



# 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

July 20, 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 Bobby Outten, Dorothy Toolan — Public Information Officer, Katie Smith—Clerk to the Board

### **Action:**

EMPLOYEE OF THE MONTH (JULY) — **Presented to Kathy Bracey**

ORDINANCE LICENSING SOLID WASTE COLLECTORS — **Approved**

PUBLIC HEARING: RURAL OPERATING ASSISTANCE PROGRAM (ROAP) FY09-10 — **Held and Approved**

DARE COUNTY BONDING AUTHORITY UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 — **Approved**

CHANGE IN INVESTMENTS POLICY — **Adopted**

CAPITAL PROJECT ORDINANCE FOR ENGINEERING & DESIGN SERVICES FOR RI WATER SYSTEM EXPANSION — **Adopted**

RESOLUTION (APPLICATION FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS) — **Approved**

RESOLUTION (REIMBURSEMENT FOR CAPITAL EXPENDITURES) — **Approved**

DUCK BOARDWALK EASEMENTS — **Approved**

DESIGNATION OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE — **Appointed (Virginia Tillett)**

DESIGNATION OF VOTING DELEGATE TO NACo ANNUAL CONFERENCE — **Appointed (Richard Johnson)**

CONVENE STUMPY POINT WATER & SEWER AUTHORITY — **Convened**

1. Rural Center Grant Contract — **Approved**

2. Grant Agreement Extension — **Authorized**

CONSENT AGENDA — **Approved**

- Approval Of Minutes (6.15.09)
- Agreement to provide accounting services to the Stumpy Point Community Center District
- Embarq Request for 5' Utility Easement at Duck Water Tower
- Manns Harbor VFD addendum to contract for fire protection
- Budget Amendment - Dare County School Recycling Program
- Personnel Manual Update
- Dare County Solid Waste Management Plan submitted to NCDENR July 1-2009-June 30, 2019

### BOARD APPOINTMENTS

- East Lake Community Center Board — **Reappointed (Rosemarie Doshier)**
- Game and Wildlife Commission — **Reappointed (Andrew Horne, Phil Haywood, William Wilson, Manson Meekins)**
- Parks and Recreation Advisory Council — **Reappointed (Timmy Midgett, Mel Covey); Appointed (Scott Midgette)**
- Region R Emergency Medical Services Advisory Council — **Reappointed (Skeeter Sawyer, Sandy Sanderson, Doug Remaley)**
- Wanchese Community Center Board — **Reappointed (Rosie Davenport, Thomas Baum, Sally Defosse, Jimmie Williams, John Beasley)**
- The Dare County Center Advisory Board — **Appointed (Virginia Tillett, Bea Basnight, Bettie Blanchard, Betty Mann, Doris Young, Isabel Cooper, Jim Harris, Malcom Fearing, Dot Tillett, Thomas Williamson, Jimmy Brown, Jimmie Williams, Jr.)**
- Juvenile Crime Prevention Council — **Reappointed (Amber Davis, Vance Haskett, Doug Oberbeck, Sherri Ellington, Sarah Massey, Bonnie Bennett, Virginia Tillett, Pat Hudspeth, Edgar Barnes, Anne Thomas, Thomas Williamson, Jay Burrus, Katherine Irby, Melinda Maher, Loretta Michael, Richard Martin); Appointed (Jennifer Karpowicz and Kevin Brunk)**
- Greater Albemarle Area Chapter of American Red Cross — **Appointed (Ginger Candelora)**

DIALYSIS CENTER LEASE RENEWAL — **County Manager authorized to execute**

OUTER BANKS SCENIC BYWAYS GRANT APPLICATION — **Approved**

DARE COUNTY GRANT APPLICATION ON BEHALF OF WANCHESE SEAFOOD INDUSTRIAL PARK — **Approved**

CLOSED SESSION: JARVIS WILLIAMS PROPERTY, BUXTON — **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 5:00 p.m., invited Commissioner Mike Johnson to share a prayer and then led the pledge of allegiance to the flag.

### **MOTION**

Commissioner Shea motioned to amend the agenda to add Item 13A – Designation of Voting Delegate to the NACo Annual Conference and to remove Item 4 – U.S. Census Bureau Presentation.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Chairman Judge asked for the authority to move Item 17 Board Appointments: The Dare County Center Advisory Board to be addressed following public comments in order to accommodate one of the Commissioners. There were no objections and the agenda was rearranged. He then welcomed Bobby Outten to his first meeting as County Manager.

### **ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS**

- 1) Sectina Tran, In-Home Service Aid, received her 10 year pin from Jay Burrus, Social Services Director.
- 2) Neva Lee, In-Home Services Aid, received her 10 year pin from Jay Burrus, Social Services Director.
- 3) Brian Mitchell, Air Operations Tech., received his 15 year pin from Robert Benson, Airport Director.
- 4) Talmage Willis, E911 System Administrator, received his 20 year pin from Rodney Midgett, Sheriff.

### **ITEM 2 – EMPLOYEE OF THE MONTH – JULY 2009**

Ms. Kathy Bracey, Technical Services Superintendent, received the Employee of the Month certificate for July 2009 from Ken Flatt, Water Department Director.

### **ITEM 3 – PUBLIC COMMENTS**

- 1) George Mendelson spoke to the Board regarding the dangers to pedestrians on Beach Road and NC12. He stated he has written a letter to the Outer Banks Sentinel and has distributed materials advising people of the problem. He will be meeting with Cliff Ogburn, Interim Town Manager of Nags Head, and their Police Department, to organize a “Walk, Run and Ride for Safety” on the Beach Road in Nags Head which is one of the more dangerous areas. He asked the Board to consider public promotion of traffic safety for locals and visitors to raise awareness on ways to reduce these hazards on NC12, Beach Road, and other roads in the County.
- 2) Matt Walker, Kill Devil Hills resident and Co-Chair of The Outer Banks Surf Rider Foundation, thanked the Board for their support of preserve beach access on Hatteras Island. The Foundation promotes maintaining responsible access with a balance of both environmental and recreational concerns and needs. He explained a current issue with the move for States to investigate Petroleum Exploration off the coast. He would like to see the Commissioners readopt the Resolution from 2005 opposing such explorations. He asked this be done expediently if possible as the Department of the Interior Public Comment period ends September 21, 2009 and they would then make a ruling by February 2010.

***MOVE TO ITEM 17 NUMBER 6***

**ITEM 5 – ORDINANCE LICENSING SOLID WASTE COLLECTORS (Att. 1)**

County Manager Outten noted this is the second reading of the ordinance requiring haulers to deliver waste to Republic through Dare County's transfer station. He noted this is the same ordinance from the last meeting that the Board voted and approved. Because it is a franchise ordinance, it requires two readings of which this is the second reading. He asked if the Board elects to approve the ordinance a second time, he asked the motion include the authorization of the Albemarle Regional Solid Waste Management Authority to act as the authorized representative to collect the fees and administer this ordinance.

**MOTION**

Commissioner Shea motioned to adopt the ordinance and to authorize the Albemarle Regional Solid Waste Management Authority to act as the authorized representative to collect fees and administer this ordinance.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

***MOVE TO ITEM 7***

**5:30 P.M. PUBLIC HEARING**

**ITEM 6 – RURAL OPERATING ASSISTANCE PROGRAM (ROAP) FY09-10 (Att. 2)**

AT 5:39 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT CONCERNING THE RURAL OPERATING ASSISTANCE PROGRAM (ROAP) FY09-10.

Mr. Outten conducted the hearing and invited the public to speak.

No one came forward to speak.

County Manager Outten closed the hearing at 5:40 P.M.

**MOTION**

Commissioner Shea moved to approve the terms in the "Certified Statement" and to authorize the Chairman to execute the contract.

Vice-Chairman Burrus and Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

***MOVE TO ITEM 8***

**ITEM 7 – DARE COUNTY BONDING AUTHORITY UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) (Att. 3)**

Mr. Dave Clawson, Finance Director, explained the bonding authority the County has under the ARRA has made several new types of debt issuance available to Dare County, and the State has released allocations of certain bonds. He explained the Board would be asked by the State if it intends to use its allocations of bonding capacity. If not, the unused capacity will be reallocated. He then detailed the possible uses of the new types of bonds: Build America Bonds, Recovery Zone Economic Development Bonds, Recovery Zone Facility Bonds, and Qualified School Construction Bonds. He noted the Board would need to approve the filing of the application for the QSCB's for purposes as a placeholder for the

possibility that Dare's CY 2009 allocation may carryover to Dare's CY 2010 allocation with the stipulation that the Board will later decide whether or not to construct the project and to use the debt allocation, and to allow Mr. Clawson to complete the resolution and approve this resolution to reserve this allocation to carry over into 2010.

**MOTION**

Commissioner Shea motioned to approve the filing of the application for the QSCB's only for purposes as a placeholder for the possibility that Dare's CY 2009 allocation may carryover to Dare's CY 2010 allocation and with the stipulation that the Board will later decide whether or not to construct the project and to use the debt allocation, and to allow Mr. Clawson to complete the resolution (09-07-17) in the application packet and approve this resolution to be used as a placeholder.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

***MOVE TO ITEM 6***

**ITEM 8 – CHANGE IN INVESTMENT POLICY (Att. 4)**

Mr. Clawson explained the Board is being requested to allow 2.5% of the portfolio to be invested in maturities ranging from fifteen (15) to twenty (20) years in order to increase the portfolio yield. He explained the interest rate risk and the types of investments that will be made. He noted staff is requesting an effective date of June 30, 2009.

**MOTION**

Commissioner Shea motioned to adopt the changes in the Investments Policy effective June 30, 2009.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – CAPITAL PROJECT ORDINANCE FOR ENGINEERING AND DESIGN SERVICES FOR ROANOKE ISLAND WATER SYSTEM EXPANSION (Att. 5)**

Mr. Clawson stated on May 18, 2009 the Board approved the design contract for the expansion of the water system on Roanoke Island. He asked the Board to establish a budget for the design contract in the amount of \$1,650,400, through a capital project ordinance.

**MOTION**

Commissioner Shea motioned to adopt the Capital Project Ordinance for Engineering and Design Services for Roanoke Island Water System Expansion.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE COUNTY'S ENTERPRISE SYSTEMS REVENUE BONDS AND CERTAIN RELATED MATTERS (Att. 6)**

Mr. Clawson presented the initial resolution for refinancing the County's Series 1998A and 1998B Water Revenue Bonds in the amount of \$13,470,000 outstanding. He explained county staff and underwriters

monitor all outstanding debt for refunding opportunities. Because of the increasing stabilization of the debt markets and decreases in midterm and long term interest rates, a refunding of all of the outstanding Water Revenue Bonds is feasible. He explained the details of this action including County policy and responsibilities in adopting such a resolution. Commissioner Shea asked what the value is of the ratings insurance. Mr. Clawson explained the bonds will sell at a lower interest rate. If the cost of the insurance measures less than what is saved in interest expense, it makes sense to have the insurance. He stated the underwriters make this evaluation.

**MOTION**

Vice-Chairman Burrus motioned to adopt Resolution 09-07-15.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 11 – RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF DARE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH EXPANSION OF THE COUNTY’S WATER SERVICE AND IMPROVEMENTS TO THE SKYCO WATER TREATMENT PLANT FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE ISSUED IN CALENDAR YEAR 2010 (Att. 7)**

Mr. Clawson presented a reimbursement resolution for the water system expansion project for Roanoke Island. He stated by adopting the resolution, the County will be able to expend funds on the project and then reimburse itself from debt proceeds when the project is financed.

**MOTION**

Commissioner Shea motioned to adopt Resolution 09-07-16.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – DUCK BOARDWALK EASEMENTS (Att. 8)**

County Manager Outten announced the Town of Duck is building a boardwalk along its waterfront and has requested two easements from Dare County along the waterfront of the water tower site and small water access parcel near Wee Winks. He displayed maps showing the locations and asked the Board to approve the easements subject to final approval of the description and terms he will create in conjunction with Public Works. He noted the need to add language to allow for future access if needed. Chairman Judge shared his concerns regarding a future public boating area that may occur at some point. Mr. Outten suggested adding provisions to be able to raise the boardwalk high enough to allow skiffs and small boats through this area.

**MOTION**

Vice-Chairman Burrus motioned to approve the easements subject to approval of the descriptions and terms by the County Attorney and by Public Works.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 13A – DESIGNATION OF VOTING DELEGATE TO NACo ANNUAL CONFERENCE**

County Manager Outten noted the Board needs to designate a voting delegate for the 2009 NACo Annual Conference in Nashville, TN. This conference will take place July 24<sup>th</sup> through July 28<sup>th</sup>.

**MOTION**

Commissioner Shea motioned to appoint Commissioner Richard Johnson as the voting delegate for the NACo conference.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – DESIGNATION OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE**

County Manager Outten noted the Board needs to designate a voting delegate for the 2009 NCACC Annual Conference in Catawba County, North Carolina. This conference will take place August 27<sup>th</sup> through August 30<sup>th</sup>.

**MOTION**

Commissioner Shea motioned to appoint Commissioner Tillett as the voting delegate for the NCACC conference.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

***RECESS THE DARE COUNTY BOARD OF COMMISSIONERS' MEETING***

**ITEM 14 – CONVENE THE STUMPY POINT WATER AND SEWER AUTHORITY (Att. 9)**

The Stumpy Point Water and Sewer Authority convened in order to consider the approval of the Rural Center Grant Contract -- \$500K Supplemental Funds – Stumpy Point Sewer, and to consider requesting a Grant Agreement extension.

1. Rural Center Grant Contract -- \$500K Supplemental Funds – Stumpy Point Sewer

County Manager Outten presented the Rural Center Grant Contract for Clean Water Partners Supplemental Grant Funds in the amount of \$500,000 for the Stumpy Point Sewer Project. He explained this grant is the same as other grants and terms we have had with them previously. He asked this grant be approved and the Chairman be authorized to execute the document.

**MOTION**

Vice-Chairman Burrus motioned the approval and execution of the contract.

Commissioners Shea and Dutton seconded the motion.

VOTE: AYES unanimous

2. Grant Agreement Extension

County Manager Outten explained the Board would need to authorize the Chairman to execute a grant extension request to extend the deadline for completion of the services specified in the Grant Agreement. The original granting terms ended prior to the completion of the project. This grant extension agreement requests and authorizes them to extend the grant through April 2010.

**MOTION**

Vice-Chairman Burrus motioned to authorize the Chairman to execute the document.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Mr. Outten noted both items were due last week in order to meet the deadlines given. The documentation was sent in last week and the action today was for formal approval and ratification of what has already been done.

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

***THE DARE COUNTY BOARD OF COMMISSIONERS' MEETING WAS RECONVENED***

**ITEM 15 – OREGON INLET UPDATE**

Vice-Chairman Burrus gave a brief update on Oregon Inlet stating the project is moving forward. Next month, the EIS supplement is expected to be finished and the time table for contract for work is still February. He also noted dredging on the inlet should begin in September.

**ITEM 16 – CONSENT AGENDA (Att. 10)**

Commissioner Shea motioned to approve the Consent Agenda:

1. Approval of Minutes (6.15.09)
2. Agreement to provide accounting services to the Stumpy Point Community Center District
3. Embarq Request for 5' Utility Easement at Duck Water Tower
4. Manns Harbor VFD addendum to contract for fire protection
5. Budget Amendment - Dare County School Recycling Program
6. Personnel Manual Update
7. Dare County Solid Waste Management Plan submitted to NCDENR July 1-2009-June 30, 2019

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – BOARD APPOINTMENTS**

1) East Lake Community Center Board

Vice-Chairman Burrus motioned to reappoint Rosemarie Doshier for another three (3) year term.

VOTE: AYES unanimous

2) Game and Wildlife Commission

Commissioner Shea motioned to reappoint Andrew Horne, Phil Haywood, William Wilson, and Manson Meekins for three (3) year terms.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

Vice-Chairman Burrus commended Mr. Meekins for his continued service on the Board as he is over ninety (90) and still driving, hunting and fishing. He is amazed and inspired by Mr. Meekins.

3) Parks and Recreation Advisory Council

Vice-Chairman Burrus motioned to reappoint Timmy Midgett and Mel Covey, and to appoint Scott Midgette for three (3) year terms.

Commissioners Shea and Dutton seconded the motion.

VOTE: AYES unanimous

Mr. Outten noted Mr. Pete Hunter has served on the Board for a great deal of time and has put in a lot of service to our County and to the Recreation system. He thanked him for his extended service. Chairman Judge stated he was originally appointed in 1993 and congratulated Mr. Hunter.

4) Region R Emergency Medical Services Advisory Council

Commissioner Shea motioned to reappoint Skeeter Sawyer, Sandy Sanderson, and Doug Remaley for two (2) year terms.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

5) Wanchese Community Center Board

Commissioner Shea motioned to reappoint Rosie Davenport, Thomas Baum, Sally Defosse, Jimmie Williams, and John Beasley for two (2) year terms.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

6) The Dare County Center Advisory Board

Commissioner Tillett motioned to appoint Virginia Tillett, Bea Basnight, Bettie Blanchard, Betty Mann, Doris Young, Isabel Cooper, Jim Harris, Malcom Fearing, Thomas Williamson, Jimmy Brown, and Jimmie Williams, Jr. leaving one seat vacant.

Commissioners Dutton and Mike Johnson seconded the motion.

Chairman Judge also noted bylaws, terms for Board members, and a mission statement will be brought before the board at a later date.

VOTE: AYES unanimous

***MOVE TO ITEM 5***

7) Juvenile Crime Prevention Council

Commissioner Shea motioned to reappoint Amber Davis, Vance Haskett, Doug Oberbeck, Sherri Ellington, Sarah Massey, Bonnie Bennett, Virginia Tillett, Pat Hudspeth, Edgar Barnes, Anne Thomas, Thomas Williamson, Jay Burrus, Katherine Irby, Melinda Maher, Loretta Michael, Richard Martin (School Supt. seat), and to appoint Jennifer Karpowicz and Kevin Brunk, for two (2) year terms.

Vice-Chairman Burrus seconded the motion.

Chairman Judge asked Mr. Outten to adjust the cycles to be more balanced in the future.

VOTE: AYES unanimous

Red Cross Region Board

Red Cross asked for a representative to be appointed to their regional Board. Anne Thomas, Health Director, and Jay Burrus, Social Services Director, both recommended either Sandy Sanderson, Emergency Management Director, or Ginger Candelora, Interfaith Community Outreach. Both are willing to serve.

Commissioner Shea motioned to appoint Ginger Candelora.

VOTE: AYES unanimous

8) Upcoming Board Appointments

- ABC Board
- Jury Commission

**ITEM 15 – COMMISSIONERS’ BUSINESS**

Commissioner Dutton appreciated those receiving service pins for all they have done for the County, as well as Kathy Bracey, Employee of the Month.

Vice-Chairman Burrus thanked Kathy Bracey for her great work, and he appreciated the service pin recipients, especially Talmage and Brian, by detailing ways they have helped him individually. He stated on the 4<sup>th</sup> of July, Ocracoke had a huge explosion. He noted he could not say enough good things about

the Emergency Management of Dare County as they were some of the first to arrive on the scene outside of the island. There were huge numbers of fire department and EMT personnel. The helicopter was there and the personnel accessed the situation and addressed it. He stated he was very proud of all of the volunteers. He then asked the County Manager to bring a zoning ordinance for height limitations around the Billy Mitchell Airport to the Board for consideration. He noted he is on many Boards, but congratulated Gary Gross of the Joint Committee on Access – Cape Hatteras National Seashore Recreational Area for all of his hard work and thoroughness. He announced in August we could potentially see some Congressmen and Senators on vacation in Dare County and offered his willingness to work and talk with them. He announced there is a committee in Hatteras for the Civil War 150<sup>th</sup> Anniversary. More information will follow from this committee on events to be held.

Commissioner Shea appreciated those receiving pins for the services they have rendered to the County, and he congratulated Ms. Bracey on being Employee of the Month. He also thanked Gary Gross for all of his work for Beach Access. He has received numerous comments on the issue of plastic bags. Most are questioning the wisdom of not allowing people to use plastic bags. He found it interesting that so many people made these comments.

Commissioner Richard Johnson asked if there would be a vote on the plastic bag issue. Chairman Judge responded it was already passed and signed by the Governor.

Commissioner Mike Johnson updated the Board on issues facing the fishery industry. He thanked the Board for their continued support, but noted the federal government continues to place more regulations on the fishermen. Congressman Jones's office has launched an investigation of the National Marine Fisheries Service. This investigation is based on allegations of enforcement issues involving the ways fishermen are approached, fines levied, and how the fines are argued. One example is a single violation being levied at \$10,000. In most instances, the fishermen have to pay this amount as it is less expensive than going to federal court to fight the battle. He feels this is almost extortion because the way the laws are written. The fishermen cannot win. He stated some fines levied are senseless. He stated there are rules made to enforce a certain species, but the people making the rules and enforcing the permits cannot identify the species. He announced, if someone has had an enforcement issue with the National Marine Fisheries Service, the Inspector General is sending agents to Dare County on August 29<sup>th</sup> at 1:30p.m. to hear testimonies, put them on record, and take them back to the Inspector General. The agents will be here until every testimony is heard. If anyone would like to testify, he urged the public to contact Congressman Jones's office and ask to speak with Josh Bowlen (202.225.3415), or call Sean McKenna's office at the North Carolina Fisheries Association (252.633.2288) to set up an appointment. He also shared he attended a two-day workshop in Buxton last week with Ernie Foster, Susan West, along with the North Carolina Sea Grant and social scientists from NC State University. The purpose of this workshop is to help Hatteras Island fishermen get more involved in branding their seafood, increase participation in public hearings, and accomplish the goals of the Working Watermen Commission. They were able to brainstorm and formulate plans and a mission statement. He pleaded with the Board and public to become engaged with the fishing community by contacting Ernie Foster or Susan West. Vice-Chairman Burrus asked Katie Smith, Clerk, to get minutes of the meeting to all Commissioners. Commissioner Mike Johnson also noted it was very sad driving to Buxton to see so much of the beaches closed on Hatteras Island. He noted the closing of the Core Sound last week due to observers spotting sea

turtles. He felt portions of Hatteras will close for the same reason. He stated there is no good science that can say how many sea turtles are out there. He questioned whether there is a shortage of sea turtles. Vice-Chairman Burrus noted we protect sea turtles while Central America eats them.

Chairman Judge noted forty (40) years ago on this day, was the first time the words “One small step for man...one giant leap for mankind” were uttered. He recapped the events of that day and stated how proud he was of the government on that day. He noted he has not been proud of our government lately as the insurance industry passed HB1305 in the House. Through misinformation and scare tactics, the insurance industry was able to convince the majority of legislators that the coastal counties were not paying their fair share of insurance. He shared their “doomsday” scenario where a hurricane would hit in Wilmington and travel the entire coastline of the North Carolina before exiting at Virginia Beach. He went on to share the statistics and damages of past hurricanes to the inland counties. He thanked Representative Spear, Senator Basnight, County Manager Outten, and Willo Kelly for their efforts to fight back against the discrimination of coastal counties. He then discussed the comments made by the National Park Service last week regarding pedestrian only access to Cape Point. They stated this was the only access because the chicks in the area “looked weak.” He noted scientists testified pedestrian traffic is often more detrimental to birds than vehicles. He shared his concerns that the special interest groups are now running Cape Hatteras Recreational Area and felt the Department of the Interior is discriminating against many Americans who are physically incapable with hiking to these beach areas. He stated if Neil Armstrong wanted to go to Cape Point today, he would say something to the effect of “I’ve been to the moon. I’ve walked on the moon. I’ve served my country, but I can’t go to the beach at Cape Point.” He announced the Board will continue their efforts and the Preserve Beach Access campaign. He thanked the Dare County Tourism Board for their support. He thanked CHAPA and Rob Aldermen, who are hosting a rally on September 6<sup>th</sup> in Buxton to raise awareness and funds. He thanked everyone involved in working to raise awareness. He encouraged everyone to attend and stated the NC delegation will be invited to attend this rally. He thanked all residents and visitors for their support through words and ideas. Finally, he stated the need to find a special person to take an American flag and place it at Cape Point taking “one small step for a man and one giant leap for mankind.”

### **MANAGER’S BUSINESS**

County Manger Outten explained the Dialysis Center lease is up for renewal. Pitt Memorial would like to renew the lease on the same terms as the old lease including a five (5) year term with three (3) five (5) year renewals. They have been asked to add language with reporting requirements so the County will know what their cash flow is and know how the rent, if any, is calculated as we move forward.

### **MOTION**

Vice-Chairman Burrus motioned to authorize the County Attorney to sign the lease with the additions as detailed.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Mr. Outten stated he had emailed the Commissioners regarding a grant for Scenic Byways. The grant application was due last Friday. Therefore, the grant was prepared and submitted in order to be considered. He asked the Board for authorization to move forward with the grant. He noted the grant

requires matching funds, but Scenic Byways stated they would receive most of the funds from the Dare County Tourism Board and by raise money for the balance.

**MOTION**

Vice-Chairman Burrus motioned to proceed forward with the grant.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

Mr. Outten noted he had also sent an email regarding the Wanchese Seafood Industrial Park seeking a grant to refurbish a building in order to be occupied by Holiday Ice Company. In order to be eligible for the grant, they need a local government entity as a conduit and asked Dare County to do this. He stated matching funds for this grant would come from Holiday Ice and would not cost Dare County anything. The County would be the grant recipient and be required to manage the funds through our account. Because a formal grant application will be required, he asked for approval to proceed.

**MOTION**

Commissioner Shea motioned to proceed with acting as the Wanchese Seafood Industrial Park's conduit for the grant application.

Commissioner Dutton seconded the motion.

Vice-Chairman Burrus shared his support of this action and also his concerns with local government reaching into the business sector as it sometimes appears as favoritism. He noted the Board needs to be careful to prevent this appearance. Commissioner Mike Johnson stated he supports this action because it helps create jobs; however, he questioned the purpose of the ice company in Wanchese Seafood Industrial Park as most of the companies there already make their own ice. He asks in the future, the initial purpose for the park is kept in mind when companies are added to the area.

VOTE: AYES unanimous

Mr. Outten requested the Board hold a Closed Session in order to discuss a land matter concerning the Jarvis Williams property in Buxton.

**CLOSED SESSION – JARVIS WILLIAMS PROPERTY, BUXTON**

**MOTION**

Pursuant to the provisions of NCGS 143-318.11, Vice-Chairman Burrus moved that the Dare County Board of Commissions 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 6:45 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 7:18 P.M.

Chairman Judge reconvened the meeting. After returning from Closed Session, County Manager 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.

AT 7:18 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON AUGUST 17, 2009.

(SEAL)

Respectfully submitted,

By: \_\_\_\_\_  
Katie Smith, Clerk

APPROVED:

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

