



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

Regular meetings of the Board of Commissioners are videotaped and can be viewed at www.darenc.com

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., August 18, 2014

Commissioners present: Chairman Warren Judge, District 3
Vice-Chairman Allen Burrus, District 4
Virginia Tillett, District 1; Wally Overman, District 1
Max Dutton, District 2; Robert Woodard, District 2;
Jack Shea, District 5

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

Chairman Judge called the meeting to order at 5:03 p.m. He invited the Rev. Phil Glick from St. Andrew's by the Sea Episcopal Church to share a prayer, and then he led the Pledge of Allegiance to the flag.

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

ITEM 1 – PUBLIC COMMENTS

The County Manager outlined the public comment procedure. The following spoke –

1. Ginger Candelora spoke in opposition of the proposed immigration resolution by saying said she was disappointed with Commissioner Overman's comments on immigrant children. She said uncontrolled numbers of these children will not be coming to our community and we do not need this mean-spirited resolution.
2. Margarette Umphlette voiced support for the proposed immigration resolution and thanked the Board for being proactive in considering it. She said our resources will be strained by illegal immigration of any age and noted that we do not have the infrastructure necessary to deal with these children.
3. Rev. Fred Barrett from the Church of the Good Shepherd read a statement citing the persecution, torture, and murder of Christians that is occurring in several

Middle Eastern countries. He asked the community to join in prayer for those suffering oppression.

4. Tom Murphy, retired Presbyterian minister, spoke against the proposed immigration resolution. He listed several errors contained in the resolution. He explained that the children are fleeing for their safety. He said we have a refugee crisis, not an immigration crisis. He asked the Board not to pass the resolution because it only makes us look selfish, prejudiced, petty, and small.
5. Mattie Lawson speaking in favor of the immigration resolution said we must be prepared for the associated health and human services consequences that will result. She said we need to insure the safety and security of all citizens and be mindful of the economic impacts. She noted that many of these immigrants are gang members and warned that we do not want to promote illegal behavior by encouraging it. She called for real immigration reform and a secure border.
6. Carol Medeiros voiced support for the immigration resolution by saying she hopes and prays that the board of Commissioners will vote for it.
7. Rev. Craig Peel spoke against the resolution by referring to the biblical admonition to practice what he described as radical hospitality. He quoted scripture addressing the treatment of aliens and reminded that Jesus said, when you welcome strangers, you welcome him. He added that if we are doing what God wants, God will provide. He urged the Board to defeat the resolution.
8. William Massey of Manteo said we are witnessing people seeking safe harbor for many reasons. He reminded that American generosity is recognized worldwide and embodied in the words associated with the Statue of Liberty. He said in the land of beginnings we must break open our hearts and welcome the refugee children, which will help us become a better community in the process.
9. Carmen Hooker Odom said Rev. Murphy, Rev. Peel, and William Massey expressed her view of the refugee children who need safe harbor from a terrible situation. She said she wanted to know the reason behind the resolution and how it would be publicized. She said she has sympathy about unfunded federal mandates being forced on local communities, but told the Board that the language of the resolution does not reflect the people of Dare County.
10. Manny Medeiros of Kitty Hawk speaking for the immigration resolution said he applauds Commissioner Overman for his initiative. He said he concurred with comments made tonight that boil down to disgust with the continuing contempt that the White House shows for our country and constitution.

Chairman Judge thanked everyone that spoke and complimented the audience for respecting all the speakers.

ITEM 2 – SAILNC PLANS FOR CONDUCTING SAILING EVENTS IN DARE COUNTY

Bob Peele, Peter Johnstone, and Barry Wicker, on behalf of SailNC, gave an update on the group's efforts to promote northeastern North Carolina as a sailing destination. They reported on the recent regatta hosted in Dare County, which attracted visitation to the area and generated good press all over the world. SailNC asked the Board to give permission to make long-term reservations at the swimming hole and nearby County grounds for future events and for permission to attach hardware to the pavilion to allow temporary enclosure. They also asked for approval to place a 40-foot container on County property and permission to store 15 small sailboats. Commissioner Tillett raised a concern about sailing events interfering with citizen use of the Old Swimming Hole. Mr. Johnstone said SailNC is sensitive to that issue and reported that dual use of the area only occurs during launch and end times, which was not a problem during the recent regatta.

MOTION

Commissioner Shea motioned to approve the request for long-term advance reservations of County property near the airport, to allow storage on County property, to allow the attachment of hardware to enclose the pavilion, to allow the parking of a 40-foot storage container, and work with the County Manager to find a location to safely store 15 small sailboats.

Commissioners Burrus, Dutton, Overman, and Woodard seconded the motion.

VOTE: AYES unanimous

ITEM 3 – PROPOSAL FOR BEACH RESTORATION IN BUXTON

Dr. Timothy Kana with Coastal Science & Engineering (CSE) made a presentation on Buxton beach restoration. He explained the project area, permitting process, estimate of fees, and projected a possible timetable for completion, which would culminate with construction during the summer of 2016. In response to a question from Commissioner Shea, a sample of sand was shown that Dr. Kana said would be compatible for the project. Vice-Chairman Burrus questioned the permitting process and said he hopes it goes smoothly, but does not want to raise false hopes for people. Dr. Kana said a strong show of local government leadership is important to the process because the federal agencies back off when mixed signals are given.

MOTION

Commissioners Burrus, Shea, and Overman motioned to reengage Coastal Science & Engineering and approve their proposal for Buxton beach nourishment at a cost to cover fees, reimbursables, and allowances not to exceed \$1,683,886 with the monies for those expenditures coming out of the occupancy tax fund that is dedicated to beach nourishment, subject to Board approval of the final contract to be prepared by Coastal Science & Engineering.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 4 – CORRECTIONS AND REVISIONS TO TRAVEL POLICY (Att. #1)

David Clawson, Finance Director, presented revisions to the County Travel Policy, which was last updated in 2011. He explained that the revisions make several minor changes and clarifications, corrects and standardizes terms, department names, and employee titles. He outlined details of the four changes proposed to the Travel Policy.

MOTION

Commissioner Tillett motioned to adopt the changes to the Dare County Travel Policy as outlined by the Finance Director.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 5 – FY 2015-2019 RECOMMENDED CAPITAL IMPROVEMENT PLAN (GENERAL AND E911) (Att. #2)

Finance Director, David Clawson, presented a report on the Capital Improvements Plan (CIP) recommended by the Capital Improvements Planning Committee. He reviewed the Capital Reserve Fund Balances and outlined details about the projects listed in the FY2015-2019 CIP. While reviewing the projects, the group discussed the merits of considering equipment that might allow for easier and quicker pickup of storm debris.

MOTION

Vice-Chairman Burrus motioned to approve the Capital Improvement Plan for FY2015-2019, adopt Budget Amendments for the General and Capital Reserve Funds, and adopt Capital Project Ordinances for the Capital Projects and School Capital Projects Funds.

Commissioners Dutton, Woodard, Overman seconded the motion.

VOTE: AYES unanimous

RECESS: 6:52 p.m. – 7:00 p.m.

ITEM 6 – LEASE WITH FIRST COLONY FOUNDATION

The County Manager presented a lease with the First Colony Foundation for office space in the Old Administration Building, which he said reflected the details discussed at the last Board meeting. Mr. Outten explained that a modification is needed to lease paragraph 7 changing the insurance limits to 1 million per occurrence, and 2 million aggregate, and he requested authorization to sign the lease.

MOTION

Commissioner Shea motioned to approve the lease with the First Colony Foundation with modification of paragraph 7 to change the insurance limits to 1 million per occurrence and 2 million aggregate, and authorize the Manager to sign the lease agreement.

Commissioners Dutton, Woodard, and Overman seconded the motion.

VOTE: AYES unanimous

ITEM 7 – RESOLUTION ON IMMIGRATION

The County Manager explained that the immigration Resolution being presented was the result of discussion that occurred at the last Board meeting.

MOTION

Commissioner Shea motioned to adopt a Resolution on the Resettling of Illegal Immigrants as presented.

Commissioner Woodard and Commissioner Overman seconded the motion.

VOTE: AYES: 3 (Commissioners Shea, Woodard, and Overman)

NOES: 4 (Commissioners Judge, Burrus, Tillett, Dutton)

The Resolution failed in a 4 to 3 vote.

ITEM 8 – CONSENT AGENDA

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

MOTION

Commissioners Tillett and Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (08.04.14) **(Att. #3)**
- 2) Outer Banks Bluegrass Festival Fireworks Display
- 3) NCDOT Right of Way Encroachment Agreement
- 4) Dare County Emergency Operations Plan
- 5) Tax Collectors July 2014 Reports

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 9 – COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioner Dutton

- He reported on the successful Night Out on Crime events that were hosted by Nags Head and Kill Devil Hills. He thanked Chairman Judge and Commissioner Tillett for their participation.
- Commissioner Dutton explained that NCDOT is seeking partners to distribute bike helmets to children of low-income families. He said this effort could significantly reduce injuries. Commissioner Tillett suggested that these helmets be included in the Christmas toy drive that is done by the Dare County Center.

Commissioner Tillett – None

Vice-Chairman Burrus

- He thanked the Dare County Public Works Department for their outstanding work on storm debris clean up.
- Vice-Chairman Burrus reported that sand is being placed at the S-Curves site and that work on the New Inlet Bridge is progressing.

- He asked the County Manager to look at the County's mosquito control efforts, especially in low-lying areas, in view of the large amount of rain that has occurred in the last few weeks.
- Vice-Chairman Burrus urged everyone to be careful on the roads as the summer season comes to an end.
- He said the bike helmet campaign described by Commissioner Dutton is a positive step in the right direction.

Commissioner Shea

- He expressed his concern about unchecked illegal immigration being a potential terrorist threat to our nation's security. He urged people to get involved by bombarding their Representatives, Senators, and the President with letters and phone calls demanding a secure border and the development of a fair and just immigration policy that protects our citizens and economy.

Commissioner Overman

- He thanked those who supported the immigration resolution that was on tonight's agenda. He explained why he believes this is a tragedy of epic proportions. He said the immigrant children mentioned in the resolution are being used as political pawns, but he explained that it is not Dare County that is using them in this way. He said his intent with the resolution was to protect our children that the young illegal aliens might come in contact with in the schools.
- Commissioner Overman expressed dismay over the huge amount of the Cape Hatteras National Seashore Recreational Area that is still closed to ORV traffic. He said this is hurting our economy and will get worse if the Red Knot is given endangered status.

Commissioner Woodard

- He explained why he voted in favor of the immigration resolution. He said we need comprehensive reform that balances compassion versus costs. He noted that illegal immigration imposes costs on society due to welfare and income redistribution. He cited education data from the Heritage Foundation and explained its link to illegal immigration and the fiscal drain it puts on society. He said he does not want to put this financial burden on future generations and called on Congress to immediately take action on immigration reform.

Chairman Judge

- He reminded the public that a Special Meeting of the Board of Commissioners will be held Tuesday, August 19, 2014 in Buxton. He explained that the purpose of the meeting is to hear from Dr. Kana with Coastal Science & Engineering and answer questions about the beach nourishment project planned for Buxton.
- Chairman Judge said the issue raised by Commissioner Overman regarding the federal government possibly giving endangered status for Red Knots will have to be watched closely. He said the Final Rule now in place for the Cape Hatteras National Seashore Recreational Area has a provision for a 5-year review, which will be in 2017. He said we need to get started on this now so that we can be ready for 2017.

MANAGER'S/ATTORNEY'S BUSINESS

1. County Manager, Robert Outten, updated the Board on the Manns Harbor Marina. He said the Memorandum of Understanding (MOU) with the State of North Carolina for the site outlines the County's agreement to cleanup, maintain, and collect trash at the marina. He noted that the State insists that the County give an indemnification for acts of the Manns Harbor Commission in administering rules for the facility. He discussed the ramifications of the indemnity request and explored the merits of asking the State to lease the marina to the County.

MOTION

Vice-Chairman Burrus and Commissioner Overman motioned to authorize the County Manager to proceed with the Memorandum of Understanding for routine maintenance and to indemnify for acts of the Manns Harbor Commission.

Commissioner Tillett and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

2. Mr. Outten said efforts are underway to extend the wellness trail that currently runs from the Dare County Center to the Visitors Center by extending it to the Coastal Studies Institute (CSI). He explained that this extension project would be funded by either the Wildlife Resources Commission or NCDOT, not by Dare County. He said the County is being asked to maintain the extended portion of the path like the existing part that is on County property. He noted that the crushed gravel path with landscaped timbers requires minimal maintenance, which the County can handle. Mr. Outten asked the Board if they approve of him pursuing this arrangement and bringing back an agreement in the future for their approval. By consensus, the Board directed the County Manager to proceed.
3. The Manager told the Board of a possible grant opportunity for a multi-purpose path in Hatteras Village, which would be similar to the pathway done in other Hatteras Island Villages. He said a condition of the grant application is that a local government entity supply matching funds. He explained that he is reluctant to commit to this condition not knowing when or how much money may be involved. Instead of giving a commitment, the County Manager suggested sending a letter expressing general support for the project and a willingness to consider funding in the future, if funds are available. The Board discussed the possibility of securing funds that may be needed from the Tourism Board, which has historically funded this type of project. By consensus, the Board directed the County Manager to move forward and express interest without committing County funds.
4. Mr. Outten said it has been brought to his attention by Commissioner Overman that the County is still leasing the ADAP building in Manteo. He explained that with the Alternative School moving out of the building on the College of the Albemarle campus, it would be an ideal site for ADAP to use. He said the feasibility is being explored and wanted the Board to be aware that this idea is being considered, which would represent a \$50,000 a year savings.

5. The Manager reported on an update of the Fitch bond rating for Dare County. He said they have reaffirmed the County's bond rating as AA, and the COPs/LOBs rating at AA-. He said Fitch had positive remarks about the County's declining debt, good cash management policies, and fund balance efforts. Chairman Judge extended kudos to the County Manager and Finance Director for their financial management efforts.

Chairman Judge noted that a Scenic Byway sign has been displayed in the meeting room tonight by Mary Helen Goodloe-Murphy. He explained that these signs will be visible on Hatteras Island and elsewhere on the Scenic Byway.

At 7:42 p.m., the Board of Commissioners adjourned until 9:00 a.m., Tuesday, September 2, 2014.



APPROVED:

Respectfully submitted,

By: _____


Gary Gross, Clerk to the Board

By: _____


Warren C. Judge, Chairman
Dare County Board of Commissioners