



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

April 6, 2009—9:00 A.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; Jack Shea, Dist. 5; Mike Johnson, Dist. 2

Commissioners Absent: None

Others Present:

County Manager Terry Wheeler, County Attorney Bobby Outten, Dorothy Toolan-Public Information Officer, Katie Smith—Clerk to the Board

Action:

APPOINTMENT OF REGISTER OF DEEDS — **Vanzolla McMurrin Appointed**

SWEARING IN CEREMONY FOR REGISTER OF DEEDS — **Performed**

PROCLAMATION – CHILD ABUSE PREVENTION MONTH — **Adopted**

C.U.P. GENESIS TATTOO COMPANY — **Approved**

OUTER BANKS SCENIC BYWAY COMMITTEE — **Approved**

CONSENT AGENDA — **Approved**

- Approval Of Minutes (3.16.09)
- Budget Amendment – Social Services Special Children Adoption Funds
- Budget Amendment – Social Services Foster Care Line Item Adjustment
- Budget Amendment – Hatteras Island Administration Building
- Public Works State Aid for Mosquito Control
- DOT Utility Relocation Agreement

BOARD APPOINTMENTS

- Health Board — **Reappointed (David Ryan, Dr. J. Trahey Maner, Kathy Jarvis, and Coy Tillett)**

MARRIAGE AMENDMENT REFERENDUM — **Approved (Vote: 5-2)**

BOUNDARY AGREEMENT WITH SEASHORE REALTY AND DEVELOPMENT COMPANY WITH REGARD TO THE COA CAMPUS— **Execution of Documentation Approved**

CLOSED SESSION – LAND MATTER: JARVIS WILLIAMS PROPERTY— **Held**

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 9:00 a.m., invited Commissioner Mike Johnson to share a prayer and then led the pledge of allegiance to the flag. Chairman Judge welcomed everyone and recognized former Commissioner Moncie "Punk" Daniels.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Luz Valentin, Detention Officer, received her 10 year pin from Rodney Midgett, Sheriff.
- 2) Cynthia Huscroft, Public Health Nurse II, received her 10 year pin from Anne Thomas, Health Director.
- 3) Laura Youmans, Public Health Nurse II, received her 10 year pin from Anne Thomas, Health Director.
- 4) Jerry Morris, Aircraft Mechanic, received his 20 year pin from Skeeter Sawyer, EMS Director
- 5) Pamela Meekins, Telecommunicator Shift Supervisor, received her 25 year pin from Rodney Midgett, Sheriff.
- 6) Michelle Evans, Tax Collector, received her 25 year pin from Terry Wheeler, County Manager.

ITEM 2 – EMPLOYEE OF THE MONTH – APRIL 2009

This presentation will be made at the May 4, 2009 meeting.

ITEM 3 – PUBLIC COMMENTS

- 1) Kevin Conner, Hatteras Island resident, stated he had appeared before the Board on March 16, 2009 to gain support for the marriage amendment resolution. He feels the current General Statute is insufficient. He gave statistics from North Carolina showing support of marriage being a union between one man and one woman at one time, and their opposition to teaching children about unions of same sex relationships in schools.
- 2) Reverend Bryan Gray appeared in support of the marriage amendment resolution. He felt this amendment is necessary to protect the families of this area. He thanked the Commissioners for their past support of actions that protect Dare County citizens and asked them to show their support of allowing the democratic process to take place by calling for a vote on the amendment by North Carolina legislators.
- 3) George Mendelson shared his concerns on communication between the public and Commissioners. He feels the current set up is intimidating and asked them to consider engaging the public on important issues. He suggested holding "round-table" discussions where input could be more freely given. He also suggested using a website with forums. He noted in the current setting, there is no opportunity for the Commissioners to respond.
- 4) Perry White appeared in support of the marriage amendment resolution. He also spoke about the Older Adults seminar that took place on March 27, 2009. He participated in the communication workshop where they discussed the need for a place to find information on issues and programs that involve seniors.
- 5) Kathy McCullough-Testa, County Chair of the Democratic Party, shared her support of Ms. Vanzolla McMurrin being sworn in as Register of Deeds. She also noted the Democratic Party has a large and diverse group and are willing to work with the Commissioners to get information to State legislators on issues such as insurance, beach access, and other situations that affect our County.
- 6) Dewey Hemilright appeared before the Board regarding House Bill 918 being introduced to legislators which would give Red Drum and Speckled Trout gamefish status. This would prohibit the catch of these fish by any means other than hook-and-line fishing methods resulting in no commercial sale of these fish. He distributed a poster being circulated promoting this action. He stated the stock is not being overfished, but instead, a group of recreational fishermen want this resource for themselves. He warned everyone stating there would be a great amount of propaganda for the support of this effort. He asked the Commissioners to contact Senator Basnight and Representative Spear in regards to this bill.

- 7) Mattie Lawson, Kill Devil Hills resident, shared her support of the marriage amendment resolution. She feels North Carolina does not have protection against the movement towards same sex marriages. She gave examples of how the arguments for this action are flawed and showed the effects this action would have on future legislation.

ITEM 4 – APPOINTMENT OF REGISTER OF DEEDS (Att. 1)

County Attorney Outten explained Barbara Gray, former Register of Deeds, retired effective February 28, 2009. The Executive Committee of the Dare County Democratic Party met on March 21, 2009 and elected Vanzolla McMurrin to serve Ms. Gray's unexpired term. Chairman Judge noted the Democratic Party had met, voted, and forwarded the results asking for the appointment of Ms. McMurrin to the Register of Deeds office filling the unexpired term until November of 2010.

MOTION

Commissioner Tillett motioned to appoint Vanzolla McMurrin to fill the unexpired term of Barbara Gray, former Register of Deeds.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 5 – SWEARING IN CEREMONY FOR REGISTER OF DEEDS (Att. 2)

Merlee Austin, Clerk of Court, performed the Swearing in Ceremony for Vanzolla McMurrin, Register of Deeds. Ms. McMurrin shared she has 27 years of experience in this office and thanked the Board for this opportunity.

RECESS TO CONGRATULATE MS. McMURRIN 9:48 A.M. - 10:05 A.M.

ITEM 6 – OLDER ADULT SUMMIT PRESENTATION

Moncie "Punk" Daniels appeared before the Board and presented a report from the recent Older Adult Summit held on March 27, 2009. He expressed his appreciation for the Commissioners and County staffs' support in the State of the Older Adults conference. He noted there was great attendance and participation in the event. All those who attended were appreciative of the opportunity to talk about problems that affect seniors and solutions to these issues. He presented the Commissioners with t-shirts as a show of appreciation for all of their efforts. He also congratulated Ms. McMurrin on her new office as Register of Deeds. Chairman Judge thanked Mr. Daniels for all of his participation in the conference.

ITEM 7 – PROCLAMATION – CHILD ABUSE PREVENTION MONTH

County Attorney Outten introduced Tanya Barkley-Graham, Social Services, and Sara Sampson, Children & Youth Partnership for Dare County, who announced their "Because Someone Cared" project. They explained this project would work to remind all of Dare County that everyone has a role in protecting our citizens' children. They then recognized members of the Healthy Carolinians of the Outer Banks Child Abuse & Neglect Taskforce. Mr. Outten read the Child Abuse Prevention Month Proclamation.

MOTION

Commissioner Shea motioned to adopt the proclamation establishing April as child abuse prevention month.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – C.U.P. GENESIS TATTOO COMPANY (Att. 3)

Ms. Donna Creef, Senior Planner, explained in February the Board approved a text amendment adding tattoo studios to the list of uses for VC-2 districts. An application for a conditional use permit for a tattoo studio has been received. Dave and Mary Elizabeth Bein desire to lease space in a commercial building to operate Genesis Tattoo Studio in the Kill Devil Hills outside tax district. She noted the Planning Board reviewed the item at their March 6, 2009 meeting and voted unanimously to approve the draft conditional use permit which outlines hours of operation and the requirement of Health Department inspection reports being given to the Planning Department annually.

MOTION

Commissioner Richard Johnson motioned to approve the C.U.P. for Genesis Tattoo Company.

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

VOTE: AYES unanimous

ITEM 9 – OUTER BANKS SCENIC BYWAY COMMITTEE (Att. 4)

Mary Helen Goodloe-Murphy gave the Board a brief overview of the process of the Corridor Management Plan for the Outer Banks Scenic Byway. She explained in Buxton and Hatteras villages the plan calls for sidewalks with curb and gutter connections to the existing stormwater systems. She submitted a proposed infrastructure project for these villages involving overhauling existing systems and building sidewalks. She presented maps of the locations needing improvements and stated the rough estimate of this project would cost \$8.28 million. She stated the committee is asking the Board to request NCDOT include the project in the State Transportation Improvement Program. She also submitted the annual work plan for FY'2010. Vice-Chairman Burrus stated this committee is taking the opportunity to involve local state workers and have the NCDOT take care of drainage and stormwater issues on Hatteras Island.

MOTION

Vice-Chairman Burrus motioned to request NCDOT include the project in the State Transportation Improvement Program.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

MOVE TO ITEM 11

11:30 A.M.

ITEM10 – HIGHLIGHTS OF 2009 LAND OF BEGINNINGS FESTIVAL & BURIAL OF TIME CAPSULE

County Attorney Outten introduced Carl Curnutte, executive Director of The Lost Colony and founding member of The Land of Beginnings Festival, who gave highlights of the 4th annual event. He shared supporting organizations and individuals who served on a committee to aid the events. He stated the festival had included a poster contest of the area children and introduced Essie Somma who was the winning participant. Other events included the Children's Faire, *The Night Before Take Off*, the Living Legend Community Luncheon, storytelling sessions, American Masterpiece, Create the Future: A Community Conversation, and the Black and White Ball. He stated the website www.obxfuture.org allows the opportunity for people to get involved in helping the community collectively move forward. He explained following the meeting Commissioners would participate in the burial of the time capsule. This time capsule contains a snapshot of the present to be opened in 25 years on April 6, 2034. Items included are a compilation of three (3) years of Land of Beginnings festivities from 2007 to

2009, DVDs of the oral history shared at the storytelling sessions, interviews with the Living Legends recipients, interviews with children about the future of Dare County, the winning 2009 Festival poster, and other memorabilia. He read the sign that would be placed at the location of the buried time capsule detailing many current events and hopes for the future. He extended a special note of appreciation to Dare County Public Information Officer, Dorothy Toolan, and Media Specialist, Chris Baucom, for all of their help with the events. Captain Omie Tillett came forward and Chairman Judge presented him with a resolution honoring him as the recipient of this year's Living Legend award. County Attorney Outten read the resolution. Mr. Tillett shared he always loved his job because he was excited about it, and felt no one could do well if they are not excited in their job. He strives to put excitement in all areas of his life including his spiritual life. He also noted he was always blessed with good mates. Chairman Judge recognized Mayor Cahoon who was in attendance and also noted the ribbons the Commissioners were wearing were for Child Abuse Awareness month. He explained there is a display that will be moving throughout the County to call attention to this issue.

MOVE TO ADJOURNMENT FOR BURIAL OF THE TIME CAPSULE

ITEM11 – UPDATE ON OREGON INLET

Vice-Chairman Burrus updated the Board on the conditions at Oregon Inlet explaining the State has changed some of the people who will be working on the bridge, but they are getting the new people updated on the process thus far. He thought by June the winners of the bid process would be announced and he feels like this project is a priority for everyone including DOT.

ITEM12 – CONSENT AGENDA (Att. 5)

Commissioner Shea motioned to approve the Consent Agenda.

- 1) Approval Of Minutes (3.16.09)
- 2) Budget Amendment – Social Services Special Children Adoption Funds
- 3) Budget Amendment – Social Services Foster Care Line Item Adjustment
- 4) Budget Amendment – Hatteras Island Administration Building
- 5) Public Works State Aid for Mosquito Control
- 6) DOT Utility Relocation Agreement

Commissioner Burrus Dutton seconded the motion

VOTE: AYES unanimous

ITEM13 – BOARD APPOINTMENTS

- 1) Health Board

Commissioner Shea motioned to reappoint David Ryan, Dr. J. Trahey Maner, Kathy Jarvis, and Coy Tillett for another three year term.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM14 – COMMISSIONERS' BUSINESS

Commissioner Dutton appreciated the County employees receiving service pins. He also noted he was very excited to see the progress on the Dare Center despite the recent weather.

Commissioner Tillett thanked Mr. "Punk" Daniels, Lucille, Linda Hester, and all other members who helped to make the Older Adult Symposium a great success. She stated a synopsis of the conference will come as a report

before the Board in the coming months. She also thanked the Commissioners for their support of her and her family through the recent loss of her nephew.

Vice-Chairman Burrus noted there has been a lot of work done at Oregon Inlet and he feels like there has been progress. He stated dredging will begin at Walter's Slough with the help of the Park Service, Army Corps, Coast Guard, and Dare County in the next sixty (60) days. He stated Rollinson Channel will also be dredged by the Army Corps. He met with DOT and Army Corps two weeks ago due to the current inability to get a full ferry into Rodanthe and no ferry at all into Stumpy Point. Rodanthe's site will be dredged as a result. DOT has been working with Fish and Wildlife for a spoil site in Stumpy Point and is working to come up with a start date. He noted DOT has worked hard to rectify these situations, but this has been difficult due to wind conditions. The Army Corps will be looking at opening channels deeper from four (4) to six (6) feet to twelve (12) feet. He stated S-curves will be open and he cautioned those traveling explaining there will be water in this area with Nor'easters. He explained the necessity of getting the State involved to aid this situation. He noted large item pickup that will be taking place this week on Hatteras Island. He gave examples of large items that will be refused. He asked the time of year be changed for large item pickup so it would not occur around the Easter holiday in the future. He appreciated Commissioner Shea's letters on beach access. He also enjoyed the Older Adults conference and thanked everyone for a great job. He enjoyed interviewing the kids at the Land of Beginnings festival. Lastly, he encouraged everyone as they look into the water system on Roanoke Island to identify areas on the beach and Hatteras Island that need the same type of attention.

Commissioner Shea congratulated County Service pin recipients and stated they are the reason the County is successful. He enjoyed interviewing the kids at the Land of Beginnings festival.

MOTION

Commissioner Shea made a motion to approve the North Carolina Marriage Amendment Resolution (Res 09-04-10). He then read the resolution.

Commissioners Mike Johnson and Dutton seconded the motion.

Commissioner Shea shared marriage is the foundation of our society and he felt it was important to go on record with this resolution. Commissioner Mike Johnson stated he understands the State's position that the Constitution is sufficient on this matter. However, he has watched the deterioration of the heritage and culture of North Carolina. He noted Dare County's familiarity with the power of a liberal judge in our dealings with beach access problems. He shared his support of this resolution stating it protects us from having another judge in the future making decisions against the marriage amendment. He viewed this as an opportunity to stand for God and fight sin.

VOTE: (5-2) AYES Commissioners Shea, Mike Johnson, Richard Johnson, Dutton, and Vice-Chairman Burrus
NOES Chairman Judge and Commissioner Tillett

Chairman Judge asked Katie Smith, Clerk, to forward this resolution to Senator Basnight and Representative Spear.

Commissioner Richard Johnson - None

Commissioner Mike Johnson elaborated on Dewey Hemilright's comments during the Public Comment period of the meeting. He stated Dare County recreational and commercial fishermen have always had a good relationship. However, an outside group has moved here and has instigated issues between these groups similar to what has happened in Carteret County. He stated while this group is meeting great resistance, he appreciated Mr.

Hemilright calling attention to the issue. He stated all fishermen should have access to the resource when it is abundant enough to share, and this resource is in fact abundant. He feels it is sickening to see people driving this type of wedge in our community, but he was afraid we would see a lot more of this issue. Ernie Foster had explained the situation stating it is being caused by a group of people who are having fun fishing. They are taking jobs simply so they can have even more fun. Commissioner Mike Johnson stated it will be up to legislators to keep this from passing. He noted the Fisheries Reform Act was put into place to make sure politicians do not manage the resource. He feels this action if it is taken, would counter the reform act and politicians would be managing the resource. He feels the Marine Fisheries Commission should be allowed to manage it as they have been. He warned everyone against the stories that will sound believable in support of this action, but noted they are not true. He gave an example stating commercial fishermen would be paid back for their losses if this resource was named gamefish. However, there is no revenue and therefore, this would not be the case.

Chairman Judge agreed with Commissioner Mike Johnson and stated it does not make sense that in order for our citizens to be able to eat Red Drum, it will need to be imported when this fish could be bought locally from boats that can fish for this resource just off of our coast. On another issue, he noted the recent acts of vandalism against the nesting signs on Cape Hatteras National Seashore and the resulting expansion of buffers in that area. He copied the Commissioners on an email to Superintendent Mike Murray requesting a meeting involving himself, Dare County, Southern Environmental Law Center, Defenders of Wildlife and Audubon to sit down and address the loss of civil rights and due process from the consent decree. This Country was founded free of persecution, but in this situation, the acts of one or few have caused punishment for all. He noted how the nests have not been disturbed, but only the signs have been vandalized. It is assumed that the people committing the acts are those who want access to the beaches when in fact it could be those who are supporting beach restrictions knowing the buffers will be increased as a result of vandalism. The culprit needs to be caught and prosecuted and he challenged law enforcement agencies to prove him wrong in thinking the people who benefit the greatest from an expanded buffer are those who are committing the acts of violence. He suggested using technology such as remote cameras to watch the areas being vandalized. He then asked the Commissioners to attend an open house and ribbon cutting for the new facility in Frisco on May 6, 2009. He would like the Commissioners to spend the day touring County facilities in Hatteras Island.

ATTORNEY'S BUSINESS

County Attorney Outten explained the County had worked out a boundary agreement between COA and Manteo Middle School and noted the documents were ready to be executed. He asked the Commissioners for the authority to execute these documents.

MOTION

Commissioner Shea motioned to authorize the County Attorney to execute the deeds for the boundary agreement. Vice-Chairman Burrus seconded the motion

VOTE: AYES unanimous

MANAGER'S BUSINESS - None

ITEM15 – UPCOMING BOARD APPOINTMENTS

- 1) Dare County Board of Adjustment
- 2) Extra Territorial Jurisdiction (ETJ) District

ITEM16 – CLOSED SESSION – LAND MATTER: JARVIS WILLIAMS PROPERTY

Vice-Chairman Burrus, pursuant to the provisions of NCGS 143-318.11, moved the Dare County Board of Commissioner go into Closed Session to instruct the County staff or negotiating agents concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

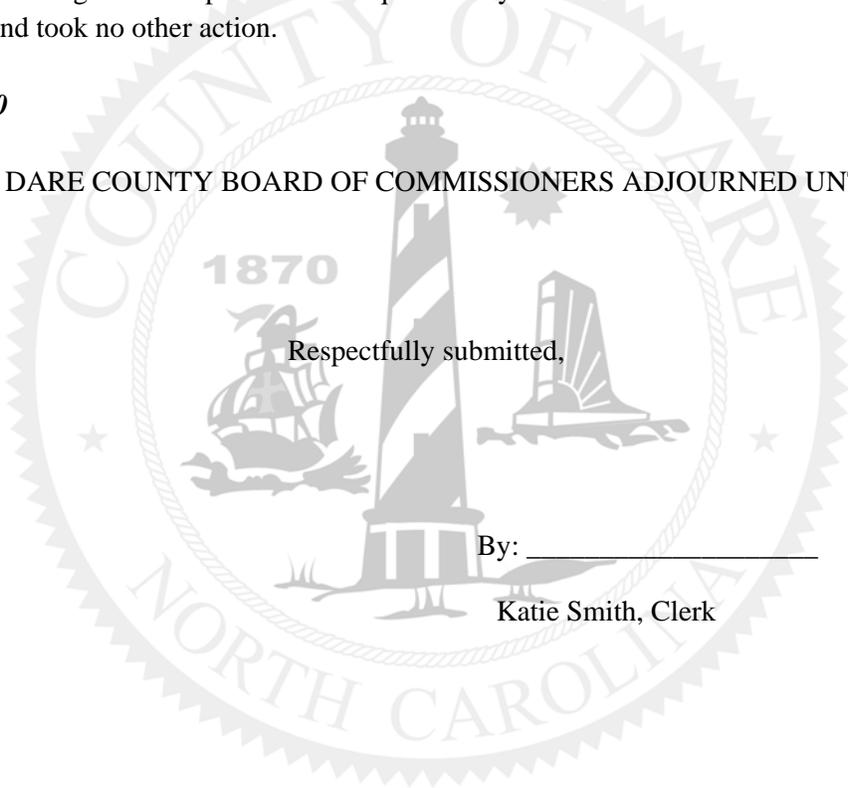
AT 11:00 A.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 11:20 A.M.

Chairman Judge reconvened the meeting. After returning from closed session, Attorney Outten reported the Board gave staff guidance with regard to the purchase or acquisition by lease or otherwise of the Jarvis Williams property in Buxton and took no other action.

MOVE TO ITEM 10

AT 12:13 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON April 20, 2009.

(SEAL)



Respectfully submitted,

By: _____

Katie Smith, Clerk

APPROVED:

By: _____

Warren C. Judge, Chairman

Dare County Board of Commissioners