



# 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

February 15, 2010—5:00 P.M.

Dare County Administrative Annex  
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; Jack Shea, Dist. 5; Mike Johnson, Dist. 2

### **Commissioners Absent:** None

### **Others Present:**

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

### **Action:**

EMPLOYEE OF THE MONTH – FEBRUARY 2010 — **Postponed until March 15, 2010**

AUDIT RFP RESULTS AND AUDIT COMMITTEE RECOMMENDATION OF AUDIT FIRM FOR THE NEXT FOUR YEAR AGREEMENT —

**Potter & Company Selected**

AWARD OF FY 2009-10 VEHICLE AND EQUIPMENT FINANCING — **Resolution (10-02-7) Adopted**

ASSUMPTION OF CHILD SUPPORT ENFORCEMENT FROM STATE OF NORTH CAROLINA — **YoungWilliams Selected**

RESOLUTION (10-02-6) OPPOSING THE INCLUSION OF CAPE HATTERAS NATIONAL SEASHORE AND CAPE LOOKOUT NATIONAL SEASHORE INTO A NATIONAL MARINE PROTECTION AREA (MPA) — **Adopted**

PRESENTATION FROM TOWN OF NAGS HEAD MAYOR BOB OAKES — **Council and Negotiations on Requests to Begin Between Town Mayors and Chairman Judge, Vice-Chairman Burrus and Commissioner Shea**

CONSENT AGENDA — **Approved**

1. Approval of Minutes (2.1.10)
2. Budget Amendment - Parks & Recreation Summer Camps
3. Dare County Cooperative Extension is seeking permission to apply for NC Department of Juvenile Justice and Delinquency Prevention (JCPC) Program Agreement funds for FY 2010-2011 for the 4-H Middle School After School and Summer Youth Program
4. Crisis Intervention Budget Amendment
5. CenturyLink Contract for fiber optic lines
6. Department of Public Health Budget Amendment- Increase in Family Planning Funding

SHORELINE MANAGEMENT COMMISSION APPOINTMENTS — **Approved (Gary Perry, Jodie Hess and Jamie Daniels)**

TOWN OF SOUTHERN SHORES PLAT REVIEW OFFICER APPOINTMENTS — **Approved (Alvin T. Rountree, Wesley T. Haskett and Patricia A. Forrester)**

LAND OF BEGINNINGS

COMMISSIONERS OFFICE— PO Box 1000, MANTEO, NC 27954 • 252.475.5700 • DARENC.COM

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

Chairman Judge noted at the last meeting, the Public Hearing for the "Proposed Text Amendment to Address the Inconsistency with Subdivision Ordinance" was scheduled for 10:00 a.m., but should have been scheduled for 5:30 p.m.

**MOTION**

Commissioner Shea motioned to reschedule the public hearing as detailed.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 1 – EMPLOYEE OF THE MONTH – FEBRUARY**

The presentation was postponed until March 15, 2010.

**ITEM 2 – PUBLIC COMMENT**

- 1) Graig Spencer, Manteo resident, addressed the Board regarding flooding issues and the need for appropriate drainage solutions.
- 2) Barry Brockway, Nags Head resident, addressed the Board regarding funding for the Nags Head beach nourishment project.

**ITEM 3 – AUDIT RFP RESULTS AND AUDIT COMMITTEE RECOMMENDATION OF AUDIT FIRM FOR THE NEXT FOUR YEAR AGREEMENT (Att. 1)**

Mr. Dave Clawson, Finance Director, announced Dare County has concluded an audit RFP process. He explained the cycle for this process is once every four (4) years with the next cycle covering fiscal years 2010 through 2013. Nine (9) responses were received and the Audit Committee met on Monday, February 8 to determine the best company for this service based on number of hours proposed, experience with North Carolina government clients, and other details of experience. He explained how the committee narrowed the applicants down to Potter & Company, P.A. and Martin, Starnes & Associates, CPAs, P.A. Due to partner hours on the job being one-hundred and twenty-five (125) with one-hundred (100) being on-site, the committee unanimously recommended Potter & Company, P.A. Commissioner Shea shared how impressed the committee was that senior partners would be on-site during the audit. In addition, they were also impressed by their extensive knowledge of Dare County.

**MOTION**

Commissioner Shea motioned to select Potter & Company, P.A. as the auditing firm for the next four (4) year agreement.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – AWARD OF FY 2009-10 VEHICLE AND EQUIPMENT FINANCING (Att. 2)**

Mr. Dave Clawson, Finance Director, noted the only items in the current year to be financed are from the Sanitation fund: two (2) residential garbage trucks and one (1) commercial garbage truck. This totals \$670,000. The Finance Department received proposals from four (4) banks for the financing of county vehicles and equipment as approved in the fiscal year 2009-10 operating budget. He noted the low cost proposal was from RBC Centura on a bank qualified rate of 2.58%. He noted one (1) proposal was .5% less, but with the proposed fee on a present value of the total interest cost, RBC had the lowest cost. He requested the Board adopt the enclosed resolution to move forward with the financing and to authorize the County Manager, Finance Director and Clerk to the Board to execute all of the documents.

**MOTION**

Commissioner Shea motioned to adopt resolution 10-02-7 to move forward with the financing and to authorize the County Manager, Finance Director and Clerk to the Board to execute all of the documents.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – ASSUMPTION OF CHILD SUPPORT ENFORCEMENT FROM STATE OF NORTH CAROLINA**

County Manager Bobby Outten explained in the last legislative session, the General Assembly mandated that counties take over the responsibility of child support enforcement from the State. This was done as an unfunded mandate from the State. He explained this to the Board during the last few meetings and noted the County is now at a point where they need to make a decision so contract negotiations can begin in order to meet the July 1 deadline. He met with eleven (11) counties and with Jay Burrus, Social Services Director, to discuss the options. They sent out an RFP for an outsourcing agency to compare these costs with handling child support collection in-house. As a result, they received four (4) responses. He explained they evaluated the responses and conducted interviews of two (2) agencies. The consensus of the group was to recommend using YoungWilliams as the agency for child support enforcement. He noted Pasquotank County has not yet agreed to join with the other counties in this process, and if they opt out, Dare County's cost may slightly increase. He noted the cost to hire YoungWilliams would be \$243,000. 66% of this cost is reimbursable by the Federal Government, and other bonus monies are available based on a formula of collection rates and a number of other factors. Using the historical bonuses received, the net outflow is reduced even further. They believe through these and other formulas, the net cost would become zero. He recommended the Board move forward with YoungWilliams and allow he and Mr. Burrus to negotiate a contract to receive final approval by the Board. He noted another agency did retract their bid and offered a lower cost than YoungWilliams. He noted this company had no experience in North Carolina, and because they believe they can zero out the cost to YoungWilliams, they felt this was still the best option.

**MOTION**

Commissioner Shea motioned to grant authority to outsource child support enforcement and to authorize the Manager to enter into contract negotiations with YoungWilliams.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – RESOLUTION (10-02-6) OPPOSING THE INCLUSION OF CAPE HATTERAS NATIONAL SEASHORE AND CAPE LOOKOUT NATIONAL SEASHORE INTO A NATIONAL MARINE PROTECTION AREA (MPA)**

County Manager Outten explained Mr. Jamie Reibel, NCWU, presented this resolution at the last meeting during Public Comment. He noted the resolution was included in their packet for review and adoption.

**MOTION**

Commissioner Shea motioned to adopt resolution 10-02-6.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – PRESENTATION OF RESOLUTION FROM DARE COUNTY DEMOCRATIC PARTY (Att. 3)**

Ms. Kathy McCullough-Testa, Chairperson of the Dare County Democratic Party, and Mr. Tommy Fulcher, First Vice-Chair, presented a resolution passed by the local, district and State Democratic Party conventions in 2009. Ms. McCullough-Testa requested Commissioners' support of the resolution standardizing statewide the "Filling a Vacancy for the Office of Sheriff" and bringing the process in-line with the filling of vacancies in Commissioners and Register of Deeds seats which already is consistent across the State. Mr. Fulcher detailed the statutes, history and resulting changes surrounding this issue. Mr. Shea noted there is nothing wrong with the present system and stated he would oppose change. He felt the Commissioners should maintain the right to appoint a successor to the Sheriff's position should the Sheriff be unable to continue in the position. No motion came before the Board. Chairman Judge thanked Ms. McCullough-Testa and Mr. Fulcher for their time.

**ITEM 8 – PRESENTATION FROM TOWN OF NAGS HEAD MAYOR BOB OAKES (Att. 4)**

Mayor Bob Oakes, Nags Head, presented three (3) resolutions adopted by the Nags Head Board of Commissioners at their February 3, 2010 meeting concerning a request for an additional 1% Occupancy Tax and allocation of funds from the Dare County Beach Nourishment Fund for a permitted 10-mile beach nourishment project in Nags Head. He explained the current state of the beaches, nourishment plans, and the resulting benefits from beach nourishment. He requested the Board of Commissioners approve an additional 1% occupancy tax for ten (10) years beginning Jan. 1 2011, allocation of \$20 million for a permitted ten (10) mile long beach nourishment project in Nags Head, and allocation of five (5) years of the additional 1% occupancy tax revenue to repayment of the revenue bond for the Nags Head Beach Nourishment project. Ms. Anna Sadler, Commissioner for the Town of Nags Head, shared her Board's plea for the Dare County Board of Commissioners support for the request. She distributed pictures of various properties that have been destroyed by the Atlantic Ocean due to beach erosion and the storms. She expressed the reasons for the urgent need of nourishment and urged the support of the changes detailed by Mayor Oakes. Chairman Judge shared his appreciation of the presentation.

Discussion and clarification of the requests followed. Commissioner Richard Johnson suggested all Mayors and the Chairman discuss the requests before draining all funds for this one (1) project. Commissioner Shea stated he does not understand how the Federal Government and State are not concerned with the erosion of our coastline. He explained this is a major asset not only to our County and State, but also to the Federal Government. Commissioner Mike Johnson agreed with Commissioner Richard Johnson and requested Chairman Judge be the liaison from the Board to meet with the other Town Mayors and report back on negotiations. Commissioner Max Dutton shared his appreciation of the Mayor and what their Board is trying to accomplish. He stated he was not aware of the 1% sales tax from the State legislature and stated he did not think this would work. He did explain that he is anxious to see nourishment projects and shared his support. Commissioner Tillett shared her support of a beach nourishment project and encouraged the start of negotiations. Chairman Judge shared his appreciation of Mayor Oakes and Commissioner Sadler's attendance. He shared he is extremely aware of the need for similar projects not only in Nags Head, but also on the Northern and Southern beaches, on the Sound and in Stumpy Point. He explained this issue is very important to the Board and noted several issues the various towns and County will face in completing projects. He stated even though they will face difficulties, he is committed to working with the Mayors to begin this project. He shared his confidence and commitment to preserving the economy of Dare County.

**RECESS 6:08 P.M. – 6:27 P.M.**

**ITEM 9 – CONSENT AGENDA (Att. 5)**

Commissioner Tillett motioned to approve the Consent Agenda:

- 1) Approval of Minutes (2.1.10)
- 2) Budget Amendment - Parks & Recreation Summer Camps
- 3) Dare County Cooperative Extension is seeking permission to apply for NC Department of Juvenile Justice and Delinquency Prevention (JCPC) Program Agreement funds for FY 2010-2011 for the 4-H Middle School After School and Summer Youth Program
- 4) Crisis Intervention Budget Amendment
- 5) CenturyLink Contract for fiber optic lines
- 6) Department of Public Health Budget Amendment- Increase in Family Planning Funding

Vice-Chairman Burrus and Commissioners Mike Johnson, Richard Johnson, Dutton and Shea seconded the motion.

VOTE: AYES unanimous

## **ITEM 10 – COMMISSIONERS’ BUSINESS**

Vice-Chairman Burrus explained the County is working diligently on the drainage issues across the County. He thanked all of the good neighbors who have been helping each other deal with the issues that have been caused by flooding.

Commissioner Shea seconded Vice-Chairman Burrus’s comments and noted flooding is a major problem for many citizens in the County. He noted he had attended the ribbon cutting at COA. He shared how great it is to see this institution providing additional education to our residents. He feels this is the key to the future.

Commissioner Richard Johnson - None

Commissioner Mike Johnson - None

Commissioner Dutton - None

Commissioner Tillett thanked Edward Lee Mann, Public Works staff and the County Manager for helping with the water issues throughout the County. She asked if anyone had contacted the Soil and Water agency to see if they could help with pumping water on Holly Ridge Road and by the airport. Vice-Chairman Burrus stated he had not about that particular area, but had about a few areas on Hatteras Island and Wanchese. Commissioner Shea stated he had seen the area and discussed the issue with Robert Benson, Airport Director. They have been pumping water out of the Scarborough area and the cemetery. County Manager Outten noted he would give an update during County Manager’s Business. Commissioner Tillett thanked all of the neighbors who have helped their fellow neighbors. She is very appreciative of people taking their own time and equipment to aide one another during this time. She explained she attended the NCACC Board of Directors meeting. She presented the resolution passed by the Board *Opposing the Taking of Traditional Revenue Sources and the Imposition of Unfunded Mandates*. She noted eight (8) other counties came with similar resolutions, and it will be put on the agenda for the Association to address when the General Assembly opens. She thanked Mr. Outten for his work in putting this together on short notice. She noted the Association’s theme for the year is making North Carolina’s young people more active and responsible citizens. Kelly Harris, First Flight High School student, will be on the youth advisory committee to work with the Association and the Civic Education of North Carolina to determine what part young people can play in government and leadership roles. She announced the Parks and Recreation Advisory group is looking at long range options for a recreation center in the Rodanthe, Waves and Salvo area. They will be asking the CIPC to consider this as a long range project. She also announced the “How Are Our Older Adults” conference planning is going well. They need input and suggestions on how to make businesses more senior friendly. She encouraged the wives of the Commissioners to attend the meeting as most of the Commissioners own their own businesses and she felt they would have great insight.

Chairman Judge asked everyone to mark Monday, March 15, on their calendars to meet in a joint workshop with the Planning Board from 2:30 to 4:15 p.m. in room 168 of the Administration Building. This meeting will be to discuss the Land Use Plan.

## **MANAGER’S/ATTORNEY’S BUSINESS**

County Manager Outten explained the Shoreline Management Commission has three (3) vacancies due to resignations and elections changing seats. He stated the Towns have asked that Gary Perry be appointed for Kitty Hawk, Jodie Hess for Southern Shores, and Jamie Daniels for Manteo.

### **MOTION**

Vice-Chairman Burrus motioned to make the appointments as detailed.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

County Manager Outten presented a resolution from the Town of Southern Shores appointing Alvin T. Rountree, Wesley T. Haskett and Patricia A. Forrester as plat review officers. He noted the statute requires the Board to approve officers to allow them to sign off on plats for Southern Shores to be recorded in the Courthouse.

**MOTION (Att. 6)**

Commissioner Shea motioned to appoint Alvin T. Rountree, Wesley T. Haskett and Patricia A. Forrester as plat review officers.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

Mr. Outten gave the Board an update on the water issues the County is experiencing. He stated he and Edward Lee Mann have driven around Roanoke Island, spoken with Vice-Chairman Burrus about Hatteras Island, and spoken with Nancy White to try and come up with some long term solutions. He explained they have had Public Works working to pump out water and try to solve the immediate problems. He noted where they have been working and explained they are doing everything they can with the current resources. He explained the issues with long term planning that will need to be addressed such as where to put the water and the fact that even with a stormwater management plan, the water table will not allow movement until it lowers and allows water to flow. He noted the magnitude of the problem and stated it would need to be addressed with the CIPC and planning for a significant amount of money, time and effort going forward. Chairman Judge gave the Board's support to continue to do whatever possible for the emergency need. Commissioner Tillett stated she had spoken with Representative Tim Spear to update him with regards to what is being done to solve the emergency situations. County Manager Outten noted he had also responded to Senator Marc Basnight's email updating him on the situation. Commissioner Tillett asked if anyone had met with Jerry Jennings, DOT, to see if they had any suggestions. Mr. Outten noted they are in the same predicament. They said they would do whatever they can to help with the resources they have available. He noted they are very willing to help, but are limited with the water table being so high.

Chairman Judge asked Vice-Chairman Burrus and Commissioner Shea to serve with him to offer council and to negotiate with the Town Mayors on the Nags Head request and the pending Kill Devil Hills request.

AT 6:45 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON MARCH 15, 2010.

(SEAL)

Respectfully submitted,

By: \_\_\_\_\_  
Katie VanLear, Clerk

APPROVED:

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