



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

July 18, 2011 — 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; Mike Johnson, District 2; Jack Shea, District 5

Commissioners Absent: Richard Johnson, District 1; Max Dutton, District 2;

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

Public Comments: One (1) person made public comments — Gail Sonnesso

Presentations:

The Employee of the Month certificate was presented to Amy Etheridge, Parks and Recreation Department

Service Pins were presented to eight (8) Dare County employees — Rodney Barefoot, Bonnie Winslow, Felicia Majewski, Debra Martello, Cheryl Johnson, Skeeter Sawyer, Jay Burrus, Melva Garrison

Southern Shores Volunteer Fire Dept — Commendation Award recognized 15 individuals whose teamwork saved a human life

Handling Seafood Safely — was the topic of a presentation by Dr. David Green, Director of Seafood Science at NC State University

NOAA Report on the Monitor National Marine Sanctuary — presented by David Alberg, NOAA Sanctuary Superintendent

Actions:

Agenda amended to remove Item 12-1 (Board Appointment, Airport Authority) to be delayed until a future meeting—**Approved**

Kitty Hawk Dog Park — An Exception to Ordinance 91.032 — **Approved**

Request to Schedule Public Hearing—SNC (Skyco Neighborhood Commercial) Text Amendment— **Approved for Aug 15, 2011, 5:30 p.m.**

Public Hearing — Text Amendments for Dare County Schools Alternative Energy Projects — **Public Hearing Held, Amendments Adopted**

Budget Amendments for Beach Nourishment Fund — **Adopted**

Consent Agenda — **Approved**

1. Approval of Minutes (06.20.11) and (07.07.11)
2. East Carolina Behavioral Health Quarterly Monitoring Report for June 30, 2011
3. Funding of Computer Air Cards and Software for Sheriff's Office
4. Change in Dare County P25 Radio System Project
5. Resolution to Convey Surplus Van to Monarch (Beach Club Gang)

Board Appointments

1. Airport Authority — **Item was removed from the Agenda to be delayed until a future meeting**
2. East Lake Community Center Board — **Reappointed Nancy Cahoon**
3. Game and Wildlife Commission — **Reappointed Bryan Perry, Buddy Shelton, Sonny Briggs, George Henderson**
Appointed Harvey Scarborough, Jr.
4. Parks and Recreation Advisory Council — **Reappointed Jimmy P. Brown, Kathy Winstead, Keletta Govan**
Appointed Anita Bills to replace April Oden
Appointed Tod Clissold to fill the resignation of Ed Futrell
Appointed Melinda Maher to fill the seat of Ralph Horne who passed away
5. Wanchese Community Center Board — **Reappointed Rosie Davenport, Thomas Baum, Sally DeFosse, Jimmy Williams, and**
John B. Beasley

LAND OF BEGINNINGS

COMMISSIONERS OFFICE— PO Box 1 000, MANTEO, NC 27954 • 252.475.5700 • DARENC.COM

Chairman Warren Judge called the July 18, 2001 meeting of the Dare County Board of Commissioners to order at 5:00 p.m. He then invited the Rev. Steve Siegrist from the Ocean View Baptist Church, to share a prayer, and led the Pledge of Allegiance to the flag.

Chairman Judge asked for a motion to amend the agenda to remove Item 12-1 (Board Appointment for Airport Authority) to be delayed until a future meeting.

MOTION

Commissioner Shea motioned to amend the agenda by removing Item 12-1.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

County Manager Outten reported that Commissioner Richard Johnson and Commissioner Max Dutton both had work related engagements and could not attend the meeting.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Rodney Barefoot, In-Home Service Aid, received his 10-year pin from Sue Hewitt.
- 2) Bonnie Winslow, Office Assistant III, received her 15-year pin from Melanie Corprew.
- 3) Felicia Majewski, Processing Assistant IV, received her 15-year pin from Pat Jump.
- 4) Debra Martello, Library Assistant, received her 15-year pin from Jonathan Wark.
- 5) Cheryl Johnson, Information Technology Director, received her 35-year pin from Bobby Outten.
- 6) Skeeter Sawyer, EMS Director, received his 35-year pin from Bobby Outten.
- 7) Jay Burrus, Social Services Director, received his 35-year pin from Bobby Outten.
- 8) Melva Garrison, Elections Director, received her 40-year pin from Bobby Outten.

ITEM 2 – EMPLOYEE OF THE MONTH – JULY 2011

Amy Etheridge, Parks and Recreation Department, received the Employee of the Month certificate for July 2011 from Tim White who acknowledged the friendly and courteous image she presents for Dare County.

ITEM 3 – PUBLIC COMMENTS

County Manager Outten and Chairman Judge asked for public comments.

One (1) person made public comment –

- 1) Gail Sonnesso thanked Dare County and especially Commissioner Virginia Tillett, Commissioner Jack Shea, Commissioner Max Dutton, and County Manager Bobby Outten for helping GEM throughout the years in providing care for our frail citizens with dementia. She added that she looks forward to future collaborations. Ms. Sonnesso also extended an invitation to attend the first meeting of the Supper Club on September 21 at the Unitarian Church in Kitty Hawk, which occurs on International Alzheimer's Day.

ITEM 4 – SOUTHERN SHORES VOLUNTEER FIRE DEPARTMENT – COMMENDATION AWARD

Assistant Chief Richard Furioni acknowledged those who received the Department's Unit Commendation for their teamwork in successfully resuscitating a cardiac arrest patient, on April 30, 2011, which resulted in the saving of a human life. Recipients of the Award included Lieutenant David Evans, Engineer Trey Batschelet, Captain Jeanne Shrader, Chief Robert Harvey, Deputy Chief David Shrader, Officer Tracy M. Mann, Officer Eddie McKeever, Paramedic Judy Watson, EMT Mark Shreaves, Telecommunicator Holly Butler, Telecommunicator Amy Elkins, Telecommunicator Regina Etheridge, Flight Paramedic Tim Rhodes, Flight Paramedic Steve Burritt, and Dare MedFlight Pilot Chad Jones. Assistant Chief Furioni reported that the patient recovered, was discharged from the hospital, and was present in the audience. The patient then stood and received enthusiastic applause.

ITEM 5 – PRESENTATION – HANDLING SEAFOOD SAFELY

Dr. David Green, Director of Seafood Science at North Carolina State University said he serves on the National Seafood Hazard Analysis and Critical Control Points (HACCP) Alliance. He explained this is a cooperative of federal and state public health agencies, university educators, and industry representatives responsible for the development and delivery of the seafood safety training curriculum of the U.S. Food and Drug Administration (FDA) and is based on preventive techniques. He identified the primary pieces of legislation that govern seafood safety including good manufacturing practices (GMP's), procedures for safe and sanitary processing, and the model food code. Dr. Green said support for working waterfronts and community-based fisheries continues to grow and have created pressure on local governments and health departments to allow direct sale of seafood by commercial

fishermen. He said the solutions to these problems are not difficult if we use the most current information that is available in the FDA guide. He explained that based upon his 30 years working in the industry the following key items should be considered: 1) The sale of seafood to the public requires a NC seafood dealer's license, issued by the Division of Marine Fisheries and recreational fishermen are prohibited from selling their catch without a commercial fishing license. 2) Basic GMP's must be met by anyone selling seafood to the public. 3) Direct sale of seafood must comply with local, state and federal health regulations including having a permit from the local health department for vendors at farmers markets. 4) Address the seafood hazards that are most likely to occur, which include parasites in fish intended to be consumed raw, natural toxins, scombrototoxin (histamine), and molluscan shellfish. Dr. Green said the public health concerns for sale of seafood at local farmers' markets are relatively few and solutions to allow for direct sale by commercial fishermen are not difficult. He added that the NC State University Seafood Laboratory is willing to help Dare County. Commissioner Shea said he was familiar with HACCP having taught it and is a system that works in going beyond GMP's. Commissioner Mike Johnson asked Dr. Green to clarify, for the record, the mortality that occurred in Dare County many years ago, that was reported to be caused by seafood. Dr. Green explained it occurred to someone with a significant medical history, but was unfortunately recorded to the Center for Disease Control in Atlanta as histamine poisoning; however, it was not true. Commissioner Mike Johnson said he wanted Dr. Greene to come today to present the scientific facts related to selling seafood at farmers' markets in Dare County. He said we need to do what we can with the Board of Health to make this possible and asked the County Manager how this can move forward. Mr. Outten explained the Health Department must address it, make a decision on what is appropriate, and if they allow it, adopt rules. He added that if they allow it and the existing ordinances do not, the ordinances could be amended by the Board of Commissioners. Commissioner Johnson said the Commission on Working Watermen came up with a potential ordinance as guidance and called upon Sea Grant and Dr. Green's help in answering the questions to resolve this issue. Dr. Green said the current Dare County ordinance, dated 1999, is old and he has given information that is more recent to the Dare County Health Department. Chairman Judge thanked Dr. Green and said the Commissioner Representative to the Health Board will address this issue with them.

ITEM 6 – NOAA REPORT ON THE MONITOR NATIONAL MARINE SANCTUARY

David Alberg, NOAA Sanctuary Superintendent, provided an update on recent activities. He reported the Monitor is an important icon to our nation's history and was America's first National Marine Sanctuary. The Superintendent outlined support given to local partnership organizations including \$2.6 million given to the Graveyard of the Atlantic Museum, \$15,000 to the North Carolina Aquarium, research collaboration with UNC Coastal Studies Institute, Coastal environmental Educators Network and Sea Grant, and K-12 school programs. Superintendent Alberg said they will soon release a North Carolina mobile video tour, also provide education, and outreach for the North Carolina scuba diving community. He acknowledged the Sanctuary Advisory Council and outlined efforts to assist the research, exploration and maritime heritage in North Carolina. He also thanked Vice-Chairman Burrus and Ernie Foster for speaking at the Outer Banks Forum on Culture, Heritage and Environment in 2010. The Superintendent announced that National Geographic will be airing a one-hour special next year on the Battle of the Atlantic. Chairman Judge expressed interest in having the video premiered in Dare County. Vice-Chairman Burrus asked if MNMS can work with the Visitor's Bureau in promoting the virtual history trail. Mr. Alberg said they are interested in reaching out in the community for wide distribution of their programs. Vice-Chairman Burrus said he is skeptical of any federal agency and hopes their vision will not turn to quicksand; however, what he has seen so far he considers admirable. Chairman Judge thanked Superintendent Alberg for the presentation.

ITEM 7 – KITTY HAWK DOG PARK (Att. 1)

County Manager Outten explained that Ordinance 91.032 needs an exception to allow the public to enter and exit the recreational facility with dogs on-leash except when they are off-leash inside the designated dog park area.

MOTION

Commissioner Shea motioned to approve the ordinance exception for the Kitty Hawk Dog Park.

Vice-Chairman Burrus and Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 8 – REQUEST TO SCHEDULE PUBLIC HEARING – SNC (SKYCO NEIGHBORHOOD COMMERCIAL) TEXT AMENDMENT

Donna Creef, Planning Director, said an application to amend the Skyco Neighborhood Commercial (SNC) district has been submitted by Mr. Glenn Hanbury Jr. to use vacant land for a commercial storage yard, which is not included in the list of uses at this time, and would like to have an amendment added to add it as a permitted use. She

reported that the SNC district applies to a small area along NC345 and the next step in the process is the scheduling of a Public Hearing on the proposed SNC text amendment. Chairman Judge asked if this is intended to be an active place for motor home storage. The Planning Director explained the applicant seeks to provide short-term parking, not on a day-to-day basis for boat trailers and motor homes adding that it would be easily accessible for people to remove vehicles for an approaching storm. Chairman Judge suggested that a condition be added that requires the trailer or vehicle have its current registration and license. Commissioner Mike Johnson said he has visited the area and believes it will fit in without sticking out. Commissioner Tillett asked if the applicant's neighbors will be notified. Ms. Creef explained that although text amendments do not require notification, she would do so as an extra step. Chairman Judge raised the issue of the buffer outlined in the text amendment and Commissioner Mike Johnson suggested that be considered as part of the public hearing.

MOTION

Commissioner Mike Johnson motioned to schedule a Public Hearing for August 15, 2011 at 5:30 p.m. on the proposed SNC text amendment with the addition of valid current license plates as one of the conditions. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 9 – PUBLIC HEARING – TEXT AMENDMENT FOR DARE COUNTY SCHOOLS ALTERNATIVE ENERGY PROJECTS (Att. 2)

AT 6:29 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING THE AMENDMENT FOR DARE COUNTY SCHOOLS ALTERNATIVE ENERGY PROJECTS.

County Manager Outten conducted the hearing and invited the public to speak. No one came forward to speak. Chairman Judge closed the hearing at 6:30 P.M.

MOTION

Commissioner Shea motioned that the proposed amendments for alternative energy projects at Dare County school sites be adopted as advertised finding 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 since these amendments provide for the development and research of alternative energy in unincorporated Dare County. Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BUDGET AMENDMENTS FOR BEACH NOURISHMENT FUND (Att. 3)

County Manager Outten said that in response to direction from the Board, he and Dave Clawson have been working on proposed policies for how the County will distribute beach nourishment funds and will present those in the future. Dave Clawson, Finance Director, said an Interlocal Funding Agreement with the Town of Nags Head was approved in February to provide \$18,000,000 for initial construction and \$2,000,000 a year for five years beginning in fiscal year 2012. He added that in June the Board approved providing \$56,250 to the Town of Duck for 75% of the cost for a beach nourishment feasibility study. Mr. Clawson explained that the budget amendment uses appropriated fund balance as the source for the \$18,000,000 payment. He stated that each year in order to balance the fund, on the expense side, a line item called reserve is budgeted. He said it represents what should be added to the fund balance at the end of the year, for that year. Mr. Clawson said the \$2,000,000 payment to Nags Head plus the \$56,250 to the Town of Duck comes from that reserve. He projected that the fund balance at the end of June 30, 2011 should be approximately 31.6 million, before the 18 million, and should still add 1.6 to 1.7 million to the balance this fiscal year.

MOTION

Commissioner Mike Johnson motioned to adopt the budget amendment.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 11 – CONSENT AGENDA (Att. 4)

County Manager Outten explained that Item 5 on the Consent Agenda (Resolution to Convey a Surplus Van to Monarch) is a request the group has made for a surplus van to transport their participants. He said the vehicle is a 2002 Dodge van with approximately 180,000 miles that has been retired out of our fleet and been in surplus for about three years. Mr. Outten added that as one of the oldest surplus vans, there is no market value or use for it and that we have others, in better condition, that are being held for backup use.

MOTION

Commissioner Tillett motioned to approve the Consent Agenda:

- 1) Approval of Minutes (06.20.11) and (07.07.11)
- 2) East Carolina Behavioral Health Quarterly Monitoring Report for June 30, 2011
- 3) Funding of Computer Air Cards and Software for Sheriff's Office
- 4) Change in Dare County P25 Radio System Project
- 5) Resolution to Convey Surplus Van to Monarch (Beach Club Gang)

Commissioner Mike Johnson and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 12 – BOARD APPOINTMENTS

- 1) Airport Authority – Item was removed from the Agenda and will be delayed until a future meeting

- 2) East Lake Community Center Board

Commissioner Mike Johnson motioned to reappoint Nancy Cahoon

VOTE: AYES unanimous

- 3) Game and Wildlife Commission

Commissioner Tillett motioned to reappoint Bryan Perry, Buddy Shelton, Sonny Briggs, and George Henderson; and appoint Harvey Scarborough Jr.

VOTE: AYES unanimous

- 4) Parks and Recreation Advisory Council

Vice-Chairman Burrus motioned to reappoint Jimmy P. Brown, Kathy Winstead, and Keletta Govan; and to appoint Anita Bills to replace April Oden; and Tod Clissold to fill the resignation of Ed Futrell; and Melinda Maher to fill the seat of fill Ralph Horne who passed away.

VOTE: AYES unanimous

- 5) Wanchese Community Center Board

Commissioner Tillett motioned to reappoint Rosie Davenport, Thomas Baum, Sally DeFosse, Jimmie Williams, and John B. Beasley.

VOTE: AYES unanimous

- 6) Upcoming Board Appointments for August and September 2011

County Manager Outten announced the upcoming appointments for August as the A.B.C. Board and the Jury Commission. For September, he announced the Dare Day Committee.

ITEM 13 – COMMISSIONERS' BUSINESS

Commissioner Virginia Tillett

- Thanked Nags Head Mayor Bob Oakes and the Town for working hard to resolve the issue with Britthaven. She said many of us were worried about having to move family members from the facility and appreciated the effort of Chairman Warren Judge in resolving the matter.
- Requested an email update from the County Manager on the Roanoke Island water expansion project and noted that the complaints are not as bad as they had previously been.
- Reported on a letter received from GEM Management, Inc. asking for housing referrals for Harbourtowne Apartments in Manteo. She said the facility provides low to moderate-income housing based on the applicant's income with rental rates ranging from \$464 to \$686 and more information is available by calling 704-357-6000.

Vice-Chairman Allen Burrus

- Thanked the Dare County employees receiving pins for their dedication and years of impressive service.
- He expressed appreciation for the Nags Head Commissioners in their effort to keep Britthaven open.
- Vice-Chairman Burrus announced the Flags Over Hatteras event in late August commemorating the 150th anniversary of the civil war action that occurred on Hatteras Island and involved the Freedman's Colony.

- He invited people to attend the Open House in Buxton for the new housing facility for teachers.
- Wished everyone a good and safe summer.

Commissioner Jack Shea

- Expressed his appreciation for the service pin recipients and Employee of the Month, Amy Etheridge.
- Acknowledged the Southern Shores Volunteer Fire Dept on their lifesaving event and the services they provide.
- Said he was concerned about the potential loss of Britthaven and is now overjoyed that people will be able to continue using the facility.

Commissioner Mike Johnson

- Reported on the amazing generosity of the people of Dare County. He said many in the community have given, in an extraordinary way, to help Cross Trail Outfitters offer summer camp experiences for boys in the 11 to 17-year age range. He said this help was invaluable for those families struggling financially and provided a life-changing event for the young men.

Chairman Warren Judge

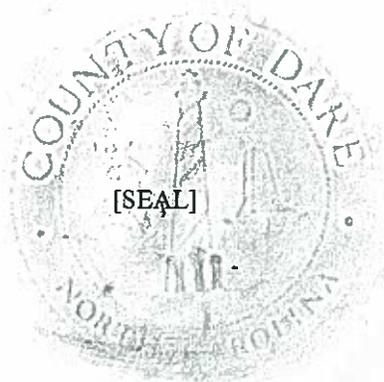
- Acknowledged the service pins recipients and the depth of experience they represent for Dare County.
- Expressed kudos to the Town of Nags for what they were able to accomplish in keeping Britthaven open.
- Reported that access to Cape Point is open today, which is wonderful news for which we are thankful.
- Said the National Park Service ORV Rule is now open for public comment and he and the County Manager are working on a statement about it.
- Announced that tomorrow in Raleigh, NCDOT will open bids for the Bonner Bridge.
- Commented on the lawsuit filed against NCDOT for replacement of the Bonner Bridge. He said the lawsuit is shameful and told the Associated Press that the Southern Environmental Law Center, Derb Carter, and Julie Youngman are gambling with people's lives. He reported that Evan Hirsch, President of the National Wildlife Refuge Association, said the DOT needs to study this and rectify it quickly. Chairman Judge explained that DOT has been studying this for over 20 years and list of studies is almost endless. He added that these organizations had a seat at the table from 2002 to 2010, which was ample time. He expressed hope that the DOT process will withstand court scrutiny and the bridge replacement will move forward expeditiously.

MANAGER'S/ATTORNEY'S BUSINESS

- County Manager Outten said he received a call from the GSA about the Coast Guard housing and they are now moving forward to dispose of that facility. In asking the County for help, the GSA was told if they brought proposals from potential buyers before the Board of Commissioners, they would be looked at and if zoning changes were required, they would be considered, provided they were good for the County, however, no promises could be made. He expressed hope that the GSA will be able to get the property into somebody's hands that will be able to put it to some good use rather than sit there and deteriorate.
- The legislature has put the regulation of the County portion of the Roanoke Island Commission Corridor in the Board's hands. He said they did not give rulemaking authority or the ability to change any of the rules, but mandated the County to enforce the rules without giving specific guidance. Mr. Outten said that in talking with the Planning Director they are working to come up with procedures for handling future applications under the corridor plan. Chairman Judge said he will later share his thoughts on the need for fair and equitable application of the rules associated with the Commission Corridor.
- NCDOT will be coming to the August 15 meeting to present their Transportation Plan. He said we have previously identified several projects for incorporation into the plan. He said these include a Colington multi-use path, and Flowers Ridge and Piney Ridge Roads on Hatteras Island. Commissioner Tillett suggested that Lindbergh Berry Road also be considered.

Chairman Judge acknowledged Sheriff Doug Doughtie in the meeting room and the Sheriff thanked the Board of Commissioners for what they do.

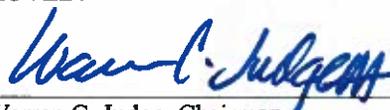
AT 7:01 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON AUGUST 15, 2011.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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

