



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

Regularly scheduled Board meetings 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., June 1, 2015

Commissioners present: Chairman Robert Woodard
Vice-Chairman Wally Overman
Warren Judge, Jack Shea, Allen Burrus,
Beverly Boswell, Margarett Umphlett

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Finance Director, David Clawson
Public Information Officer, Dorothy Hester
Clerk to the Board, Gary Gross

A full and complete account of the entire Board of Commissioners meeting is archived on a video that is available for viewing on the Dare County website www.darenc.com.

Chairman Woodard called the meeting to order at 9:04 a.m. He invited the Rev. Tom Wilson from All Saints Episcopal Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

Note – In order to accommodate the Public Hearing scheduled for 10:00 a.m., some agenda items were handled out of sequential order.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Fred Featherstone, Planning Department, received a 10-year pin.
- 2) Leigh George, Detention Center, received a 10-year pin.
- 3) Audrey Remige, Parks & Recreation, received a 10-year pin.
- 4) Nettie Midgett, Tax Appraisal Office, received a 20-year pin.

ITEM 2 – EMPLOYEE OF THE MONTH – JUNE 2015

Ryan Taylor from the Information Technology Department received the Employee of the Month certificate for June 2015 from Lee Wise who described Mr. Taylor's background and education. He was commended for his efforts in the redesign of the GIS system.

ITEM 3 – OPENING REMARKS – CHAIRMAN'S UPDATE

Following is an outline of the items mentioned by Chairman Woodard during his report of what has transpired since the last meeting –

- Commissioner testimony that was given at the recent Marine Fisheries meeting.
- Letter from NC Senators to D.C. delegation re: long-term Oregon Inlet solutions.
- National debt comments made by Congressman Jones at a recent meeting.
- Meeting with staff from Senator Burr's office regarding offshore oil and gas.
- Outlined the adamant position presented to Burr's staff opposing offshore drilling.
- Announced that the Oregon Inlet Task Force and Waterways Commission will not be combined. He noted that each group has separate goals and objectives.
- Expressed willingness to go to the Visitor's Bureau to request funding for an economic study related to Hatteras Inlet.
- Emphasized that the Board wants to support our schools, however, time is needed for new officials to study the budget before taking action. He called for another 5 On 5 meeting with representatives of the Board of Education (BOE) prior to adopting the upcoming fiscal year budget.
- Confirmed with BOE Chair, Ben Sproul that, contrary to an online blog report, no "deal" has been made regarding school funding.
- Called for another Budget Workshop prior to finalizing the county budget.

A complete video account of the Chairman's update can be seen on the Dare County website www.darenc.com.

ITEM 4 – PUBLIC COMMENTS

The Manager outlined the public comments procedure. Citizen remarks can be seen in their entirety on the county website www.darenc.com. Following is a brief summary –

1. Sheri Ducharme told the Board about the KOA dumpsters that are adjacent to their property, which are an obstacle to their business of selling fresh produce.
2. Irvin Midgett asked the Board to make KOA move the dumpsters and provided photos of the area which he said has offensive odors and flies.
3. Beth Midgett spoke about Senate Bill 160 and the need to have Hatteras Inlet named specifically in the legislation. She cited the areas that need to be addressed.
4. Manny Medeiros contrasted the NIPCC to the IPCC. He said the IPCC is a corrupt agency practicing consensus science.
5. Susie Walters spoke in favor of a ¼-cent sales tax for dredging rather than using beach nourishment funds. She called on Senator Cook to represent the people.
6. Renee Cahoon called on the Board to keep pursuing a ¼-cent sales tax and think longer than 5 years. She opposed taking beach nourishment funds for dredging.
7. Sandy Semans agreed that a sales tax is the way to go and said 7 to 12 million may be a better estimate for yearly dredging. She added that a serious meeting needs to be held with Senator Cook on this issue.

8. Micah Daniels thanked the Board for its support of Oregon Inlet. She cited the value of Dare County seafood and discussed its role with Occupancy Taxes.
9. Jim Tobin, Chair of the Oregon Inlet Task Force clarified that Senate bill 160 has a sunset clause and that its provisions do not impact beach nourishment.

ITEM 5 – UPDATE REPORT – ECONOMIC IMPROVEMENT COUNCIL (EIC)

Dr. Landon Mason, Executive Director of the EIC, described the agencies mission to reduce, eliminate, and minimize poverty. He outlined the resources that are available for Dare County residents and outlined their value. Dr. Mason noted that in spite of tight budgets, the Economic Improvement Council is making a difference in Dare County.

ITEM 6 – REPORT ON THE MONITOR NATIONAL MARINE SANCTUARY

Superintendent David Alberg updated the board on activities for the Monitor National Marine Sanctuary (MNMS) and outlined the opportunity for Dare County to appoint a Primary Member and Alternate to the Monitor National Marine Sanctuary Advisory Council. Chairman Woodard appointed County Manager, Robert Outten to serve as Dare County's Primary Member, and Drew Pearson to serve as the Alternate Member.

ITEM 7 – HURRICANE PREPAREDNESS RESOLUTION (Att. #1)

Drew Pearson, Emergency Management Director, presented a resolution to the Board stressing the importance of hurricane readiness.

MOTION

Commissioners Shea and Judge motioned to adopt the preparedness resolution. Commissioners Umphlett, Boswell, and Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – SHARON PEELE KENNEDY – APPLICATION FOR RESIDENT BUSINESS

This agenda item was handled as a quasi-judicial proceeding. Prior to offering testimony, the Planning Director, Donna Creef, and the Applicant, Sharon Peele Kennedy, were duly sworn by the Clerk to the Board. Ms. Creef gave the Board a summary of Ms. Kennedy's Conditional Use Permit (CUP) application.

MOTION

Commissioner Judge motioned to approve the draft CUP as recommended by the Planning Board.

Vice-Chairman Overman and Commissioner Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 9 – CRS PROGRAM FOR PUBLIC INFORMATION (PPI) (Att. #2)

The Planning Director presented a Program for Public Information (PPI) that was developed in conjunction with the Town of Manteo outlining outreach activities related to the Community Rating System (CRS).

MOTION

Commissioner Shea motioned to approve the resolution adopting the Program for Public Information as presented.

Vice-Chairman Overman and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

ITEM 10 – DISCUSS GOVERNOR MCCRORY’S PLAN TO CONNECT NC (Att. #3)

Mr. Outten read a resolution supporting Governor McCrory’s \$2.85 billion bond proposal for investments in roads, rail, ports, public health, technology, parks, and military.

MOTION

Commissioners Shea and Judge motioned to adopt a resolution in support of the Governor’s Connect NC Plan.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 11 – WATERWAY MAINTENANCE AS A USE FOR THE 2 CENTS OF OCCUPANCY TAX DESIGNATED FOR BEACH NOURISHMENT (Att. #4)

The Manager presented a resolution requested by Representative Tine to allow use of the 2 cents of Occupancy Tax designated for beach nourishment. He noted that when the bill was first introduced it had an incorrect implementation date of 2016. He said Senator Cook indicated this would be changed in conference. Mr. Outten explained that the resolution before the Board of Commissioners tracks the Senate language but has a 2015 implementation date.

MOTION

Commissioner Shea motioned to adopt the resolution as revised to include the word “proactive” in the 4th paragraph.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

During discussion of the motion, Commissioner Judge said he appreciated this item being placed on the agenda in advance of the meeting. He noted that we need to decide how to fund inlet maintenance in the future and clarified that it includes all waterways. He asked the Board to make sure that the section between buoys 14 and 15 and buoys 9 and 10 are covered. He said some have tried to pit one industry against another and he wished this initiative had started with us and not the General Assembly and Senator Cook’s office. He said we could have better presented this to the community and avoided problems. Commissioner Shea said that while this is a temporary solution, we need to work with the state and federal governments to secure a permanent solution for both inlets in order to provide revenue, jobs, and sustain our economy. Commissioner Umphlett said this is a preliminary step to keep our inlets open and we have plans underway to develop other funding for an ongoing system. Vice-Chairman Overman noted that this is the first step in a long process, which needs to be taken. Commissioner Boswell said we have long-term plans ahead and we must do the best we can with what we have and move forward. She questioned whether the resolution included the word “proactive” and it was agreed that it would be included.

Following voting on the motion described above, the County Manager said the resolution will be sent to Representative Tine and Senator Cook with a note about correcting the date as outlined earlier. The Board discussed the area to be encompassed and identified buoys 14/15 and 9/10. Commissioner Burrus said the legislation should include from the sea buoy to Rollinson Channel to Hatteras Village. Mr. Outten said it will be made clear that the applicable area should include all of Hatteras Inlet to extend from the federally authorized channel to the ocean.

MOTION

Commissioner Judge motioned to request that the legislative language reflect the proper implementation date and that all of Hatteras Inlet be included as discussed. Commissioners Burrus and Shea seconded the motion.

VOTE: AYES unanimous

ITEM 12 – PUBLIC HEARING – MANAGER’S PROPOSED BUDGET FOR THE UPCOMING FISCAL YEAR (Att. #5)

A10:05 a.m., the Dare County Board of Commissioners held a Public Hearing to receive input concerning this agenda item. The County Manager conducted the hearing and explained the procedure for making comments. The following people spoke:

1. Lee Beasley, Nags Head Elementary School Teacher, asked the Board to honor the agreed upon funding formula. She noted that programs have been lost and class sizes have increased.
2. Jessica Loose, Teacher at Nags Head Elementary, explained her perspective coming from a multi-generational family of educators. She voiced concern for her grandchildren’s future saying students deserve more than lip service.
3. Paige Sorey, a Literacy Specialist, explained that her colleagues work long hours to help students and spend their own money to get the tools needed for students to succeed. She asked the Board to visit teachers in the classroom.
4. Ben Sproul, Board of Education Chair, clarified that the funding formula was developed by the 5 On 5 Committee and something of which to be proud. He called on the Board to act now on funding so the BOE can plan for the future.
5. Jessica Sands, classroom volunteer, said students have suffered the impact of budget cuts. She said teachers deserve state-mandated raises and called on the Board to honor the funding formula to keep education as a top priority.
6. Stephanie Huband outlined her PTA and PTO involvement and supported the remarks made by Ms. Sands. She urged the Board to prioritize education and fund the formula to cover the state-mandated salary increases for teachers.
7. Joan Brindley noted that she was involved with the PTA at Kitty Hawk Elementary School and endorsed the previously agreed upon funding formula, which she said was jointly developed, and she called on the Board to support it.

8. Lisa Stone, Member of the Manteo PTO, said she thought the agreed upon funding formula was a done deal. She cited an example of a dedicated teacher stepping up to meet student needs and urged Commissioners not to let our students fall behind.
9. Maria Oaksmith, daughter of David Oaksmith, said a good education system can't be run on the cheap. She said our geography works against us and while substitute teaching she has observed increased class sizes and overworked teachers.
10. Leslie Reed, an accountant with 4 children in county schools, said although Dare County provides more than other counties, class sizes have increased due to funding cuts. She said students are losing electives, which hurts college transcripts.
11. Sandy Semans, Stumpy Point, reminded Commissioners that the quality of Dare County's schools attract people to our area and urged them not to second-guess the Board of Education. She said it is time to go to the taxpayers for a tax increase.
12. Wanda Burgamy said education is the answer to communities having less crime. She said education is our largest expense, as it should be, and called on the Board of Commissioners to prioritize education and properly equip students for success.

Chairman Woodard closed the hearing at 10:34 a.m.

RECESS: 10:34 a.m. – 11:00 a.m.

Following the recess, Commissioner Judge thanked people for speaking during the Public Hearing and offered the following motion –

MOTION

Commissioner Judge motioned to add \$500,000 to the 2016 fiscal year budget to cover the expense of the anticipated state-mandated raises for locally funded teachers.

Commissioner Burrus seconded the motion.

VOTE: AYES: 2 (Commissioners: Judge and Burrus)

NOES: 5 (Commissioners: Woodard, Overman, Shea, Boswell, and Umphlett)

Motion failed in a 5 to 2 vote

During discussion of the motion Commissioner Shea said it would be prudent for the 5 On 5 Committee to work together to solve the problem. Commissioner Burrus said the General Assembly has basically given the county an unfunded mandate and the money will have to come from us because we are the Fund Balance for the Board of Education. Chairman Woodard spoke against the motion and outlined a schedule that would accommodate another 5 On 5 Committee meeting, which would give the Manager and Finance Director an opportunity to look for funding. Commissioner Boswell said that although she supports teacher raises and will make the effort to fund them, she could not vote for the motion without knowing first where the money will come from. Support was expressed for the Chairman's approach by Commissioner Umphlett saying it would allow more time to gather information. Commissioner Judge said the money can be found in the budget and if necessary, the specific dollar amount could be removed from the motion until we know the exact cost of the anticipated state mandated teacher

raises. Chairman Woodard noted that we have two new commissioners who were not on the previous 5 On 5 Committee and they need to be able to get their arms around this financial decision by having another 5 On 5 meeting and an additional Budget Workshop. Vice-Chairman Overman said all the Commissioners support education and will continue to do so; however, we have time to deal with this prudently by having a 5 On 5 meeting and a Budget Workshop before voting on the budget. Commissioner Burrus questioned whether waiting to act might negatively impact the Board of Education in making teacher contracts for the upcoming school year.

ITEM 13 – CONSENT AGENDA

The Manager presented the Consent Agenda. The items were visually displayed in the meeting room and read into the record.

MOTION

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (05.13.15 & 05.18.15) **(Att. #6)**
- 2) Juvenile Crime Prevention Certification Standards – FY 2015-2016
- 3) DHHS Adoption Promotion Fund Budget Amendment
- 4) Budget Amendment – Land Transfer Tax
- 5) Detention Center Budget Amendment
- 6) Hazard Mitigation Plan **(Att. #7)**

Commissioner Judge seconded the motion.

VOTE: AYES unanimous

ITEM 14 – BOARD APPOINTMENTS

1) Albemarle Region Resource Conservation & Development Council

Commissioner Umphlett motioned to accept Mr. Barr's resignation and make an appointment at a later date.

Commissioners Shea and Boswell seconded the motion.

VOTE: AYES unanimous

2) Dare County Transportation Advisory Board

Vice-Chairman Overman and Commissioner Judge motioned to reappoint

Commissioner Jack Shea.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

3) Extra Territorial Jurisdiction (ETJ) District – Nags Head

Commissioner Umphlett motioned to appoint Peregrine White.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

4) Extra Territorial Jurisdiction (ETJ) District – Southern Shores

Commissioner Judge motioned to reappoint John Finelli.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

5) Hatteras Community Center Board

Commissioner Burrus motioned to reappoint Ernie Foster, Ricki Shepherd, and appoint Dennis Robinson.

Commissioner Judge seconded the motion.

VOTE: AYES: 2 (Commissioners: Burrus, Judge)

NOES: 5 (Commissioners: Woodard, Overman, Shea, Umphlett, Boswell)

Motion failed in a 5 to 2 vote

Commissioner Boswell motioned to reappoint Ricki Shepherd, and appoint George Banks and Dennis Robinson.

Commissioner Umphlett seconded the motion.

VOTE: AYES: 6 (Commissioners: Woodard, Overman, Judge, Shea, Umphlett, Boswell)

NOES: 1 (Commissioner: Burrus)

Motion carried in a 6 to 1 vote

6) Health and Human Services Board

Commissioner Shea motioned to appoint L'Tanya Murray.

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

7) Juvenile Crime Prevention Council

Vice-Chairman Overman motioned to ---

Reappoint - Robert Trivette, Teresa Twyne, Vance Haskett, Gail Hutchison, Jennifer Karpowicz, Sherri Ellington, Adam Leggett, Bonnie Bennett, Margarete Umphlett, Pat Hudspeth, Richard Martin, Jay Burrus, Katherine Irby, and Malinda Lathan.

Appoint - Laura Twitchell to replace Natalie Evans
Nancy Griffin to replace Lora Gilreath

And to leave Loretta Michael's seat vacant until a new Director has been named for the Children & Youth Partnership.

Commissioners Umphlett and Shea seconded the motion.

VOTE: AYES unanimous

8) Library Board - Dare

Commissioner Judge motioned to reappoint Commissioner Margarete Umphlett, appoint Willard Haithcock to replace Elizabeth Gamiel, and Sandra Carter to replace Donna Trivette.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

9) Manns Harbor Community Center Board

Commissioner Judge motioned to reappoint Rodney Balance, Bett Beasley, and Vickie Craddock.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

10) Oregon Inlet and Waterways Commission

Commissioner Shea motioned to reappoint Jed Dixon, David May, Arvin Midgett, and Fletcher Willey.

Vice-Chairman Overman and Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

11) Roanoke Island Community Center Board

Commissioner Umphlett motioned to reappoint Betty Selby, and appoint Jonique Lee, Allen Moran, and David Twiddy

Commissioner Boswell seconded the motion.

VOTE: AYES unanimous

12) Rodanthe-Waves-Salvo Community Center Board

Commissioner Burrus motioned to reappoint Susan Gray and J.W. Kierzkowski.

Vice-Chairman Overman and Commissioner Judge seconded the motion.

VOTE: AYES unanimous

13) Upcoming Board Appointments for July, August, and September

The upcoming Board appointments were announced.

ITEM 15 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Following is a brief outline of items raised during this segment. Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety on a video archived on the Dare County website www.darenc.com.

Commissioner Judge – suggested taking a cross section of people to Raleigh to broaden the discussion of getting funding tools from the General Assembly. He said the group should include business leaders, municipal, and Commissioner representatives. Commissioner Judge addressed the KOA dumpsters that were mentioned during Public Comments. He said KOA is a great Hatteras Island citizen; however, dumpsters with flies and odor are a problem. Chairman Woodard discussed applicable zoning language and said he would have no problem reaching out to KOA management to ask for a meeting with him and the County Manager to discuss this issue.

MOTION

Commissioner Burrus motioned that the Chairman reach out to KOA management.

Commissioners Umphlett and Boswell seconded the motion.

VOTE: AYES unanimous

Commissioner Umphlett – commended the service pin recipients and congratulated the Employee of the Month.

Vice-Chairman Overman – reported on a recent Marine Fisheries meeting and the testimony that was given. He noted that our watermen are under attack. He cited one person who recommended the removal of all gill nets. The Vice-Chairman voiced his

support of watermen saying he is more in favor of people, jobs, and heritage than fish. He thanked the North Carolina Senators for the letter they sent to the Washington D.C. legislative delegation regarding Oregon Inlet. He reported on the recent comments made by Congressman Walter Jones and the negative assessment of offshore drilling that was expressed to representatives of Senator Burr's office. Vice-Chairman Overman congratulated the service pin recipients and the Employee of the Month.

Commissioner Shea – expressed appreciation for the work done by the service pin recipients and the Employee of the Month. He thanked those who spoke during Public Comments and the Public Hearing and said it is important that the Board hear from the people. He assured everyone that the Board of Commissioners is committed to making sure Dare County Students receive a quality education.

Commissioner Burrus – complimented the service pin recipients and Employee of the Month. He suggested a way flounder quotas could more effectively be addressed. To help get an economic impact study of Hatteras Inlet, Commissioner Burrus suggested reaching out to NCDOT asking them to include Hatteras Inlet in their studies pertaining to passenger ferry service. He raised questions about the fairness and enforcement of the new tax that might be imposed on boaters.

Commissioner Boswell – congratulated the service pin recipients and the Employee of the Month. She emphasized that she supports teachers; however, she did not want to write a check that cannot be backed up. She also thanked Senator Cook for his work to secure funding for dredging and clarified that funds would not be taken away from beach nourishment. Commissioner Boswell asked the Board to consider Jed Dixon for an open position vacated by John Bayliss on the Oregon Inlet Task Force Advisory Committee. Commissioner Burrus said he has no problem with Mr. Dixon but expressed concern about having him on both the Task Force and the Waterways Commission rather than getting more people involved. Commissioner Umphlett said Mr. Dixon's knowledge may be beneficial and that overlap could be a good thing.

MOTION

Commissioner Boswell motioned to replace John Bayliss with Jed Dixon on the Oregon Inlet Task Force.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

Chairman Woodard – reported on a presentation made recently by a Dr. from N.C. State about solar farms in North Carolina. By consensus, the Board agreed that the Chairman should invite the presenter to speak at a future meeting. He thanked state legislators for sending a letter to Washington D.C. congressional delegation regarding Oregon Inlet land acquisition. The Chairman gave a positive review of the season opening of the Lost Colony theatrical production. He asked that everyone remember former Dare County Commissioner Bobby Owens in their thoughts and prayers following the recent death of his wife.

MANAGER'S/ATTORNEY'S BUSINESS

1. Mr. Outten described an award given to Dare County by the Girl Scouts of the Colonial Coast. He said the Community Service Award expresses gratitude for the County's support of girl scouting, which helps build girls of courage, confidence, and character who make the world a better place.
2. At the request of the County Manager, Commissioners looked at their schedules and by consensus agreed to the following –
 - The Manager will coordinate schedules with the Board of Education (BOE) for a meeting soon for the group known as the Five On Five, which involves Chairman Woodard, Commissioners Shea and Boswell, Mr. Outten, and Mr. Clawson
 - Budget Workshop at 5:00 p.m., Wednesday, June 10, 2015
 - Changing the date of the 5:00 p.m., June 15, 2015 Regularly Scheduled Board meeting to 5:00 p.m., Wednesday, June 17, 2015

It was noted that the Capital Improvements Planning Committee will need to meet soon.

ITEM 16 – CLOSED SESSION – PROPERTY MATTERS

The Manager asked for a Closed Session pursuant to NCGS 143-318.11(a)(5) in regard to a real property matter on North Holiday Boulevard in Rodanthe and the old Food for Thought building in Manteo; and pursuant to 143-318.11(a)(6) to discuss a personnel matter, and preserve the attorney-client privilege pursuant to 143-318.11(a)(3); and to approve previous Closed Session Minutes.

MOTION

Commissioners Judge and Shea motioned to go into Closed Session pursuant to the provisions of the North Carolina General Statutes cited by the County Manager.

Commissioner Umphlett seconded the motion.

VOTE: AYES unanimous

At 1:05 p.m., the Commissioners exited the room to meet in Closed Session. They reconvened at 1:29 p.m. and Mr. Outten reported that during the Closed Session the Board approved previous Closed Session Minutes, gave instructions with regard to real estate matters, heard from the County Attorney with respect to personnel matters, and took no other action.

At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

MOTION

Commissioner Judge motioned to adjourn the meeting.

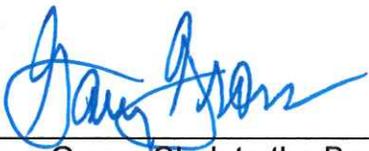
Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

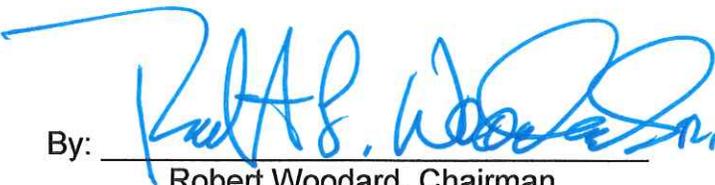
At 1:30 p.m., the Board of Commissioners adjourned until 5:00 p.m., June 17, 2015.



Respectfully submitted,

By: 
Gary Gross, Clerk to the Board

APPROVED:

By: 
Robert Woodard, Chairman
Dare County Board of Commissioners

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