



# 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

November 5, 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; Richard Johnson, District 1; Max Dutton, District 2; Mike Johnson, District 2; Jack Shea, District 5

**Commissioners Absent:** None

**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 one (1) person — Renate Macchirole

### Presentations:

The Employee of the Month certificate was awarded to Tim Butch of the Dare County Water Department Service pins were presented to three (3) Dare County employees — Cheryl Hunter, Ricky Bascue, and William Hughes The North Carolina Association of County Commissioners (NCACC) recognized Dare Co. as a Super Member of the Risk Management Pools The Dare County Manager gave a special report on Hurricane Sandy

### Actions:

Dare County Department of Public Health—Dare Home Health & Dare Hospice Divisions In Recognition of Home Care and Hospice Month and Family Caregiver Month— **Adopted** a Proclamation  
Proclamation—Community Foundation Week — **Adopted**  
Proclamation—National Alzheimer's Month — **Adopted**  
Outer Banks Community Foundation Grant — **Authorized** the Fessenden Center to submit a grant application  
Presentation of the 2013 Schedules, Standards, and Rules for Real Property Appraisal — **Scheduled** a Public Hearing for 5:30 p.m., November 19, 2012 and **Authorized** publishing a statement that the proposed schedules, standards, and rules have been submitted and are available for public inspection along with the date, time, and place for the Public Hearing  
Resolution—Opposing Wind Projects In Military Flight Training Areas — **Adopted**

### Consent Agenda — **Approved**

1. Approval of Minutes (10.15.12)
2. Sheriff's Office — O.B. Community Foundation Grant Request
3. Budget Amendment Accepting Grant Funds from Gov-Ed Television
4. Health — Community Transformation Grant Project-Year II Funding
5. Health — Diabetes Program Capacity Building Funding

### Board Appointments —

1. Dare County Youth Council — **Reappointed** Colby Sawyer, Kathy Burrus, and Matt Witter for 2 year terms; **Appointed** Abby Haywood for a 2 year term to replace Shannon Dwyer; **Appointed** Caylin Mielke for a 2 year term to replace Jimmy Morganroth; **Appointed** Murphy Grant to fill the unexpired term of Aubrey Butcher
2. Rodanthe-Waves-Salvo Community Center Board — **Appointed** Stephen Ryan
3. Stumpy Point Community Center Board — **Reappointed** David Midgett
4. Upcoming Board Appointments for December and January were announced

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

1. **Approved** changes in the SPCA contract as outlined by the County Manager
2. **Approved** a contract with Verizon to install dishes on the Stumpy Point tower and authorized signing by the Manager
3. **Approved** an agreement with Weather Flow in exchange for use of their services
4. **Approved** waiving storm related building permit fees through December 31, 2012

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Chairman Warren Judge called the November 5, 2012 meeting of the Dare County Board of Commissioners to order at 9:06 am. He invited the Reverend Ted Bishop from All Saints Episcopal Church to share a prayer, and then led the Pledge of Allegiance to the flag. Chairman Judge expressed appreciation for everyone in Dare County who worked serving others during Hurricane Sandy and he acknowledged those in the northeastern states who are struggling to recover from the storm.

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

- 1) Cheryl Hunter, Information Systems Analyst, received her 15-year pin from Cheryl Johnson.
- 2) Ricky Bascue, Detention Officer, received his 15-year pin from Kathryn Bryan
- 3) William Hughes, Detention Officer, received his 15-year pin from Kathryn Bryan

#### **ITEM 2 – EMPLOYEE OF THE MONTH – NOVEMBER 2012**

Tim Butch from the Water Department received the Employee of the Month certificate for November 2012 from Ken Flatt. Mr. Flatt described the outstanding work Mr. Butch does with GIS and how it has improved the operation of the Water Department.

#### **SPECIAL REPORT – BY THE COUNTY MANAGER ON HURRICANE SANDY**

County Manager Robert Outten gave a report on Hurricane Sandy. He reported initial damage estimates of 13 million. He said NCDOT has determined that the Bonner Bridge is structurally sound; however, a cable system will need to be retightened. He said NCDOT crews are working to repair Highway 12 on the north end of Hatteras Island and hope to have it ready for use by Thanksgiving. The Manager summarized reentry procedures that give first priority for essential commodities and medical needs, and then resident priority during weekdays. Mr. Outten reported that a nor'easter forecast for Wednesday and Thursday could impact unprotected areas of road that were made vulnerable during last week's storm. He said the nor'easter could also cause shallow water depths that might affect the Emergency Ferry Service. He said he was proud of the staff's effort during the storm and described the many communications tools that were used to keep the public informed during Hurricane Sandy. He also addressed the issue of evacuation. He said the Control Group talked through various scenarios and made the decision that an evacuation order was not appropriate. He said there will be debris issues, which will be addressed. The Manager also announced that Social Services will be assisting people with recovery needs. Chairman Judge commented on the Audubon Society pressuring the U.S. Fish & Wildlife Service (USFWS) to accommodate Wings over Water in allowing access to Pea Island by way of the Bonner Bridge. He described dialogue he had with NCDOT in an effort to obtain access that is more equitable for everyone.

#### **ITEM 3 – PUBLIC COMMENTS**

The County Manager outlined the procedure for making public comments. One (1) person spoke –

- 1) Renate Macchirole, Vice President of the OBX Community Development Corporation, (CDC) said there has been confusion on the part of some community members about an email sent by Chuck Poe, Executive Director of the CDC. She said Mr. Poe clearly stated in the email that he was acting as a private citizen in endorsing Bob Muller for Dare County Commissioner. She explained that the email was sent from his personal computer at home and on his own time. She added that he unintentionally sent it with his CDC executive signature block. Ms. Macchirole said the CDC Board of Directors has not and does not endorse any candidate. She reported that the CDC Board has placed Mr. Poe on administrative leave and retained legal counsel to determine if any legal infractions have occurred. She said the CDC will provide the Board of Commissioners with a report of the results of their review. Ms. Macchirole also gave an overview of the services the CDC has provided to the community.

#### **ITEM 4 – DARE COUNTY DEPARTMENT OF PUBLIC HEALTH – DARE HOME HEALTH & DARE HOSPICE DIVISIONS IN RECOGNITION OF HOME CARE AND HOSPICE MONTH AND FAMILY CAREGIVER MONTH**

Ellie Ward, Nursing Director introduced Jim and Betts Groff. She described the funds raised and the tremendous work that has been done by Mr. Groff as the immediate past chair of the Outer Banks Charity Classic Tennis Tournament. She thanked Mr. and Mrs. Groff for the outstanding example they have set for community service. Mr. Groff expressed his appreciation for the many dedicated people involved in the tournament who gave their time and talents to this great cause. Ms. Ward then described the many services that are offered by Home Health and

Hospice. She introduced Dave Hilton as a family caregiver whose father received hospice support prior to his death in February 2012. Mr. Hilton described the help, support, and compassion his family received from Dare Hospice. He said everyone was extremely competent and caring. He encouraged the Board of Commissioners to keep Dare Hospice as a world-class organization that is always leading and never following. Ms. Ward read a Proclamation setting November 2012 as Home Care and Hospice Month and Family Caregiver Month in Dare County.

**MOTION**

Commissioner Shea motioned to adopt a Proclamation establishing November 2012 as Home Care and Hospice Month & Family Caregiver Month in Dare County.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – PROCLAMATION – COMMUNITY FOUNDATION WEEK**

Skipper Hines, President of the Outer Banks Community Foundation Board of Directors, described the group's history and heritage. He said their purpose is to connect people who care with causes that matter. He reviewed accomplishments since the group was established by visionary pioneers 30 years ago. Mr. Hines reported that over \$4.6 million has been given back to the community. He introduced the Foundation's staff and several Board members. He also thanked the Board of Commissioners for their support. The County Manager read a Proclamation for Community Foundation Week.

**MOTION**

Commissioner Shea motioned to adopt a Proclamation establishing November 12 through 18, 2012 as Community Foundation Week in Dare County.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – PROCLAMATION – NATIONAL ALZHEIMER'S MONTH**

Gail Sonneso from GEM thanked the Board of Commissioners for their years of support for families facing dementia. She said almost 1,000 Dare County citizens are living with Alzheimer's and dementia. She described various events GEM is sponsoring throughout November to support families and caregivers during National Alzheimer's Month. She explained that GEM reaches out to help provide the triangle of support that families need. The County Manager read a Proclamation establishing November 2012 as National Alzheimer's Month.

**MOTION**

Commissioner Shea motioned to adopt a Proclamation establishing November 2012 as Alzheimer's Disease Awareness Month in Dare County.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – RECOGNIZING DARE COUNTY AS NCACC SUPER MEMBER**

Michael Kelly, NCACC (North Carolina Association of County Commissioners) Risk Management Director, presented a plaque recognizing Dare County as a Super Member of the Risk Management Pools. He said the group, which consists of 65 counties, was formed to provide coverage in a different way and strives to maintain the spirit of why the group was formed. He presented a plaque recognizing Dare County as a Super Member and complimented the excellent Dare County staff.

**ITEM 8 – OUTER BANKS COMMUNITY FOUNDATION GRANT**

Tim White said the Fessenden Center seeks permission to apply for an Outer Banks Community Foundation Grant to purchase kayaks for their summer camps and monthly excursions. He said the grant does not require matching funds.

**MOTION**

Commissioner Tillett motioned to authorize the Fessenden Center to submit a grant application to the Outer Banks Community Foundation.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

***RECESS: 10:23 a.m. – 10:38 a.m.***

**ITEM 9 – PRESENTATION OF THE 2013 SCHEDULES, STANDARDS, AND RULES FOR REAL PROPERTY APPRAISAL (Att. #1)**

Greta Skeen, County Assessor, gave an overview of the revaluation process and introduced members of the Appraisal staff including Nettie Midgett and Mark Wilkes. She said Brad Creef was unable to attend because he was on Hatteras Island working with FEMA on issues related to Hurricane Sandy. Ms. Skeen explained that the schedule of values is not a list of individual property values, but is a procedural manual that represents an analysis that has been done over the past two years. She said the purpose of the revaluation process is to show fair market value as of January 1, 2013. Ms. Skeen noted that there have been tremendous market changes since the last evaluation. Mr. Wilkes outlined the steps of the revaluation process. He said a land erosion analysis was also done because waterfront properties are dynamically changing. Mr. Wilkes added that adjustments will be made for last minute transactions that occur late in the revaluation process. It was explained that notices are scheduled to be mailed to taxpayers in mid-February and will include information on the appeals process. Ms. Skeen asked the Board to schedule a Public Hearing for 5:30 p.m. on November 19, 2012 and authorize the publication of a statement that the proposed schedules, standards, and rules have been submitted and are available for public inspection. She said after conducting the November 19 Public Hearing, the schedule of values will be presented to the Board for action on December 3, 2012. Chairman Judge asked that in addition to posting the document on the website it be made available for public inspection at the County Administration Office on Hatteras Island and in the County Libraries.

**MOTION**

Vice-Chairman Burrus motioned to set a Public Hearing for 5:30 p.m., November 19, 2012 and publish a statement that the proposed schedules, standards, and rules have been submitted and are available for public inspection along with the date, time, and place for the Public Hearing.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – RESOLUTION – OPPOSING WIND PROJECTS IN MILITARY FLIGHT TRAINING AREAS (Att. #2)**

County Manager Outten presented a Proclamation opposing a wind energy project planned for Beaufort County that would result in 49 wind turbines being placed in the crucial air corridor that connects military pilots with training ranges in Dare County.

**MOTION**

Commissioner Shea motioned to adopt a Resolution opposing the planned energy project in Beaufort County as an incompatible land use that would negatively impact military preparedness.

Vice-Chairman Burrus and Commissioner Mike Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – CONSENT AGENDA (Att. #3)**

**MOTION**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.15.12)
- 2) Sheriff's Office – Outer Banks Community Foundation Grant Request
- 3) Budget Amendment Accepting Grant Funds from Gov-Ed Television
- 4) Health – Community Transformation Grant Project Year II Funding
- 5) Health – Diabetes Program Capacity Building Funding

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – BOARD APPOINTMENTS**

- 1) Dare County Youth Council

Vice-Chairman Burrus motioned to reappoint Colby Sawyer, Kathy Burrus, and Matt Witter for 2-year terms; appoint Abby Haywood for a 2-year term to replace Shannon Dwyer; appoint Caylin Mielke for a 2-year term to replace Jimmy Morganroth; and appoint Murphy Grant to fill the unexpired term of Aubrey Butcher.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- 2) Rodanthe-Waves-Salvo Community Center Board  
Vice-Chairman Burrus motioned to appoint Stephen Ryan.  
Commissioner Tillett seconded the motion.  
VOTE: AYES unanimous
- 3) Stumpy Point Community Center Board  
Commissioner Tillett motioned to reappoint David Midgett.  
VOTE: AYES unanimous
- 4) Upcoming Board Appointments – December and January  
The following upcoming appointments were announced for December: Albemarle Hospital Authority Board, Board of Equalization and Review, Nursing Home Community Advisory Council, Special Motor Vehicle Valuation Review Board, and the Tourism Board. The following upcoming appointments were announced for January: Nursing Home Community Advisory Council, and the Older Adult Services Advisory Council.

### **ITEM 13 – COMMISSIONERS’ BUSINESS**

#### Commissioner Virginia Tillett

- She thanked the County staff for their work keeping people informed during Hurricane Sandy
- She asked the County Manager for the status of the proposed rate increase for homeowners insurance. Mr. Outten explained that a hearing has been scheduled for June of 2013. Commissioner Tillett asked if anything should be done before then. The Manager said that evidence will be presented in next year’s hearing; however, it never hurts for the public to convey its sentiment.
- Commissioner Tillett asked the County Manager for the status of a presentation on electrical service Smart Meters. Mr. Outten said information is being gathered and will be presented at a future meeting.
- In order for the Board to discuss and consider naming something in honor of Senator Marc Basnight, Commissioner Tillett asked that the County Manager be notified of any naming opportunities.
- As follow-up to discussion at a previous meeting about the status of early college classes at Dare County Schools, Commissioner Tillett asked for a report from Commissioners Dutton and Shea. She was told they will be looking into the issue.
- Commissioner Tillett expressed concern about making sure people are well informed about this week’s predicted nor’easter. The County Manager described the various communications tools that are being utilized by Dare County.
- She presented the Proposed Legislative Goals packet for 2013-2014 from the North Carolina Association of County Commissioners (NCACC). She provided a copy to the Clerk and asked that it be circulated to the Board of Commissioners.

#### Vice-Chairman Allen Burrus

- He thanked the service pin recipients for their efforts.
- He also expressed appreciation for the County staff that served others during Hurricane Sandy including Sheriff’s Deputies, Firefighters, NCDOT employees, and Social Workers. He acknowledged the work that is underway cleaning up after the storm.
- He expressed gratitude that things were not worse during Hurricane Sandy and said the Board needs to push in Washington, D.C. for beach nourishment and dredging.
- Vice-Chairman Burrus expressed dismay that the Audubon Society would have the audacity to request 4-wheel drive access for their event in view of their willingness to sue to block the replacement of the Bonner Bridge. He encouraged people not to send money to Audubon because they spend it on lawyers, not on birds.

#### Commissioner Jack Shea

- He acknowledged the service pin recipients and Employee of the Month, Tim Butch
- Commissioner Shea thanked the County staff for their hard work during and after Hurricane Sandy
- He encouraged everyone to vote in the November 6<sup>th</sup> election.

#### Commissioner Richard Johnson

- He commented on the email sent by the CDC Executive Director endorsing a candidate for public office. Commissioner Richard Johnson said the author knew what he was doing and it did not sound unintentional to him. He explained that Dare County has put money into that organization and with their Executive Director making a political stand; the Board needs to suspend their funds until the County determines what the policy should be. Commissioner Richard Johnson made a motion to suspend funds, which was seconded by Commissioner Mike Johnson. (motion and second were later withdrawn) Commissioner Dutton said that as a member of the CDC Board, he knows that the email was not an endorsement made by the organization. He said although the email should not have been sent, he did not want to hurt the organization, or take it out on the people who need its help. Mr. Dutton explained that the matter is being investigated and the person has been put on administrative leave. Commissioner Shea said the CDC does good things and he would vote against suspending their funds because the people of the community should not be penalized for what one person did. Commissioner Tillett said the CDC has taken action and pointed out that the organization has helped people. She added that she did not want to hurt the organization and could not support cutting their funding. Vice-Chairman Burrus said the Manager should work with Commissioner Dutton who sits on the CDC Board to develop a policy to guide in addressing political activities that may be done by entities funded by Dare County. Mr. Outten said a policy could be prepared before January when the next installment of County Funds is scheduled to be disbursed to the CDC. After extensive dialogue about the issue, Commissioner Mike Johnson said he seconded the motion so this type of public discussion could occur. He explained that the Board can trust Commissioner Dutton to bring something back and he would be willing to withdraw his second of the motion if Commissioner Richard Johnson agrees. Chairman Judge expressed the strong feelings the Board of Commissioners has on this matter and confirmed that the motion and second were withdrawn and that a policy will be prepared and brought back as a future agenda item.

#### MOTION

Commissioner Richard Johnson motioned to suspend funding to the CDC until a policy is developed about political activities by agencies funded by Dare County.

Commissioner Mike Johnson seconded the motion.

THERE WAS NO VOTE – the motion and second were withdrawn.

#### Commissioner Mike Johnson

- He said the Dare County Emergency Management Team was amazing during Hurricane Sandy. He acknowledged the involvement of the Towns and Mayors with the Dare County Control Group and said over the past four years the contribution of the Support Group has grown. Commissioner Mike Johnson said after attending hurricane conferences, he has seen that Dare County has been doing Emergency Management the right way and believes it to be the best. He credited Dorothy Killingsworth with taking the Joint Information Section (JIS) and building it into something excellent. Chairman Judge thanked Commissioner Mike Johnson for his work as Chair of the Control Group.

#### Commissioner Max Dutton

- He expressed gratitude for Commissioner Mike Johnson, Sandy Sanderson, and the staff for their efforts during Hurricane Sandy. He said he is proud to say he lives in Dare County because it is the best.
- Commissioner Dutton appreciated the service pin recipients and Employee of the Month, Tim Butch.

#### Chairman Warren Judge

- He cited the audacity of special interest groups, like Audubon, in requesting special access to the Bonner Bridge and Highway 12 after they and the U.S. Fish & Wildlife Service (USFWS) have been obstacles for bridge replacement. He said this has outraged our residents. He recommended that access be given to everyone. Otherwise, the special interest groups should rely on ferry service from Stumpy Point to Rodanthe, as everyone else has to, and then walk or take a tram to the visitor's center.
- Chairman Judge called on the Board to join him in a renewed effort for beach nourishment. He explained that it is frustrating to see our County and Hatteras Island ravaged by a nor'easter. He said the damage and destruction is inexcusable knowing that there are tools that can be used to give protection and abate damage. He said we have been held hostage by special interest groups that tie-up federal agencies in prolonged litigation. He said we must stand up to the Audubon Society, Defenders of Wildlife, the

National Refuge Association, and the Southern Environmental Law Center. He asked the County Manager to create an action schedule to include the selection process of a consulting firm to work on all aspects and steps in bringing a nourishment project to Hatteras Island. The Chairman said he will reach out to the Mayors and let them know of our plans. He added that it is important that we continue to meet in Washington, D.C. with our elected representatives about this issue. He said we also need to closely monitor the success of New Jersey Governor Christie in his call to the U.S. Army Corps of Engineers to rebuild that state's beaches and develop a protective system for their oceanfront.

**MOTION**

Vice-Chairman Burrus motioned to move forward in a renewed effort for beach nourishment and protection.

Commissioner Dutton, Commissioner Shea, and Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**MANAGER'S/ATTORNEY'S BUSINESS**

- 1) County Manager, Robert Outten said the SPCA animal control services contract is renewed on an annual basis. He said the SPCA has asked for a couple of modifications to the standard contract form. He said the changes pertain to their services and do not involve money. He outlined the requested modifications including: 1) changing the winter hours to eliminate after-hours service from November 1 to April 1. 2) Eliminate the after-hours stray animal pickup. 3) Turn the contract into a 3-year agreement, which will continue to be funded at the amount budgeted by the Board of Commissioners on a yearly basis. Mr. Outten said the length of the agreement is not a problem because it is funded annually and can be terminated with 90 days notice. The Manager added that if the waived items in the modification are later found not to meet the demands for service, the County will have the ability to put them back in without renegotiating the contract.

**MOTION**

Commissioner Shea motioned to approve the changes to the SPCA contract as outlined by the County Manager.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 2) Mr. Outten said Verizon wants to install dishes on the Stumpy Point tower to provide cell phone service to the area. He said the contract is a standard form agreement for 5 years with 3 five-year renewals at a 15% escalation clause at every renewal, which begins at \$2,500 per month.

**MOTION**

Commissioner Shea motioned to approve the contract and authorize signing by the County Manager.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- 3) The County Manager reported that Weather Flow, which provides valuable meteorological information, would like to go on our tower in exchange for free use of whatever services they provide. He said the agreement has a termination provision if needed.

**MOTION**

Commissioner Shea motioned to approve the agreement with Weather Flow.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- 4) Mr. Outten recommended that storm related building permit fees be waived until December 31, 2012. He said this is similar to what was done for Hurricane Irene.

**MOTION**

Commissioner Shea motioned to waive storm related building permit fees through December 31, 2012.

Vice-Chairman Burrus seconded the motion.

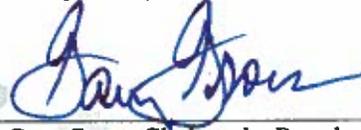
VOTE: AYES unanimous

- 5) After the Manager described a change in fuel delivery times announced by NCDOT's Ferry Division, the Chairman asked for an update on debris removal. Mr. Outten explained that a Presidential declaration allows FEMA to fund debris recovery. He said the County has met with FEMA and State officials and it appears that three North Carolina counties would have to accumulate around \$100 million in damages to qualify for a Presidential declaration. Mr. Outten said this means we will need to make a decision about debris pickup based on the amount of debris. He said if the amount is minimal in the unincorporated areas; the pickup may be done by County staff, although it would take longer. However, if the debris amount is larger, the County may need to look at other options, which could involve going into the storm fund. He said that in approximately a week the County will have a better idea of how much storm related debris there is to pick up.

AT 12:08 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON NOVEMBER 19, 2012.



Respectfully submitted,

By:   
Gary Gross, Clerk to the Board

APPROVED:

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