



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 15, 2012 — 5:00 p.m.

Dare County Administration Building, Manteo, NC

Commissioners Present: Chairman Warren Judge, District 3; Vice-Chairman Allen Burrus, District 4; Virginia Tillett, District 1; Richard Johnson, District 1; Max Dutton, District 2; Jack Shea, District 5

Commissioners Absent: Mike Johnson, District 2

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

Public Comments: Made by ten (10) people, including — Manny Medeiros, Sandy Semans Ross, Carole Warnecki, Pat Baharis, Lisa Marley, Jack Thomson, Perry White, Heidi Leo, Margarett Umphlett, Jordan Hennessy

Presentations:

The Outer Banks Chamber of Commerce introduced Karen Brown, their new President/CEO

Actions:

Dare County Comprehensive Transportation Plan — **Approved** the projected data for the plan's travel demand model as presented
Blue Cross Blue Shield of North Carolina Healthy Activity Equipment Grant — **Approved** grant application
County Firearms Ordinance — A report was given by the County Manager with no action taken by the Board
Public Hearing — NC Text Amendment to Add Ice Production & Cold Storage — **Conducted** the Public Hearing & the item failed for lack of a motion

Consent Agenda — Approved

1. Approval of Minutes (10.01.12)
2. Request to apply for Blue Cross & Blue Shield Foundation Grant for Alpine Tower
3. Health — Community Transformation Grant — Pathway to Health Project
4. Budget Amendment for Community Transformation Grant Project
5. Designation of Deputy Finance Officer
6. Tax Collectors September 2012 Reports

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

1. **Supported** the strenuous enforcement of State regulations pertaining to the unlawful removal of political campaign signs in unincorporated Dare County as outlined in G.S. 136-32(e)

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

1. **Adopted** a Resolution opposing the proposed rate increase for Homeowners Insurance and authorized the County Manager to speak at the Public Hearing and approved written comments for the Chairman to sign

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Chairman Warren Judge called the October 15, 2012 meeting of the Dare County Board of Commissioners to order at 5:03 p.m. He invited the Rev. Craig Peel to share a prayer, and then he led the Pledge of Allegiance to the flag. Chairman Judge noted that a proposed rate increase for homeowners insurance is outrageous and will be addressed later in the meeting during Commissioners' business with a Resolution and comments.

ITEM 1 – PUBLIC COMMENTS

The County Manager outlined the procedure for making public comments. Ten (10) people spoke –

- 1) Manny Medeiros expressed concern about loss of privacy issues related to electrical service Smart Meters. He asked that this matter be placed on the Board's agenda because Smart Meters represent a serious intrusion into people's personal lives. He presented an article on Smart Meters as background material.
- 2) Sandy Semans Ross said large numbers of political campaign signs are being removed. She reported losing 75 expensive signs in a week and said other candidates have also experienced losses. She said some volunteers are removing signs or are putting them in front of existing ones. Ms. Ross asked the County to contact the municipalities and be vigilant on this important issue.
- 3) Carole Warnecki expressed support for the comments made by Manny Medeiros and urged the Board to give the issue of Smart Meters due consideration. She also seconded the remarks of Sandy Semans Ross about tampering with political campaign signs. She urged everyone to say something if they see something.
- 4) Pat Baharis agreed with Manny Medeiros on the issue of Smart Meters. He instructed people to visit www.stopsmartmeters.org for more information about the problems Smart Meters have created for people's freedom in other communities. He said it is time to have a hearing on this issue.
- 5) Lisa Marley said the stealing of political signs is a huge problem. She also expressed agreement with Manny Medeiros on the issue of Smart Meters. She asked the Board to carefully evaluate the health issues related to electromagnetic radiation associated with these devices that reveal information that can be sold about people's activities. Ms. Marley said she hopes the Board will pass a resolution opposing a wind farm planned for Beaufort County because of its negative impact on the Dare County bombing range.
- 6) Jack Thomson confirmed what Lisa Marley said noting that it represents one more case of government interference. He said we should keep government limited in its power. He also agreed with Sandy Semans Ross on the issue of political signs and said it is a freedom of speech issue.
- 7) Perry White called on the Board to emphasize compliance with the law regarding tempering with political signs. He noted that not a day goes by without someone complaining to the Dare GOP headquarters that someone has illegally taken a campaign sign. He said the stolen and defaced signs represent a lot of wasted money. He asked the Board to condemn this illegal act and recommended that a Resolution being adopted.
- 8) Heidi Leo expressed concern about the future of Dare County Schools. She said the local education program is falling behind. She asked why Dare County Schools do not have an Early College School. She explained the importance of these classes and reported on progress that has been made in other counties. She also outlined the need for STEM schools. Ms. Leo called on the Board to require Dare County Schools to provide a 21st century vision and clear strategic plan to make our students and schools great again.
- 9) Margarette Umphlett said she is very concerned about the political sign issue. She said she has noticed that signs are visible one day and then gone the next. She also commented on new electric meters from the power company. She said when she was presented with the idea she thought it was reasonable and had one installed. However, after she investigated it, she had the new meter removed. Ms. Umphlett said she felt it was a loss of freedom and asked the Board to listen further to Manny Medeiros.
- 10) Jordan Hennessy said he has put out over 100 political campaign signs and 3/4 of them have disappeared. He said on two occasions he has witnessed people taking down signs and called law enforcement. He said many do not realize it is against the law to remove a political sign and it violates our freedom.

ITEM 2 – CHAMBER OF COMMERCE – INTRODUCTION OF NEW PRESIDENT/CEO

Robin Mann, Past Chair of the Outer Banks Chamber of Commerce Board of Directors, and the current Chair, Ali Breaux, introduced Karen Brown as the new Chamber President and CEO. Ms. Breaux said Ms. Brown has over ten years of leadership and management experience. She added that Ms. Brown has been involved in economic development programs and brings new energy and direction. Ms. Brown outlined her background and talked about previous work she has done on business retention and expansion programs. She expressed a desire to help the Chamber continue its role in the community and stay relevant working for the betterment of the Outer Banks. She provided an update on Chamber activities and showed new promotional materials. Chairman Judge welcomed Ms. Brown and thanked Ms. Mann and Ms. Breaux for their involvement with the Outer Banks Chamber of Commerce.

ITEM 3 – DARE COUNTY COMPREHENSIVE TRANSPORTATION PLAN (Att. #1)

Steve Lambert, Albemarle RPO Coordinator, explained the formation and purpose of the study cooperatively developed to determine an analysis of the Dare County transportation system. He presented statistical information on traffic counts based on an Average Annual Daily Traffic (AADT) history that was then converted into traffic counts representing the average weekday in June. He added that this information will be the basis for 2014 traffic projections and capacity deficiencies. He asked for Board approval of the projected data for the Dare County Comprehensive Transportation Plan's travel demand model.

MOTION

Commissioner Shea motioned to approve the projected data for the Dare County Comprehensive Transportation Plan's travel demand model as presented.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – BLUE CROSS BLUE SHIELD OF NORTH CAROLINA HEALTHY ACTIVITY EQUIPMENT GRANT (Att. #2)

Tim White, Public Services Director, asked for permission to apply for non-matching grant funds for the purchase of exercise equipment for the Baum Center, Dare County Center, and Fessenden Center.

MOTION

Vice-Chairman Burrus motioned to approve a grant application seeking non-matching funds for the purchase of exercise equipment for the Baum Center, Dare County Center, and Fessenden Center.

Commissioner Shea and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 5 – COUNTY FIREARMS ORDINANCE (Att. #3)

The County Manager/Attorney gave a report on the Committee appointed at the last meeting to review the current County firearms ordinance and recommend changes. He said the Committee met and recommends no substance changes to the current ordinance. He added, however, that as part of the review, the Committee found there were technical changes in language required by the State statute. The Committee asked the County Attorney to prepare an ordinance reflecting the technical language changes and present it at a future meeting. Commissioner Shea noted that the County should remain vigilant on security issues and if procedures are inadequate, they should be addressed.

ITEM 6 – PUBLIC HEARING – NC TEXT AMENDMENT TO ADD ICE PRODUCTION AND COLD STORAGE

At 5:34 p.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the NC (Neighborhood Commercial) Text Amendment to add ice production and cold storage. County Manager Outten conducted the hearing and explained the procedure for making comments. The following people spoke –

- 1) Bo Russell, as the applicant, outlined the history and operation of Holiday Ice. He said based on business growth they could better serve the area with a local distribution center. He explained that his firm has been looking for a location for two years and was recently presented with a possible site at 952 Old Wharf Road, which could be converted with little construction and impact on the surrounding area. He outlined plans to provide new landscaping, security fencing, and storage and described how the site would operate. Mr. Russell announced that there are no immediate plans to produce any packaged ice at the site, however, if that were to occur in the future, the ice makers would be contained inside the building. He said if he thought the plan would be detrimental to anyone's safety or welfare, he would not present it.

- 2) David Rogers said he adamantly opposes the project. He said Wanchese reflects how the people wanted it zoned. He said it would change Wanchese and he is within 300 yards of the site and does not want to hear its noise.
- 3) Mary Rogers told the Board that changing the zoning for Wanchese is not the right thing to do. She said Wanchese represents a way of life and the people like it as it is now.
- 4) John Beasley said although he is not directly affected, he does not feel changing the zoning is the right thing to do. He said the people worked on the Wanchese zoning and came up with an ordinance they liked, which allowed the uses that the people wanted. He said an ice plant would be an industrial use and would be better suited in the Industrial Park, not in a neighborhood.
- 5) Mark Vrablic described the hard work that went into getting Wanchese zoned in a way that met the needs of the people. He said change should only come with the support of the people who live in the community. He called on the Board of Commissioners to make the right decision. He said the Dare County Planning Board would have had a better community turnout if more people knew about the meeting other than a small notice in the Coastland Times. Mr. Vrablic said there is a place where companies are permitted and people's homes are their castles, which should be protected.
- 6) Richard Burrus expressed concern for the noise, hazardous materials, and traffic safety issues that may be involved. He said deaths have occurred on the highway to Wanchese and the road is already one of the 10 worst roads in the State of North Carolina. He described businesses that have developed along the curving roadway and cautioned that you cannot put but so much sugar in a 10-pound bag.
- 7) Steve Smith noted that he lives close to the proposed property. He invited everyone to go to the Wanchese Fish House at night and listen to noise generated by two compressors on top of the building. He said what is planned for the ice facility would be louder. Mr. Smith said he is very concerned and opposed to the project. He described Wanchese as a special place where kids can be out on the streets on horses and bicycles. He said we welcome businesses and the Industrial Park is a perfect place for them. However, he does not want the noise of an ice facility in his back yard.
- 8) Ricki Burrus – name was called and chose not to participate.
- 9) Lorraine Tillett presented petitions to the Board of Commissioners. She explained that the people of Wanchese worked on zoning to have it the way they wanted it to be. She said we are not opposed to ice production since we need the product and the employment. However, there are industrial places where this business can locate. She pointed out that there are residents in the Neighborhood Commercial zone. She noted that this item is for a permitted use rather than a conditional use. Ms. Tillett described concerns with the height of the proposed fencing and setbacks. She said nobody has seen the property site posted with the required signage.
- 10) Nancy Gray said she lives adjacent to the property and told the Board that if they allow this project it will open the door to other changes. She said the people should not be put in the situation of constantly monitoring this, because either zoning is in place or it is not. Ms. Gray said her family was told that zoning was firmly in place for Wanchese and that no amendments would be made to it.
- 11) Carl Beacham – name was called and chose not to participate.
- 12) Dee Johnson said she lives three doors down from the proposed ice plant and is definitely against it. She said notice should have been given that this was being considered. She explained that the property was not posted and no letters were sent out making people aware. Ms. Johnson said she does not want the noise and traffic and it will interfere with people's ability to enjoy the neighborhood. She said her research of ice plants shows that they are typically located in an industrial park, however, the applicant wants to be in this location because it is a foreclosed piece of property that he can get cheap.

- 13) Becky Beacham described the effort that went into zoning Wanchese the way people wanted it. She explained that Wanchese is a community of families and outlined why there are small family-owned businesses in the neighborhood. She said she loves Wanchese and seeing the horses and kids outside on their bicycles. Ms. Beacham told the Board the community does not want an ice plant with trucks.
- 14) Mitchell Bateman said he lives half a mile away. He said he is not opposed to an ice plant, however, we have an area zoned industrial and there are vacant spaces there. He noted that there are two empty buildings just outside the Seafood Park that could accommodate this project. He urged the Board to keep industry in industrial areas and let the people have a residential community. Mr. Bateman described it as spot zoning that is a wrong idea.
- 15) Michael Burrus told the Board it is not appropriate to change the zoning after the people went through a very thorough process of determining what they wanted. He said nobody was at the previous Planning Board Public Hearing because there was incorrect information given about it. Mr. Burrus said Walker Park is a high traffic area and an industrial business with added truck traffic should not be approved. He urged the Board to listen to the people and keep Wanchese as it is.

Chairman Judge closed the hearing at 6:04 p.m.

Planning Director Donna Creef said the people who spoke tonight at the Public Hearing did not appear before the Dare County Planning Board. Mr. Russell, as applicant, said had the people spoken against it at the Planning Board we probably would not be here tonight. He explained that his company does not want to be a bad neighbor or hide anything, and said it is clear that the people of the community do not want his company in that facility. Commissioner Richard Johnson said he supported the wishes of the people of Wanchese. Commissioner Tillett concurred in supporting the community that worked so hard on their zoning. Commissioner Dutton said although he is pro-business, he is opposed to this project after hearing the residents. Vice-Chairman Burrus expressed concern with changing the atmosphere of Wanchese. He said more can be done in commercial industrial areas, and noted that care should be taken with those properties just outside the Industrial Park. He added that the applicant is a reputable businessman, however he respects the wishes of the people. Commissioner Shea said commercial operations should be in appropriate locations and therefore he would vote against the proposed project. Chairman Judge thanked everyone who spoke at the Public Hearing and said their participation demonstrated the freedom that people have to petition local government for change and to assemble and peacefully disagree. He also thanked the applicant. Mr. Judge noted that a Public Hearing on another Planning Department matter, a proposed temporary concrete plant, is scheduled for 5:30 p.m. on Monday, November 19, 2012. The Chairman called for a motion on the text amendment to add ice production and cold storage. No motion was made and the item failed for lack of a motion.

ITEM 7 – CONSENT AGENDA (Att. #4)

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.01.12)
- 2) Request to apply for Blue Cross & Blue Shield Foundation Grant for Alpine Tower
- 3) Health – Community Transformation Grant – Pathway to Health Project
- 4) Budget Amendment for Community Transformation Grant Project
- 5) Designation of Deputy Finance Officer
- 6) Tax Collectors September 2012 Reports

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COMMISSIONERS' BUSINESS

Commissioner Max Dutton

- He expressed interest in having a future item on the agenda to look closer at electrical service Smart Meters and having Manny Medeiros, who spoke during Public Comments, to come back for it.

Commissioner Virginia Tillett

- Said people have asked her about the proposed rate increase for homeowners insurance. The County Manager said he would address this issue during Manager's Business.
- Commissioner Tillett noted that the Town of Manteo may be exploring wind energy.
- In response to concerns raised by Heidi Leo during Public Comments, Commissioner Tillett asked Commissioner Dutton and Commissioner Shea to find out if Dare County schools are moving toward early college classes.
- She said more information is needed about electrical service Smart Meters.
- Commissioner Tillett acknowledged the problem involving tampering with political campaign signs.

Vice-Chairman Allen Burrus

- He recalled that during his service on the School Board the State legislature was approached to make it possible for 16-year-old students to earn college credit while still in high school. He noted that some of the early college classes were sub-standard while others were outstanding.
- The Vice-Chairman said we are working with the Coastal Studies Institute at Cape Hatteras to find ways for young people to get an education and be able to live in the community.
- He encouraged everyone to attend the Outer Banks Seafood Festival on Saturday, October 20. He added that Wanchese should be a future target site for such an event. He said it would help the community to drive tourism to Wanchese.
- He noted that removal of political campaign signs is happening to everyone and law enforcement should be called when it happens.
- Vice-Chairman Burrus said access is an important issue in many ways. He said access involves issues related to bridges, Highway 64, sounds, oceans, and inlets. He added that it also pertains to access to expanded medical care that must be affordable.

Commissioner Jack Shea

- Said he opposes a wind turbine project in Beaufort County that is proposed for an area in the flight path used by military pilots to transit from Seymour Johnson Air Force Base to the Dare County bombing range. He said we should not do anything to weaken our military readiness and called for the Board to adopt a Resolution similar to those done by other jurisdictions opposing the project. The Chairman asked Commissioner Shea to pass information about the project to the County Manager so a Resolution can be prepared for the next meeting's agenda.
- Commissioner Shea urged the Board of Commissioners to do something more about the problem of political sign tampering than just voicing its protest. The County Manager explained that it is already a State crime and it is a matter of catching lawbreakers and having them prosecuted. The Board discussed the issue and noted to Sheriff Doug Doughtie, who was in the meeting room, that the Board unanimously encourages that the State law on political sign tampering be enforced.

MOTION

Commissioner Shea motioned to express the support of the Dare County Commissioners in strenuously enforcing regulations pertaining to the unlawful removal of political campaign signs in unincorporated Dare County as outlined in G.S. 136-32(e)

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Commissioner Richard Johnson

- He reported that about 10 months ago he was diagnosed with stage four prostate cancer that moved into his bones and lymph nodes. He described the treatment he received at Chapel Hill and at The Outer Banks Hospital, which resulted in him feeling better and achieving an improved psa level. He explained that recently he was involved in an automobile collision and sustained a whiplash injury after being hit in a high-speed rear-end collision. He said doctors discovered that a growth in his spinal column was jarred loose in the collision resulting in paralysis from which he is now recovering. Commissioner Johnson said after emergency surgery and thanks to the prayers of many people and churches, he is able to function today, although he is walking with a cane. He expressed gratitude for the prayers and support of people from all political parties. Commissioner Johnson noted that he is proud of The Outer Banks Hospital and thankful for the care he received there. He said the hospital is a blessing to our community.

Chairman Warren Judge

- Said he was delighted to hear such positive feedback about The Outer Banks Hospital from Commissioner Richard Johnson. He recalled the action of the Board of Commissioners in launching the partnership that brought more medical facilities and treatment assets to our area.
- He noted that tonight the people of Wanchese had access to their government.
- Chairman Judge said the upcoming Outer Banks Seafood Festival is rooted in a dream of the Dare County Commission for Working Watermen to serve as an advocate for our fishing industry and educate residents and visitors about the benefits of buying fresh, locally caught seafood.
- He encouraged Karen Brown, the new Chamber of Commerce President, to sell the benefits that Dare County has to offer as a great place to live. He noted that every day more people are working from home, rather than commuting to the big cities, and what better place to work from home than Dare County.
- Chairman Judge gave an update on Buzzy Lane saying that he has not received a response from Secretary Carlisle. He reported that a resident told him the State calls at odd times when nobody is home. He added that we will not let this issue drop.

MANAGER'S/ATTORNEY'S BUSINESS

- 1) County Manager Outten explained that the Rate Bureau has requested a 30% increase in homeowners insurance rates and there is a Public Hearing this week in Raleigh. He outlined the impact the proposed increase would have on local property owners. He encouraged everyone to go to the NC-20 website for more information and make public comments before the Friday, October 19 deadline. Mr. Outten said he will speak against the increase at the Public Hearing because the loss history does not support the proposed increase compared to other areas. Chairman Judge noted that Dare County helped mobilize NC-20 and expressed appreciation for the efforts of Willo Kelly and the County Manager for that organization.

MOTION

Commissioner Shea motioned to adopt a Resolution opposing the proposed increase and authorize the County Manager to speak at the Public Hearing and approve written comments for the Chairman to sign. Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

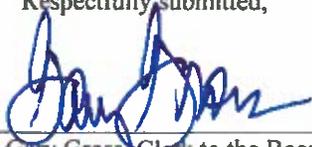
VOTE: AYES unanimous

- 2) Mr. Outten said based on concerns he heard expressed during the Public Hearing on the text amendment, he will talk with the Planning staff about providing ample notice regarding meetings. He said problems may be avoided if the County provides the same notice for text amendments that it does for rezoning.

AT 6:54 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9 A.M. ON NOVEMBER 5, 2012.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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