



# 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

September 6, 2011 — 9:00 A.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;

**Commissioners Absent:** Jack Shea, District 5 - Participating by Telephone

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

**Public Comments:** None

### **Presentations:**

Service Pins presented to — Lora Nock, Armelle Minton, Brandi Rheubottom, Debbie Dutton, Vanzolla McMurrans-Smith, and Eddie Francis  
N.C. Association of County Commissioners presented the Frank Bonner Scholarship for 2011 to Sandy West, Dare County Risk Manager  
The Certificate of Excellence in Financial Reporting was presented to David Clawson, Finance Director and Sally DeFosse, Assistant Director

### **Actions:**

Dare Literacy Council — Proclamation establishing September 2011 as National Literacy Month in Dare County — **Approved**

Purchase of the Stumpy Point Communications Tower from Valmont Structures, Inc. — **Approved**

Public Hearing—VC-2 Text Amendment for Landscaping Businesses — **Public Hearing Held, Amendment Adopted**

Board Items Related to Hurricane Irene — **Discussed and Approved**

1. Discussion of the Disaster Recovery Fund, for storm related activity, with a fund balance as of June 30, 2011 of \$741,780.
2. Approved staff to issue a notice to proceed with collection of debris on non-system roads.
3. Budget Amendment adopted to provide a legal basis that there be some type of budget in place for costs related to Hurricane Irene, although no estimates are yet available.
4. Approved a temporary waiver of certain Water Dept. fees (not water bills), certain Occupancy Tax & Prepared Foods Tax failure to file penalties, and certain building permit fees related to rebuilding from Hurricane Irene. However, this does not include penalties for starting work without a permit or the penalty for failing to call for inspections. These remain in effect.
5. Authorized staff to proceed with discussions to allow temporary FEMA trailers for displaced persons to be placed on their own property and for their own use.

Consent Agenda — **Approved**

1. Approval of Minutes (08.15.11)
2. Capital Project Ordinance—NC Rural Center Bayliss Boatworks Building Project
3. Reimbursement Resolution—FY 2011-2012 Vehicle & Equipment Financing
4. JCPC Grant for Dare County 4-H Out of School Time Programs
5. Budget Amendment—Capital Projects Fund Code Correction
6. Change in Dare County P25 Radio System Project
7. Lease for DELL EqualLogic Storage Devices
8. Bidirectional Amplification System (BDA)
9. Public Works/Sanitation Contracts

Board Appointments

1. Dare Day Committee — **Reappointed Melva Garrison and Commissioner Virginia Tillett**
2. Dare County Transportation Advisory Board — **Appointed Amy Montgomery and Reappointed Commissioner Jack Shea**
3. Game and Wildlife Commission — **Appointed Harvey Scarborough for District 4 Seat & Phil Sawyer for District 1 Seat**
4. Upcoming Board Appointments for October & November 2011 were announced

LAND OF BEGINNINGS

COMMISSIONERS OFFICE— PO Box 1000, MANTEO, NC 27954 • 252.475.5700 • DARENC.COM

Chairman Warren Judge called the September 6, 2011 meeting of the Dare County Board of Commissioners to order at 9:00 a.m. He reflected on the efforts related to Hurricane Irene and expressed his personal appreciation for Commissioner Mike Johnson in his role as Chairman of Dare County Control Group. He said we owe him a debt of gratitude for his service and for making well intended and prayerful decisions. Chairman Judge also acknowledged County Manager, Bobby Outten, as the Operational Officer in the chain of command. He thanked many others including the entire Dare County staff and the Commissioners, Mayors, and staff at each of the Towns. He noted that many of these people were on-duty working while their own homes were flooded.

The Chairman also credited Operation Blessing, the North Carolina Baptist Men, the Methodist Men and the many other faith based organizations assisting the people of Dare County along with the American Red Cross and others at the state, federal, and community level. Mr. Judge said he is amazed at what the people of Dare County do to help their neighbors in crisis by preparing meals, cleaning flooded houses, and reaching out to others. He thanked Interfaith Community Outreach (ICO) for their role in coordinating recovery resources and urged everyone to call ICO at 475-5758 to help by donating their time, talents, and treasures.

Chairman Judge then invited the Rev. Fran Peel, Presbyterian (Retired), to share a prayer, and led the Pledge of Allegiance to the flag. He announced that Commissioner Jack Shea was at home recovering from surgery and would be participating in the meeting by telephone.

#### **ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Lora Nock, Asst. Communications Director/Training Officer, received her 15-year pin from Almey Gray.
- 2) Armelle Daniels Minton, Permit Specialist, received her 15-year pin from Planning Director, Donna Creef.
- 3) Brandi Rheubottom, Senior Services Manager received her 15-year pin from Tim White.
- 4) Debbie Dutton, Public Health Nurse Supv, received her 20-year pin from Anne Thomas.
- 5) Vanzolla McMurrans-Smith, Register of Deeds, received her 30-year pin from Bobby Outten.
- 6) Eddie Francis, Land Records Manager, received his 35-year pin from Greta Skeen.

#### **ITEM 2 – EMPLOYEE OF THE MONTH – SEPTEMBER 2011**

Chairman Judge announced that the Employee of the Month presentation would not be made today because the staff has been dealing with Hurricane Irene. He said the Employee of the Month will be recognized at the next meeting.

#### **ITEM 3 – PUBLIC COMMENTS**

County Manager Outten and Chairman Judge asked for public comments. No one in the meeting room responded.

#### **ITEM 4 – PRESENTATION – DARE LITERACY COUNCIL**

Susan Estrella, Board Chair, Dare Literacy Council, explained they have partnered with the Learning Lab at the College of the Albemarle helping people getting a G.E.D. She said without the help of literacy tutors, many would not be able to earn their G.E.D. Ms. Estrella reported there is a large need for English as Second Language (ESL) tutors. She said a request has been made for citizenship classes and the Dare Literacy Council is going to try offering it. Ms. Estrella shared student comments that were featured in an article published in the North Beach Sun. She acknowledged volunteer Warren Davis, a 91 year old Founding Member who is still tutoring and loved by his students. She also thanked Joyce Pickrel, who is about 80 years old and a stabilizing force with her students. Ms. Estrella announced upcoming tutor training workshops and orientations posted online at [www.dareliteracy.org](http://www.dareliteracy.org) She invited everyone to attend a book sale fundraiser October 8 at the Baum Senior Center in Kill Devil Hills. Ms. Estrella asked the Board to proclaim September 2011 as National Literacy Month in Dare County. Commissioner Dutton expressed appreciation for Warren Davis and the volunteer work he does.

#### **MOTION**

Commissioner Dutton and Commissioner Shea motioned to proclaim September 2011 as National Literacy Month in Dare County.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – PRESENTATION OF NCACC SCHOLARSHIP AWARD TO DARE COUNTY (Att. 1)**

Michael A. Kelly, Risk Management Director for the North Carolina Association of County Commissioners (NCACC), explained that Dare County Risk Manager, Sandy West, has been chosen to receive the Frank Bonner Scholarship for 2011. He said Ms. West was chosen from among a number of outstanding applicants and will now attend the Certified Risk Manager course as a step toward certification.

**ITEM 6 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (Att. 2)**

Chairman Judge presented the Certificate of Excellence in Financial Reporting to Dare County Finance Director, David Clawson. He thanked David for his effort, education, and leadership. The Chairman presented Sally DeFosse, Assistant Finance Director, with an Award of Financial Reporting Achievement. He acknowledged her outstanding work in preparing the County budget. The Certificate of Excellence in Financial Reporting is a recognition award from the Government Finance Officers Association of the United States and Canada. This is the 20<sup>th</sup> consecutive year that Dare County has received this prestigious award.

**ITEM 7 – APPROVE PURCHASE OF STUMPY POINT COMMUNICATIONS TOWER FROM VALMONT STRUCTURES, INC. (Att. 3)**

County Manager Outten said Valmont Structures, Inc. was the low bidder in response to the RFP for the Stumpy Point communications tower. He outlined a letter from MH Consulting, Inc., the Dare County consultant on the project, recommending Valmont Structures based upon meeting the bid requirements and being the lowest bidder.

**MOTION**

Vice-Chairman Burrus motioned to approve the purchase of the Stumpy Point communications tower from Valmont Structures, Inc.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – PUBLIC HEARING – VC-2 TEXT AMENDMENT FOR LANDSCAPING BUSINESSES (Att. 4)**

AT 10:24 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING THE VC-2 TEXT AMENDMENT FOR LANDSCAPING BUSINESSES. County Manager Outten conducted the hearing and invited the public to speak. No one in the meeting room responded. Chairman Judge closed the hearing at 10:24 A.M. Planning Director, Donna Creef, explained the proposed text clarifies backhoe storage and equipment buffer requirements.

**MOTION**

Commissioner Mike Johnson motioned that the proposed VC-2 zoning amendments 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 is in the public interest of Dare County by clarifying the current VC-2 zoning regulations as they apply to landscaping businesses in this district.

Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – BOARD ITEMS RELATED TO HURRICANE IRENE (Att. 5)**

County Manager Bobby Outten explained that this agenda item will include things that need Board discussion or action related to Hurricane Irene. He said for the next few meetings this will be an agenda item to give an opportunity for the Board to consider hurricane related issues. Finance Director, David Clawson, and County Manager, Bobby Outten presented the following storm related items to the Board for consideration –

1) Mr. Clawson said the County maintains a Disaster Recovery Fund, which is not part of the general fund. The Disaster Recovery Fund is for all storm related activity. He reported the fund balance, as of June 30, 2011, was \$741,780. The Finance Director acknowledged the efforts of Norma Houston, from the UNC School of Government, assisting the County at the Emergency Operations Center during the hurricane.

2) David Clawson explained that removal and disposal of debris on non-system roads is not covered by FEMA unless the amount of debris is determined to be a health and safety concern. Non-system roads are those not accepted in the state secondary road system. A letter was sent to North Carolina Emergency Management (NCEM) requesting that debris on non-system roads be covered under Category B Emergency Protective Measures (EPM). He reported that NCEM and FEMA agreed to examine all non-system roads for determination of coverage. Mr. Clawson said inspectors, along with Clyde Gard from Dare County Public Works, inspected the debris on most non-system roads north of Oregon Inlet on Saturday, September 3. He said they will soon finish the inspection and will come back at a later time to inspect Hatteras Island. This delay will allow residents there to return and begin the clean-up effort before they survey the area. Mr. Clawson requested that the Board approve the staff issuing a notice to proceed with collection of debris on non-system roads. Commissioner Tillett asked what happens if debris is not put out in time for the first collection. Mr. Clawson explained there will be another debris pick-up opportunity.

**MOTION**

Vice-Chairman Burrus motioned to approve the staff issuing a notice to proceed to the debris contract to commence collection of debris on non-system roads north of Oregon Inlet on Wednesday September 7 and south of Oregon Inlet as soon as practical after the inspection is done.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

3) Finance Director, David Clawson reported that state law requires some type of budget be in place for the work and costs associated with Hurricane Irene. Although estimates are not yet available, he outlined for reference purposes only the final costs for a previous storm (Hurricane Isabel) –

Category A	Debris	\$6,369,641
Category B	EPM	\$1,010,725
Category C	Insurance	\$191,379
Category D	Utilities	\$1,215,338

Mr. Clawson asked the Board to adopt a budget amendment to provide a legal basis to move forward

**MOTION**

Vice-Chairman Burrus motioned to adopt the budget amendment.

Commissioner Dutton and Commissioner Shea by telephone seconded the motion.

VOTE: AYES unanimous

4) David Clawson reported on staff research of actions taken to waive certain fees and penalties following Hurricane Isabel. He explained these actions were generally done for three months, except now the Occupancy Tax and Prepared Foods Tax law has changed and the Board cannot extend filing dates for those taxes. Mr. Clawson outlined the following items for Board approval –

**Water**

- o Waive water meter reconnection fees (\$50) if the reconnection is necessary due to Hurricane Irene through 11/30/2011.
- o Waive late payment fees (10%) for cycles billed 8/15, 9/15, 10/15, and 11/15. The fee will be waived if the balance is paid and current as of 1/4/2012. No meters are to be locked for non-payment until after 1/4/2012.
- o Waive special request meter read fees (\$10), meter reread fees (\$10), and turn on/off fees (\$25) through 11/30/2011.

**Occupancy Tax & Prepared Foods Tax** – For returns that are due 9/20, 10/20, and 11/21:

- o Waive failure to file penalty (5%) if subsequently filed and paid by or on 12/20/2011;
- o Waive failure to pay penalty (10%) if paid by or on 12/20/2011; and
- o Interest will continue to accrue on all tax liabilities even during the extension period.

**Building Permit Fees**

- o Waive building permit fees including electrical, plumbing, and mechanical fees for work and projects related to rebuilding from Hurricane Irene through 6/30/2012.
- o The penalty fee for starting work without a permit and the penalty for failing to call for inspections remain in effect and will be calculated in the normal manner based upon what the waived fees would have been.

**MOTION**

Vice-Chairman Burrus motioned to waive fees and penalties as outlined with the clarification that the water waivers are only for the water fees that were specified, and does NOT apply to water bills.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

5) County Manager Outten explained that discussion has occurred with FEMA about possible temporary trailers for those who are displaced because of the storm. He said although no decision has been made, there has been staff discussion of FEMA concerns related to zoning. Mr. Outten recommended that the Board accommodate, within our rules, FEMA trailers, if available, on a temporary basis. Planning Director, Donna Creef, said she was told it may take 18 months for houses to be rebuilt. Vice-Chairman Burrus said he has no problem with FEMA trailers on a temporary basis, but would not want them to become permanent.

**MOTION**

Vice-Chairman Burrus motioned to authorize the County Manager and staff to proceed in discussions with FEMA to allow temporary FEMA trailers for displaced persons provided they are placed on their own property and for their own use.

Commissioner Dutton seconded the motion.

VOTE

6) Update on several storm related items by the County Manager –

Mr. Outten reported on the efforts of the NCDOT Ferry Division to support the recovery effort with Emergency Ferry Service from Stumpy Point to Hatteras Island. He said repairs have been made to the ramp structure that sustained damage. He commended NCDOT for getting ferry service back in action so quickly. Vice-Chairman Burrus asked for clarification of the ferry schedule. Mr. Outten said NCDOT will run enough ferries to meet demand.

The County Manager said the new 800 MHz radio system worked fantastic during Hurricane Irene. He said it was money well spent and it paid for itself during the storm. Mr. Outten described the radio system as the lifeline to Hatteras Island during this time.

Mr. Outten commended Norma Houston from the UNC School of Government for spending four or five days in the Emergency Operations Center. He said she knows emergency management rules and worked closely with Finance Director, David Clawson on the financial aspects related to the storm, which has saved us weeks of time in dealing with debris issues. He said Ms. Houston's assistance took a load off of his plate to allow him to focus on other storm-related issues.

The Manager thanked Dare County's 750 employees who have served without regard for sleep. He expressed pride in the staff and acknowledged how hard they worked. He reported that many people appreciated the services they provided.

County Manager Outten praised the Fire Departments throughout Dare County as being our eyes and ears during the hurricane and our key resource people afterward. He said the system worked efficiently and could not have been done without the Fire Departments on the ground doing such an outstanding job.

7) Update from Emergency Management Director, Sandy Sanderson –

The Director said there is solid electric service for Hatteras Island and the Electric Cooperative is comfortable they will be able to supply the need. Highway 12 is open and most secondary roads have been cleaned. He reported that Law Enforcement, Emergency Medical Services and Fire Departments are able to travel throughout the island and able to respond. The Emergency Management Director said the Avon Medical Center is staffed and acknowledged a Medical Surge Team that provided support during the storm.

Mr. Sanderson reported the Salvation Army will feed people until the need goes away and expressed his gratitude for the great job they are doing. Commissioner Dutton described his visit to Hatteras Island over the weekend and raised the health concern about tetanus. Commissioner Mike Johnson described Dare County's Emergency Management Director as the best in the business. He said when the Control Group needed to make decisions it was comforting to get advice from a rock-solid professional like Sandy Sanderson.

## **ITEM 10 – CONSENT AGENDA (Att. 6)**

### **MOTION**

Vice-Chairman Burrus motioned to approve the Consent Agenda:

- 1) Approval of Minutes (08.15.11)
- 2) Capital Project Ordinance – NC Rural Center Bayliss Boatworks Building Restoration Project
- 3) Reimbursement Resolution – Fiscal Year 2011-2012 Vehicle and Equipment Financing
- 4) JCPC Grant for Dare County 4-H Out of School Time Programs
- 5) Budget Amendment – Capital Projects Fund Code Correction
- 6) Change in Dare County P25 Radio System Project
- 7) Lease for DELL EqualLogic Storage Devices
- 8) Bidirectional Amplification System (BDA)
- 9) Public Works/Sanitation Contracts

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

## **ITEM 11 – BOARD APPOINTMENTS**

### 1) Dare Day Committee

Vice-Chairman Burrus motioned to reappoint Melva Garrison and Commissioner Virginia Tillet.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

### 2) Dare County Transportation Advisory Board

Vice-Chairman Burrus motioned to appoint Amy Montgomery from The Outer Banks Hospital and to reappoint Commissioner Jack Shea (who acknowledged on the telephone that he wanted reappointment).

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

### 3) Game and Wildlife Commission

Vice-Chairman Burrus motioned to appoint Harvey Scarborough for the District 4 seat.

Commissioner Mike Johnson motioned to appoint Phil Sawyer for the District 1 seat.

Commissioner Dutton seconded the motions.

VOTE: AYES unanimous

## **ITEM 12 – COMMISSIONERS' BUSINESS**

### **Commissioner Jack Shea** (by telephone)

- Thanked those that received service pins for their dedicated service
- Commended the courage of the Dare County people that was demonstrated during and after Hurricane Irene as a true example of the American spirit.
- He said the recovery effort is something we can do and will do and asked God's blessing on our people.

### **Commissioner Richard Johnson**

- Reported that while working on cell service in Stumpy Point he encountered a young man working as a Fire Department volunteer. He said the young man was out in the community helping others even though he lost everything he had.
- He also told of a Hatteras Island man working on restoring electrical service at the substation who had blisters on his legs from the line boots he was wearing doing restoration work. He praised the workers attitude in saying he couldn't stop because of the blisters because he had to get power back on for the people of Hatteras Island who were hurting without it.
- Commissioner Richard Johnson cited these people as examples that make you proud of how people really care.

### **Commissioner Mike Johnson**

- Said he was humbled by everything he saw during and after the hurricane. He acknowledged the many people who were working throughout the community helping others without knowing, at the time, how their own property was faring in the storm. He said during the ordeal he had the opportunity to see the hearts of people, including state and federal people, and our Dare County citizens. After all he has seen he said he tips his hat to humanity.

### **Commissioner Max Dutton**

- Expressed appreciation for all the service pin recipients and acknowledged all the employees of Dare County.
- He said when he went to Hatteras Island recently he was impressed with how everyone in the community was reaching out to help each other. It reminded him that Dare County is the greatest County there is.

### **Commissioner Virginia Tillett**

- Said she was glad we are taking time to thank people.
- She thanked the hard working Dare County Center staff and the fantastic job they did working 24/7 setting up a shelter. She thanked Sandy Scarborough and the staff for their efforts.
- Asked that a generator be provided for the Dare County Center so we will be better able in the future to take care of people after a storm.
- Thanked all the citizens of Dare County for their donations of necessary items and money for those in need.
- Reported on her attendance at 104<sup>th</sup> annual North Carolina Association of County Commissioners (NCACC) meeting. She was proud to hear the name of Dare County Risk Manager, Sandy West announced at the event as the winner of the scholarship award. She explained that the youth of North Carolina are working hard on ten identified issues. Commissioner Tillett said one of those is the high school dropout rate and that is something she will be working on in Dare County by continuing to encourage youth to stay in school. She said there are other issues she will identify at a later time.
- Said she was glad Colony Ridge was able to stay open in Nags Head and reported that during August a team visited and found things a little better with activities being planned. She is grateful they are doing everything they can for the residents and their family members.

### **Vice-Chairman Allen Burrus**

- Thanked Chairman Warren Judge, other members of the Board of Commissioners, and County Manager Bobby Outten for their hard work and effort during the storm. He also expressed appreciation for the great staff of Dare County.
- He credited the service linemen for their work under pressure. He also thanked EMT's and Sheriff Deputies for their hard work. The Vice-Chairman acknowledged Wildlife Officers, Firemen and their Chiefs. He reported that the system worked well with someone reporting from every Village and Town and credits the Fire Chiefs for that. He also expressed appreciation for the faith-based service organizations and the Coast Guard teams who, when they arrived, worked tirelessly helping the people.
- Vice-Chairman Burrus thanked the Ferry Division of NCDOT for their service. He mentioned Joshua Bowlen, staff person for Congressman Walter Jones, and thanked him for working closely with us during this ordeal. He also thanked Senator Hagan and Senator Burr for getting the needed dredging permits. He said we are grateful for this because the dredging makes it safer for the emergency ferry service to operate.
- Thanked the staff serving at the Rodanthe-Waves-Salvo Community Center for the remarkable job they did. He also thanked the Salvo and Avon Volunteer Fire Departments for everything they did to help others.
- Mr. Burrus thanked all the volunteers, especially the young people he saw removing damaged rugs and using their energy in a way that made him proud of them.
- He congratulated Sandy West, Dave Clawson and Sally DeFosse on the awards they received.
- Told Commissioner Shea he missed him being at the meeting and thanked him for participating by telephone.

**Chairman Warren Judge**

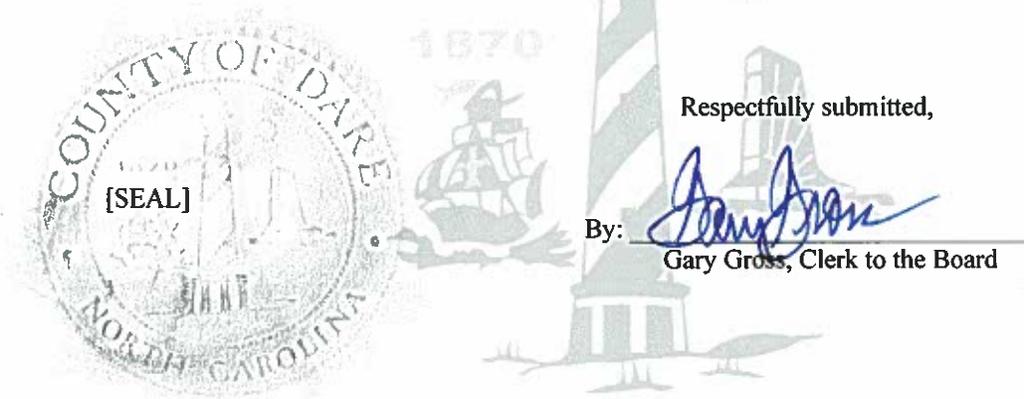
- Explained this storm was different because it hit us where we live and we were hit everywhere. He said although the damage is staggering, we will do the hard work of picking ourselves up and putting our lives back together again. Chairman Judge asked everyone in the community to join together in pitching in and keeping our neighbors in mind as we support each other in restoring the culture and fabric of our community.

**MANAGER'S/ATTORNEY'S BUSINESS**

- County Manager, Bobby Outten, thanked everyone and said this is not the end of the recovery effort. He said there is more work to be done and difficult decisions to be made. He reported that in the weeks and months to come, we must continue our efforts and let the community know this is not the end, but a pause in the middle to help them get their lives back in order.

Chairman Judge reminded that the Special Meeting of the Board of Commissioners scheduled for tonight in East Lake has been postponed due to all the hurricane recovery activity taking place throughout the County. He explained that the postponement was a decision made in conversation with people in the East Lake community. The meeting will be rescheduled and a new date and time will be announced.

AT 10:52 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON SEPTEMBER 19, 2011.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

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