



# 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](http://www.darenc.com)

## MINUTES

### DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

**9:00 a.m., November 4, 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 None

Others present: County Manager/Attorney, Robert Outten  
Finance Director, David Clawson  
Public Information Officer, Dorothy Killingsworth  
Clerk to the Board, Gary Gross

Chairman Judge called the November 4, 2013 meeting of the Dare County Board of Commissioners to order at 9:01 a.m. He invited the Rev. Craig Peel to share a prayer, and then he led the Pledge of Allegiance to the flag. The Chairman acknowledged former Dare County Commissioner John Hooper in attendance at the meeting.

#### ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Alice Creef, Occupancy Tax Administrator, received a 10-year pin.
- 2) Douglas Oberbeck, Deputy Sheriff Sgt., received a 15-year pin.
- 3) Heather Gardiner, Public Health Nurse, received a 15-year pin.

#### ITEM 2 – EMPLOYEE OF THE MONTH – NOVEMBER 2013

Denise Norville, Parks & Recreation, received the Employee of the Month certificate for November 2013 from Kristen Parrino who described Ms. Norville's dedication, caring, and concern for those she serves at the Fessenden Center. Vice-Chairman Burrus thanked Ms. Norville and acknowledged her father, Walton Fulcher, and other family members who attended the meeting to witness the Employee of the Month presentation.

#### ITEM 3 – PUBLIC COMMENTS

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

#### ITEM 4 – REPORT ON HATTERAS ISLAND BEACH NOURISHMENT PROJECT

Tim Kana, Coastal Science and Engineering, presented a shoreline erosion assessment and plan for beach restoration for areas of Rodanthe and Buxton. He explained that his

firm has looked at sand erosion rates, defined areas of sand deficits, and identified nearby borrow sources with suitable sand. Mr. Kana outlined a plan that would restore the deficits and then add additional sand overfill to sustain the beach. Costs were projected to be \$19,230,000 to 30,000,000 for Rodanthe and \$19,850,000 to \$26,700,000 for Buxton, depending on whether a plan for 5 or 10 years was selected. In reviewing a timeline for the project, Mr. Kana said 2014 is not realistic, however, with close coordination it might be possible to have dredging in the summer of 2015. The Board discussed the potential impact that NCDOT's beach nourishment project could have on the County's plans. The County Manager explained that Mr. Kana's feasibility study was undertaken to determine what could be done and the projected costs. He said the next step is to talk with the federal entities to see if they will permit the project.

**MOTION**

Vice-Chairman Burrus motioned to authorize the Chairman and County Manager to move forward and meet with the National Park Service, U.S. Fish and Wildlife, and applicable State agencies about beach nourishment on Hatteras Island.

Commissioner Dutton and Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – DARE COUNTY DEPARTMENT OF PUBLIC HEALTH – PROCLAMATION TO RECOGNIZE NOVEMBER AS HOME CARE, HOSPICE, AND FAMILY CAREGIVER MONTH**

Ellie Ward explained the impact that hospice care has in the community and how it benefits patients and their families. She said the program has achieved tremendous growth and reported that family satisfaction surveys are very positive.

**MOTION**

Commissioner Shea motioned to issue a Proclamation recognizing November 2013 as Home Care and Hospice Month and Family Caregiver Month in Dare County.

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PROCLAMATION – ALZHEIMER'S DISEASE AWARENESS MONTH**

Gail Sonnesso outlined events that will be held throughout the community in recognition of Alzheimer's Disease Awareness Month. A Proclamation was presented to the Board and read by the County Manager.

**MOTION**

Commissioner Shea motioned to issue a Proclamation establishing November 2013 as Alzheimer's Disease Awareness Month in Dare County.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – ECONOMIC IMPROVEMENT COUNCIL UPDATE**

Janie Mercer summarized the Economic Improvement Council's (EIC) anti-poverty plan and Community Services Block Grant (CSBG) to provide assistance. Commissioner Tillett asked whether the CSBG will affect the local Head Start program and how it relates to Section 8 housing. Ms. Mercer explained that the EIC does housing referrals in the 10 county area served by the EIC.

**RECESS: 10:33 a.m. – 10:52 a.m.**

**ITEM 8 – REQUEST TO OPERATE GOLF CARTS IN AVON VILLAGE**

Mr. Outten said in response to a request to operate golf carts in Avon Village, that he and the Sheriff's Office Chief Deputy, Steve Hoggard, have looked at the area. He reported that there were no safety concerns identified by the Sheriff's Office and presented the matter to the Board for their consideration. Vice-Chairman Burrus said since the request comes from an individual rather than an organization, the Board needs to hear what residents want. The Commissioners discussed holding a Public Hearing to receive community input about the matter and agreed to meet at 6:30 p.m., Wednesday, November 20, 2013 at the Avon Volunteer Fire Department.

**MOTION**

Vice-Chairman Burrus motioned to conduct a Public Hearing to receive community input on the request to operate golf carts in the Village of Avon.

Commissioner Dutton and Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – ELEVATED WATER TOWER SPACE LEASES TO AT&T/NEW CINGULAR WIRELESS**

Finance Director, David Clawson, explained that AT&T Wireless wanted to negotiate lower lease payments for water tower leases in exchange for longer guaranteed rent payments. He identified six leases and described how staff compared the net present value (NPV) of the current leases versus those being proposed. He outlined the benefits of the new proposed leases and said with a seven year rent guarantee the package would generate \$1,209,600 versus a current guaranteed rate of only \$207,324.

**MOTION**

Vice-Chairman Burrus motioned to approve the lease amendment and memorandum of agreement and authorize the Chairman to execute all documents.

Commissioners Dutton, Shea, and Overman seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – RESOLUTION ADDING DSS INTO CONSOLIDATED HUMAN SERVICES AGENCY (Att. #1)**

The County Manager presented a Resolution that would consolidate the Department of Social Service (DSS) Board with the recently formed Consolidated Human Services Agency. He noted that the action will also put the Transportation Department back into Public Services.

**MOTION**

Vice-Chairman Burrus motioned to adopt the Resolution adding the Department of Social Services to the Consolidated Human Services Agency and placing the Transportation Department back in the Dare County Public Services Department.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Commissioner Dutton reported that some people in the community have expressed confusion about the name "Consolidated Human Services Agency." The County Manager explained that the creation of the consolidated agency is an organizational modification and there is no change in services offered to the public. The Board discussed creating a new name for the Consolidated Human Services Agency.

**MOTION**

Vice-Chairman Burrus motioned to name the new consolidated department the Department of Health and Human Services.

Commissioners Tillett, Dutton, Woodard, and Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – DSS BOARD APPOINTMENTS TO THE CONSOLIDATED HUMAN SERVICES AGENCY (Att. #2)**

The County Manager presented the following names and proposed terms for merging the Department of Social Services (DSS) Board Members into the new Consolidated Board – Mary E. Gray, 1 year term; Tim Shearin, 2 year term; Frank Hester, 3 year term; Kaye White, 4 year term; and Bob Woodard, 4 year term.

**MOTION**

Commissioner Woodard motioned to appoint the names and terms presented by the Manager for merging the DSS Board into the Consolidated Human Services Agency.

Commissioners Dutton, Burrus, and Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – PROPOSED LEASE OF COUNTY BUILDING LOCATED AT 2514 S. CROATAN HWY, NAGS HEAD, NC (Att. #3)**

Mr. Outten presented a lease for a tenant to use the County owned property in Nags Head formerly occupied by Albemarle Mental Health. He recommended a series of changes to the lease including eliminating the right of first refusal to purchase and removing the ability for the tenant to sublet the property. He said clarity is needed in the paragraph that addresses renovations if the building gets destroyed to specify a period of time for repairs. He said the lease should reflect that if the tenant wants to record the lease, any related transfer tax would not be paid by the County. He added that the term of the lease should be reduced to 9 years and he noted that the tenant has seen his memo outlining these changes and has expressed no objections.

Mr. Outten reported that there was another entity looking to lease the property at a better rate, however, they have not submitted an offer. He recommended moving forward with the offer in hand. Commissioner Tillett asked if the property had been advertised for lease. She expressed concern that people in the community not think we are being unfair to anyone and that people have been given the opportunity to submit proposals. Mr. Outten said the County did not publish an advertisement, but it has been talked about publically before the Board. Commissioner Tillett noted that she could not support the motion because she was not aware that someone else has showed an interest in the property and although they have not submitted a proposal, she cautioned that supporting the motion could have negative ramifications.

**MOTION**

Commissioner Shea motioned to approve the lease with the changes recommended by the County Manager: that the agreement not exceed 9 years, deleting the paragraph on first refusal, deleting the provision on subletting, specifying that the tenant must pay any transfer fee if the lease is recorded, defining 30 days as the time period pertaining to property renovations if the building is destroyed, and that the tenant add Dare County as an additional insured on their insurance policy.

Commissioner Dutton and Commissioner Overman seconded the motion.

VOTE: AYES: (6) Commissioners: Judge, Burrus, Dutton, Shea, Woodard, Overman

NOES: (1) Commissioner Tillett

**ITEM 13 – PUBLIC HEARING – TRANSPORTATION DEPARTMENT NCDOT 5316 GRANT APPLICATION (Att. #4)**

At 10:18 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning the Transportation Department NCDOT 5316 Grant Application for FY2015. The County Manager conducted the hearing and explained the procedure for making comments. No one responded to the invitation to make public comments. Chairman Judge closed the hearing at 10:18 a.m.

**MOTION**

Commissioner Tillett motioned to approve the application and resolution for the Transportation Department NCDOT 5316 grant.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 14 – CONSENT AGENDA**

The County Manager presented the Consent Agenda.

**MOTION**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.21.13) **(Att. #5)**
- 2) Stumpy Point Volunteer Fire Department – Firefighters Relief Fund Board of Trustee's Appointments
- 3) Social Services Budget Amendment – Wright Place For Youth Group Home Repairs
- 4) Health Department Received Child Health Recognition Award
- 5) Register of Deeds – Record Retention Schedule Amendment **(Att. #6)**
- 6) Tax Collectors NCVTS Refund Report
- 7) Public Works / Sanitation Contracts

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – BOARD APPOINTMENTS**

- 1) Dare County Youth Council

Vice-Chairman Burrus motioned to reappoint Murphy Grant and Carolina Austin to 1 year terms; reappoint David Strickland, Gail Hutchison and Hunt Thomas to 2 year terms; appoint Nathan Butcher to fill the unexpired term of Colby Sawyer who has graduated; appoint Linda Austin for a 2 year term to replace Julia Taft; appoint Hatcher Shifflet for a 1 year term to replace Lindsay Young; approve the Council's

recommendation to leave vacant the Youth Member At-Large seat that was held by Alissa Muniz; and put one Council recommendation on hold.

VOTE: AYES unanimous

2) Older Adult Services Advisory Council

Commissioner Tillett motioned to reappoint Paulette Prodanchek

VOTE: AYES unanimous

3) Upcoming Board Appointments

The upcoming Board appointments for December 2013 and January 2014 were announced.

**ITEM 16 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS**

Commissioner Overman

- He reported on preliminary talks that have been held concerning possible use of the former NCDOT rest area at the north end of Roanoke Island. Commissioner Tillett noted that this is an issue that former Commissioner Richard Johnson worked on for years. She also thanked NCDOT Board Member Malcolm Fearing for putting her and Commissioner Overman in contact with NCDOT staff member Patricia Mansfield. Commissioner Overman reviewed the initial assessment tour of the property that was done by him, Commissioner Tillett, Chairman Judge, and Ms. Mansfield. He described the condition of the site, which led to general Board discussion of the property. Commissioner Tillett reminded that the site offers access to the water and asked for suggestions and community input as the project moves forward. Chairman Judge recommended that this item go to the Capital Improvements Planning Committee (CIPC).

Commissioner Woodard

- He congratulated the service pin recipients and the Employee of the Month.
- Commissioner Woodard noted that he was glad that NCDOT Secretary Tata has been appointed to the State Task Force for Land Acquisition at Oregon Inlet. He urged the group to meet as soon as possible. Chairman Judge said he told Secretary Tata that we will make facilities available for meetings to be held in Dare County.

Commissioner Dutton

- He expressed appreciation for the service pins recipients and the Employee of the Month.
- Commissioner Dutton said he was pleased to hear the report on Hatteras Island beach nourishment and see the County moving forward.
- He thanked Commissioners Tillett and Overman for their work on the old NCDOT Rest Area on Roanoke Island. He noted that this was an important issue for former Commissioner Richard Johnson. He recommended that lighting be considered as plans move forward in view of reports of vandalism at the site.

### Commissioner Tillett

- She acknowledged Sheriff Doughtie and the work that is being done with the community in Wanchese to eradicate the serious drug problem. She reported that people are seeing a positive difference.
- Commissioner Tillett reported that she and Commissioner Overman recently attended the Dare Challenge banquet and it was very moving to see lives transformed that could have been destroyed by drugs.
- She called on everyone to help the Dare County Center's Christmas toy drive for children. She explained that checks and toys can be dropped off at the Dare County Center.

### Vice-Chairman Burrus

- He congratulated the service pin recipients and the Employee of the Month.
- Vice-Chairman Burrus thanked the Board of Commissioners for moving forward on the Hatteras Island beach nourishment project.
- He cited the need for an Economic Improvement Committee to promote job growth and look at ways to put people to work. He asked Chairman Judge to start thinking about how this might be developed in the coming year.
- He acknowledged that although the tourism business is seasonal, the Tourism Board is trying to promote tourism in December and develop other non-summer months.
- Vice-Chairman Burrus wished everyone a happy and blessed Thanksgiving.
- He wished everyone a Happy Veterans Day and acknowledged Commissioner Shea for his military service in Europe during World War II.

### Commissioner Shea

- He congratulated the service pin recipients and the Employee of the Month.
- Commissioner Shea said he looks forward to seeing plans for the old Roanoke Island rest area become a reality.
- He noted that in regard to the Hatteras Island beach nourishment project, it must be remembered that our beaches are the major economic driver for the County
- Commissioner Shea wished everyone a happy Thanksgiving holiday.

### Chairman Judge

- He informed the Board that the County has submitted comments to the U.S. Fish and Wildlife Service (USFWS) concerning the NCDOT beach nourishment proposal for the S-Curves north of Rodanthe, and regarding a proposal to designate red knot birds as a threatened species.
- Chairman Judge asked for a motion to appoint Commissioner Overman to the Special Motor Vehicle Valuation Review Board.

#### **MOTION**

Commissioner Woodard motioned to appoint Commissioner Wally Overman to the Special Motor Vehicle Valuation Review Board

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- He wished everyone a safe and happy Thanksgiving.

**MANAGER'S/ATTORNEY'S BUSINESS – None**

AT 11:49 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED  
UNTIL 9:00 A.M. ON DECEMBER 2, 2013.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

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