



# 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

September 17, 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; Max Dutton, District 2; Mike Johnson, District 2; Jack Shea, District 5

**Commissioners Absent:** Richard Johnson, District 1

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

**Public Comments:** Made by five (5) people, including — Sue Watts, Heidi Leo, Lorraine Tillett, Karin Edmond, Chris Seawell

### Presentations:

College of the Albemarle gave an update on their annual enrollment and a report on the programs offered at the COA Dare County campus  
Dare County Friends of Youth & Community of Juvenile Services provided a program update and review of the past five years

### Actions:

Proclamation — Supporting the “Get Pinked” campaign to help combat breast cancer in Dare County — **Issued**

Reappointment of Assessor & Tax Collector — **Reappointed** Greta Skeen as County Assessor

**Reappointed** Michelle Evans as Tax Collector

Oaths were administered to both by Chairman Warren Judge

Rodanthe Beach Access Project — Grant Opportunities —

**Authorized** application for a Tourism Board grant

**Authorized** a contract not to exceed \$39,988 with East Carolina University for a 10-year Master Plan & site specific plan

**Authorized** applying for a PARTF grant in January 2013

Dare SWCD Stream Debris Removal — **Approved** \$36,282 NC Dept. of Agriculture grant and appointed Jenny Jones as project representative

NC-1 Zoning Text Amendment to Add Ice Production and Cold Storage — **Set a Public Hearing** for 5:30 p.m., October 15, 2012

Highway 345 Zoning Text amendment to Add Temporary Concrete Plants— **Set a Public Hearing** for 5:30 p.m., October 15, 2012

Consent Agenda — **Approved**

1. Approval of Minutes (09.04.12)
2. Budget Amendment — Additional Tourism Board Funds for Outer Banks Catch
3. Soil and Water — Memorandum of Understanding
4. Fire Prevention Week Proclamation
5. Dell Leasing Documents for DCSO
6. Tax Collectors August 2012 Reports

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

1. **Authorized** the County Manager to extend the deadline on the Roanoke Island water expansion project to October 31, 2012
2. **Authorized** the Manager to apply for a grant to secure funding for signage related to the Dare County smoking ordinance
3. **Approved** the County serving as a pass through for a Rural Center grant to refurbish the old Red & White in Wanchese
4. **Adopted** a Resolution supporting construction of a boat launch ramp by NCDOT at the Wanchese Seafood Industrial Park
5. **Approved** personnel policy changes so an employee transferring to a position will be compensated the same as an outside applicant

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Chairman Warren Judge called the September 17, 2012 meeting of the Dare County Board of Commissioners to order at 5:09 p.m. He invited the Rev. Spottswood Graves to share a prayer, and then he led the Pledge of Allegiance to the flag. He also announced that Commissioner Richard Johnson would not be attending the meeting.

### **ITEM 1 – PUBLIC COMMENTS**

The County Manager outlined the procedure for making public comments. Afterward five (5) people spoke –

- 1) Sue Watts thanked the Board for what they do for Dare County citizens. She also invited everyone to give the gift of life by donating blood to the Red Cross on Thursday, September 20, 2012 from 12 p.m. to 5:00 p.m. at the Roanoke Island Presbyterian Church. She said there is a critical need for blood donations.
- 2) Heidi Leo said although Dare County has spent over \$148 million in the last 12 years on new school buildings, it is incomprehensible that school leadership did not also provide strategic plans to upgrade technology infrastructure. She said technology gives students the tools they need to succeed and provides teachers the ability to teach more effectively. Ms. Leo said technology improves grades and graduation rates. She noted that as a computer consultant for over 25 years, she sees the need for a technology overhaul within the school system. She said in reviewing over 100 North Carolina school district websites, she is ashamed of the lack of consistency and information availability for Dare County Schools. She noted that Dare County provides its schools with more funding than any other school district in the State. Ms. Leo asked the Board of Commissioners to require the leadership of Dare County Schools to retool their budget to assure that our schools have sound technology infrastructure.
- 3) Lorraine Tillett said the Wanchese community worked hard over a period of two years documenting what the people wanted in their zoning district. She noted that the people were very liberal in providing various types of uses. She said the Neighborhood Commercial district that is being considered for an ice plant is in the middle of a residential district and it would not compliment the pleasant environment or the comfort, health, safety, and welfare of the residents. In regards to a proposed temporary concrete plant, she added that a large portion of the Highway 345 business district is classified as conservation in the Land Use Plan. Ms. Tillett said she does not understand how a concrete plant can be established, on even a temporary basis, where there are sensitive environmental waters. She said traffic is another issue that should be taken into consideration. She asked the Board to listen to the wishes of the people of Wanchese.
- 4) Karin E. Edmond asked for financial help in sponsoring the Berlin Airlift Candy Bomber. She explained that she has been involved in this endeavor on her own for ten years and needs help. Chairman Judge asked Ms. Edmond to leave her contact information with the County Manager.
- 5) Chris Seawell, on behalf of CC on the Outer Banks LLC, said he wanted to address the issue that Ms. Tillett spoke about during Public Comments. He explained that a text amendment is sought for the Highway 345 zone. He said the request has been presented to the Dare County Planning Board and they unanimously approved moving forward with a temporary concrete plant related to construction of the Bonner Bridge replacement. Mr. Seawell added that proximity to the bridge site is an important consideration and he noted that the area is commercial. He also expressed hope that as a conditional use, rather than a permitted use, any concerns the Board of Commissioners or the Planning Board might have could be addressed. Mr. Seawell asked the Board to move forward with a Public Hearing on the matter.

### **ITEM 2 – PRESENTATION – COLLEGE OF THE ALBEMARLE**

Dr. Kandi Deitemeyer, College of the Albemarle (COA) President, thanked Chairman Judge and noted that she serves on the COA Board. She recognized COA Board Chair Fletcher Willey and introduced Joe Turner who is serving as the Dean of the Dare County Campus and as the Interim Vice President of Learning. Dr. Deitemeyer announced that COA is one of only 16 colleges in the system to meet all of the State's performance standards. She said this exceptional performance would not be possible without excellent staff and students. Mr. Turner introduced those who will be participating in the presentation, including Kay Barefoot, Martha Johnson, Lynda Hester, Shannon Kinser, and international student Yulia Vozzhaeva. Each of them described their involvement with COA. A PowerPoint presentation was given that included details about COA's curriculum demographics. Information about High School enrollment was outlined along with details about Workforce Development and Continuing Education. The fiscal year 2012-13 budget was summarized and opportunities for financial aid were described. Chairman

Judge said COA helps students get an education without incurring a large amount of debt. He noted that a large percentage of the overall COA student body is comprised of Dare County students. He called on COA and Dare County Schools to increase their efforts to work together in giving learning opportunities to our students.

**ITEM 3 – PROCLAMATION – SUPPORTING “GET PINKED” CAMPAIGN TO HELP COMBAT BREAST CANCER**

Ronnie Sloan, President of the Outer Banks Hospital, recognized Carl Curnutte and Linda Willey who have served for three years as Co-Chairs of the Get Pinked campaign. He described the funds that have been raised through this local initiative and said more people are surviving today because of early detection. Mr. Sloan said the project looks to expand beyond Get Pinked and reminded everyone that the money raised remains in the community. The County Manager read a Proclamation supporting local programs to increase public awareness of breast cancer and establishing October 2012 as Get Pinked month.

**MOTION**

Commissioner Shea motioned to issue a Proclamation supporting local programs to increase public awareness of breast cancer and establishing October 2012 as “Get Pinked” month throughout Dare County.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – DARE COUNTY FRIENDS OF YOUTH & COMMUNITY OF JUVENILE SERVICES PROGRAM UPDATE**

Bonnie Bennett introduced Jennifer Wooten and Elizabeth Spruill on behalf of Friends of Youth and the Community of Juvenile Services. Ms. Bennett announced that over 500 young people have been served by the Dare County Friends of Youth program. He cited the large number of volunteer hours that have been given and outlined the value of community sponsorships. She said we truly live in a land of generosity. She also provided details about the Teen Court program and explained that it is an alternative system of justice and added that the group has participated in activities that benefit the community. Ms. Bennett presented a video that explained the Friends of Youth and Teen Court programs. The video featured young people, parents, and volunteers whose lives have been changed through these programs. Ms. Bennett expressed appreciation to the Board of Commissioners for their ongoing support.

**ITEM 5 – REAPPOINTMENT OF ASSESSOR AND TAX COLLECTOR (Att. #1)**

Manager Robert Outten, presented County Assessor, Greta Skeen and Tax Collector, Michelle Evans for reappointment. Chairman Judge asked for a reappointment motion and following a unanimous vote he administered oaths to Ms. Skeen and Ms. Evans.

**MOTION**

Commissioner Tillett motioned to reappoint Greta Skeen to the office of Dare County Assessor and reappoint Michelle Evans to the office of Dare County Tax Collector, with each appointment being a four year term expiring July 2016.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – RODANTHE BEACH ACCESS PROJECT – GRANT OPPORTUNITIES (Att. #2)**

Tim White, Public Services Director, asked for permission to apply for grants to improve the Rodanthe Beach Access project. He said property was purchased about four years ago to provide ocean access on Hatteras Island. He noted that the preliminary costs are approximately \$650,000 and that \$400,000 is currently in the budget. He asked for permission to apply for a \$300,000 reimbursement grant from the Tourism Board. He also asked for authorization to submit a \$300,000 PARTF grant application in January 2013. He explained that PARTF grants are determined on the basis of points, which awards points for a 10-year Master Plan, which we do not have at this time. He added that PARTF typically does not award grants without the points that are generated by the Master Plan. He reported that the East Carolina University Center for Sustainable Tourism has agreed to do a 10-year Master Plan and a site specific plan for \$39,988 which is covered in the \$400,000 that is in the budget. Mr. White noted that in 2001, the previous Master Plan cost \$60,000. He asked the Board for permission to enter into contract with East Carolina University for the Master Plan. County Manager Outten explained that the Master Plan can project out to nearly 100 parking places. He said in moving forward with the Master Plan, resources could be built as they are made available for the project. He said if we do not get any of the grants, we have enough money to build part of the project and then expand it later when other funding becomes available. Mr. Outten said the goal is to maximize the use of the property for ocean access, which is lacking on Hatteras Island. He noted that if 100 parking places

could be created by the project it would represent 10% of all access on the Cape Hatteras National Seashore Recreational Area. Chairman Judge said he is excited about the dramatic improvement this project would have for Hatteras Island access. Vice-Chairman Burrus observed that this project is developing the right way with the ability, if necessary, to do it in phases based on available funding.

**MOTION**

Vice-Chairman Burrus motioned to authorize application for a Tourism Board grant, and authorize a contract not to exceed \$39,988 with the East Carolina University Center for Sustainable Tourism for a 10-year Master Plan and site specific plan, and authorize application for a PARTF grant in January 2013.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – DARE SWCD STREAM DEBRIS REMOVAL (Att. #3)**

Vonnie Wescott from the Dare County Soil & Water Conservation District said the debris removal grant is part of \$600,000 in State funds that must be distributed over 12 counties. She said funding has been awarded in the amount of \$36,282 through July 31, 2014. Ms. Wescott said Stumpy Point was chosen because it was greatly impacted by Hurricane Irene and it involves navigable waters and is a safe harbor. Jenny Gray Jones, Dare County Grants & Waterways Project Administrator, explained that although \$218,000 would be needed to clean the entire canal after Hurricane Irene, the debris removal grant will be used to get work started on the project in half-mile increments.

**MOTION**

Commissioner Shea motioned to accept the grant in the amount of \$36,282 and to appoint Jenny Gray Jones as the Project Representative, and authorize the Chairman, County Manager, or Project Representative to execute the grant documents.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – NC (NEIGHBORHOOD COMMERCIAL) ZONING TEXT AMENDMENT TO ADD ICE PRODUCTION AND COLD STORAGE**

Planning Director, Donna Creef, said the zoning text amendment request by Russell Properties LLC is to amend the Neighborhood Commercial (NC) district to add ice production and cold storage to the list of permitted uses. She said many of the uses in the NC district today reflect the land uses and businesses that were in place during the development of the Wanchese zoning map in 2006. She said the applicant seeks to expand his business, now based in Suffolk, and hopes to find a place of business in Dare County to cut down on deliveries from Suffolk. Ms. Creef noted that the Planning Board conducted a Public Hearing and there were no speakers present. She said the Planning Board voted to recommend approval of the proposed text amendment and if the Board of Commissioners wants to move forward a Public Hearing will be required. Commissioner Tillett expressed preference for a Public Hearing during evening hours rather than during the day.

**MOTION**

Commissioner Shea motioned to set a Public Hearing for 5:30 p.m. October 15, 2012 on the proposed text amendment to add "ice production and cold storage" to the list of permitted uses in the Neighborhood Commercial district.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – HIGHWAY 345 ZONING TEXT AMENDMENT TO ADD TEMPORARY CONCRETE PLANTS**

Donna Creef, Planning Director, said this proposed text amendment is to allow a temporary portable concrete plant as a conditional use in conjunction with the Bonner Bridge replacement project. She said Chris Seawell, on behalf of the applicant is present. Ms. Creef clarified that earlier this year there was a text amendment request presented to the Planning Board for another zoning district in Wanchese by a different applicant. She said the Planning Board recommended denial of that application and it never came forward to the Board of Commissioners. She said the current applicant believes this amendment is for a better location than the previous applicant's proposal. Ms. Creef said if the Board of Commissioners wanted to proceed a Public Hearing will be required. Chairman Judge clarified the previous application will be withdrawn pending what happens with the current request. Commissioner Tillett asked if it is the same applicant for both requests. She was told by Ms. Creef that the first applicant was the subcontractor for the concrete plant; however, the current applicant is working with the main contractor for the bridge. Ms. Creef added that they are related but are entirely different applicants. Commissioner Tillett asked if everything will be gone after the bridge construction is completed. She was told that a condition use permit will

have a specific term included and it has been explained to her that the site is not intended to be a functioning concrete plant for the general public beyond the bridge project. Commissioner Shea asked how the site will appear and how much space it will occupy. Ms. Creef said the site has a minimum lot size of 4 acres. Mr. Shea also asked if the applicant will restore the land when the project is complete. Ms. Creef explained that one of the draft conditions requires that all components be removed within 30 days of when the bridge is completed and restored to its original conditions. Commissioner Tillett asked for clarification of the site location and was told it is just past the entrance to the Coastal Studies Institute driveway on a site that used to be used as a borrow pit. She asked the Planning Director if adequate word was distributed about the Planning Board Public Hearing on this matter and was told that it was posted on the website and published in the newspaper. Commissioner Shea asked if a bond would be required. The County Manager explained that the Board could add a bond provision to the ordinance or the Conditional Use Permit. Vice-Chairman Burrus said he does not have a problem with the plant in the borrow pit area; however, his concern is more about its impact on the road and getting around the stoplight. He added that we have property near the landfill area that may be better although it would be about nine miles further from the project. The Vice-Chairman said the American way would be to have a Public Hearing on the matter.

#### **MOTION**

Vice-Chairman Burrus motioned to set a Public Hearing for 5:30 p.m. October 15, 2012 on the Highway 345 text amendments to add "temporary portable concrete plants."

Commissioner Dutton and Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

#### **ITEM 10 – CONSENT AGENDA (Att. #4)**

##### **MOTION**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (09.04.12)
- 2) Budget Amendment – Additional Tourism Board Funds for Outer Banks Catch
- 3) Soil and Water – Memorandum of Understanding
- 4) Fire Prevention Week Proclamation
- 5) Dell Leasing Documents for DCSO
- 6) Tax Collectors August 2012 Reports

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

#### **ITEM 11 – COMMISSIONERS' BUSINESS**

##### **Commissioner Jack Shea**

- He urged people to support the Get Pinked campaign and thanked those involved

##### **Commissioner Mike Johnson**

- He reported that Day at the Docks was an excellent event that showcased the heritage of our watermen. He said it is important that we educate the public about importance of local food and the upcoming Outer Banks Seafood Festival will be part of that effort.

##### **Commissioner Max Dutton**

- He complimented the international student who spoke during the COA presentation. He said he was impressed when she approached him about a week ago asking about what other ways she could get involved in the community.
- Commissioner Dutton thanked everyone involved with the Get Pinked campaign.
- He expressed appreciation for the Friends of Youth program and the impact they are making in the lives of young people. He said it makes you proud to live in Dare County.

##### **Commissioner Virginia Tillett – None**

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

- He said based on his families' experience with A.P. classes, in some cases it would have been better for the courses to be retaken at the college level. He said not all A.P. classes are at the same level. He said when both he and Commissioner Tillett served on the School Board they worked hard to get the State to approve

a 16 year old student taking classes in the Community College system. He said this was to help people learn needed skills. He expressed concern that it may not be being utilized in the right way.

- Vice-Chairman Burrus applauded those involved in the Get Pinked campaign to combat cancer.
- He reported that Day at the Docks was perfect. He thanked Lynne and Ernie Foster and others for their efforts on this successful event.
- Mr. Burrus said as an employer who uses foreign students, he is pleased to see that some of them are using our education system. He said he cannot say enough good things about these young people. However, he criticized CCUSA for taking money from the students to set them in a community without telling them what to do in order to be safe. He said without dedicated volunteers in the community and in the workplace to help these students they would not be safe in any community.
- The Vice-Chairman said he has enjoyed working with everyone on the Board of Commissioners. He said with Commissioner Mike Johnson leaving the Board in a few months he wanted to personally express his gratitude for what Commissioner Mike Johnson has done for the fishing community and the Dare County Control Group during hurricanes.

#### Chairman Warren Judge

- He described Day at the Docks as a glorious event. He said if you missed it, you missed part of the soul of the Outer Banks. He noted that we need something like it every weekend of the year.
- Chairman Judge said in serving on the COA Board he would like to see them get even more involved in Dare County and work closely with our school system.
- He shared an update on the Buzzy Lane situation and said Secretary Carlisle's position is still to move people off the property and has cited conditions of the grant. He said we have the documents and cannot see any condition that requires it. The Chairman said he will be appealing again to Secretary Carlisle and we may need to turn to the local applicant the ability to amend conditions. He said we may go to the local organization that started this and appeal to their sense of fairness to allow the remaining 3 families on Buzzy Lane to remain in their homes.

#### MANAGER'S/ATTORNEY'S BUSINESS

- 1) County Manager Outten reported that there are a few people who missed the Roanoke Island water expansion project deadline due to a variety of legitimate reasons. He asked that the deadline be extended to solve these types of situations.

##### **MOTION**

Commissioner Shea motioned to authorize the County Manager to extend the deadline on the Roanoke Island water expansion project to October 31, 2012.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 2) Mr. Outten asked for permission to apply for a grant through the Health Department to secure funding for signage related to the Dare County smoking ordinance, which comes into effect in January 2013. (Att. #5)

##### **MOTION**

Vice-Chairman Burrus motioned to authorize the County Manager to apply for the grant.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- 3) The Manager said Wanchese Marina LLC acquired the old Red and White in Wanchese and they are seeking a Rural Center grant for which Dare County is asked to be a pass through as a local government sponsor. He explained that this is similar to what has been done for other projects and added that although a match is required, it will not come from Dare County. He said the grant is to refurbish and restore use of the old Red and White.

##### **MOTION**

Commissioner Shea motioned to approve Dare County as the pass through for the grant on condition that the County is not required to pay.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 4) The Manager explained that NCDOT has asked for a resolution of support from the Dare County Board of Commissioners for a larger boat launch facility at the Seafood Park. He said this will allow them to launch the gunboats and other larger vessels. He added the project will be funded by NCDOT with State contingency funds. (Att. #6)

**MOTION**

Vice-Chairman Burrus motioned to adopt the Resolution supporting the NCDOT boat launch ramp project using State contingency funds.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 5) Mr. Outten briefed the Board on an anomaly that exists in the County hiring policies pertaining to pay for those who transfer internally to a position. He said in cases where someone is getting a promotion, the employee's salary change is limited to the minimum of the next pay grade, or 5%, whichever is greater. He explained that if someone is hired from the outside, they are not limited by that. The Manager noted that it is sometimes better for an employee to quit and get rehired at the mid-grade for the position rather than transfer internally to the position. He asked for authorization to modify the policy to make it consistent so that qualified employees transferring internally to a position will be compensated at the same rate as a qualified applicant from the outside.

**MOTION**

Commissioner Shea motioned to make changes in the personnel policy outlined by the County Manager.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 6) The Manager shared good news from the credit rating services. He said Standard & Poor's, Moody's, and Fitch have given Dare County excellent ratings and he provided a detailed report. He said these national ratings are used by investors to determine credit worthiness. Mr. Outten added that comments made by the rating services indicated that they were pleased with the County's reserve levels, its conservative forecasting, and other financial procedures. The Manager said he is proud of David Clawson, Sally Defosse and the Dare County Finance Department for their outstanding work even during challenging economic times. Commissioner Shea noted that this also saves money for taxpayers. Chairman Judge expressed appreciation for the positive comments that were made by the rating services and congratulated the Finance Department on this accomplishment.

AT 7:01 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON OCTOBER 1, 2012.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

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