



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 19, 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; 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; Public Information Officer, Dorothy Toolan; Finance Director, Dave Clawson; Clerk to the Board, Gary Gross

Public Comments: No one came forward to speak. County Manager Outten reported that an email has been received from Hatteras resident Beth Midgett requesting that a re-entry committee be established to discuss how re-entry will be done following future hurricanes.

Presentations:

The Employee of the Month certificate was presented to Captain Bobby Swain, Dare County Emergency Medical Services East Carolina Behavioral Health (ECBH) presented their Semi-Annual Report to the Dare County Board of Commissioners

Actions:

- Proclamation — Establishing October 2011 as "Get Pinked" month in Dare County to help combat breast cancer — **Approved**
Dare County Tourism Board Restricted Fund Project Grant for the Roanoke Island Wellness Trail — **Approved Applying For A Grant**
Offer to Purchase County Owned Property at 4675 Mill Landing Road, Wanchese — **Approved**
Public Hearing — Transportation Dept. FY2011-2012 "ROAP Application Public Hearing" — **Public Hearing Held, Application Approved**
Board Items Related to Hurricane Irene — two (2) items presented by David Clawson, Finance Director:
- 1) A resolution designating the Applicant's Agent with the North Carolina Division of Emergency Management as David Clawson, Primary Agent and Sandy West, Secondary Agent along with 25 assurances included with the resolution — **Approved**
 - 2) Applicant Disaster Assistance Agreement with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management with standard assurances included — **Approved**

Consent Agenda — **Approved** & for Consent Agenda Item 3 (Outer Banks National Scenic Byway Committee for Dare—Contract Approval)
Authorized the County Manager to change names of parties and addresses and execute the document

1. Approval of Minutes (09.06.11)
2. Outer Banks Scenic Byway Grant Application to Dare County Tourism Board
3. Outer Banks National Scenic Byway Committee for Dare—Contract Approval
4. Submission of Bulletproof Vest Partnership Grant
5. Installation of Tower Foundation and Tower
6. August 2011 Tax Collector Reports

Commissioners' Business —

Gratitude was expressed for those who worked tirelessly throughout all of Dare County during Hurricane Irene and its aftermath. A detailed analysis was given of how decisions have been made related to the storm. Board Members commented on issues related to the hurricane including the re-entry decision making process, and critical statements that some have made about those decisions. Chairman Judge called on the community to work through our differences and join hands in working together rebuilding Dare County.

Manager's/Attorney's Business —

Surfrider Foundation proclamation was read establishing September 24, 2011 as Big Sweep 2011 Day in Dare County — **Adopted**

LAND OF BEGINNINGS

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

Chairman Warren Judge called the September 19, 2011 meeting of the Dare County Board of Commissioners to order at 5:00 p.m. He then invited Jennifer Frost from the Unitarian Universalist Church, to share a prayer, and led the Pledge of Allegiance to the flag.

ITEM 1 – EMPLOYEE OF THE MONTH – SEPTEMBER 2011

Captain Bobby Swain, Dare County Emergency Medical Services, received the Employee of the Month certificate for September 2011 from EMS Deputy Director, Steve Taylor on behalf of EMS Director, Skeeter Sawyer. Mr. Taylor thanked Bobby Swain for his service since 1988 and praised his mechanical abilities. Mr. Swain was complimented on the leadership he demonstrates throughout the year and especially during disaster operations such as Hurricane Irene. Chairman Judge thanked Mr. Swain and the EMS Department for their service during the storm.

ITEM 2 – PUBLIC COMMENTS

County Manager Outten and Chairman Judge asked for public comments. No one in the meeting room responded. Mr. Outten said an email was received by Hatteras resident Beth Midgett requesting that a re-entry committee be established to discuss how re-entry is done in the future.

ITEM 3 – PROCLAMATION “GET PINKED” CAMPAIGN TO HELP COMBAT BREAST CANCER IN DARE COUNTY

Ronnie Sloan, President of Outer Banks Hospital, asked the Board to designate October as “Get Pinked” month in Dare County. He said everyone knows someone who has been affected by breast cancer. Mr. Sloan reported early detection has helped 2.5 million people survive breast cancer. He explained that the “Get Pinked” campaign is committed to raising funds for local efforts that will provide early breast cancer detection. County Manager Outten read a proclamation establishing October 2011 as “Get Pinked” month. Chairman Judge thanked all those involved in the “Get Pinked” campaign.

MOTION

Commissioner Shea motioned to adopt the proclamation establishing October 2011 as “Get Pinked” month in Dare County.

Vice-Chairman Burrus & Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – EAST CAROLINA BEHAVIORAL HEALTH ECBH SEMI-ANNUAL REPORT (Att. 1)

Mike Kupecki, Director of External Operations, said East Carolina Behavioral Health (ECBH) is a local management entity covering 19 counties in providing services related to mental health care, intellectual and development disabilities, and substance abuse issues. He explained that ECBH services are provided through a network of 156 providers with a total budget of approximately \$69 million of which 89% is spent directly for services. Mr. Kupecki said ECBH has 91 employees and will be hiring 120 new employees to handle implementation of the State’s Medicaid Waiver program that will take effect in all NC counties between now and July 1, 2013. He said the program is an agreement between the federal government, North Carolina and local management entities, such as ECBH, to manage all Medicaid services for persons with mental health, development disabilities and substance abuse issues. Mr. Kupecki reported that during the last fiscal year ECBH has served 28,000 consumers throughout the 19 counties. In Dare County, during a six month period, he said ECBH served 1,076 people, of which 826 had mental health issues, 66 with intellectual and developmental disabilities, and 184 received substance abuse services. He said the total value for the services in Dare County is \$5,449,365. Mr. Kupecki outlined the efforts of the Mobile Crisis Teams. He also described a project with the University Health System/Duke Endowment Emergency Room Diversion Project in partnership with the Albemarle Foundation to provide Telepsychiatry services in the Emergency Department at Outer Banks Hospital for 12 hours per day. Vice-Chairman Burrus asked what will be done to provide for the other 12 hours in each day. Mr. Kupecki said during those hours, individuals will be served as they currently are by physicians in the Emergency Department with subsequent follow-up with a psychiatrist. Mr. Burrus said the need for service is not limited to a nine to five basis. Mr. Kupecki reported that 12 hours coverage represents the best service they can afford at this point in time. Commissioner Shea asked if there are enough providers to meet local needs. Mr. Kupecki said we are fairly well covered in certain areas of Dare County but cited Hatteras Island as a place where quicker access is needed. Commissioner Shea expressed his concern that there are not enough providers in Dare County to meet the need. Mr. Kupecki outlined the five (5) major ECBH providers in Dare County. Vice Chairman Burrus expressed a need to know, in some type of pocket key, what service each provider offers so people can properly be referred to the right resources for help. Mr. Kupecki said he would try to provide it adding that their phone number, 1-877-685-2415, is

answered by licensed professionals able to do triage on a 24/7 basis. Commissioner Tillett asked how many of the new staff positions will be in Dare County. Mr. Kupecki said it is not an allotment process and a lot of the new positions will be in the central office in Greenville. He added that the new positions for the Medicaid Waiver program were previously in Raleigh, at least now they will be in eastern North Carolina, which will help rural communities. Vice-Chairman Burrus said it appears ECBH is building up office bureaucracy rather than providing services out in the field, where boots on the ground are most needed. Commissioner Tillett asked about the selection process for the new hires. Mr. Kupecki said many of the positions are for licensed therapists and all openings are listed online and with the Department of Employment Security. Commissioner Richard Johnson clarified that ECBH does not provide direct services, but is a local management entity that manages providers under contract with them. In response to a question from Commissioner Dutton, Mr. Kupecki reported that the Telepsychiatry services at The Outer Banks Hospital will begin October 31. Patty Joyner provided an overview of the ECBH financial report and reviewed its components. Vice-Chairman Burrus asked if FEMA will be available to help with services provided during the current hurricane crisis. Ms. Joyner said ECBH does not have pass through of any of those monies, but a homeless grant may be applicable. Chairman Judge thanked ECBH for the report and renewed the request for a key pocket reference of ECBH services.

ITEM 5 – DARE COUNTY TOURISM BOARD RESTRICTED FUND PROJECT GRANT (Att. 2)

Tim White asked for permission to apply for a Dare County Tourism Board Restricted Fund Project grant to help fund some of the costs related to the Roanoke Island Wellness Trail. He said we were awarded a \$250,000 grant and with engineering costs, the project is coming in a little over budget. He added that the grant would provide some exercise equipment for the trail and possibly widen it.

MOTION

Commissioner Tillett motioned to approve applying for the Dare County Tourism Board Restricted Fund Project Grant.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 6 – OFFER TO PURCHASE COUNTY OWNED PROPERTY AT 4675 MILL LANDING ROAD, WANCHESE (Att. 3)

County Manager Outten explained that the Board approved a resolution on 8/15/11 authorizing the Upset Bid Process regarding an offer by the Daniels Family, Wanchese Fish Company, Inc., to purchase County owned property owned at 4675 Mill Landing Road. Mr. Outten reported that a public notice was published and no sealed bids were submitted to upset the offer.

MOTION

Commissioner Shea motioned to approve the sale of property at 4675 Mill Landing Road for \$197,900 with a 25 year license to use property across from the Wanchese boat ramp for parking and to enter a boundary agreement at Walker Park and authorized the County Manager to sign all necessary documents.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PUBLIC HEARING – TRANSPORTATION DEPARTMENT FY 2011-2012 “ROAP APPLICATION PUBLIC HEARING” (Att. 4)

AT 5:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING THE TRANSPORTATION DEPARTMENT FY 2011-2012 “ROAP APPLICATION PUBLIC HEARING.”

County Manager Outten conducted the hearing and invited the public to speak. No one came forward to speak. Chairman Judge closed the hearing at 5:36 P.M.

MOTION

Vice-Chairman Burrus motioned to authorize the grant application and the Chairman to sign the certified statement. Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 8 – BOARD ITEMS RELATED TO HURRICANE IRENE (Att. 5)

County Manager Outten said this agenda item will include things related to Hurricane Irene requiring Board action. Finance Director, David Clawson presented two (2) items:

- 1) A resolution is needed designating the Applicant's Agent with the North Carolina Division of Emergency Management as David Clawson as the County's Primary Agent and Sandy West as Secondary Agent along with 25 assurances included with the resolution.

MOTION

Commissioner Shea motioned to adopt the resolution designating the Applicant's Agent as David Clawson, Primary Agent, and Sandy West, Secondary Agent.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 2) An Applicant Disaster Assistance Agreement is needed with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management including standard assurances.

MOTION

Commissioner Tillett and Commissioner Shea motioned to authorize the Applicant Disaster Assistance agreement and authorize the Finance Director to execute the document.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONSENT AGENDA (Att. 6)

County Manager Outten explained that Consent Agenda Item 3 needed changes made to the parties and addresses and asked for authorization to make the necessary changes and execute the document.

MOTION

Commissioner Shea motioned to approve the Consent Agenda and for item 3 (Outer Banks National Scenic Byway Committee for Dare – Contract Approval) authorized the County Manager to change names of parties and addresses and execute the document.

- 1) Approval of Minutes (09.06.11)
- 2) Outer Banks Scenic Byway Grant Application to Dare County Tourism Board
- 3) Outer Banks National Scenic Byway Committee for Dare – Contract Approval
- 4) Submission of Bulletproof Vest Partnership Grant
- 5) Installation of Tower Foundation and Tower
- 6) August 2011 Tax Collector Reports

Commissioner Dutton & Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – COMMISSIONERS' BUSINESS

Chairman Warren Judge

He expressed gratitude for the many employees and volunteers who have given tens of thousands of hours helping us recover from Hurricane Irene. He then opened discussions of how storm-related decisions have been made. He explained that Commissioner Mike Johnson is Chair of the Dare County Control Group and consults with Emergency Management. He added that the Commissioner on Hatteras Island becomes involved in the process and participates in discussions providing an on-the-ground look. He said efforts are made to keep all seven members of the Board up to date.

He reported that the lower villages sustained less damage and the County Manager and staff were on scene to assess services and the availability of emergency ferry service. With Highway 12 compromised, he said the assessment showed that EMS was well staffed on Hatteras Island. He added that aeromedical transport was available through Dare MedFlight, Nightingale, East Care, and for a period of time with an extra helicopter staged at the airport. He also reported that Public Works was operating on a normal schedule.

Chairman Judge explained that there were no new storms on horizon, services were in place, and we had a high degree of confidence that, if needed, with advance notice, we could safely evacuate by ferry in the event of a subsequent storm. He thanked the NCDOT Ferry Division for working around the clock to provide emergency service and explained that the ferry is just not capable of carrying as many vehicles as the road.

Mr. Judge expressed how the storm put hundreds of citizens out of work, and businesses without customers would have to close early for the winter. He said decision makers considered what this would do to the people, the culture, and the families dependent on getting back to work in order to raise their families. He added that unemployment generally runs 26 weeks, which would end in February, and not a good time for that to expire.

He said we were faced with a difficult decision. Do we keep Hatteras Island closed until a date in October when the road is open? Or, in view of the fact that because that would be a long time to completely shut down the island and force people not to have a source of income, do we put people back to work now?

Chairman Judge explained that the schools opened up which helped restore normalcy to the island. He said in examining all of this, we made the decision to put our people back to work. He detailed how this decision has seen unprecedented criticism. He said organizations have strongly criticized us publicly. However, we felt this decision was an important step in the recovery process and it was important that we begin giving people the chance to go back to work and restore normalcy.

Mr. Judge said we have wrestled with economic development issues and Hurricane Irene has put a stumbling block before us and hurt many people. He explained that throughout the County, no area was untouched. He added that his yard in Kitty Hawk shows how this event has touched all of us. He called upon County Manager Outten to explain how decisions are made.

County Manager Bobby Outten

The County Manager explained that the Dare County Control Group consists of a representative of each town, the Board of Commissioners, the National Park Service, and the Dare County Sheriff. This group made county-wide decisions, such as establishing checkpoints related to Hurricane Irene. After the storm the Control Group met again and removed the checkpoints at Manns Harbor and at the Wright Memorial Bridge.

He further explained that beyond the Control Group, each town, or entity, by law, has responsibility to do what is best for them in making decisions for their community. This includes curfews, liquor sales and other local decisions. He added that this process has worked well in the past. For example, after Hurricane Irene, Duck did not allow re-entry at the same time as other municipalities due to their local conditions. Similarly, Dare County did not allow re-entry to Hatteras Island at the same time as re-entry was authorized for other portions of unincorporated Dare.

Mr. Outten outlined that throughout the process, various steps were done by the County and Commissioner Mike Johnson. He said decisions were not made in a vacuum, or by one isolated person, without the benefit of input from others. He detailed how Commissioner Johnson spoke with Emergency Management Director, Sandy Sanderson, the County Manager, Law Enforcement, EMS, and other Board Members.

Commissioner Mike Johnson

Said the information about Hurricane Irene provided by Chairman Judge and the County Manager is the first time the actual, factual truth has been given to the public. He described how the critical actions of the Tourism Board, Chamber of Commerce, and several Hatteras Island real estate firms have made him sick. He said we have been beat up because of greed and I am embarrassed by the actions of these people. In regards to re-entry and a request to form a committee about it, Commissioner Johnson said it is a big decision and we must decide on the good of the whole.

Commissioner Richard Johnson

While he was not in the room when re-entry decisions were made, he said he supported what was done. He explained that those who built on high ground were ready to go back to work after the storm. For those who survived the storm, he noted doing the right thing meant getting back to normal in order to pay for the clean-up. Commissioner Richard Johnson asked if Kill Devil Hills should shut down because Colington was devastated. He explained that some real estate people, holding 20% of their customer's down payment money, are stirring this up so they won't have to give it back. He acknowledged that we see people's frustration and are a target for them to

blame, but added don't take your frustration out on me. Commissioner Richard Johnson commented that it is easy to second guess decisions and look for perceived mistakes; however he supported and appreciated what the Board has done.

Commissioner Max Dutton

Expressed his appreciation that the facts about Hurricane Irene are being put on the table. He thanked everyone who has been a positive force getting us back to normalcy and noted that people have been working hard getting the community back to work.

Commissioner Virginia Tillett

Commented that the ordeal of Hurricane Irene has been a stressful experience for everyone. She said we are doing what we think is best for the County and noted that the entire County was hit hard. She explained that people are stressed trying to deal with insurance, FEMA, and other recovery issues. She noted that people are calling her every day reporting that FEMA tells them one thing, and then they get a letter in mail saying something different. Commissioner Tillett encouraged everyone to keep their cool and know that we will continue to make good decisions. She thanked Chairman Warren Judge, County Manager Bobby Outten, and Control Group Chairman Mike Johnson for keeping us informed.

Vice-Chairman Allen Burrus

Thanked EMS Captain Bobby Swain and his efforts on Hatteras Island related to the storm. He also praised the work done by Deputy Sheriffs on Hatteras Island. He expressed gratitude to those who have fed people and donated food during the crisis. He acknowledged the Salvation Army, Operation Blessing and others for doing a great work on the island. Mr. Burrus explained that after Hurricane Isabel he saw his community dry up for two months, which has taken eight years, or more, to begin to recover. He said you can't wait for everything to be just right before getting people back to work. He noted that components of the decision making process included the fact that the schools were open and Public Works was operating. He said it was a County wide problem and others had it just as bad or worse. Vice-Chairman Burrus noted we need to move on and he encouraged people to be careful to get their facts straight before posting exaggerated claims on social and other media.

Commissioner Jack Shea

Congratulated EMS Captain Bobby Swain on receiving the Employee of the Month award. He expressed appreciation for the County and Municipal employees, and others who served during Hurricane Irene. He said this type of community service was a true expression of the American spirit. Commissioner Shea thanked Control Group Chairman, Commissioner Mike Johnson, for decisions that were made before, during and after the storm. He said those decisions were made with best interests in mind.

MANAGER'S/ATTORNEY'S BUSINESS

County Manager Outten shared a letter from Scott Lawrence, the County Coordinator for the Surfrider Foundation's "Big Sweep" project. He said the annual event, scheduled for Saturday, September 24, draws over 130 volunteers to clean up beaches and watersheds. Mr. Outten read a resolution establishing September 24, 2011 as Big Sweep 2011 Day in Dare County.

MOTION

Commissioner Shea motioned to adopt a resolution declaring September 24, 2011 as Big Sweep 2011 day in Dare County.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Mr. Outten reported that the State has cut \$35,000 out of our transportation budget. Although we were not able to plan for this cut, he said the Transportation Department has been directed to manage their budget. The Manager explained that one possible idea for raising funds would be to consider allowing advertisements on our transportation vans, similar to what is done on city buses. He said staff was looking to the Board for guidance on

this matter. Vice-Chairman Allen Burrus said he did not see a downside if we can control what goes on the ads. Commissioner Tillett recalled that she thought this issue was previously explored, but it wouldn't hurt to look at it again. Commissioner Shea expressed concern that allowing advertising might open the door to everyone and force the County to give equal opportunity even for undesirable advertising content. County Manager Outten said based upon what he was hearing from the Board, staff will further explore the issue to see if we can keep control and assure tasteful ads and will report back to the Board of Commissioners.

Commissioner Mike Johnson reported to the Board that Governor Perdue waived the Coastal Area Management Act (CAMA) fees for rebuilding bulkheads damaged during Hurricane Irene. He explained that these are critical structures that protect homes and need rebuilding before the next storm event. Commissioner Mike Johnson also praised the efforts of Frank Jennings, District Manager for the Northeastern Section of CAMA in Elizabeth City for helping people by taking the red tape out of the process. He asked the Board to write a letter to the Governor recommending Mr. Jennings for a senior management position. Chairman Judge acknowledged the request and said a letter will be sent.

Chairman Judge concluded the meeting by saying we are one Dare County and now is the time to help each other. He added that no matter where you live in Dare County, we have all felt Hurricane Irene. He called on the community to work through our differences and join hands in working together rebuilding Dare County.

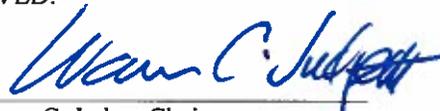
AT 6:32 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON OCTOBER 3, 2011.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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