



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

THE DARE COUNTY BOARD OF COMMISSIONERS MEETING

June 21, 2010—5:00 P.M.

Dare County Administrative Building
PO Box 1000, Manteo, North Carolina 27954

Commissioners Present:

Chairman Warren Judge, Dist. 3; Vice-Chairman Burrus, Dist. 4; Virginia Tillett, Dist. 1; Richard Johnson, Dist. 1; Max Dutton, Dist. 2; Mike Johnson, Dist. 2.; Jack Shea, Dist. 5

Commissioners Absent: None

Others Present:

County Manager Bobby Outten, Dorothy Toolan — Public Information Officer, Katie VanLear—Clerk to the Board

Action:

Jarvis Williams Car Wash Facility — **Site Plan and CUP Amendment Approved**

Hurricane/Disaster Debris Removal Interlocal Agreements — **Approved**

Final Approval of Dare County Multi-Jurisdictional Hazard Mitigation Plan — **Approved**

Award of Installment Purchase Contract for Recovery Zone Economic Development Bonds (RZEDBs) to Upgrade the Emergency

Communications System to 800 mhz & Resolution 10-06-24 — **Approved & Awarded to RBC Bank**

Resolution 10-06-20 Opposing Senate Bill 460 “Commercial Dog Breeder Regulation” — **Approved**

Public Hearing: Dare County Arts Council Lease (Old Courthouse) & Resolution 10-06-21— **Held & Approved with Changes**

Public Hearing: Manager’s FY 2010-2011 Recommended Budget — **Held & Approved**

Consolidation Agreement East Carolina Behavioral Health — **Approved**

Consent Agenda — **Approved**

1. Approval of Minutes (3.15.10 & 3.25.10)
2. Contract for Hatteras Island Volunteer Rescue Squad
3. Budget Amendment for JCPC Restitution Program
4. Dare County Department of Public Health—Hospice

Board Appointments:

1. Albemarle Regional Solid Waste Authority — **Appointed (Bob Peele)**

Resolution 10-06-25 Requesting a Feasibility Study for Infrastructure Repair and Sidewalks in Buxton and Hatteras Villages, Dare County — **Adopted**

LAND OF BEGINNINGS

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Chairman Warren Judge called the meeting to order at 5:00 p.m., invited Rev. Craig Peel to share a prayer, and then led the pledge of allegiance to the flag.

ITEM 1 – PUBLIC COMMENTS

1. Robin Mann, Manns Harbor resident, addressed the Board regarding the ribbon cutting for the new public pier at the west entrance to the William B. Umstead bridge in honor of Bebob Fearing. She shared details on the project including its funding and intended purpose. She encouraged all to visit the pier and thanked the Commissioners and all involved for their participation in the project.

ITEM 2 – JARVIS WILLIAMS CAR WASH FACILITY – REVISED SITE PLAN (Att. 1)

Ms. Donna Creef, Senior Planner, explained in December 2009, the Board approved a site plan and conditional use permit for Jarvis Williams to construct a car wash in Buxton. One condition of approval was the development of a stormwater plan. She noted upon review of the stormwater plan by the State, the State has ruled that the boat wash area should feature a canopy roof to prevent runoff into the wastewater system. The boat wash bay was an open area on the original site plan approved in 2009. She shared the revised site plan has the boat wash area adjacent to the commercial site. She stated there have been no changes to the buffers, hours of operation or other conditions proposed. She announced the Planning Board reviewed the revised site plan and CUP amendment and recommended approval.

MOTION

Vice-Chairman Burrus motioned to approve the revised site plan and CUP amendment.

Commissioners Dutton and Shea seconded the motion.

VOTE: AYES unanimous

ITEM 3 – HURRICANE/DISASTER DEBRIS REMOVAL INTERLOCAL AGREEMENTS (Att. 2)

County Manager Outten explained these agreements are the same agreements made every year with the towns allowing them to be included in the County's contract with Crowder Gulf for hurricane/disaster debris removal.

MOTION

Vice-Chairman Burrus and Commissioner Tillett motioned to approve the interlocal agreements with the towns of Manteo, Nags Head, Kitty Hawk, Southern Shores and Duck.

Commissioners Shea and Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – FINAL APPROVAL OF DARE COUNTY MULTI-JURISDICTION HAZARD MITIGATION PLAN (Att. 3)

Mr. Sandy Sanderson, Emergency Management Director, announced the revisions to the Dare County Hazard Mitigation Plan have been made and are in compliance with the Federal Hazard Mitigation Planning standards. He noted it has been approved by FEMA and the State and FEMA would be using this plan to model other plans. He requested approval of the final plan that would extend to Dare County and the towns of Manteo, Duck, Kitty Hawk, Nags Head, Kill Devil Hills and Southern Shores for the next five (5) years.

MOTION

Vice-Chairman Burrus motioned to approve the Dare County Multi-Jurisdiction Hazard Mitigation Plan.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

County Manager Outten noted discussion on the oil spill and how this potentially will impact our County. He attended a meeting in Raleigh with the Governor and other counties regarding State and local responses. He noted while there is a less than one (1) percent chance the oil would reach our area, in the event it does any oil would be fairly dispersed and in the form of tar balls versus a slick. He explained the plans for clean up are driven at the State level and involve working with oil companies. The State position is to be prepared with a plan in place to partner

with local governments on actions needed for response. He noted they are working on several FEMA reimbursement questions; however, the State has a disaster response plan just in case. Mr. Sanderson stated Governor Perdue asked the plan be updated and ready for public review. He will share this with the Commissioners and Manager as soon as it is received. The Board then held discussion on having contingency plans in place if needed. County Manager Outten also mentioned that while hurricanes are never good, Dr. Daniels spoke at the meeting stating the only benefit to a hurricane is it's dispersing nature and if there is oil in the Gulf Stream, the hurricane would subsequently decrease our chances of seeing problems with oil on our beaches.

ITEM 5 – AWARD OF INSTALLMENT PURCHASE CONTRACT FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS (RZEDBs) TO UPGRADE THE EMERGENCY COMMUNICATIONS SYSTEM TO 800 MHZ (Att. 4)

County Manager Outten explained this item is in regards to the installment bonds for the 800 MHz system. He noted bids were sent out for financing and RBC was the low bidder. He stated the contract before the Board for approval would accept their bid. There is also a required resolution to be adopted approving the contract to move forward with the 800 MHz system.

MOTION

Vice-Chairman Burrus motioned to award the Installment Purchase Contract for RZEDBs to RBC Bank and to authorize the Chairman, County Manager, Finance Director and Clerk to execute any and all documents necessary for closing and to adopt resolution.

Commissioner Dutton seconded the motion.

Commissioner Shea asked if the best rate possible was included in the bid. County Manager Outten noted Ms. Sally Defosse, Finance Department, noted this was the best rate thus far. Vice-Chairman Burrus announced this rate was less than originally thought possible.

VOTE: AYES unanimous

ITEM 6 – RESOLUTION 10-06-20 OPPOSING SENATE BILL 460, “COMMERCIAL DOG BREEDER REGULATION

County Manager Outten shared this resolution regarding Commercial Dog Breeder Regulation is a potential State Statute intended to regulate commercial dog breeding at the County's expense and is another unfunded mandate. He noted the resolution opposes the bill and the enforcement and expenses associated with the regulation being passed to the counties and towns instead of the State. He stated Granville County adopted a similar resolution and several Commissioners, including Mr. Shea, requested it appear on the agenda for consideration.

MOTION

Commissioner Shea motioned to adopt the resolution.

Commissioner Tillett and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 7 – PUBLIC HEARINGS

1. Dare County Arts Council Lease (Old Courthouse) (Att. 5)

AT 5:34 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE DARE COUNTY ARTS COUNCIL LEASE.

No one came forward to speak.

County Manager Outten closed the hearing at 5:35 P.M.

Mr. Outten noted there are two (2) issues with the proposed lease: 1) The County carries the Flood Insurance on the property and would need to continue to do so as the DCAC does not own the building and therefore, cannot carry the coverage, and 2) DCAC will be required to have Liability Insurance. The lease lists a limit, but he noted the amount listed may not be the final number. This level would be changed to meet what is required. Commissioner Richard Johnson announced he did not approve of the County paying the light and water bills for the property. He noted the proposed rent would be half the cost of what the building should rent for and he feels more people might

have been interested in renting the building had they known these various additional factors would be included. Commissioners Mike Johnson, Shea and Vice-Chairman Burrus shared they felt the same as Commissioner Richard Johnson.

MOTION

Commissioner Richard Johnson motioned to authorize the execution of the lease and to approve Resolution 10-06-21 with the following changes: 1) The County will keep the flood insurance on the County policy, 2) Liability Insurance will be \$500,000 or the greater of the two (2) figures based on recommendation, and 3) Item six (6) will read tenant shall pay all utility costs.

Commissioner Mike Johnson seconded the motion.

Commissioner Shea asked for clarification on what utilities would be paid by the tenant. Chairman Judge stated the lease would read "Tenant shall be responsible for and pay all utility costs associated with the leased premises, including, but not limited to, electricity, water, sewer, telephone, internet services, solid waste, sanitation fees, and TV."

VOTE: AYES unanimous

2. **MANAGER'S FY 2010-2011 RECOMMENDED BUDGET (Att. 6)**

AT 5:45 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE MANAGER'S FY 2010-2011 RECOMMENDED BUDGET.

1. Manny Medeiros, Kitty Hawk resident, opposed the raising of taxes in the recommended budget.
2. Mattie Lawson, Kill Devil Hills resident, shared appreciation of the Commissioners and shared her opposition to the raising of taxes in the recommended budget.
3. Cynthia Huscroft, East Lake resident, opposed cuts to salaries and benefits to employees in the recommended budget.
4. Lisa Marley, Colington Harbour resident, shared appreciation to Commission Shea for his opposition to a tax increase and shared her own opposition to raising taxes.
5. Gail Leonard, Colington Harbour resident, asked the Board to consider funding a transportation driver for the coming year.
6. Andy Szakos, Kitty Hawk resident, shared the needs for transportation in the community and noted the reduction in funds for part-time salaries which would affect drivers. He asked the Commissioners to explore ways to fund transportation through any avenues possible.

County Manager Outten closed the Public Hearing at 6:01 P.M.

MOVE TO ITEM 8

MOTION

Commissioner Richard Johnson motioned to approve the budget for FY 2010-2011 as presented on June 7, 2010. Vice-Chairman Burrus seconded the motion.

Commissioner Shea shared his experience in working for various companies and having to adjust budgets for items such as programs and personnel based on income. He expressed the need to live within our means and opposed the budget requiring a two (2) cent increase in taxes. Commissioner Tillett expressed her concerns with the budget and the programs that were taken out.

MOTION

Commissioner Tillett offered a substitute motion to adopt the budget removing the purchase of fifteen (15) Sheriff Department cars and to use the savings to replace programs in Cooperative Extension up to the amount of the savings.

Commissioner Mike Johnson seconded the motion.

Commissioner Richard Johnson shared his concerns with how this action would affect the cars Social Services gets as they receive the Sheriff cars in rotation. He stated he would have liked to see no tax increase and no programs unfunded; however, it just was not possible. He feels the action suggested by Commissioner Tillett would cause high

cost increases in maintenance fees. He noted in harder times, the demands for services from the County increase. Commissioner Tillett appreciated Commissioner Richard Johnson's comments, but shared concerns in cutting services to the children and older adults. Vice-Chairman Burrus expressed the difficulty in making cuts as some services are "nice to have" in some parts of the County, but essential in others. He stated while he recognizes the importance of the programs for children, the County would lose more money with this solution and services would suffer. Commissioner Dutton stated he has reviewed the budget extensively and could not find any other ways to make cuts in the budget. While he is for children's services, he stated the only way he would see using the savings by this action would be to not use the money and put it in the General Fund. He shared he does not agree with the tax increase, but sees no other way at this time in order to keep up the services the citizens deserve and need.

VOTE: AYES (2) Chairman Judge and Commissioner Tillett

NOES (5) Vice-Chairman Burrus, Commissioners Richard Johnson, Mike Johnson, Shea and Dutton

(Return to Original Motion Adopting the Budget as Presented on June 7, 2010)

VOTE: AYES (5) Chairman Judge, Vice-Chairman Burrus, Commissioners Dutton, Richard Johnson and Mike Johnson

NOES (2) Commissioner Shea and Tillett

MOVE TO ITEM 11

ITEM 8 – CONSOLIDATION AGREEMENT EAST CAROLINA BEHAVIORAL HEALTH (Att. 7)

County Manager Outten explained prior to July 1, 2010, Dare County must have a plan in place for mental health services to replace the old Albemarle Mental Health Services. He asked for approval of the contract with ECBH that will allow them to begin work on July 1. He noted the terms and conditions of the contract have reached a point where ECBH has made all of changes they are willing to make in the agreement. He also noted an additional \$500,000 was added to the fund intended for potential liabilities for retiree benefits of the old AMH. This brings the fund to \$1,080,000 which should cover the retirement health benefit plan for approximately ten (10) to twelve (12) years. He mentioned the buildings he spoke about at the last meeting that are owned by AMH and were donated by some of the counties involved. The hope was to liquidate these assets and add this amount to the fund; however, this has not been agreed to at this time. He then asked for approval of the contract. Commissioner Richard Johnson stated he does not agree with the contract stating AMH failed to provide adequate mental health services. He noted the State took over AMH when they had a fund balance of over \$400,000. They did not do audits and hired back people who had been laid off subsequently running AMH into the ground while they blamed the AMH Board. He felt where adequate services failed was during the time when the State had control. He shared his fears something similar will happen with ECBH. He also noted no one knows how to get in contact to receive services. Chairman Judge asked Ms. Dorothy Toolan, Public Relations, to update contact cards for services for everyone to carry with them as well as on the Dare County website.

MOTION

Commissioner Shea motioned to authorize the County Manager to execute the contract.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CONSENT AGENDA (Att. 8)

Commissioner Shea motioned to approve the Consent Agenda:

1. Approval of Minutes (6.7.10)
2. Contract for Hatteras Island Volunteer Rescue Squad
3. Budget Amendment for JCPC Restitution Program
4. Dare County Department of Public Health - Hospice

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 10 – BOARD APPOINTMENTS

1. Albemarle Regional Solid Waste Authority

County Manager Outten noted Kill Devil Hills nominated Bob Peele to fill the alternate member vacancy. The Towns of Nags Head, Manteo, Kitty Hawk and Southern Shores support this nomination.

MOTION

Commissioner Shea motioned to appoint Bob Peele.

Commissioner Richard Johnson seconded the motion.

VOTE: AYES unanimous

RECESS 6:11 P.M. – 6:32 P.M.

MOVE TO ITEM 7 (2) FOR ACTION

ITEM 11 – COMMISSIONERS' BUSINESS

Commissioner Dutton shared he enjoyed the ribbon cutting and dedication for the new multi-use pier. He thanked the Fearing family for their wonderful contribution of land for the facility.

Commissioner Tillett shared she and Chairman Judge attended the Monday Night Alive closing ceremony where the JCPC was awarded a certificate for being a part of the tutoring programs. She thanked the Commissioners for attending the various graduations throughout the County. She noted over three-hundred and fifty (350) seniors graduated. She announced Governor Perdue was the Cape Hatteras graduation speaker. She then offered her sympathies to Dave Clawson and his family for the loss of Cathey Clawson.

Vice-Chairman Burrus thanked Governor Perdue for speaking to the children, families and guests at the graduation ceremony. He asked her not to forget about the bridge. He expressed the desire to have the bridge built now. He encouraged all to respond during the upcoming Public Hearings on this matter. He then requested adoption of a resolution "Requesting a Feasibility Study for Infrastructure Repair and Sidewalks in Buxton and Hatteras Villages, Dare County."

MOTION

Vice-Chairman Burrus motioned the adoption of Resolution 10-06-25.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

Commissioner Shea announced he attended the ribbon cutting for the new pier and shared it was a nice affair and well worthwhile to have a facility that accommodates people who are handicapped. He stated it was a wonderful gift.

Commissioner Richard Johnson - None

Commissioner Mike Johnson - None

Chairman Judge read an article from the News & Observer June 19, 2010 printing regarding continued drilling in the Gulf of Mexico with minimal or no environmental analysis. He then announced the Public Hearings for the Bonner Bridge on July 6 at 7:00 p.m. and informational meetings scheduled for July 7th in Rodanthe and July 8th in Cape Hatteras. He encouraged all in the County to attend the hearings and ask for the bridge to be built. He described how long the process has been and how many environmental assessments have been required. He then noted that even with the current oil disaster, oil well projects are still being approved with no environmental assessments required. He described the bridge as a life line to the people of Hatteras Island and asked all to express this need at the Public Hearings. Mr. Judge also noted the blog on Island Free Press regarding the National Audubon Society's President's justification for the sale of protected property in Corolla basically stating that land around the area is being developed anyway. Commissioner Shea then noted his own disbelief in the required assessments for a bridge that starts and ends in the same place it does currently. Chairman Judge noted recent trouble with jetty legislation and the

real possibility that Speaker Hackney will not let this item out of committee. This continues to allow the Piedmont counties dominate the coastal counties. He noted this will likely continue when the Census creates more representation for the central portion of the State and the loss of representation in the eastern portion of the State. He described his recent opportunity to take Betty Jo Shepherd from Senator Burr's office and Millie Lilly from Congressman Jones's office to Jennette's Pier. He noted while he was standing on the work pier, he could see the beach to the south has grown significantly. He then suggested to Former Mayor of Nags Head, Renee Cahoon, that maybe the answer to beach nourishment would be to get permits to build more piers.

MANAGER'S/ATTORNEY'S BUSINESS

County Manager Outten explained at the last meeting, the Board expressed interest in formulating a resolution requesting a feasibility study for infrastructure repair and sidewalks in Buxton and Hatteras Villages for Dare County. He noted while this was just passed under Vice-Chairman Burrus's Business, there was also discussion for bike trails and other accesses in the Colington area. He noted this has not been forgotten and Commissioner Mike Johnson and himself would be meeting with Mr. Jerry Jennings, NCDOT, to see what the possibility would be for a project with various phases or some other alternative to get a project started in that area.

AT 7:08 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON JULY 19, 2010.

(SEAL)

Respectfully submitted,

By: _____
Katie VanLear, Clerk

APPROVED:

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

