



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., December 2, 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

Clerk to the Board, Gary Gross called the December 2, 2013 meeting to order at 9:07 a.m. He invited the Rev. Keith Dey from the Lutheran Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – ELECTION OF CHAIRMAN (Att. #1)

Gary Gross, Clerk to the Board, conducted the election. He explained that in accordance with Robert's Rules of Order, no second would be necessary for a nomination and four votes would be required to win election.

NOMINATION

Commissioner Burrus nominated Commissioner Judge for Chairman.

There were no other nominations.

VOTE: AYES – Seven votes by a show of hands.

Commissioner Judge was reelected Chairman by unanimous vote.

ITEM 2 – ELECTION OF VICE-CHAIRMAN (Att. #2)

Chairman Judge conducted the election of Vice-Chairman according to the parliamentary procedure that was previously announced by the Clerk to the Board.

NOMINATION

Commissioner Tillett nominated Commissioner Burrus.

There were no other nominations

VOTE: AYES – Seven votes by a show of hands

Commissioner Burrus was reelected Vice-Chairman by unanimous vote.

ITEM 3 – 2014 SCHEDULE OF MEETINGS – BOARD OF COMMISSIONERS (Att. #3)

The County Manager presented a 2014 schedule of meetings for the Dare County Board of Commissioners.

MOTION

Commissioner Woodard and Commissioner Shea motioned to adopt the schedule of meetings presented by the County Manager.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – PERFORMANCE BY THE LIMELIGHT KIDS SHOW CHOIR

The Limelight Kids Show Choir, under the direction of Natalie Drummond, provided a delightful performance of “White Christmas” and “So Long, Farewell.” Chairman Judge thanked the children for sharing their talent with the community.

ITEM 5 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Wendy Adams, Social Services Custodian, received a 10-year pin.
- 2) Thomas Nieman, Deputy Sheriff Master Officer, received a 15-year pin.
- 3) Jack Scarborough, Deputy Sheriff Sergeant, received a 15-year pin.
- 4) Erin Putnam, 911 Telecommunicator, received a 15-year pin.
- 5) Elizabeth Twine, Community Health Technician, received a 15-year pin.

ITEM 6 – EMPLOYEE OF THE MONTH – DECEMBER 2013

Mayte Hernandez-Beacham, Foreign Language Interpreter at the Department of Health and Human Services, received the Employee of the Month certificate for December 2013 from Jay Burrus who outlined her background and said her skills, commitment, and involvement with the community are deserving of this special recognition.

ITEM 7 – PUBLIC COMMENTS

The County Manager outlined the procedure for making public comments. The following people offered comments to the Dare County Board of Commissioners –

1. Stephanie Walker noted that flood insurance was on the Board’s agenda and said local Realtors have been deeply involved in this issue. She said people should be very concerned about this and asked the County to get involved in putting together a program with other local officials and adjacent counties. Ms. Walker recommended building a coalition in the effort to seek flood insurance discounts for local homeowners and asked the Board to consider participating.
2. Michael Tillett outlined a project based on his deep love for Dare County. He explained his long time involvement in car shows and described his show car that has been featured in a video documentary and transported across the country to the SEMA (Special Equipment Market Association) car show in Las Vegas. He invited the Board to view the car’s trailer, which was parked just outside the meeting room. The trailer artfully depicted the beauty and tourism features of the Outer Banks. Mr. Tillett thanked the Outer Banks Visitors Bureau and others for making this trailer a dream come true.

ITEM 8 – UPDATE FROM DOMINION NORTH CAROLINA POWER

Michael Thompson from Dominion North Carolina Power presented an update report on electrical service to Roanoke Island, Manns Harbor, and Nags Head. He introduced Bobby Wood who described Dominion's efforts to replace and upgrade the cables under the Roanoke Sound, which experienced failure this summer. Vice-Chairman Burrus expressed flooding concerns regarding the placement of the new connector boxes at the foot of the bridge. Commissioner Tillett called on the company to help assure people by letting them know what is going on during times of service interruption. Mr. Thompson read a letter thanking Dominion NC Power for their support of the Outer Banks Marathon. He also presented a poster to Chairman Judge depicting a light switch in the on position as a memento of the company's efforts on behalf of Manns Harbor, Manteo, Wanchese, and Nags Head.

RECESS: 9:52 a.m. – 10:14 a.m.

ITEM 9 – AUTHORIZATION TO PRESENT SERVICE WEAPON TO RETIRING DEPUTY SHERIFF MAJOR ALMEY GRAY (Att. #4)

Sheriff Doughtie asked for authorization to present Major Almey Gray his service weapon as he retires after 30 years of distinguished service. The County Manager explained that in the past the Board has set the transfer price at one dollar.

MOTION

Vice-Chairman Burrus motioned to authorize the transfer of retiring Major Almey Gray's service weapon to him pursuant to section 20-187.2 of the NC General Statutes for an amount of one dollar.

Commissioners Dutton, Shea, and Overman seconded the motion.

VOTE: AYES unanimous

ITEM 10 – DARE COUNTY TOURISM BOARD REQUEST CONSENT FOR SPENDING FROM RESTRICTED FUNDS (Att. #5)

Anna Sadler, Chair, Dare County Tourism Board and Lee Nettles, Executive Director, Outer Banks Visitors Bureau presented three requests for Restricted Fund spending –

1. Long Term Restricted Fund Line Item Infrastructure: \$86,282 (contract amount up to \$72,282 and a change list fund of up to \$14,456) for building repairs at the Roanoke Island Welcome Center.
2. Short Term Restricted Fund Grant Project (FY2014/15) to award \$124,880 to the Town of Nags Head for the West Side Multi Use Path, Phase VI.
3. Long Term Restricted Fund Line Item: 4520, Natural, Cultural and Historic Resources to provide \$86,750 for an economic impact study for Oregon Inlet.

Commissioner Woodard thanked the Tourism Board and said he appreciated Ms. Sadler's service as Chairperson. Commissioner Dutton expressed gratitude for the multi-use path project. Commissioner Tillett said she appreciated the support given to Michael Tillett's project, which was mentioned during public comments. Commissioner

Shea said Ms. Sadler has done a wonderful job and will be missed on the Tourism Board. Chairman Judge noted that R.V. Owens, the first Tourism Board Chairman, was in the audience and he briefly outlined the history of the tourism Restricted Funds.

MOTION

Commissioners Shea, Tillett, Dutton, Woodard motioned to approve the three requests for spending from Restricted Funds.

Commissioner Overman and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 11 – PROCLAMATION DECLARING DARE COUNTY AS A PURPLE HEART COUNTY

Mr. Outten explained that an effort is underway to obtain a Proclamation of support from all 100 North Carolina counties for the Purple Heart Award, which is awarded to members of the United States Armed Services wounded or killed in combat.

MOTION

Vice-Chairman Burrus motioned to issue a Proclamation declaring Dare County as a Purple Heart County.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 12 – PRESENTATION ON CRS RATING OPTIONS

Planning Director, Donna Creef, gave a presentation on the new Community Rating System (CRS) developed by FEMA. She explained that the nationwide voluntary system awards points that qualify communities for flood insurance discounts. She said staff seeks guidance from the Board on ways to earn points for the rating system and Commissioners discussed the impact of changes on the County's CRS classification. Mr. Outten said the Board may want to consider looking at the freeboard requirement, which goes out of effect on January 1, 2014. He said if the freeboard requirement expires, some structures could be non-conforming. Ms. Creef noted that most municipalities have set a 1 foot above Base Flood Elevation (BFE) as their freeboard requirement. The Board discussed the freeboard standard and Vice-Chairman Burrus urged that a Public Hearing be held on it as soon as possible. Mr. Outten said based on the current rate of building permits, it should not be a problem to have a Public Hearing at the January 6, 2014 Commissioners' meeting although it would be a few days past the freeboard expiration date. Ms. Creef said during those few expired days they would advise people to wait until after the January 6th Public Hearing.

Mr. Outten added that the Biggert-Waters Flood Insurance Reform Act, under consideration in Washington, D.C., could be problematic and have far-reaching consequences. He urged people to view the material on the North Carolina Beach, Inlet & Waterway Association (NCBIWA) website and then let their elected leaders in Washington know how they feel. Chairman Judge suggested that property owners make sure they have an elevation certificate and said we need to look to the future with our eyes wide open. Mr. Outten suggested that staff get public input from representatives of the homebuilding and real estate industries as well as key citizens involved in this issue and then bring recommendations back to the Board.

MOTION

Vice-Chairman Burrus motioned to conduct a Public Hearing at 10:00 a.m., January 6, 2014 to consider enacting a 1 foot (above BFE) local freeboard standard.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 13 – OT ENTERPRISES LLC – C-2 ZONING TEXT AMENDMENT REQUEST

The Planning Director presented a zoning text amendment application submitted by OT Enterprises LLC for the Hatteras Island Plaza in Avon. The request seeks to amend the C-2 zoning regulations to address existing group developments that are non-conforming with the current parking and lot coverage standards of the C-2 District. Mr. Outten explained that the applicant has a non-conforming property and for them to do anything in the future, it would require them to come into compliance. He said the amendment would be a move toward the goal of more compliance. Commissioner Shea noted that the proposed amendment is specific for sites served by central waste. Commissioner Dutton said we want people to be able to use their property and we should try to work with non-conforming businesses. Vice-Chairman Burrus stressed the importance of the public being able to understand what is involved with the requested changes.

MOTION

Commissioner Woodard and Vice-Chairman Burrus motioned to schedule a Public Hearing on the proposed text amendment for 10:00 a.m. on January 6, 2014

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 14 – DRAFT ORDINANCE FOR OPERATION OF GOLF CARTS IN SPECIFIED AREAS OF UNINCORPORATED DARE COUNTY (Att. #6)

Mr. Outten explained that a Public Hearing was held in Avon on a request to allow golf cart operation in specified areas of Avon. He presented a draft ordinance and outlined the proposed streets where golf cart use would be permitted. Commissioner Dutton stressed the need for good signage especially where there are curves in the road and Mr. Outten said that safety need will be conveyed to NCDOT.

MOTION

Commissioner Shea motioned to adopt the draft ordinance as presented by the County Manager.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 15 – DARE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD PER DIEM (Att. #7)

The Manager reported that prior to consolidation of the Health and Social Services Boards, there was a difference in the per diem amount for each of the 2 Boards. He explained that Health Board Members received \$100 per meeting, while Social Service Board Members received \$50 per meeting, but met more often. Mr. Outten proposed setting the Consolidated Board's per diem at \$100 per meeting, which would be budget neutral. Commissioner Woodard and Vice-Chairman Burrus asked to abstain from voting on this item because they serve on the Boards in question.

MOTION

Commissioner Shea motioned to approve the \$100 per diem recommended by the County Manager for members of the Dare County Department of Health and Human Services Board.

Commissioner Dutton seconded the motion.

VOTE: AYES (5) Commissioners: Judge, Dutton, Overman, Shea, and Tillett.

ABSTAINING (2) Commissioner Woodard and Vice-Chairman Burrus.

ITEM 16 – CONSENT AGENDA

The County Manager presented the Consent Agenda.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (11.04.13 & 11.20.13) **(Att. #8)**
- 2) Dare County Center Budget Amendment to accept funds from Albemarle Commission
- 3) NCDOT Encroachment Agreements for water lines on Spindrift Drive and Hemolet Road **(Att. #9)**
- 4) NCDOT Utility Relocation Agreement – Burnside Road Bridge Water Line
- 5) Public Works / Change to Sanitation Contract with Alligator River
- 6) Records Retention & Disposition Schedule Update **(Att. #10)**
- 7) 2013 Progress Report of Hazard Mitigation Plan **(Att. #11)**
- 8) Budget Amendment – Sheriff Donations
- 9) Tax Collectors October 2013 Reports **(Att. #12)**

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 17 – BOARD APPOINTMENTS

- 1) Board of Equalization and Review
Vice-Chairman Burrus motioned to reappoint Skip Jones, Bette Gray, Talmadge Jones, Barbara Britt, and Michael Davenport.
VOTE: AYES unanimous
- 2) Northeastern Workforce Development Board Consortium
Chairman Judge motioned to appoint Commissioner Robert Woodard.
Vice-Chairman Burrus seconded the motion.
VOTE: AYES unanimous
- 3) Special Motor Vehicle Valuation Review Board
Commissioner Shea motioned to reappoint Commissioner Wally Overman, Dock Sawyer, and Lori Hageman.
Commissioner Dutton seconded the motion.
VOTE: AYES unanimous
- 4) Tourism Board
Commissioner Dutton motioned to: Reappoint Donny King, Restaurant Association; Reappoint Tim Cafferty, Association of Realtors; Appoint Ervin

Bateman, Town of Kitty Hawk; Reappoint Sheila Davies, Town of Kill Devil Hills; Appoint Susie Walters, Town of Nags Head; Reappoint Ernie Foster, Member At-Large; Appoint Virginia Tillett, Dare County Commissioner.
VOTE: AYES unanimous

5) Upcoming Board Appointments

The upcoming Board appointments for January and February 2014 were announced.

ITEM 18 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Commissioner Woodard

- He congratulated the Service Pin recipients and the Employee of the Month.
- Commissioner Woodard wished all a happy and safe Christmas and New Year.

Commissioner Dutton

- He thanked Chairman Judge and Vice-Chairman Burrus for their leadership and for proactively getting things done.
- Commissioner Dutton said he appreciated the Service Pins recipients and Employee of the Month.
- He thanked the Limelight Kids Show Choir for their outstanding performance.
- Commissioner Dutton encouraged everyone to have a Merry Christmas, Happy New Year and enjoy time with friends and family.

Commissioner Tillett

- She reported on an article that appeared in the recent Farm Bureau magazine favorably highlighting Outer Banks Catch and our local fishermen.
- Commissioner Tillett noted that the Limelight Kids Show Choir gave a wonderful performance and thanked Director Natalie Drummond and the children’s parents.
- She reminded that it is not too late to donate toys or money to the Toys for Tots campaign underway at the Dare County Center and urged people to help.
- Commissioner Tillett noted that a report will be given in January on the old NCDOT Rest Area on Roanoke Island. She asked the County Manager to obtain new keys to the facility.
- She congratulated Chairman Judge and Vice-Chairman Burrus on their unanimous reelection. She thanked Chairman Judge for his round the clock advisories on issues and the fantastic job he does keeping the Board up to date on developments.
- Commissioner Tillett thanked the Board for viewing her son’s trailer, which had been on display just outside the Commissioner’s Meeting Room. She explained that people in the community have been supportive of the trailer in its effort to provide traveling media for the County of Dare.
- She wished everyone a Merry Christmas.

Vice-Chairman Burrus

- He thanked Board Members for their vote of confidence in reelecting him as Vice-Chairman and said he will strive to do the best he can in every area.

- He expressed appreciation for the Board's support given to Hatteras Island.
- Vice-Chairman Burrus thanked the Limelight Kids Show Choir for a great performance and said it is obvious that they very much enjoy what they do.
- He acknowledged the Service Pin recipients and Employee of the Month.
- Vice-Chairman Burrus thanked NCDOT for their efforts on the Bonner Bridge and for providing information to the people. He expressed frustration with those who spread distorted rumors and encouraged the public to look at the facts.
- He extended greetings for a Merry Christmas and a happy and blessed New Year with smooth seas ahead. He told the Board of Commissioners it was a pleasure to serve with them.

Commissioner Shea

- He thanked Chairman Judge and Vice-Chairman Burrus for their willingness to serve.
- Commissioner Shea remarked that the performance by the Limelight Kids Show Choir was a festive way to start the holiday season.
- He thanked the Service Pin recipients and Employee of the Month for their efforts in making Dare County the wonderful place that it is.
- Commissioner Shea wished all a Merry Christmas and a prosperous New Year.

Commissioner Overman

- He congratulated the Service Pin recipients and the Employee of the Month.
- Commissioner Overman complimented the Limelight Kids Show Choir.
- He wished everyone a Merry Christmas.
- Commissioner Overman said a young family has requested that speed limit signs be posted on Toler Road. Mr. Outten said he will call NCDOT about the request.
- Commissioner Overman expressed outrage with the effort by the North Carolina Department of Cultural Resources to force people from their homes on Buzzy Lane near the Island Farm. He noted that the Board has written letters supporting the residents; however, the residents have been told they must vacate by March 1, 2014, which will pose extreme hardship and expense since they are elderly and some are ill. He asked the Board to send a Resolution in the strongest possible language to the Governor and to North Carolina Department of Cultural Resources. Chairman Judge summarized the Board efforts in support of the people on Buzzy Lane.

MOTION

Commissioner Overman motioned to send a Resolution to the Governor and the NC Dept. of Cultural Resources about the effort to remove people from their homes on Buzzy Lane in Manteo and calling on the NC Dept. of Cultural Resources to cease and desist running roughshod over these elderly citizens. Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Chairman Judge

- He described the well-received performance by the Limelight Kids Show Choir as a great way to kick-off the holiday season.

- Chairman Judge noted that the Farm Bureau has been a strong supporter of fishing issues for our area.
- He reported that a factual PowerPoint about the Biggert-Waters Flood Insurance Reform Act is available on the website for the NCBIWA (North Carolina Beach Inlet & Waterway Association). He explained how the Biggert-Waters Act could hurt many and urged people to get involved in this.
- Chairman Judge wished everyone a Merry Christmas and Happy New Year with safe travels and enjoyable time with family and friends.

MANAGER'S/ATTORNEY'S BUSINESS

- County Manager, Robert Outten, reported that there are efforts in Washington, D.C. that could remove the tax-exempt status for Municipal Bonds. He explained that this would make funding of Municipal projects more expensive and could raise Dare County's funding costs by 35%. Mr. Outten said local governments have been writing letters and asking for support from their legislative delegations. He said the North Carolina Department of the State Treasurer has sent a draft letter for local governments to send to Washington, D.C. and asked the Board of Commissioners to authorize a letter opposing the removal of the tax-exempt status for Municipal Bonds.

MOTION

Commissioner Shea motioned to authorize a letter as outlined by the County Manager.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- Mr. Outten said he has been asked if he would be willing to serve as a Dare County representative on the Coastal Resources Advisory Council. He said he is willing to serve if it is the pleasure of the Board of Commissioners.

MOTION

Commissioner Shea and Commissioner Woodard motioned to authorize the County Manager to serve on the Coastal Resources Advisory Council.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- The Manager raised an item related to the approval given earlier to the Tourism Board for the Oregon Inlet economic impact study. He said he has received the contract for the study to begin, which reflects the scope of work that came out of the Oregon Inlet Task Force Advisory Committee. He asked for authority to sign the contract so work can move forward.

MOTION

Commissioner Shea motioned to authorize the County Manager to sign the contract for the Oregon Inlet economic impact study.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

- Mr. Outten said with the consolidation of Health and Social Services (DSS) into one Department, there is a Statute requiring someone with the proper credentials to serve in what was the Health Director's role. He recommended taking the previous positions for Health Director and DSS Director and downgrading them one grade to Assistant Director positions for each agency with both reporting to Jay Burrus. Mr. Outten explained that this arrangement would meet the statutory requirement in a budget neutral way.

MOTION

Commissioner Shea motioned to authorize the action outlined by the County Manager.

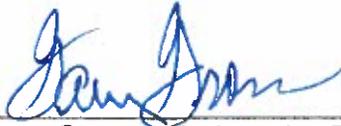
Commissioner Overman and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

At 12:05 p.m., the Board of Commissioners adjourned until 9:00 a.m., January 06, 2014.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

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