



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 15, 2009—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; 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:

APPROVAL OF AMENDED AGENDA (Addition of Item 1A — Convene the Stumpy Point Water and Sewer Authority) —

Approved

CONVENE THE STUMPY POINT WATER AND SEWER AUTHORITY — **Convened and Grant Agreement Approved**

FF&E ROANOKE ISLAND SENIOR CENTER — **Approved**

AMENDMENT TO HATTERAS ADMINISTRATION BUILDING CAPITAL PROJECT ORDINANCE — **Adopted**

ORDINANCE LICENSING SOLID WASTE COLLECTORS — **Approved and Placed on July 20, 2009 Agenda**

CONSENT AGENDA — **Approved**

- Approval Of Amended Minutes (6.1.09)
- Amendment to Employment Agreement
- Budget Amendment—Phragmites Control
- Manns Harbor Purple Martin Sound Access—Fishing & Viewing Pier Project
- 2009/2010 SPCA Contract

PUBLIC HEARING: RECOMMENDED 2010—2014 CAPITAL IMPROVEMENTS PLAN — **Held**

ADOPTION OF THE FISCAL YEAR 2010 BUDGET AND THE FISCAL YEAR 2010-2014 CAPITAL IMPROVEMENTS PLAN — **Approved**

LAND OF BEGINNINGS

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Chairman Warren Judge, called the meeting to order at 5:00 p.m., invited Cindy Kelly, Dare County Employee, to share a prayer and then led the pledge of allegiance to the flag.

MOTION

Commissioner Shea motioned to amend the agenda to add in Item 1A – Convene the Stumpy Point Water and Sewer Authority.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Chairman Judge thanked Terry Wheeler, County Manager, on behalf of the Commissioners and all those in Dare County for his years of service.

ITEM 1 – PUBLIC COMMENTS

1. Dewey Parr, Buxton resident, spoke in opposition of the beach closures.
2. Carol Dillon Dawson, spoke in opposition of the beach closures.
3. Ryan Dawson, Buxton resident, spoke in opposition of the beach closures.
4. John Ochs spoke in opposition of the beach closures.
5. James Higham, Williamsburg, Virginia resident, spoke in opposition of the beach closures.
6. Carol Dillon via video, Buxton resident, spoke in opposition of the beach closures.
7. Irvin Midgett, Dare County resident, spoke in opposition of the beach closures.
8. Greg Kuczqowski spoke in opposition of the beach closures.
9. Scott Dawson, Buxton resident, spoke in opposition of the beach closures.
10. Virginia Luzier, Buxton resident, spoke in opposition of the beach closures.
11. Rick Kinnaird, Avon resident, spoke in opposition of the beach closures.
12. Stuart Couch, Buxton resident, spoke in opposition of the beach closures.
13. Joe Novak, Hatteras Island visitor, spoke in opposition of the beach closures.
14. Hal Lester, Frisco resident and Buxton business owner, spoke in opposition of the beach closures.
15. Ben Doerr, Avon resident, spoke in opposition of the beach closures.
16. Tara Dove, Buxton resident, spoke in opposition of the beach closures.
17. Jack Rush, Salvo resident, spoke in opposition of the beach closures.
18. Dave Dawson, Buxton resident, spoke in opposition of the beach closures.
19. Pat Weston, Avon resident, spoke in opposition of the beach closures.
20. George Mendelson, spoke regarding the Dangerous Animal Ordinance. He felt this ordinance allows for the euthanization of dogs that are deemed to be potentially dangerous without adequate criteria for making this determination. He requested an update be given to all dog owners in the County regarding the committee appointed to consider a revision to the ordinance. He cited Kitty Hawk's recommendation to the Board to take out the euthanization provision. He requested in the revision of the ordinance that appropriate people within the County participate in the revision. He also spoke in support of a dog park. Lastly, he submitted a picture of Commissioner Tillett from Dare Day.
21. Carol Dillon, Hatteras Island business owner, spoke in opposition of the beach closures.
22. Jim Harris had taken a resolution he had asked the Commissioners to craft to the Republican GOP Convention where they passed it almost unanimously. He requested the Board of Commissioners also pass this resolution and add the words "Bodie Island."
23. Larry Hardham, Buxton resident, requested this resolution be passed in the North Carolina General Assembly. He suggested once it is passed, the resolution should then go to Federal legislators with North Carolina's legislators' support. He noted complete State support was necessary to be successful in Washington. He appreciated everything the County has done thus far.

24. Perry White, Nags Head resident, gave the Commissioners a brief update on the recent Republican State Convention and spoke in support of the passage and distribution of this resolution.
25. Steve Magliano, Buxton resident, gave a brief story of an injured animal that gnawed his paw off to get out of a trap. He related the trapper to the Federal Government.

Chairman Judge thanked everyone for their comments and asked the public comment portion of the meeting be produced in mass for distribution to Congressmen and Senators in Washington. He shared the Commissioners' deep commitment to this fight and updated everyone on the actions taken to bring awareness and understanding of this issue. He introduced Gary Gross, Dare County employee, who was hired as the "Preserve Beach Access" campaign staff member. He requested everyone continue to speak out against beach closures and asked they direct their efforts towards special interest extremist groups.

Vice-Chairman Burrus stated this issue is about everyone's rights, not just the rights of Hatteras Island and Dare County residents. He stated they have failed to make the masses aware these rights are being taken away. He noted we are a nation who goes to war over rights, yet our own are deteriorating. He expressed the need to be proactive and focus on the groups that are spending so much time on this effort and requested everyone not necessarily work harder, but rather smarter.

Commissioner Shea noted he has written twelve (12) op-eds in an attempt to get the message across to everyone. He feels this issue is not just for Dare County, but nationwide as all public lands could be at risk of closures for the same reasons as our beaches. He appreciated everyone coming to share their thoughts and views.

Commissioner Tillett thanked everyone for speaking eloquently on this issue. She noted the Commissioners are constantly trying to find ways to keep the beaches open, but need help from the community. She requested those in attendance introduce themselves to Mr. Gross so he can share how to help in this effort.

Commissioner Dutton thanked everyone for coming and noted the need to keep everyone informed on the issue. He stated the importance of continuing the fight together.

Commissioner Mike Johnson explained he is in the wildlife business and has researched this issue. Beach closures raise the special interest groups a great deal of money. He suggested everyone who has been financially affected by the closures send a bill to Audubon for the lost money due to this issue. He noted Dare County should also send a bill for lost tax revenue. He stated there is a new administration in the State. He encouraged everyone to prompt the Governor to make weekly calls to the U.S. administration to provide updates on the fight.

Commissioner Richard Johnson stated he believes everyone is an environmentalist as we all love nature and the beach. He urged everyone to be more careful when they vote for judges before knowing what they stand for. He stated this is going to be a long, drawn out battle and it is important we pay attention to those we vote into office. He feels some of the groups do not realize what they are doing and the effect it is having on our people. He urged everyone to share what is happening to our county and citizens. He then thanked everyone for coming.

Chairman Judge announced Congressman Jones has reintroduced House Bill 718 and needs support. This bill has not been reintroduced in the Senate, but hopefully will be soon. He thanked Greg Kuczqowski for a picket line at a REGNEG meeting. He noted several REGNEG members who pleaded with the Superintendent to have the picket line removed. Because of this effort, the group was able to request

filming and broadcasting of the REGNEG meetings. Ms. Carol Dawson stated residents on Hatteras Island will not survive a long, drawn out battle. Chairman Judge encouraged everyone to get this issue out to the national press.

RECESS 6:25 P.M. - 6:48 P.M.

RECESS DARE COUNTY BOARD OF COMMISSIONERS IN ORDER TO CONVENE THE STUMPY POINT WATER AND SEWER AUTHORITY

ITEM 1A – CONVENE THE STUMPY POINT WATER AND SEWER AUTHORITY (Att. 1)

The Stumpy Point Water and Sewer Authority convened in order to review the Rural Center Unsewered Communities Program Phase II Grant Agreement for \$475,494.20 in funds for construction of the Stumpy Point sewer project. County Attorney Outten explained the grant agreement needs to be approved and the Chairman authorized to execute the agreement in order to receive the grant money to contribute to the project.

MOTION

Commissioner Mike Johnson motioned to approve the agreement.
Vice-Chairman Burrus and Commissioner Dutton seconded the motion.
VOTE: AYES unanimous

There being no further business, The Stumpy Point Water and Sewer Authority was adjourned.

DARE COUNTY BOARD OF COMMISSIONERS RECONVENED

ITEM 2 – FF&E ROANOKE ISLAND SENIOR CENTER (Att. 2)

Linda Phillips, Interior Designer for Design Sense and representative for the Volunteer Citizens Committee, presented the FF&E detailing furniture descriptions and associated costs for the Roanoke Island Senior Center. She presented the proposed materials for the facility, color specifications, and line item costs for the furniture. Chairman Judge noted the furniture and color selections presented are recommended by the Capital Improvements Project Committee for approval. Commissioner Shea asked if there would be carpeting in the facility. Ms. Phillips indicated which areas on the floor plan would have carpet. Commissioner Shea asked if the carpet selection was stain resistant. Ms. Phillips stated the carpet is made of nylon and was chosen for this reason. Vice-Chairman Burrus explained the proposed Correctional Enterprises vendor is a correctional facility in which the profit made by the company goes directly back into the correctional facility programs. He noted the materials were often well below others in the bid process.

MOTION

Commissioner Shea motioned to approve the recommendation by the CIP Committee on the finishes and furnishing selections.
Vice-Chairman Burrus seconded the motion with a comment stating this does meet budget specifications.
VOTE: AYES unanimous

MOTION

Commissioner Shea motioned to approve the FF&E budget in the amount of \$83,438 for the Roanoke Island Senior Center.
Vice-Chairman Burrus seconded the motion.
VOTE: AYES unanimous

ITEM 3 – AMENDMENT TO HATTERAS ADMINISTRATION BUILDING CAPITAL PROJECT ORDINANCE (Att. 3)

Mr. Dave Clawson, Finance Director, presented an amendment to the Hatteras Administration Building Capital Project Ordinance. He stated the project budget needs an increase of \$150,000. \$110,000 is required for the work performed by the replacement contractor in excess of the contract balance not paid by the original contractor. He went on to explain additional structural integrity work is required and it is not certain any of these costs will be recouped from the original contractor. Therefore, the additional \$40,000 is for this work and anticipated legal fees. Mr. Clawson stated the funds are coming from Capital Improvement projects completed under budget. He also detailed items remaining in the fund for other projects in the future. He asked for approval of the amendment to the Capital Project Ordinance.

MOTION

Commissioner Shea motioned to adopt the amendment to the Capital Project Ordinance.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 4 – ORDINANCE LICENSING SOLID WASTE COLLECTORS (Att. 4)

County Attorney Outten reminded the Board of the Solid Waste Agreement that was approved earlier in the year. Part of that agreement entails the adoption of an ordinance requiring all solid waste in Dare County to go to the Bertie Landfill. This ordinance was recommended by Republic's attorneys and has been circulated to all participating counties and towns for adoption before September 1. He noted this requires two readings. Republic's attorney has submitted a Hauler License Ordinance that meets the requirements of this agreement.

MOTION

Commissioner Shea motioned to approve the Ordinance Licensing Solid Waste Collectors for the first reading.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 5 – CONSENT AGENDA (Att. 5)

Commissioner Shea motioned to approve the Consent Agenda:

1. Approval of Minutes (6.1.09)
2. Amendment to Employment Agreement
3. Budget Amendment-Phragmites Control
4. Manns Harbor Purple Martin Sound Access - Fishing & Viewing Pier Project
5. 2009/2010 SPCA Contract

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

5:30 P.M.

ITEM 6 – PUBLIC HEARING

1. Recommended 2010 - 2014 Capital Improvements Plan

AT 7:14 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING THE RECOMMENDED 2010-2014 CAPITAL IMPROVEMENTS PLAN.

County Attorney Outten conducted the hearing and invited the public to speak.

No one came forward to speak.

Chairman Judge closed the hearing at 7:14 P.M.

ITEM 7 – ADOPTION OF THE FISCAL YEAR 2010 BUDGET AND THE FISCAL YEAR 2010-2014 CAPITAL IMPROVEMENTS PLAN (Att. 6)

County Attorney Outten distributed a spreadsheet detailing changes since the budget was presented at the May 4, 2009 meeting. He detailed the list of changes and stated the budget was before the Board for approval. Vice-Chairman Burrus stated he was surprised by the sales tax revenues and asked what timeframe these numbers represented. Mr. Clawson stated it was updated through the end of March. Commissioner Shea asked what the net effect would be on this budget compared to the previous budget. Mr. Outten stated all changes detailed on the sheet are funded in this budget by savings received by worker's compensation and property liability insurance reductions that were not anticipated. Therefore, there is no net effect and no figures were changed.

MOTION

Commissioner Shea motioned to adopt the Fiscal Year 2009 - 2010 Budget as presented with changes and the Fiscal Year 2010 – 2014 Capital Improvements Plan.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – COMMISSIONERS' BUSINESS

Commissioner Mike Johnson – None

Commissioner Dutton – None

Commissioner Tillett announced Dare Days was a great success. She stated Syble Blount was the Dare County Citizen of the Year for Dare Days. She was very surprised and happy to receive the award. Ms. Tillett commended Melva Garrison and the Board of Elections staff for a fantastic day. She congratulated all Dare County seniors on their recent graduation. She noted the many activities planned by Parks and Recreation for children this summer and encouraged everyone to take advantage of these services being offered. She attended a workshop with Anne Thomas's staff called "Unity and Community Creating Health Opportunities." She stated this was very informative on the health issues facing our communities. She thanked Terry Wheeler for a job well done and gave a special thanks to his wife, Valerie, and family for sharing him with the County for thirty-three (33) years. She asked him to please return for a visit and noted her mom still wants to meet him.

Vice-Chairman Burrus noted he had been involved with the Citizen's Committee regarding the Oregon Inlet Bridge. Jim Trogden, Chief Operating Officer for NCDOT, spoke with the committee via telephone and shared the merger teams had met twice and everyone is in concurrence with Phase one (1): Replacement of Bonner Bridge adjacent to its current location. He also shared the adaptive management approach would be applied to Phases two (2) through four (4). Completion of the Environmental Impact Study would be July/August 2009. The Record of Decision is expected in October 2009. The Design-Build contract is expected in February 2010. Mr. Trogden stated bluntly they are preparing to be sued, but expects to win. He also explained NCDOT feels comfortable where they are in the process and with those representing the departments at the federal level. In his opinion, Phase one (1) is moving forward. The willingness of Mr. Trogden to keep everyone updated on the progress was a huge change from the relationship before with DOT. Mr. Burrus thanked Ken Flatt and the Water Department staff for getting water into Hatteras Island village so expediently. He noted the hard times for those on Hatteras Island, but reiterated the continued fight to better the situation. He appreciated the Board for its efforts on beach closures and on the bridge replacement.

Commissioner Shea expressed his thanks and appreciation to Terry for his good stewardship for the last thirty-three (33) years. He wished him good health, good luck and a great retirement.

Commissioner Richard Johnson thanked Terry for his service. He noted he has been through a lot and added the youth of Dare County should appreciate all he has done for them.

Chairman Judge shared a news release from the Park Service announcing the implementation of the new volunteer Beach Watch program for 2009 summer season. The goal of this program is to prevent incidents of crime, vandalism, and damage to park resources and property. He noted past discussion with Superintendent Mike Murray over the years requesting this type of program. He is pleased to see its implementation. He noted his own comments at the last meeting regarding moving forward by doing the things we do in Dare County to attract visitors. He shared the opportunity he had Saturday, June 13, to listen to Brandon Matthews. Mr. Matthews spoke about how brick walls are built in one's way and the many he has overcome. He noted these walls were not there to stop him, but rather to challenge him and make him creative. He gained incentive to climb or go around the walls. Mr. Judge thought about the challenges facing the Commissioner's in their governance over Dare County. He encouraged everyone to take inspiration from Mr. Matthews who is confined to a wheelchair. His message hit home with everyone in the audience. Mr. Judge congratulated all seniors and gave a special thank you to Brandon for his message. He noted a lot has been said to Terry. He shared his excitement for both Terry and Bobby.

AT 7:35 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON JULY 20, 2009.

(SEAL)

Respectfully submitted,

By: _____
Katie Smith, Clerk

APPROVED:

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

