. Clawson said that it would not be significantly more than the current amount. The County Manager added that the helicopter operation will in the future be generating revenue.

MOTION

Vice-Chairman Burrus motioned to adopt the reimbursement Resolution.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 16 – RESOLUTION – ACQUISITION OF HELICOPTER AND EQUIPMENT AND REFUNDING (Att. #9)

The Finance Director presented a Resolution authorizing the issuance of Series 2012C-G Limited Obligation Bonds (LOBs). It was explained that the initial Resolution LOBs, which used to be called COPs, will work like the previous series LOBs to use upfront debt service savings to terminate the basis swap and the swaption. He reviewed the debt service for the EMS helicopter and cardiac monitoring equipment. He explained the goals of the financing, reviewed the savings, and reported an initial total savings estimate of \$3,459,437. Mr. Clawson informed the Board that a co-underwriter may be needed and he outlined the components stated in the Resolution.

MOTION

Commissioner Shea motioned to adopt the Resolution.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 17 – PUBLIC HEARING – REGULATIONS FOR EAST LAKE MINING ACTIVITIES (Att. #10)

At 5:39 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the regulations for East Lake mining activities. County Manager Outten conducted the hearing and explained the procedure for making comments. One (1) person spoke:

- 1) Ted Hemilright thanked the Board of Commissioners for doing the moratorium and expressed appreciation for the County's help in preparing the rules and regulations for mining activities in his community. He expressed hope that zoning will be in place for East Lake by October.

Chairman Judge closed the hearing at 5:41 p.m. County Manager, Robert Outten reported on discussions that were held with the owner of the mine and the community. He said the regulations being presented to the Board of Commissioners addressed the issues of concern identified by the community including mining operation times, days, and noise level. Mr. Outten said having completed a Public Hearing the item was ready for Board action.

MOTION

Commissioner Mike Johnson motioned that the regulations Chapter 159 for Mining Activities be adopted as presented.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 18 – PUBLIC HEARING – MORATORIUM ON ELECTRONIC GAMING OPERATIONS (Att. #11)

At 5:44 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning a moratorium on electronic gaming operations. County Manager Outten conducted the hearing and explained the procedure for making comments. One (1) spoke:

- 1) Paula Lingo said she is a 76-year-old resident who chooses to play sweepstakes games. She said it should be her choice to engage in this activity. She noted that she and other people do not like places with loud music and expensive alcohol. She said her daughter, who is dealing with brain cancer, also likes playing the sweepstakes games in atmosphere that is not loud. Ms. Lingo informed that Board that the sweepstakes games attract an older crowd. She said 95% of the people who play are nice, friendly people in their 40's and older. She said most of us know what we can spend compared to those who those do not know how much they should spend on alcohol. Ms. Lingo added that drugs

and prostitution are bigger problems and the Board's greater concern should be controlling middle school drug traffic. She said she feels strongly that people should be able to have the personal freedom to play sweepstakes games.

Chairman Judge closed the hearing at 5:49 p.m. The County Manager/Attorney, Robert Outten said if the Board wants to establish a moratorium that he will make changes in the Resolution to include problems and concerns that were referenced along with a schedule of action. He explained that the issue will be presented at the next Planning Board meeting and then brought back to the Board of Commissioners in August or at the first September meeting. In response to Commissioner Richard Johnson's question about whether a moratorium would only affect new machines, Mr. Outten said since the time the Board began looking at this issue someone has put in machines. He explained that there is case law that says people cannot race against implementation of a statute. He said if the Board is satisfied with the ordinance under Agenda item #9, then the County will only be one or two meetings away from having an ordinance in place. Mr. Outten reminded the Board that based on the court's ruling, the County can regulate electronic gaming, but cannot prohibit it.

MOTION

Commissioner Richard Johnson motioned to adopt the Resolution to enact a moratorium on electronic gaming operations in unincorporated Dare County as outlined by the County Manager.

Vice-Chairman Burrus and Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 19 – CONSENT AGENDA (Att. #12)

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (06.18.12)
- 2) Agreement for Protection, Development and Improvement of Forest Land in Dare County
- 3) Reimbursement Resolution – Fiscal Year 2012-2013 Vehicle & Equipment Financing
- 4) Capital Project Ordinance – One NC Fund Gunboat Project
- 5) Moneris Solutions Merchant Application
- 6) Health Department – State Aid for Mosquito Control
- 7) Health – Community Transformation Grant
- 8) Health – Vidant Health Foundation Grant
- 9) Tax Collectors June 2012 Reports
- 10) Inmate Fee Schedule

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 20 – BOARD APPOINTMENTS

1) East Lake Community Center Board

Commissioner Shea motioned to reappoint Rosemarie Doshier and Shelly Perrot.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

2) Fessenden Center Advisory Board

Vice-Chairman Burrus motioned to reappoint Cheryl Austin, Susan Gray, Bonnie Williams, Jinny McBride, and John Griffin; and appoint Mary Ellen Ballance.

VOTE: AYES unanimous

3) Game and Wildlife Commission

Commissioner Mike Johnson motioned to reappoint Andrew Horne, Phil Haywood, Harvey Scarborough, and Phil Sawyer.

VOTE: AYES unanimous

4) Parks and Recreation Advisory Council

Commissioner Tillett motioned to reappoint Scott Midgette, Timmy Midgett, and Mel Covey.

VOTE: AYES unanimous

5) Wanchese Community Center Board

Commissioner Tillett motioned to reappoint Joyce Meekins and Robert Walton.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

6) Upcoming Board Appointments

The County Manager announced that the upcoming Board appointments for August will be on the A.B.C. Board, and that there are no upcoming appointments for September.

ITEM 21 – COMMISSIONERS’ BUSINESS

Commissioner Mike Johnson – None

Commissioner Max Dutton

- He expressed appreciation for the Dare County employees who received service pins.
- Congratulations were extended to Vince Mercer on being named the Employee of the Month.
- Commissioner Dutton thanked Tom Pappas for the work he has done reaching out to students from foreign countries who come to work on the Outer Banks.

Commissioner Virginia Tillett

- She congratulated the Dare County All-Star softball team and announced that they will need help from the community in order to be able to get to the upcoming regional competition. She encouraged everyone to help and support the team.
- Asked the County Manager about what is being done to prevent mosquitoes in standing water that is in County retaining ponds. Mr. Outten reported that larvicide is being applied.
- Commissioner Tillett expressed her ongoing interest in naming something in honor of Marc Basnight. She explained that she has spoken with her fellow Commissioners and the County Manager about finding an appropriate opportunity to name something in his honor.

Vice-Chairman Allen Burrus

- He commented on the tragedy that occurred on Hatteras Island over the July 4th holiday. He thanked the Sheriff’s Office and the many volunteers who assisted in the search for Lynn Jackenheimer. He said although there was a bad outcome for their efforts, it was his hope that at least there might be closure for the victim’s family. He also thanked those who provided housing and food for the victim’s family.
- Vice-Chairman Burrus congratulated the Employee of the Month and thanked the service pin recipients.
- He said it is unfortunate that there are people who take advantage of the foreign students to come to work on the Outer Banks. He said he appreciates these young people and explained that they pay money in order to come here and work.
- He acknowledged the girls softball team and noted that they are reaching out for funds.
- Vice-Chairman Burrus reported on his trip to Washington D.C. with Chairman Judge on behalf of beach access at the Cape Hatteras National Seashore Recreational Area. He said they found some surprising allies on Capitol Hill. He added that Mr. Willis and Mr. Gray, who were with General Patton in World War II, are examples of Veterans who were sent to fight on the beaches of Europe, but are not allowed to have access to the beaches of Cape Point or Hatteras Inlet.

Commissioner Jack Shea

- He thanked the County employees who received service pins.
- Commissioner Shea congratulated Employee of the Month, Vince Mercer.

Commissioner Richard Johnson

- He asked why he and others now have to take tree limbs to Stumpy Point and pay to discard them, which was not required before. The County Manager said residential yard waste less than 500 pounds can still be discarded without cost. He explained that over the years people have abused the system by bringing in large amounts and that commercial haulers were also bringing in waste. He said all commercial businesses must go over the scale and pay accordingly. Commissioner Richard Johnson said this penalizes older

people who have to hire someone to haul their debris and expressed that they should be able to discard less than 500 pounds even if they have it hauled commercially. Mr. Outten said the policy was done to treat everybody the same.

Chairman Warren Judge

- He expressed thanks for the people who have supported the County since 2005 in securing equity and fairness for all users of the Cape Hatteras National Seashore Recreational Area. He thanked the Board of Commissioners for their unwavering support in face of difficult odds. He also thanked Congressman Walter Jones, Senator Burr, Senator Hagan, and Senator Joe Manchin of West Virginia. Chairman Judge explained that during the Hearing before the Senate Subcommittee on National Parks, Senator Manchin did a great job cross-examining the National Park Service and Derb Carter from SELC. He emphasized that we will not give up in our fight for fair and equitable use of the seashore. Meanwhile, Chairman Judge said there is a second parallel path that also needs to be explored. He called for the use of ingenuity and entrepreneurial skills to identify, develop, and promote new and different ways to enjoy the beauty and splendor of Hatteras Island. He cited Lynn Foster's efforts for Day at the Docks and the activities of Saltwater Connections as examples of people working together to enhance tourism. He added that the Commissioners have asked the Dare County Tourism Board to develop a marketing plan for all the Villages of Hatteras Island. Chairman Judge called upon everyone to become engaged in our future and use all of our collective skills to add new and exciting attractions and events for our visitors.

MANAGER'S/ATTORNEY'S BUSINESS

- 1) County Manager, Robert Outten announced that due to the resignation of Dave Wessel, the Town of Duck would like Councilman Don Kingston to be their new representative on the Shoreline Management Commission.

MOTION

Commissioner Shea motioned to appoint Don Kingston as the Town of Duck representative to the Shoreline Management Commission.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 2) Mr. Outten explained that some in the community are still waiting for FEMA and insurance settlements as part of the recovery from Hurricane Irene. He said that although the County had waived storm related building permit fees through June 30, those still awaiting their funds were unable to take advantage of it. He asked the Board to extend the storm related building permit fee waiver until September 28, 2012.

MOTION

Commissioner Dutton and Commissioner Shea motioned to authorize the extension of the storm related building permit fee waiver until September 28, 2012.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 3) The County Manager said it has been discovered that some County water customers on Roanoke Island had actually been hooked on to Manteo water lines and that some Manteo customers were hooked to County lines. He explained that the County is trying to work with the Town of Manteo to get everyone on the correct lines without cost to the existing customers. He asked for permission to make the adjustment.

MOTION

Vice-Chairman Burrus motioned to authorize the County Manager to make the adjustment.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- 4) Mr. Outten said it has been determined that approximately less than 10 houses on Roanoke Island are in the County but front onto a Town of Manteo water line. He said in order to hook onto a Manteo water line they must pay a big fee and we did not run County lines in front of their houses because a water line was already there. He reported on efforts to work with Manteo to do something that is fair for the Town and the County. He asked that permission be given to allow people to connect to the Manteo line by paying to the

County the same amount paid by others on Roanoke Island and we use that money to do the hook-ups. He added that afterward they would become Town of Manteo customers and pay them going forward.

MOTION

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

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

The Manager added that once this item has been approved by the Dare County Board of Commissioners and the Manteo Town Council, a time period needs to be established during which people can opt-in. He recommended that 60 days be established as the time limit.

MOTION

Commissioner Shea motioned to approve a 60-day period to opt-in to the program outlined by the County Manager.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 5) The Manager reported that he has received calls from six to eight people on Roanoke Island who, for a number of reasons, missed the deadline to sign-on to the Water Expansion Project. He reported that there have been over 2,600 hook-ups, which exceeded expectations. He requested a 30-day extension for sign-ups to August 31, 2012.

MOTION

Commissioner Shea motioned to approve a 30-day extension for Roanoke Island Water Expansion sign-ups to August 31, 2012.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 6) Mr. Outten said the Methodist Men have asked to use a recreational vehicle during their storm relief efforts in Stumpy Point. He explained that an ordinance will allow this type of use now and in the future for non-profit disaster related recovery efforts for a period of six months, which could be renewed for another six-month period.

MOTION

Commissioner Shea motioned to approve the use of recreational vehicles by non-profit groups for storm related recovery as outlined by the County Manager.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 7) The Manager acknowledged that there is a lot of debris at Avon Harbor as was mentioned during Public Comments. He reported that he has looked at the situation and the County has done everything short of suing people to get the area cleaned up. He added that there is a property dispute involved in the issue. Mr. Outten noted that there was a temporary improvement in the situation, however, overall efforts to correct the problem have been fruitless and he asked for authorization to proceed with legal proceedings that may be needed to clean up the area. He added that there are similar issues with burnt down structures in other areas of the County.

MOTION

Commissioner Shea motioned to authorize the County Manager to proceed with legal proceedings that may be needed to clean up Avon Harbor and other areas of the County.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 8) Mr. Outten presented a contract from Albemarle and Associates for engineering services for the Scenic Byways grant for the Rodanthe, Waves, Salvo, Avon (RWSA) pathway project. Vice-Chairman Burrus noted that he is very much in favor of the Byway but has some concern about the bidding process and the time limits. He said it is important that work not impede NC Highway 12 during the busy summer months and people must be held accountable that things are done correctly for this project.

MOTION

Commissioner Shea motioned to authorize the County Manager to enter into agreement with Albemarle and Associates.

Commissioner Mike Johnson seconded the motion.

VOTE: AYES unanimous

AT 8:30 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON AUGUST 20, 2012.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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

