



COUNTY OF DARE, NORTH CAROLINA

District 1: Roanoke Island & Mainland; District 2: Nags Head, Colington, Kill Devil Hills; District 3: Kitty Hawk, Southern Shores, Duck; District 4: Chicamacomico, Avon, Buxton, Frisco, Hatteras; District 5: At Large

Meetings of the Dare County Board of Commissioners are videotaped and can be viewed at www.darenc.com

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

9:00 a.m., October 7, 2013

- Commissioners present: Chairman Warren Judge, District 3
Vice-Chairman Allen Burrus, District 4
Virginia Tillett, District 1; Wally Overman, District 1
Max Dutton, District 2; Robert Woodard, District 2;
Jack Shea, District 5
- Commissioners absent: Commissioner Woodard and Commissioner Dutton
were each absent for only a portion of the meeting.
- The vote recorded for each motion reflects the number of
Commissioners present and the names of any absent.
- Special note: On September 22, 2013 the Dare County Republican Party
Executive Committee selected Walter L. "Wally" Overman
to fill the vacancy of the District 1 seat caused by the death
of Richard Johnson, who faithfully served the people of Dare
County for 17 years.
- Others present: County Manager/Attorney, Robert Outten
Finance Director, David Clawson
Public Information Officer, Dorothy Killingsworth
Clerk to the Board, Gary Gross

Chairman Warren Judge called the October 7, 2014 meeting of the Dare County Board of Commissioners to order at 9:02 a.m. He invited Ms. Jennifer Frost from the Unitarian Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

Chairman Judge announced that Commission Woodard would be joining the meeting as soon as he is able to do so. He then asked for a motion to move agenda item 18 to follow item 4, and to allow the Chairman and County Manager to move items on the agenda as needed.

MOTION

Commissioner Shea motioned to move agenda item 18 to follow item 4, and to allow the Chairman and Manager to move items on the agenda as needed.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 1 – APPOINTMENT OF NEW BOARD MEMBER (Att. #1)

It was announced that the Dare County GOP Executive Committee has selected Walter L. “Wally” Overman to fill the District 1 vacancy caused by the death of Vice-Chairman Richard Johnson.

MOTION

Commissioner Shea motioned to appoint Walter L. “Wally” Overman to fill the District 1 vacancy on the Dare County Board of Commissioners.

Commissioners Tillett, Dutton, and Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 2 – SWEARING IN CEREMONY (Att. #2)

The Oath of Office, required by NCGS153A-26 in the form prescribed in Article VI, Section 7 of the North Carolina Constitution, was administered by the Clerk to the Board. Commissioner Overman’s wife, Ruth, held the Bible for the oath ceremony.

ITEM 3 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Belinda Hewitt, Social Services, received a 20-year pin Melanie Corprew.

ITEM 4 – EMPLOYEE OF THE MONTH – OCTOBER 2013

Gary Gross, Clerk to the Board of Commissioners, received the Employee of the Month certificate for October 2013 from County Manager, Robert Outten.

ITEM 5 – PUBLIC COMMENTS

The County Manager outlined the procedure for making public comments. No one in the meeting room responded to the invitation to make public comments.

ITEM 6 – CHAIRMAN’S COMMITTEE AND BOARD ASSIGNMENTS

Chairman Judge presented the following Committee and Board Assignments for members of the Board of Commissioners (DCBOC) – (alphabetical order by Commissioner Name)

- Commissioner Allen Burrus
 - Parks and Recreation Committee, DCBOC Liaison
- Commissioner Max Dutton
 - Government TV Advisory Board
 - Airport Authority, to the Seat being vacated by Commissioner Jack Shea
- Commissioner Wally Overman
 - Nursing Home Community Advisory Board
 - Community Development Corporation
 - East Carolina Behavioral Health
 - Work First Planning Committee
 - Working Waterfronts/Boat Ramps Committee

- Commissioner Jack Shea
 - Airport Authority, to fill the unexpired term of the DCBOC seat
- Commissioner Virginia Tillett
 - Dare County Public Facilities Corporation
- Commissioner Robert Woodard
 - Shoreline Management Commission

MOTION

Commissioner Burrus motioned to approve the Committee and Board Assignments outlined by the Chairman.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 7 – AWARD FROM THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS (NCACC)

Bob Carruth, NCACC Risk Control Manager, presented a 2013 Safety Award to Dare County. He said the Award recognizes counties in the Worker's Compensation Pool that had the best claims experience for the year. Accepting the Award was Dare County Chairman Warren Judge and Risk Manager Sandy West. The County Manager credited Ms. West as the person primarily responsible for this accomplishment.

ITEM 8 – 2013 COMMUNITY WASTE REDUCTION AND RECYCLING GRANT (Att. #3)

Public Works Director, Edward Lee Mann, said Dare County has been awarded a 2013 Community Reduction and Recycling Grant from the NC Department of Environment and Natural Resources. He explained that the grant will provide a pilot program for a single stream recyclable program in Kitty Hawk.

MOTION

Commissioner Shea and Commissioner Dutton motioned to approve the grant contract and budget amendment.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 9 – DETENTION CENTER – NEW FEES FOR INMATE PRESCRIPTIONS (Att. #4)

The County Manager reported that the Legislature now allows local confinement facilities to charge a fee for inmate prescription medications. In response to a question from Commissioner Burrus, Mr. Outten explained that although inmates can now be charged a fee for medications, the County is still required to treat everyone in custody. He asked that the fee schedule approved by the Legislature be approved.

MOTION

Commissioner Shea motioned to approve the fees authorized by the Legislature for inmate prescription medications.

Commissioner Dutton and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 10 – ELECTION OF VICE-CHAIRMAN (Att. #5)

Chairman Judge conducted the election to fill the Vice-Chairmanship vacancy caused by the death of Commissioner Richard Johnson on August 29, 2013.

NOMINATIONS

Commissioner Dutton nominated Commissioner Allen Burrus as Vice-Chairman.

Commissioner Woodard nominated Commissioner Jack Shea as Vice-Chairman.

VOTING (All seven Commissioners were present for voting on this item)

Voting for Commissioner Allen Burrus: Commissioners Burrus, Dutton, Judge, Tillett

Voting for Commissioner Jack Shea: Commissioners Overman, Shea, Woodard

ACTION

By a 4 to 3 vote, Commissioner Allen Burrus was declared to be Vice-Chairman.

ITEM 11 – CLOSED SESSION

The County Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(5) concerning the position to be taken by the County in negotiating the price and other material terms of a contract, or a proposed contract, for the acquisition of real property in the matter of the Salvo Marina Property on Hatteras Island, and to approve the Minutes of the previous Closed Session.

MOTION

Commissioner Shea motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (All 7 Commissioners were present for voting on this item)

At 10:29 a.m., the Board of Commissioners exited the room to meet in Closed Session. They reconvened at 11:09 a.m. The County Manager reported that the Board met in Closed Session and discussed a Real Property matter and approved the Minutes of the previous Closed Session.

ITEM 12 – 2013 STATE FORESTER PRESCRIBED BURNING AWARD TO ROB SHACKLEFORD

Steven Kovacs, Dare County Fire Marshal, and John Cook, District Forester for the NC Forest Service, acknowledged Dare County Forest Service Ranger Rob Shackelford as the recipient of the State Forester's Prescribed Burning Award for 2013. The award is based on Ranger Shackelford's fire reduction and mitigation projects in Dare County.

ITEM 13 – FIRE PREVENTION WEEK PROCLAMATION

Dare County Fire Marshal, Steven Kovacs, presented a Proclamation establishing October 6-12, 2013 as Dare County Fire Prevention Week. He announced various Open House events that area Fire Departments are conducting for Fire Prevention Week. The Proclamation was read by the County Manager.

MOTION

Commissioner Shea and Commissioner Dutton motioned to adopt the Fire Prevention Week Proclamation.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 14 – DARE COUNTY COOPERATIVE EXTENSION ANNUAL REPORT TO THE PEOPLE

County Extension Director, Susan Ruiz-Evans, reviewed Cooperative Extension's programming objectives to meet citizen needs in Dare County and introduced their staff. She thanked the Board of Commissioners for their support and presented a video highlighting Cooperative Extension's many accomplishments over the past year.

ITEM 15 – RECOMMENDED WATER SYSTEM CAPITAL IMPROVEMENT PLAN AND CHANGES TO DARE COUNTY FINANCIAL POLICIES (Att. #6)

Finance Director, David Clawson, said the County's water rate model is undergoing a major revision. He explained that this is a hot topic right now with water systems everywhere because of declining per capita water usage. He said a determination needs to be made of how much of the cost of operations, specifically debt service, is being recovered through the base charge. He said the County's financial advisors were asked to recommend policy changes based on what the rating agencies are looking for. Mr. Clawson summarized the recommendations including the addition of a section in the financial policies and simplifying the language to maintain revenue bond coverage at 1.5 times, and cash on hand at 2.0 times the annual operating budget. He also outlined pay as you go cash funded capital projects and described a series of water projects listed in the Capital Improvements Plan.

MOTION

Commissioner Burrus motioned to adopt the changes to the Financial Policies and adopt the Budget Amendment and Capital Project Ordinance.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 16 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR MANTEO ELEMENTARY SCHOOL ADDITION FOR ARCHITECT CONTRACT AND PERMITS & FEES, AND SUBMISSION OF PROJECT SCHEDULE (Att. #7)

The Finance Director outlined an amendment to the Capital Project Ordinance for the Manteo Elementary School addition. Mr. Clawson said it reflects the architect's contract, permits and fees, and a project schedule submitted by the Board of Education

(BOE). He reviewed the \$199,600 architectural contract cost compared to the BOE original estimate of \$176,700. Mr. Clawson discussed construction costs and said the revised estimate for the project has the same total of \$3,015,000. He outlined the project schedule showing bidding in March 2014, construction from April 2014 through December 2014, and occupancy in December 2014. Chairman Judge noted that confirmation has been received from the BOE that the construction price includes furniture, fixtures, and equipment. It was reported that the Old Alternative School was demolished over the weekend.

MOTION

Commissioner Dutton motioned to amend the Capital Project Ordinance, as outlined, with the addition of the architect contract, permits and fees, and the submission of the project schedule.

Commissioner Burrus and Commissioner Shea seconded the motion.

VOTE: AYES unanimous (All 7 Commissioners were present for voting on this item)

ITEM 17 – BOARD CONSIDERATION OF CANCELLATION OF NOVEMBER 18, 2013 MEETING

The County Manager reported that the November meeting of the North Carolina Beach Inlet and Waterway Association (NCBIWA) conflicts with the November 18, 2013 meeting of the Dare County Board of Commissioners. He noted that some Board members have expressed interest in attending the NCBIWA meeting because of agenda items that pertain to important Dare County issues.

MOTION

Commissioner Burrus motioned to cancel the November 18, 2013 meeting of the Dare County Board of Commissioners.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (All 7 Commissioners were present for voting on this item)

ITEM 18 – LEASE AGREEMENT – OLD MANTEO REST AREA PROPERTY (Att. #8)

Mr. Outten presented an agreement with NCDOT for the County to lease the property at the north end of Roanoke Island. He explained that the lease provides for use of the property for any public purpose although there presently are no specific plans for the site. The Manager noted that the agreement allows the State to terminate the lease if they should need the property. He added that the County would need to revisit that lease paragraph if the County invests any substantial resources in the site. NCDOT Board Member Malcolm Fearing said the property has waterfront access and the lease was unanimously approved by the State Transportation Board. Chairman Judge and Commissioner Tillett thanked Mr. Fearing for his efforts and expressed regret that recently deceased Vice-Chairman Richard Johnson could not be here today to see this land being made available to the people of Dare County.

MOTION

Commissioner Shea motioned to approve the lease agreement.

Commissioner Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 19 – PUBLIC HEARING – TRANSPORTATION DEPARTMENT NCDOT CTP GRANT APPLICATION FOR FY2015 (Att. #9)

At 10:03 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the Transportation Department NCDOT CTP Grant Application for FY2015. The County Manager conducted the hearing and explained the procedure for making comments. There were approximately 23 people in the audience, however, no one in the meeting room responded to the invitation to make public comments. Chairman Judge closed the hearing at 10:03 a.m.

MOTION

Commissioner Shea motioned to approve the FY2015 NCDOT CTP grant application. Commissioner Dutton and Commissioner Overman seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 20 – PUBLIC HEARING – PROPOSED REVISIONS TO BOA PROCEDURES AND CUP PROCEDURES (Att. #10)

At 10:04 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the Proposed Revisions to BOA Procedures and CUP Procedures. The County Manager conducted the hearing and explained the procedure for making comments. No one in the meeting room responded to the invitation to make public comments. Chairman Judge closed the hearing at 10:04 a.m.

MOTION

Commissioner Shea motioned to adopt the amendments to Chapter 152 and Chapter 155 as updates to the Dare County Code of Ordinances and find them to be consistent with recently enacted State statutes.

Commissioner Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Woodard absent)

ITEM 21 – CONSENT AGENDA (Att. #11)

The County Manager presented the Consent Agenda.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (09.16.13)
- 2) Water Department Capital Project Amendments: Reassign Funds from Hatteras Raw Water Line Improvements to Hatteras & RWS Plants' Electrical Controls Upgrades.
- 3) Capital Project Ordinance for FY 2014 CIP Project for Detention Center Security Management System.
- 4) Health – Budget Amendment for Health positions.
- 5) Family Reunification Budget Amendment.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Dutton absent)

ITEM 22 – BOARD APPOINTMENTS

1) Juvenile Crime Prevention Council

Commissioner Burrus motioned to appoint Teresa Twyne to fill the unexpired term of Tripp Hobbs.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Dutton absent)

Commissioner Tillett motioned to appoint Abby Haywood and Daniel Spruill to fill two Youth Representative vacancies.

VOTE: AYES unanimous (6 Commissioners present: Commissioner Dutton absent)

2) Upcoming Board Appointments

The upcoming Board appointments for November and December were announced.

ITEM 23 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Prior to starting Commissioner's Business, Chairman Judge noted the following 2 items:

1. The Chairman reported that the Board has sent a letter to the Southern Environmental Law Center (SELC) urging them to stop their legal action.
2. Chairman Judge asked what the federal government will do for those who have lost wages and jobs because of the federal government shutdown. He said collectively Congress is not doing their job. He said although they are starting to open some government sections; they are still keeping the revenue side closed and not opening the National Parks. Chairman Judge reported that an affected local business opened on Saturday and was told to shut down. He said on Sunday they were filmed and blocked from opening, which he described as a sad day. The Chairman said we may need to think about taking some sort of legal action against all the entities that are attacking us. He asked any attorney who may be willing to help those whose businesses are in trouble to contact him.

Vice-Chairman Allen Burrus

- He congratulated the service pin recipients and the Employee of the Month.
- Vice-Chairman Burrus gave welcoming wishes to Commissioner Overman.
- He noted that area Fire Departments will be promoting safety during Fire Safety Week.
- The Vice-Chairman announced that the Hatteras Village Medical Center has a new provider.
- He expressed condolences to the family of Damon Meekins Gray.
- Vice-Chairman Burrus encouraged the Superintendent of the Park Service to stand up and be a man. He noted that some things can and should be stopped by the bureaucracy. He expressed his frustration with the federal government's handling of the shutdown.

Commissioner Jack Shea

- He extended a welcome to Commissioner Wally Overman.
- Commissioner Shea congratulated the service pin recipient and Employee of the Month
- He recognized Dare County Forest Service Ranger Rob Shackelford on the award he was presented.
- He congratulated Commissioner Burrus on being elected Vice-Chairman.

Commissioner Wally Overman

- He expressed gratitude for the opportunity to carry on the work of Richard Johnson and continue his legacy of service to the people of Dare County.
- He thanked the Clerk to the Board for helping him during this transition period.
- Commissioner Overman offered congratulations to Allen Burrus on being elected Vice-Chairman
- He asked the Board to consider drafting a resolution urging North Carolina to petition the United States Government to reclaim the Oregon Inlet Fishing Center property. Chairman Judge noted that the Governor has appointed a task force, Chaired by Transportation Secretary Tata, to study the acquisition of lands at the inlet. The County Manager said a Resolution along the lines suggested by Commissioner Overman could be sent to Secretary Tata and the Governor's Office as part of our discussions with them on this issue.

MOTION

Commissioner Overman motioned that a Resolution be prepared as outlined concerning the Oregon Inlet Fishing Center property and sent to Secretary Tata and Mr. Almeida.

Commissioner Woodard and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous (6 Members present: Commissioner Dutton absent)

Commissioner Robert Woodard

- He apologized for arriving late to the meeting and explained that it was caused by a ribbon cutting for his employer.
- He welcomed Commissioner Overman and said he looks forward to working with him on the Board.
- Congratulations were extended to Commissioner Burrus on being elected Vice-Chairman. He also thanked him for his comments on the federal bureaucracy on Hatteras Island.
- He expressed gratitude to Chairman Judge for promptly sending letters to state and federal legislators sharing Dare County's concerns with important issues.
- He asked if the SELC (Southern Environmental Law Center) has responded to the County's letter, and was told that they have not.
- Commissioner Woodard said he was proud of the way his employer is giving back to the community. He reported on a series of donations to groups throughout the County including \$10,000 for a Hatteras Island Cancer Foundation, \$10,000 to the Outer Banks Cancer Support Group, \$10,000 to Food for Thought, and \$25,000 to Outer Banks Sporting Events.

Commissioner Virginia Tillett

- She extended welcome wishes to Commissioner Overman.
- She congratulated Commissioner Burrus on being elected Vice-Chairman.
- Commissioner Tillett commented on the Open House held by Commissioner Woodard's employer. She said the event had an atmosphere of a community coming together.
- She thanked NCDOT and Malcolm Fearing for working on getting the County a lease on the old rest area site at the north end of Roanoke Island. She said she has spoken with Commissioner Overman and that they will be working on possible ideas for use of the property to bring back to the Board for public input.
- She asked the County Manager to reach out to the North Carolina Wildlife Resources Commission about improving the appearance and function of the boat ramp area at the end of California Lane and Bowsertown Road in Manteo. She cited problems with the gravel parking and porta-johns. She suggested that since the property is heavily used, it should have permanent bathroom facilities and be made more attractive with the addition of a gazebo and picnic facilities.
- Commissioner Tillett asked the Manager to follow-up on the recycling request she outlined earlier in the meeting (for the Head Start building in Manteo) as Public Works decides where and when to allocate future resources.
- She congratulated Belinda Hewitt, known to her as Sue, on receiving her service pin. She also congratulated the Employee of the Month.

Chairman Warren Judge

- He reconfirmed his earlier comments and those of Vice-Chairman Burrus about the federal government shutdown noting that we are about at the end of our rope.

MANAGER'S/ATTORNEY'S BUSINESS

1. County Manager Outten said NCDOT is considering a feasibility study regarding a possible high-speed passenger ferry from Ocracoke to Hatteras. He said NCDOT is moving forward and they have asked if Dare County would be willing to participate in any grants where Dare County's cost portion could be \$20,000 to \$30,000. The Board expressed no interest in funding a feasibility study.
2. Mr. Outten reported that federal government shutdown has some impact on Dare County. He said the affected Department Heads are closely watching the situation and the impact it could have on our budget. He cautioned that if the federal shutdown continues much longer, some tough decisions may have to be made about programs and people that are funded with federal money.
3. The Manager said the North Carolina Wildlife Resources Commission (NCWRC) has sent a Memorandum of Agreement (MOA) concerning the Manns Harbor marina facility. He said he wanted the Board to be aware of concerns he has with language in the MOA. He said one provision requires the Manns Harbor Commission, appointed by the Board of Commissioners, to indemnify and hold

the NCWRC harmless from any claim that arises from the operation of the commercial portion of the facility. He explained why this indemnity provision, as well as language about the non-commercial operation of the facility, will have to be removed from the MOA. Mr. Outten noted that the agreement also calls for the County to provide routine restroom maintenance, mow the grass, and empty trash containers, which the County has indicated it is willing to do. He said a revised agreement will be brought back to the Board of Commissioners.

AT 11:39 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON OCTOBER 21, 2013.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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