



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 20, 2010—9:00 A.M.

Dare County Administrative Building
PO Box 1000, Manteo, North Carolina 27954

Commissioners Present:

Chairman Warren Judge, Dist. 3; Vice-Chairman Burrus, Dist. 4; Virginia Tillett, Dist. 1; Richard Johnson, Dist. 1; Max Dutton, Dist. 2; Mike Johnson, Dist. 2.; Jack Shea, Dist. 5

Commissioners Absent: None

Others Present:

County Manager Bobby Outten, Dave Clawson — Finance Director; Dorothy Toolan — Public Information Officer, Rhonda Creef—Deputy Clerk to the Board

Action:

Commissioners Present:

Chairman Warren Judge, Dist. 3; Vice-Chairman Burrus, Dist. 4; Virginia Tillett, Dist. 1; Richard Johnson, Dist. 1; Max Dutton, Dist. 2; Mike Johnson, Dist. 2; Jack Shea, Dist. 5

Commissioners Absent:

None

Others Present:

County Manager Bobby Outten, Dorothy Toolan — Public Information Officer, Rhonda L. Creef, Deputy Clerk

Action:

Resolution – Declaring October 2, 2010 as Dare County Big Sweep Day – *Adopted*

“Get Pinked” Campaign and Resolution to Help combat Breast Cancer in Dare County – *Adopted*

Bill’s Marine Repair – Conditional Use Permit Review – *Approved*

Emergency Communications System Change Order #3 and Budget Amendment for Change Orders #1, #2 and #3 – *Approved*

Disposal of Surplus Cell Phones – *Approved*

Contract for RIWP Easement Acquisition – *Approved*

Consent Agenda – *Approved*

Approval of Minutes 9.7.10 (with correction to Item 6)

Public Works/Sanitation Contracts

Resolution -- Designation of Applicant’s Agent for Disaster Relief

Commissioners’ Business – *Authorized* the County Manager to look into property lines and deed to the Hatteras Village Department and bring findings back to the Board

Closed Session – Approved Minutes of Last Closed Session (9.7.10)

LAND OF BEGINNINGS

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

Chairman Warren Judge called the meeting to order at 5:00 p.m., invited Rev. Tom Wilson, All Saints Episcopal Church, Southern Shores, to share a prayer, and then led the pledge of allegiance to the Flag.

ITEM 1 – PUBLIC COMMENTS

There were no public comments.

ITEM 2 – RESOLUTION – DECLARING OCTOBER 2, 2010 AS DARE COUNTY BIG SWEEP DAY

County Manager Outten presented the item. He stated this year will be the 24th Annual Big Sweep across North Carolina. Dare County residents have been strong supporters of the event since its inception in 1987. Over 130 Dare County volunteers assisted in cleaning up the beaches and watersheds in 2009, picking up over 102 bags of trash for a total of 2,500 pounds from over 70 miles of coastline and coastal waterways. Hopefully this year's event will be even stronger than years past and will raise awareness of the need for a litter-free community. County Manager Outten presented and read the Resolution.

MOTION

Commissioner Shea motioned to adopt the Resolution.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

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

Van Smith, President of Outer Banks Hospital, members of the Hospital Development Council and several members of the “Get Pinked” committee were present. Mr. Smith stated that the recently completed Dare County Health Assessment shows cancer continues to rank as the leading cause of death in our County. Although the mortality trend for cancer in Dare County did decrease, the incidents of mortality for breast cancer increased from 1999 to 2008. In recent years much has been done to address cancer in our community, but statistics show there is still a need for more to be done. The “Get Pinked” Campaign is in response to that need. The concept grew from the Outer Banks Hospital Development Council’s “Men in Pink” Program last year which called for men to wear pink to serve as a reminder to talk to the women in their lives about the importance of breast exams and mammograms. This year that idea has grown into a broader breast cancer awareness initiative and a fundraising campaign. The campaign has a two-fold mission: to promote awareness for breast cancer and raise funds for equipment that will address and combat breast cancer in our community. The net proceeds will be used here in Dare County to fund equipment needs and enable access to diagnostic services for the under and underinsured in our community. The program works by having local businesses partner with our Development Council and the “Get Pinked” Committee and commit to raising \$1,000 dollars to commit to the cause. Once they have reached their target, our “Get Pinked” Committee holds a “pinking ceremony” in which they go out and honor the partnering business with a public proclamation of their support and efforts and they are awarded a ceremonial pink ribbon and several promotional items. This is shared with local media outlets and informs the community of their support and the work that their organization has done for breast cancer awareness. A local newspaper has also contributed a 12 part series to individual accounts of breast cancer stories to run in concert with this. The program will commence with a celebratory event at Kelly’s Restaurant on October 22nd. Campaign expenditures will be funded from this initiative so that every dime that is committed and given by our partnering agencies goes directly to the care of people in our community. Mr. Smith presented and read the resolution.

MOTION

Commissioner Tillett motioned to adopt the Resolution.

Commissioners Dutton and Shea seconded the motion.

VOTE: AYES unanimous

ITEM 4 – DARE COUNTY A.B.C. BOARD PRESENTATION (Att. 1)

Ray White, Chairman of the Dare County A.B.C. Board made a presentation. He recognized A.B.C. Board members-Ron Tillett, Carl Hayes, Fields Scarborough, Supervisor; Ted Toler, Assistant Supervisor; Mark Brinkley, Chief Law Enforcement Officer, and the A.B.C. Board's certified public accountant, Scott May of May and Place. Mr. White stated there are currently 168 local A.B.C. systems operating 415 stores in N.C. The total of state-wide sales ending on June 30, 2009 was approximately \$720,000,000.00 including retail and mixed beverage stores. Total distributions made to counties and municipalities that year were over \$258,000,000.00. County and municipal A.B.C. Boards in NC are local, independent, political subdivisions of the State. They operate as separate entities establishing their own policies and procedures separate from the counties in which they operate. All A.B.C. Boards consist of a chairman and 2 to 6 board members who are appointed by their county, city or town's governing authority. The A.B.C. Board retains the authority to set policies and adopt rules in conformity with the A.B.C. laws and rules. The first legal A.B.C. sale made in Dare County was June 17, 1937. Mr. White stated when he was first appointed to the Dare County A.B.C. Board there were 3 stores in Dare County, 2 in Manteo and 1 in Nags Head. Since that time there are now 15 retail stores located throughout the County. The A.B.C. Board owns all store locations with the exception of the store in Duck which is leased. He stated there are no mortgages on any of the stores.

Mr. White commented on 2 issues that have been in the news. The first issue is the privatization of the A.B.C. Stores in N.C. He stated the downturn in our economy is causing everyone to take a look, particularly the decreased tax revenue that counties, municipalities and state governments are experiencing. Next year our State is looking at over a 3 billion dollar shortfall in the budget. During legislature, the Governor asked to have a committee formed to evaluate all A.B.C. systems in N.C. to determine what the price was and to see if there was consideration in selling them and do away with the privatization. If that occurred, the results would negatively affect the revenue which is about a million dollars a year that comes to the County alone. The A.B.C. Board was concerned and presented the issue to you. Likewise you were concerned and resolutions were adopted and sent to the appropriate parties supporting the non privatization of the A.B.C. stores. The issue was put on hold and we thought we had succeeded. The Governor called back the evaluation of all the stores and we thought we had won. It is now being reconsidered as they see the budget deficit continuing to grow. The A.B.C. Board will keep you informed and may have to ask for your support in the future.

The other issue was the creation earlier this year of the Joint Study Committee on Alcohol Beverage Control. The Committee was formed with 28 members appointed by the Governor, the Speaker Pro Tem and the Speaker of the House to study and make recommendations to the A.B.C. system. The committee was created as a result of a few instances that occurred and made headline news of some papers concerning some irregularities that had occurred involving a couple of our A.B.C. systems, which gave the total system a black eye. Over the years some systems had deviated from their focus on proper ethics, service, profitability and overall good management of the A.B.C. system. The Committee consisted of ex- legislators, mayors, business leaders and others with little representation from the A.B.C. system, those who actually knew something about what the committee was all about. Fortunately, our supervisor, Fields Scarborough, with 32 years experience, 26 of those years as a supervisor, was appointed to the Committee. Fields was brought up in our system and had worked under our previous supervisor, Guy Hayman and Store Manager, Lionel Shannon Sr., two really great mentors and excellent employees of the A.B.C. system. Fields, as well as the Board, has guided our growth and expansion over the years helping the Dare County system achieve the overall ranking of #1 in the State several times in net profit percentage. The net profit percentage tells how well a store is managed. It's the combination of efficiency, sales, inventory etc. We have only dropped out of the ranking from 1 -10 one time when we were ranked number 11. Mr. White read a letter from the Greensboro A.B.C. system commending Fields on his experience, knowledge, leadership, direction, focus, comments and requests. He also personally thanked Fields publicly on the great job he does. The Committee completed the report and responded to the Governor. In legislature on May, 17, 2010, a final bill, Session Law 2010.122 and House Bill 1717 passed as an act to modernize the Alcohol Beverage Control System. It provides clarification in some areas and there were some good things that surfaced as a result of the report. There were also some changes we will have to implement, and those will be made in stages over the next several months. He explained that Exhibit A shows Dare County's

retail mixed beverage sales and fortified wine sales for the past ten years ending June 30, 2009. During FY 1999-00, Dare County had total sales of \$7,276,431.00 and by FY 2008-09; the total sales had increased to \$12,508,232.00. Exhibit B shows over the same time period, Dare County's local allocation of net profits, our ranking in the state among the 168 systems and the net profit percentage. The 10 year total revenue distributions for Dare County and municipalities is \$11,311,199.94. An additional \$12,000 is given annually to the DC Sheriff's Department for alcohol education. Exhibit C shows the County's rating among surrounding counties. Of the 7 surrounding counties, 3 of those were not able to distribute any money back to their counties or municipalities. Last year, the A.B.C. Board distributed 1,200,800.00. Our Board is extremely proud of the operation and results created for the State, County and towns and we look forward to providing similar results in the future. Scott May, CPA with May and Place, stated that the Board of Commissioners should be proud of the A.B.C. Board for the excellent job they do. Chairman Judge and the Board thanked Mr. White for the presentation and the great job done by all in the Dare County A.B.C. System.

ITEM 5 – BILL'S MARINE REPAIR – CONDITIONAL USE PERMIT REVIEW (Att. 2)

Donna Creef, Senior Planner, stated Mr. Bill Meyer has submitted a site plan and conditional use permit application for a boat repair/boat engine repair and boat storage business in Colington, NC. This proposed use was recently added to the VC-2 district as a conditional use. The site is located at 1648 Colington Road. Mr. Meyer plans to remodel the existing building that is located on the site for use as his office. A draft conditional use permit has been prepared by staff which is attached along with the site plan. The Planning Board reviewed this item on September 13 and recommends approval of this site plan and draft CUP.

MOTION

Commissioner Shea motioned to approve the site plan and draft CUP.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 6 – EMERGENCY COMMUNICATIONS SYSTEM CHANGE ORDER #3 AND BUDGET AMENDMENT FOR CHANGE ORDERS #1, #2 AND #3 (Att. 3)

County Manager Outten explained change order #3 for \$31,002 and requested Board approval. He explained the attached amendment to the capital project ordinance for the net of change orders #1 and #2 at \$4,462 and for change order #3 at \$31,002. The amendment moves the total, \$35,464 from the project contingency to the project line item. \$230,555 remains in the project contingency after this item.

MOTION

Vice Chairman Burrus motioned to authorize the County Manager to execute the change order and adopt the amendment to the capital project ordinance.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 7 – DISPOSAL OF SURPLUS CELL PHONES

County Manager Outten explained that as part of the budget process a number of employee cell phones are being eliminated. He explained the cell phones have no resale market. He proposed giving the surplus cell phones to the employee whose cell phone service is being eliminated.

MOTION

Commissioner Tillett motioned to approve giving the cell phones to employees who cell phone service is being eliminated.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – CONTRACT FOR RIWP EASEMENT ACQUISITION (Att. 4)

County Manager Outten asked the Board to consider the amended proposal and contract with Gulf Coast Property Acquisition, Inc. to acquire easements for the Roanoke Island Water Project by donations. He noted there is a change in the contract as a result in communications concerning the manner in which we want the easements acquired. Parcels in excess of 750 will be at the \$650 unit rate instead of \$550 as earlier stated. Manager Outten explained that is still significantly lower than the next highest price that was received.

MOTION

Commissioner Shea motioned to accept the amended proposal and approve the contract with Gulf Coast Property Acquisition, Inc. to acquire easements for the Roanoke Island Water Project by donations.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONSENT AGENDA (Att. 5)

- 1) Approval of Minutes (9.20.10)
- 2) Public Works – Sanitation Contracts
- 3) Resolution – Designation of Applicant’s Agent for Disaster Relief Fund

MOTION

Commissioner Shea motioned to approve the Consent Agenda as amended with a correction to Item 6 - Approval of Minutes (9.7.10)

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 10 – COMMISSIONERS’ BUSINESS

Commissioner Mike Johnson

- Advised the Board he had been contacted by the Hyde County Board of Commissioners about a resolution concerning bringing fair equity to the hunting and feeding of black bears. He stated one group was being advantaged while another group did not have the same advantage or disadvantage. Hyde County is asking us to adopt a similar resolution. Even though the issue doesn’t really pertain to us, Hyde County has been a good partner in supporting and passing our resolutions that do not really pertain to them either. He stated the resolution is 100% correct and hopes that our Board will support it. He will bring it before the Board at the next meeting.

Commissioner Dutton

- Advised the Board at the September 14, 2010 Board of Education meeting, the school budget was adopted in the amount \$53,505,768.00. Anna McGinnis, Finance Officer for the Board of Education, will be sending him information on what the budget is per pupil.

Commissioner Tillett

- Advised the Board that on October 19, 2010 at 4:00 p.m., the Dare County Center will celebrate their one year anniversary. She asked the Board to put it on their calendar.
- She congratulated Kermit Skinner’s wife, Cookie, who was elected Teacher of the Year for her school.
- She asked the County Manager for an update on the Roanoke Trails Project. He informed the Board that the County has received a \$250,000 grant from the Department of Transportation to engineer and to build. We are waiting to receive the grant contract from them. He met with them last Monday and received an email late last week saying he should expect to receive the contract from DOT this week. Once received, we can sign and return it and then send out the RFQ’s for the engineering work and start the process. Commissioner Tillett inquired about the mound of dirt there and when that would be leveled out. He stated we had some issues with drainage at the Dare Center because it wasn’t built to the specifications of the permit requirements. They have been back and corrected that situation. They are supposed to do some

planning and when we see what that is and when we know they've got that right, we'll know that our drainage system is right and then we will go over there and deal with that site.

- She congratulated and thanked Tom Gray and Ray Sturza for their service to the County.

Vice Chairman Burrus

- Asked the Board to authorize the County Manager to look into the property lines and deed to the Hatteras Village Fire Department. He stated the Fire Department and the Civic Association were reviewing the property lines and there is a question as to whether the County has an easement or owns a portion of the property.

MOTION

Vice Chairman Burrus motioned to authorize the County Manager to look into the issue and bring his findings back to the Board.

Commissioners Shea and Dutton seconded the motion.

VOTE: AYES unanimous

- He thanked Tom Gray and Ray Sturza for their service to the County.
- He stated at the Tourism Board meeting last week it was noted there are some unique events coming up, such as Flags over Hatteras. It is the 150th celebration of the bombardment of Ft. Hatteras and Ft. Clark that took place during the Civil War. It was the first Union victory that took place there. It's going to be a challenge, as it will be a big, national event, but things are looking good.
- East Coast Surfing Champion started last Saturday and they had to limit who could surf because the waves were too big. He thought that was pretty unusual.
- He stated that just as the Big Sweep will be occurring on the Northern Dare beaches on Saturday, October 2nd, the same event will be taking place on Hatteras Island on Saturday, September 25th. It is also National Public Lands Day that was established by the Park Service. The NC Beach Buggy Association will hand out trash bags starting at 8:00 a.m. at all access ramps in Cape Hatteras National Seashore and Hatteras Village beaches, and Students for Sweep the Beach at Ramp 55 at 9:30 a.m. There will be a cookout afterwards and you can eat if you have some litter in your bag. Between Buxton and Avon volunteers from the Outer Banks Preservation Association will sweep the beach and sound beaches. Next Saturday starts the annual fall campaign to get rid of litter along the island's beaches and NC 12. Over the next few weeks volunteers will attack litter along Hatteras Island's main street, NC 12. If you would like to volunteer call 987-1303 or write info@outerbanksscenicbyways.org. He stated he read this to say that most of this is federal properties that local volunteers will be out there taking care of and cleaning up. You will very rarely see the federal government pick up, clean or do anything on our beaches. It is done by local people who spend the time and effort to keep their beaches looking good. Wherever it is, volunteers get out and do the work. He said very good to our volunteers and to the Park Service, where are you?

Commissioner Shea

- Acknowledged Tom Gray and Ray Sturza for all they have done for the County over the last 30 years.
- He stated he attended Day at the Docks last Saturday and it was a very well attended event. He stated he enjoyed it and encouraged all people of Dare County to support the fishermen and the Outer Banks Catch. He thinks it would be very good if people patronize the restaurants that serve Outer Banks Catch seafood and show their support.

Commissioner Richard Johnson

- Offered his congratulations to Tom Gray and Ray Sturza on their retirement.

Chairman Warren Judge

- Stated this past weekend there were a lot of things happening in Dare County. He attended a community awareness event – a festival in Rodanthe, to raise funds and bring awareness to the Chicamacomico Banks Fire Department.
- There was a Chili Cook-off in Rodanthe.
- The Outer Banks Sporting Events Committee held the Outer Banks Triathlon.

- The East Coast Surfing Association is holding their championships here on Hatteras Island, centered in Rodanthe. It started last Sunday and goes all week. The culmination is Thursday night at their wrap up banquet and program. He pointed out the fact that there are great things that we can do in Dare County and that while we all struggle, this Board has and will continue to struggle, and knows our other local governments will do the same in trying to unlock the secret to increase jobs and encourage job growth and attract new jobs to the area. We certainly need to remind ourselves that there are events happening so often and we need these types of events happening every weekend of the year, to protect the one industry that we have and that is the industry of tourism.
- Day at the Docks was an outstanding event and is held every year. It began in 2004 as a one year anniversary celebration from Hurricane Isabel. It has grown into a wonderful festival to honor the culture of our watermen and everything they are associated with.
- Bud Gruninger, executive chef at Basnight's Lone Cedar Café, a participating restaurant of the Outer Banks Catch, did a cooking demonstration and prepared a delicious recipe using all local fish and seafood at Day at the Docks.
- Also at Day at the Docks, four students - Ian Folb, J.B. Pettitti, Lindsay Young and Andrea Wilson from Cape Hatteras Secondary School of Coastal Studies, interviewed some of us. Their class project is "Make Hatteras Island Green" in Christen Brown's classroom. Once the project is completed, he invited them to a Board meeting to present the project and get their work on TV.
- He stated on October 2nd there is fundraiser called Bike for Life. You ride your bicycle from Cape Hatteras Secondary School of Coastal Studies to the Cape Hatteras Lighthouse and back. This will be the second annual Bike for Life. He invited everyone to come down and ride.
- He stated there are so many positive, good things in Dare County and we need to be aware of that. He said he hopes the Visitors Bureau can become a giant in promoting all these things and even creating more would be wonderful.
- He congratulated Tom Gray and Ray Sturza for the years of service they have given to the County.

MANAGER'S/ATTORNEY'S BUSINESS

- County Manager Outten informed the Board that at the old East Lake Landfill site there is a tower that the State Highway Patrol uses for their communication system. The County is going to use it as well. He stated he is working on an agreement concerning how the County is going to put their communication system on there also. He discovered there is no lease or document or agreement with the State. The County just let them go build the tower on our property. In order to move forward with our communication system, the State needs something in writing. He sent them a proposal to lease, saying the County will lease the land to them at no cost and they will give us tower space at no cost which is essentially what has been happening since the tower was built. When the lease comes back from the State, the Board will need to formally approve it.
- Dare Med Flight has a crack in the skin on the tail boom holding the tail rotors. The tail assembly will be removed and shipped to a repair facility. The helicopter is expected to be out of service for approximately 2 weeks beginning today. Dare EMS has made arrangements to call for medical evacuation via the Nightingale Helicopter with Sentara/Norfolk and East Care with Pitt Memorial in the interim.
- More than a year ago the Rotary Club came to the Board with the idea of trying to come up with some use for the old Bowsertown Landfill Site. We were amenable to that but before anyone used it we wanted to do some testing at the site. The testing has been done, some of the results have come back and we have what you would expect to find in the ground when you have an old landfill. He doesn't have the final results yet but there are chemicals and those kind of things in the ground that testing would show. As soon as he gets the results back he will give an update.

ITEM 11 – CLOSED SESSION

MOTION

Pursuant to the provisions of NCGS 143-318.11, Commissioner Shea moved that the Dare County Board of Commissioners go into Closed Session to: Approve the Minutes of the last Closed Session on 9.7.10.

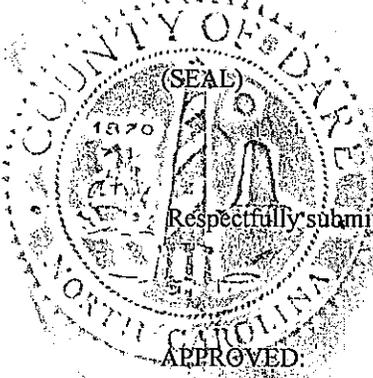
Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

AT 6:07 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 6:10 P.M.

Chairman Judge reconvened the meeting and County Manager Outten reported the Board approved the Minutes of the last Closed Session and took no other action.

AT 6:11 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON OCTOBER 4, 2010.



Respectfully submitted,

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

By: Rhonda L. Creef
Rhonda L. Creef, Deputy Clerk