



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

October 1, 2012 — 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; 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; Finance Director, Dave Clawson; Public Information Officer, Dorothy Killingsworth, Clerk to the Board, Gary Gross

Public Comments: Made by two (2) people — Perry White and Nancy Clemmons

Presentations:

The Employee of the Month certificate was awarded to Don Cabana, Director of the Dare County Transportation Department
A service pin was presented to one Dare County employee — Brenda Stephenson

Actions:

Parks and Recreation — Grant Opportunity —

Approved acceptance of grant funds from the Cape Hatteras Electric Cooperative and

Approved a Budget Amendment

Budget Amendment and Capital Project Ordinance for Final Debt Issuance Numbers for Series 2012C & D Limited Obligation Bonds (LOBs) —

Adopted a Budget Amendment for the General Fund and

Adopted an Amendment to the Capital Project Ordinance for the Capital Projects Fund

Request from DOT to Enter MOU/Contract For Use of Ferry Facility for Private Vessels —

Instructed the Manager to continue pursuing this & if NCDOT should need something from the County to bring it back to the Board

Proposed State Setback Rule for Large Homes Built Before August 11, 2009—

Authorized the Manager to speak at the Public Hearing in favor a new setback rule for large homes built before August 11, 2009

Consent Agenda — **Approved**

1. Approval of Minutes (09.17.12)
2. 2012 Dare Evidence Response & Collection Unit Grant Funding NC Governors Crime Commission
3. Community Transformation Grants

Board Appointments —

1. Older Adult Services Advisory Council — **Reappointed** Georgia Ellis
2. Parks and Recreation Advisory Council — **Reappointed** Tim Cafferty
3. Upcoming Board Appointments for November and December 2012 were announced

Commissioners' Business — *Following is a brief synopsis of Commissioners' Business items, see the Minutes for more information —*

1. **Appointed** a Committee consisting of Commissioner Shea (Chair), Commissioner Dutton, Commissioner Tillett, and the Co. Manager to explore a possible change in policy that would allow licensed County officials to carry a concealed weapon

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 waiver of Hurricane Irene related building permit fees to December 31, 2012
2. **Authorized** the County Manager to accept a \$9,175 grant for signage needed to implement new smoking rules on County property
3. **Rescheduled** the Public Hearing on the Highway 345 Text Amendment to add temporary concrete plants for 5:30 p.m., Nov. 19, 2012

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Chairman Warren Judge called the October 1, 2012 meeting of the Dare County Board of Commissioners to order at 9:06 a.m. He invited the Rev. Bob Pitsch to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Judge reported that Commissioner Richard Johnson asked him to explain that the reason he was not able to attend today's meeting was related to recent surgery he had to correct a spinal problem brought about by a serious automobile accident. The Chairman said the surgery was extremely successful with no paralysis and that Commissioner Johnson is recovering well. He added that contrary to rumors, Mr. Johnson is not on a ventilator. He said Commissioner Johnson is building up his strength in walking and hopes to be back for the next meeting.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Brenda Stephenson, Social Worker II, received her 15-year pin from Tanya Barkley-Graham.

ITEM 2 – EMPLOYEE OF THE MONTH – OCTOBER 2012

Don Cabana, Dare County Transportation Department Director, received the Employee of the Month certificate for October 2012 from Tim White who described Mr. Cabana as a self-motivator who is able to think outside the box. He was credited with obtaining new sources of grant funding and for carefully tracking fuel and other costs. Mr. Cabana thanked the Board of Commissioners and pledged to continue efforts to increase ridership and reduce expenditures.

ITEM 3 – PUBLIC COMMENTS

The County Manager outlined the procedure for making public comments. Two (2) people responded –

1. Perry White reminded everyone that the election season is now underway. He provided information about registration deadlines and the role of Provisional ballots. He announced that early voting begins October 18th at the Baum Center, the Fessenden Center, and the Board of Elections Office in the Dare County Administration Building. He urged the Board to look into expanding early voting hours in the future to better accommodate working people. Mr. White said a new sign law requires that signs be 36 inches from the edge of the highway pavement, not the white line. He said it is now a misdemeanor to deface, steal, or otherwise disrupt somebody's campaign sign.
2. Nancy Clemmons highlighted the recent World Rabies Day designed to raise awareness of the worldwide rabies epidemic that claims the lives of thousands of people each year. She announced the dates, times, and locations when local rabies clinics will be conducted and urged everyone to have their pets vaccinated.

ITEM 4 – PARKS AND RECREATION – GRANT OPPORTUNITY (Att. #1)

Tim White, Public Service Director, introduced Kristen Parrino and complimented her on the work she has done and for her efforts in obtaining a grant from the Cape Hatteras Electric Cooperative. Ms. Parrino said the \$8,000 grant is for renovation of the former Health Department building in Buxton. She explained that once renovated the site will provide much needed meeting space for small groups. Vice-Chairman Burrus expressed gratitude to the Cape Hatteras Electric Cooperative.

MOTION

Vice-Chairman Burrus motioned to approve acceptance of grant funds from the Cape Hatteras Electric Cooperative and approve a Budget Amendment.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – BUDGET AMENDMENT AND CAPITAL PROJECT ORDINANCE FOR FINAL DEBT ISSUANCE NUMBERS FOR THE SERIES 2012C & D LIMITED OBLIGATION BONDS (LOBs) (Att. #2)

Finance Director, David Clawson, announced that the LOBs sale was done on September 20, 2012. He presented a Budget Amendment and a Capital Project Ordinance Amendment to reflect the final debt numbers. He said the total debt service savings was \$3,661,211. Mr. Clawson reviewed the annual savings for the Installment Financing Contracts and the final profit on the swaps and swaptions. He said the true interest cost for the new EMS Helicopter is 2.34% over 13 years. He added that the figure for the EMS cardiac equipment is 1.38% over 7 years. He asked the Board to adopt the Budget Amendment for the General Fund and the Amendment to the Capital Project Ordinance for the Capital Projects Fund.

MOTION

Vice-Chairman Burrus motioned to adopt the Budget Amendment for the General Fund.
Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

MOTION

Vice-Chairman Burrus motioned to adopt the Amendment to the Capital Project Ordinance for the Capital Projects Fund.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 6 – REQUEST FROM DOT TO ENTER MOU/CONTRACT FOR USE OF FERRY FACILITY FOR PRIVATE VESSELS

The County Manager said NCDOT has allowed boat builders and others to use their ferry facility when needed to lift or haul their boats. He explained that the Attorney General raised a legal issue about providing this service and NCDOT wanted to make sure that all the details were properly documented. He said initially NCDOT thought they would have the County enter into a contract and act as a pass through. He said now it does not appear that they will proceed that way, however, the County may be asked to cooperate in some manner. Mr. Outten said he would recommend it as long as it does not cost the County any money. He said at this time there is no written agreement to share with the Board, but he will bring one back if it is needed. The County Manager was instructed to continue pursuing this matter and if NCDOT should need something from Dare County to bring it back to the Board.

ITEM 7 – PROPOSED STATE SETBACK RULE FOR LARGE HOMES BUILT BEFORE AUG. 11, 2009

Mr. Outten explained that the CRC adopted rules in 2009 that would significantly increase setbacks for homes greater than 5,000 square feet. He said after Hurricane Irene issues arose because people with damaged homes had problems rebuilding. He said this caused unintended consequences with refinancing and property values. Mr. Outten reported that the Legislature passed a statute that requires the CRC to adopt new rules that, in effect, would grandfather large houses built before August 11, 2009 so they could be rebuilt without large setbacks. He said the new rule has the support of local homebuilders and the real estate community. He asked for authority to speak on behalf of the County at a Public Hearing on October 17 to show support for the new rule and our property owners.

MOTION

Commissioner Shea motioned to authorize and empower the County Manager to speak at the Public Hearing in favor of a new setback rule for large homes built before August 11, 2009.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – CONSENT AGENDA (Att. #3)

The Consent Agenda was presented by County Manager, Robert Outten.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (09.17.12)
- 2) 2012 Dare Evidence Response & Collection Unit Grant Funding NC Governors Crime Commission
- 3) Community Transformation Grants

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 9 – BOARD APPOINTMENTS

- 1) Older Adult Services Advisory Council

Commissioner Tillett motioned to reappoint Georgia Ellis.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 2) Parks and Recreation Advisory Council

Commissioner Shea motioned to reappoint Tim Cafferty.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

3) Upcoming Board Appointments for November and December 2012

Upcoming November appointments were announced for the Dare Co. Youth Council, the Rodanthe-Waves-Salvo Community Center Board, and the Stumpy Point Community Center Board. Upcoming December appointments were announced for the Albemarle Hospital Authority Board, Board of Equalization and Review, Nursing Home Community Advisory Council, Special Motor Vehicle Valuation Review Board, and the Tourism Board.

ITEM 10 – COMMISSIONERS’ BUSINESS

Commissioner Mike Johnson

- He announced that a meeting of the Working Watermen Commission will be held on Tuesday, October 2 for the purpose of garnering help for the Outer Banks Catch Tent at the Seafood Festival. He called on all fishermen to attend the meeting and assist in this effort to benefit our local fishing industry. He added that anyone interested in participating should contact Public Information Officer, Dorothy Killingsworth or the Clerk to the Board.

Commissioner Max Dutton

- He expressed appreciation for service pin recipient Brenda Stephenson.
- Commissioner Dutton congratulated Employee of the Month Don Cabana. He said he has seen Mr. Cabana in action and considers him a great choice for the award.

Commissioner Virginia Tillett

- She urged everyone to support the 6th Annual Roanoke Island Toy Drive sponsored by Roanoke Island Freedmen’s Colony and the Dare County Center. She said gifts, donations, and volunteer help are needed and more details are available at the Dare County Center. She added that gifts and donations will be accepted until December 14 and the children will receive their gifts during a visit from Santa that will take place on December 17.
- She announced that the Dare County Center is asking everyone to save their bottle caps and soda tops to help benefit the Manteo Dialysis Center.
- Commissioner Tillett explained that between 12:00 p.m. and 2:00 p.m. on November 20 the Dare County Center is having what is called a Floating Potluck Lunch for all County employees.

Commissioner Allen Burrus

- He congratulated Brenda Stephenson on her service pin and thanked Employee of the Month, Don Cabana.
- A thank you was extended to Parks and Recreation and Kristen Parrino for the effort in securing a grant from the Cape Hatteras Electric Cooperative (CHEC). Commissioner Burrus thanked CHEC for the hard work they do for our community.
- He emphasized that although press reports have generated some confusion, the County has not changed how it will be handling mandatory evacuations.
- Vice-Chairman Burrus thanked the people for giving him the opportunity to serve.

Commissioner Jack Shea

- He thanked service pin recipient Brenda Stephenson for the work she does for the County.
- Congratulations were extended to Don Cabana for receiving the October Employee of the Month certificate.
- Commissioner Shea said he wanted to be proactive on the issue of workplace violence. He said this problem is happening everywhere in the nation and cited a recent instance where shots were fired into an unoccupied Social Services building. Commissioner Shea advocated changing County policy to allow licensed County officials to carry a weapon. He made a motion that was seconded by Commissioner Mike Johnson and Commissioner Max Dutton. (motion and seconds were later withdrawn) Vice-Chairman Burrus expressed his general support but said he does not believe guns should be allowed in facilities like the Fessenden Center and at Parks and Recreation facilities. He said athletic events can be volatile situations where law enforcement should be used rather than armed County officials. Commissioner Tillett said she could not support this because in most Departments the receptionist is the one who first encounters the public and not the Department Head. She said employees, whether officials or not, should not be allowed to bring guns into the workplace. She said the matter needs more consideration and the Board

should not rush into this today. Commissioner Tillett recommended drafting language and looking at it rather than taking immediate action. She added that this is asking for trouble. Commissioner Shea said that although law enforcement is capable, they cannot protect you. He explained that someone wanting to do harm to an official will seek out that individual, which makes them the most vulnerable. He added that he believes in an ounce of prevention. Commissioner Mike Johnson noted that while the County Manager may not be able to protect the receptionist on the first floor lobby, he would like for the Manager to have the option to be able to protect himself if necessary. Commissioner Dutton said he supports the idea, but would like more details including information from the County Attorney about who would carry a weapon. Mr. Outten said he would discuss it with Department Heads and clarified that anyone who would be authorized to carry a weapon under a changed policy would have to go through the concealed permit process. It was suggested that a committee be appointed to explore a possible change in policy that would allow licensed County officials to carry a concealed weapon. The motion by Commissioner Shea and the seconds by Commissioner Mike Johnson and Commissioner Max Dutton were withdrawn. A Committee, consisting of Commissioner Shea, Commissioner Dutton, Commissioner Tillett, and the County Manager, was then appointed. Chairman Judge directed Commissioner Shea to serve as Chair of the Committee.

Chairman Warren Judge

- He gave an update on the Buzzy Lane situation and said Secretary Carlisle has indicated that her Department is continuing in effort to remove people from their property. He said he will respond to her and enlist others as needed to help the residents stay in their homes as they were promised.
- He echoed the invitation for Working Watermen to attend a meeting on October 2, 2012 about the Outer Banks Catch at the Seafood Festival. He thanked those involved in the effort and said the Outer Banks Catch Education and Heritage Tent will be something of which we can all be proud.

MANAGER'S/ATTORNEY'S BUSINESS

- 1) County Manager, Robert Outten said in spite of media publicity about fines for failing to obey mandatory evacuation orders, there has been no change in the law. He said the State Legislature went through a process of cleaning up language in the Emergency Management statutes. He said for consistency they made minor language changes. He explained that there are two ways to have an evacuation order. One is a local order and the other is by order of the Governor. He said that previously one of those was a Class 2 misdemeanor and the other a Class 3. Now, the Legislature has made them both Class 2 misdemeanors. He said this sounded like a major change in some press reports, although it is not. Mr. Outten cited an analysis that was done by the UNC School of Government on the issue that is available on their website. He said Dare County is not doing anything different and we have never arrested or fined anybody for this and there is no plan to do that. He said Dare County will move forward as we have always done.
- 2) Mr. Outten explained that the County had waived building permit fees related to Hurricane Irene recovery through September 28, 2012. He said some people are just now receiving settlement funds and there are others who have still not received their money. He asked for authorization to waive storm related permit fees until the end of the calendar year.

MOTION

Vice-Chairman Burrus motioned to authorize the County Manager to extend the waiver of Hurricane Irene related building permit fees to December 31, 2012.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- 3) The County Manager reported that a previously approved \$9,175 grant application for signage needed to implement new smoking rules on Dare County property has been awarded. He asked for permission to accept the grant.

MOTION

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

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- 4) Mr. Outten said the Board had previously authorized a Public Hearing related to a Highway 345 Zoning Text Amendment to add temporary concrete plants for 5:30 p.m. on October 15, 2012. He reported that the applicant and their attorney have conflicts with that date and have requested that the Public Hearing be rescheduled to 5:30 p.m. November 19, 2012. Commissioner Tillett asked how the public will be informed of the date change. The County Manager said notification will be made by the Planning Director and that the person who spoke during Public Comments will also receive notice.

MOTION

Commissioner Tillett motioned to reschedule the Public Hearing on the Highway 345 Text Amendment to add temporary concrete plants for 5:30 p.m., November 19, 2012.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

AT 10:22 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON OCTOBER 15, 2012.



Respectfully submitted,

By: _____

Gary Gross, Clerk to the Board

APPROVED:

By: _____

Warren C. Judge, Chairman
Dare County Board of Commissioners