



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

March 16, 2009—9:00 A.M.

Dare County Administrative Building

PO Box 1000, Manteo, North Carolina 27954

Commissioners Present:

Chairman Warren Judge, Dist. 3; Vice-Chairman Burrus, Dist. 4; Virginia Tillett, Dist. 1; Richard Johnson, Dist. 1; Max Dutton, Dist. 2; Jack Shea, Dist. 5; Mike Johnson, Dist. 2

Commissioners Absent: None

Others Present: County Manager Terry Wheeler, County Attorney Bobby Outten, Katie Smith—Clerk to the Board

Action:

EMPLOYEE OF THE MONTH – March 2009 — **Awarded to James Basnight**

MOTION TO AMEND THE AGENDA TO INCLUDE ITEM 9A—ROANOKE ISLAND WATER EXPANSION PROJECT POTENTIAL ENGINEER PRESENTATIONS (CDM, ALBEMARLE AND ASSOCIATES, THE WOOTEN COMPANY)— **Approved**

OUTER BANKS SCENIC BYWAY COMMITTEE APPLICATION FOR DCTB FUNDS—**Approved**

PUBLIC HEARING—COMMUNITY TRANSPORTATION PROGRAM GRANT—**Hearing Held, Resolution Adopted**

PUBLIC HEARING—SUBDIVISION ORDINANCE AMENDMENT—**Hearing Held, Amendment Approved**

PUBLIC HEARING—REVISIONS TO NUISANCE ORDINANCE—**Hearing Held, Staff Directed to Revisit Language**

PUBLIC HEARING—2005 SCATTERED SITE HOUSING GRANT—**Hearing Held**

AUTHORIZATION OF CIP COMMITTEE TO ENTER INTO NEGOTIATIONS WITH CDM RE: RI WATER EXPANSION PROJECT—**Approved (Vote 4-3)**

ROANOKE ISLAND WATER EXPANSION ENGINEER PRESENTATIONS—**Approved**

GOVERNMENT ACCESS CHANNELS COMMITTEE BUDGET—**Approved**

K-MART SETTLEMENT OF TAXES—**Approved**

REPLACEMENT OF DOCUMENT IMAGING AND MANAGEMENT SYSTEMS SOFTWARE—**Approved**

DARE CENTER CAPITAL PROJECT AMENDMENT FOR EXERCISE EQUIPMENT—**Approved**

ADDITIONAL CURRENT YEAR BUDGET ACTIONS—**Approved**

AWARD OF FY 2008-09 VEHICLE AND EQUIPMENT FINANCING—**Approved**

AMENDMENT TO ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY CONTRACT—**Approved**

CONSENT AGENDA — **Approved**

- Approval Of Minutes (2.16.09)
- Budget Amendment – Department of Public Health Additional Family Planning State Funds
- Budget Amendment – Glass Crusher Project/ Additional Grant Revenue and Related Costs
- Budget Amendment – Phragmites Control
- Budget Amendment for Contribution for Insurance Rate Appeal
- Budget Amendment – Shoes for Kids Program
- Budget Amendment –Social Services Additional Crisis Intervention Funding
- Budget Amendment for EFNEP Funds
- Correcting Budget Amendment in Capital Projects Fund
- Annual Fire Extinguisher Service Contract Renewal
- Public School Capital Building Fund Withdrawals
- Resolution in Support of the NCIC Safety Education Section
- Animal Control MOU with Town of Kitty Hawk
- Detention Center – USDOJ SCAAP Funding

BUDGET AMENDMENT—CONTRIBUTIONS FOR INSURANCE RATE APPEAL (Perquimans & Pamlico) —**Approved**

MOU INTERLOCAL AGREEMENT RE: BEACH SEDIMENT MANAGEMENT AT OCEAN INLETS—**Approved**

JOINING OF DCBOC TO NC20 & PAYMENT OF NC20 DUES—**Approved**

LAND OF BEGINNINGS

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Chairman Warren Judge, called the meeting to order at 9:00 a.m., invited Punk Daniels, former County Commissioner, to share a prayer and then led the pledge of allegiance to the flag.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

None

ITEM 2 – EMPLOYEE OF THE MONTH – MARCH 2009

James Basnight, Turf Maintenance, received the Employee of the Month certificate for March 2009, from Ron Mills, Turf Maintenance Supervisor.

MOTION

Commissioner Dutton motioned to amend the agenda to include Item 9A Roanoke Island Water expansion Engineer presentations (CDM, Albemarle and Associates and The Wooten Company). Commissioner Tillett and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 3 – PUBLIC COMMENTS

- 1) Moncie “Punk” Daniels, former County Commissioner and State of the Older Adults committee member, announced a State of the Older Adults conference Friday, March 27, 2009. He explained registration would begin at 8:00a.m. with the program beginning at 9:00a.m. in the COA auditorium. He described some topics of discussion would be communication, access to medical care and aging in the home. A final report will be presented to the Commissioners and he felt this was an opportunity for older adults to be heard. He thanked Commissioner Tillett for contributing so much time and effort to ensure the right people are involved.
- 2) Kevin Conner, Hatteras village resident, asked the Commissioners to support a resolution to petition legislators to allow a state wide referendum regarding a marriage amendment. He noted six (6) counties have adopted the resolution in support of the marriage amendment. He explained lawmakers who oppose the amendment view the current marriage law to be sufficient.
- 3) Joanne Throne, Hatteras Island resident and President of Coastal Harvesters, explained this non-profit organization develops strategies for communities to thrive. She explained one way will be through a Farmers Market on Hatteras Island on Tuesday mornings on donated land in Avon, NC. The purpose will be to promote community bonds and local foods. Commercial fishermen have been invited to participate in the market; however, the Board of Commissioners would need to see that slight modifications are made in seafood sales regulations in order to allow their participation. She sought guidance on signage regulations and asked for Board support of the organization’s mission.
- 4) George Mendelson, Colington resident, supported a review of the dangerous animal ordinance. He asked the Commissioners to reconvene the Animal Ordinance committee to review including consideration of circumstances surrounding an animal, its history, and owner responsibility as this ordinance is an “absolute” ordinance. He explained an animal’s history may need to be considered if an incident occurs only one time. He felt this change would provide the community with remedies other than euthanization.

ITEM 4 – CITIZEN’S GUIDE PRESENTATION

Jane Welch, League of Women Voters, presented the 21st edition of the Citizen’s Guide for 2009. 7,500 of the Citizen’s Guides were published and distributed and she thanked the Commissioners for their contribution to the publication. She noted information that is published in the book including emergency numbers, information on Governmental legislators, medical facilities, safety information, public parks and recreation information, and much more information for Dare County. She briefly explained the League of Women Voters is a non-partisan organization that encourages citizen involvement in government and is open to all those who vote.

ITEM 5 – OUTER BANKS SCENIC BYWAY COMMITTEE (Att. 1)

Mary Helen Goodloe Murphy, Outer Banks Scenic Byway Committee, explained on November 18, 2004, the Dare County Tourism Board set aside restricted funds to be used for pathways in Hatteras Island’s villages. The committee has worked with the Health Department’s Obesity project and requested permission to apply for the DCTB restricted funds to help with construction costs for the 1.5 miles of off-the-road pathway along Buxton Back Road. She noted the application is for \$100,000 and is reimbursable. Dave Clawson, Finance Director, would be applying on behalf of Dare County.

MOTION

Commissioner Mike Johnson moved to authorize Dave Clawson to apply for the funds from the Dare County Tourism Board.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

MOVE TO ITEM 10

10:00 A.M. PUBLIC HEARING

ITEM 6 – COMMUNITY TRANSPORTATION PROGRAM GRANT (Att. 2)

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE FY2010 COMMUNITY TRANSPORTATION PROGRAM GRANT APPLICATION.

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

No one came forward to speak.

Chairman Judge closed the hearing at 10:02 A.M.

MOTION

Commissioner Shea made the motion to adopt the authorizing CTP FY2010 Resolution, Section 5311.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

10:00 A.M. PUBLIC HEARING

ITEM 7 – SUBDIVISION ORDINANCE AMENDMENT (Att. 3)

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE.

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

No one came forward to speak.

Chairman Judge closed the hearing at 10:03 A.M.

MOTION

Commissioner Shea motioned the Dare County Subdivision Ordinance be amended as proposed. He found this amendment to be consistent with the policies for growth and development in the 2003 Dare County Land Use Plan and other officially adopted plans of Dare County that are applicable and in the public interest of Dare County in that this amendment provides alternative for the recombination and use of previously recorded non-conforming subdivision lots.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

10:00 A.M. PUBLIC HEARING

ITEM 8 – REVISIONS TO NUISANCE ORDINANCE

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE PROPOSED REVISION TO THE NUISANCE ORDINANCE.

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

Winky Silver, Wanchese resident, expressed his concern about the language of the ordinance and the definition of “junk.” He shared his concerns regarding the ability to recycle and reuse many items in the commercial business that others may view as “junk.” He also expressed concern that the ordinance would allow inspectors to investigate properties at anytime. He felt proper warning measures should be taken before an inspector arrives at a site, and if it is on private property, the owner should have the opportunity to be present. He asked the Board of Commissioners to address this language before adopting the proposed revision. Ms. Creef explained the ordinance was based on similar ordinances across North Carolina. She noted steps the Planning Department makes to meet with property owners before visiting the site. Commissioner Richard Johnson asked if boat yards, construction yards, and junk yards with cars would be excluded. County Attorney Outten explained it is important to include this language if these types of areas are to be excluded. Mr. Silver noted when zoning districts were established in Wanchese, fourteen (14) different districts were created and some were zoned commercial/residential to help preserve small, family businesses. Vice-Chairman Burrus noted several issues that could arise from old boats such as blocking a channel or leaking oil. He noted many of the owners may not be residents and the process cannot be held up due to an inability of the owner to be present or be reached. He felt reasonable measures should be taken to notify the owners. He understood Mr. Silver’s concerns and felt he was trying to do the right thing. He requested zoning to be set up with consideration of the community. Commissioner Richard Johnson felt as long as the property owner had been notified, inspections should be allowed to be performed because of health and safety issues. Ms. Creef stated the Planning Department would make efforts to contact owners before visiting the site once a complaint is received. She noted many owners ignore the courtesy notifications and this ordinance would help to address this issue.

Chairman Judge asked staff to review the language and consider commercial industrial versus residential and to look at village zoning depending on usage in places like Wanchese, Manns Harbor, and Stumpy Point. Ms. Creef stated they would write draft language, resubmit it to the Board, and reschedule the Public Hearing.

10:00 A.M. PUBLIC HEARING

ITEM 9 – 2005 SCATTERED SITE HOUSING GRANT

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE 2005 SCATTERED SITE HOUSING GRANT.

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

No one came forward to speak.

Chairman Judge closed the hearing at 10:22 A.M.

RECESS 10:23AM-10:45AM

ITEM 9A – ROANOKE ISLAND WATER EXPANSION ENGINEER PRESENTATIONS

County Manager Wheeler introduced Ken Flatt, Water Department Director, who explained on Wednesday, March 11, five engineering firms made presentations to the CIP committee regarding the Roanoke Island Water Expansion project. The members recommended three engineering firms make presentations to the Board of Commissioners. Each firm had ten (10) minutes to present and a period of time following for questions. All agreed only the presenting firm would be present in the room.

- 1) CDM stated this would be a challenging and complex project with fifty (50) miles of pipeline, a storage tank facility, and improved pump stations. He introduced members of the CDM team and gave examples of past successful projects with the County. They explained this system would provide improved quality of life with fire protection and drinking water, it would help sustain tourist attractions, and stretch over ten (10) miles of land with several tanks. They detailed critical tasks, reviewed a project schedule, and hoped to have some projects shovel ready by summer. After presenting possible funding sources to aid project costs, they explained they would make every effort to maximize local investments and use as many local contractors as possible.

Questions and discussion followed regarding the design of the system, piping and tank materials, the possible use of an existing Wanchese tank, and drilling techniques such as horizontal and directional drilling due to land and/or water conditions. Commissioner Dutton asked when the system would be producing drinkable water. CDM responded the system would come on in phases, but the first customers would be drinking water within a year and the full system underway in an additional twelve (12) to fourteen (14) months. Chairman Judge inquired about possible Federal stimulus funds. CDM explained they had completed the initial application for Economic Recovery Stimulus and went on to explain the steps of the process going forward. Chairman Judge also asked what percentage of work would be available to local contractors. Of the \$20 million, \$16 to \$17 million would be available.

- 2) Albemarle and Associates explained they would be bringing a range of services to the County on this project including: design, surveying, environmental permitting, geospatial data integration, contract administration, and complete project management. They detailed how their past experience with Dare County projects would aid in their abilities to complete this project with its thirty-three (33) miles of new waterline and new storage

tank. Because they are a local company, they explained their commitment to this community and knowledge of local conditions.

After discussion on tank sites, project materials, and possible challenges, Commissioner Dutton inquired about the timeframe from design to completion. Albemarle and Associates responded while it depends on the approach the County decides on, it would be approximately eighteen (18) months to two (2) years. Commissioner Mike Johnson asked if the local contractors would have the expertise to work on this project. The firm felt if they did not, certainly contractors within this region would. However, they did feel as if 75%-80% of the project could be done using local contractors. Commissioner Richard Johnson was impressed by Albemarle and Associates attitude and presentation.

- 3) The Wooten Company introduced the team that would be working on the project and presented the approach they would take in designing and building the new seventy (70) miles of piping. The funding and design would take approximately ten (10) months with construction taking twelve (12) to eighteen (18) months depending on tank suppliers. They detailed the permitting process and project schedule, as well as possible funding sources and their past experience with County projects. They explained the survey and design would be in-house which provides better communication with a single point of contact.

Discussion followed regarding water storage, project materials, and potential project challenges. Commissioner Shea asked if the project would allow for local contractors. They responded the utilities contractors could be local, and larger portions of the job could be subbed to local contractors. Commissioner Richard Johnson expressed his disappointment in how their company has handled the Stumpy Point project. He felt because the project was small, it was not a priority. The firm explained while they ran into many obstacles with this project, it was always a priority. They added they did not anticipate similar obstacles with the Roanoke Island Water Expansion project.

BREAK FOR LUNCH 12:10PM-1:40PM

After returning from the break, Chairman Judge noted the Board had heard the presentations and opened the floor for discussion or a motion authorizing staff to enter into negotiations with a firm resulting in a contract that would require final Board approval. Commissioner Shea stated while he was impressed by all the presentations, he wanted to nominate CDM as the firm to begin negotiations.

MOTION

Commissioner Shea motioned to authorize staff and the CIP committee to enter into negotiations with CDM.

Commissioner Tillett seconded the motion.

Commissioner Richard Johnson stated he was impressed with Albemarle and Associates' presentation and supports having a local firm on the project. However, he supports

Commissioner Shea's motion as he trusted his intelligent review of the information presented by the company. Commissioner Dutton also appreciated Albemarle and Associates and their work for the County, but also supported Commissioner Shea's motion. Commissioner Mike Johnson

stated he would have supported Albemarle and Associates as his choice for the project, but understood there were not enough supporters to make this decision. He felt all of the firms were qualified, but he would have chosen Albemarle. Commissioner Tillett shared she was impressed by all of the presenters. She relied on those who heard these presentations in the CIP committee, and while all firms have been used in the past, at this time she supports CDM.

VOTE: 4-3

(By show of hands): AYES Commissioners Richard Johnson, Shea, Tillett, and Dutton.

(By lack of showing hands): NOES Chairman Judge, Vice-Chairman Burrus, and Mike Johnson.

MOVE TO ITEM 13

ITEM 10 – UPDATE ON CAMPAIGN TO PRESERVE ACCESS TO AMERICA’S BEACHES

Ms. Dorothy Toolan, Public Relations Director, gave background information on the Joint Committee on Access stating the committee is made up of three (3) Commissioners (Chairman Judge, Vice-Chairman Burrus, and Commissioner Shea) and three (3) Dare County Tourism Board members. She explained they meet regularly to plan the campaign’s strategies and through a grant by the DCTB, a full-time Project Manager was hired. Mr. Gary Gross, Project Manager for the Preserve Access to America’s Beaches campaign, gave the Board an update on the goals and activities of the campaign. He first explained the location of the National Seashore where many recreational activities take place. He stated this beach was ranked number eight (8) by Dr. Beach and noted the effort to promote living in harmony with nature in this area through cooperation with the National Park Service to protect resources. However, special interest groups filed suit against NPS which now hinders beach access. He explained preserving beach access is vital and shared information on the grassroots public awareness campaign to reach everyone. He announced the campaign’s website (www.PreserveBeachAccess.org) had recently been launched and he requested public involvement through this site in order to keep the beaches accessible. He gave an overview of the site detailing sections such as the first person accounts on the “My Story” page sharing the impact on their lives, families, and businesses. He displayed the “Act Now” page that gives opportunity for site visitors to sign up and continue to be informed on issues that require specific action. Thus far, the site has had 7,500 visitors from forty-one (41) states and Canada with 1,500 joining the Act Now database. He encouraged all to visit the site or call (252) 475-5902 for more information regarding the campaign.

Chairman Judge thanked Mr. Gross for the great presentation. Vice-Chairman Burrus noted the website allows the public to have a central place for information. He stated as a Hatteras Island resident, he knows there is a lot of information, but people arrive not realizing they cannot have access to the beach. He explained the importance of having information widely distributed in a timely manner to prevent occurrences such as this. He thanked Ms. Toolan, Mr. Gross, and Commissioner Shea for all their work in getting information to the public through this campaign and through writing to newspapers. Commissioner Shea noted the major economic strain that would be placed on Dare County if beaches were closed. He stated citizens have the right to have access to public lands. Commissioner Mike Johnson stated 1,500 had signed up to become involved and take action for this campaign. He pleaded with the public for all 30,000 residents of Dare County to join as well in hopes of spreading information about this situation across the

Nation. Commissioner Dutton also shared his appreciation of Ms. Toolan and Mr. Gross for their outstanding work.

ITEM 11 – GOVERNMENT ACCESS CHANNELS COMMITTEE BUDGET (Att. 4)

Mr. Chris Baucom, Public Relations, gave a brief overview of the committee and presented an amendment for the FY2008-2009 Government Access Channel's budget which would utilize state funds to upgrade broadcast equipment and allow for a part-time employee of the channel. This employee would be tasked with programming and promotion of the channels for 17.5 hours a week. He also presented the FY2009-2010 budget for approval. Commissioner Richard Johnson explained the intent is to make this program the best governmental access channel in the State. He shared his appreciation of Board support and hopes these changes will give more access to the public and provide better quality programming. He stated while there is a lot of money involved, it will not come from the County's budget, but instead from a fund shared by the six (6) towns and Board of Education. County Attorney clarified these funds have to be spent for these purposes and cannot be used for any other purposes.

MOTION

Commissioner Richard Johnson motioned to approve the 2008-2009 budget amendments for the Governmental Access Channel committee, and the 2009-2010 proposed budget for the committee.

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

VOTE: AYES unanimous

MOVE TO PUBLIC HEARINGS

ITEM 12 – DEPARTMENT OF PUBLIC HEALTH – SUBSTANCE ABUSE DEMONSTRATION PROJECT UPDATE

Ms. Sheila Davies, Substance Abuse Project Manager, gave the Board an overview of the Substance Abuse Demonstration project explaining approximately two (2) years ago, the project was implemented in order to provide prevention, intervention, and treatment of Substance Abuse. She explained the initiatives the program has for their Positive Action program in Dare County grade schools and she distributed copies of the book "Spunky Spot" to the Commissioners which had also been distributed to second graders. She announced New Horizons opened their outpatient services June 16, 2008. These services are offered to adults, adolescents and families. She briefly explained the goals of the program and noted since it's opening, New Horizon's has had 229 clients, 181 of which are active. The program has been highly successful in self referrals at 49%. She noted the industry standard for those seeking treatment on their own is only 15%. She shared many testimonies from clients and shared how the program is expanding into programs such as Continued Education and Workforce Development. They have been selected by UNC to pilot a Peer Support program and they have hosted seminars on drug use and drug prescribing. She then thanked the Commissioners for their continued support.

Chairman Judge thanked Ms. Davies for her presentation and explained this program has grown beyond what was originally expected. After discussion on the seminar and the unfortunate over-prescribing of highly addictive medicines for normal situations, Ms. Davies explained the goals

of the seminar were to show alternatives in prescribing appropriate medication based more closely on pain levels.

MOVE TO ITEM 14

ITEM 13 – K-MART SETTLEMENT OF TAXES (Att. 5)

Attorney Outten stated in 2002, K-Mart filed a Chapter 11 Bankruptcy in the US Bankruptcy Court in the Northern Illinois district. At that time, they owed Dare County \$13,718.12 in ad valorem taxes. The County filed the necessary proof of claims and has attempted to collect these funds since this time. The Bankruptcy Court discharged the claim, but after further negotiations, K-Mart has agreed to pay \$11,156.00 as settlement in full. He noted he has contacted the Institute of Government and was advised Dare County could settle an ad valorem tax dispute for less than the claimed amount. He recommended the Board approve the settlement agreement.

MOTION

Vice-Chairman Burrus motioned to approve the settlement agreement as outlined by the County Attorney.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

MOVE TO ITEM 18

ITEM 14 – REPLACEMENT OF DOCUMENT IMAGING AND MANAGEMENT SYSTEMS SOFTWARE (Att. 6)

Mr. Dave Clawson, Finance Director, explained after twelve months of review and evaluation, the Finance and I.T. departments recommend the County change from the current Laserfiche document imaging software, to Tyler Total Content Manger. He stated the County became a part of MUNIS who offered a complete implementation review. After this review, staff felt this software has much better integration and functionality with other software used by the County. He explained the current software to be working marginally well, but the need exists for better operations within Finance for Accounts Payable and Payroll. He noted the cost of the new software would cost \$55,640. Annual maintenance of the General Fund will be reduced by \$16,852 in FY2010 and by \$2,083 in FY2011. He also explained unallocated interest income in the Capital Projects Fund (#61) is available in the amount of \$141,426. He noted one third of the cost would be recovered within two years, and he asked for approval of the capital project ordinance.

MOTION

Commissioner Shea motioned to approve the capital project ordinance.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 15 – DARE CENTER CAPITAL PROJECT AMENDMENT FOR EXERCISE EQUIPMENT (Att. 7)

Mr. Clawson announced exercise equipment has been priced for the Dare Center and the Board needs to establish a budget of \$61,075 within the project ordinance for this amount. He noted the sources for these funds would be: project contingency line item within Older Adult Services Department budget (\$22,358), interest earned in the debt proceeds construction fund (\$11,065)

and installment financing proceeds (\$27,652). Mr. Clawson requested Board approval for the General Fund budget amendment and for the project's capital project ordinance amendment. Discussion followed on equipment stability for older residents, fund allocation for the equipment and bidding procedures for quotes.

MOTION

Commissioner Shea motioned to approve the General Fund budget amendment and the capital project ordinance amendment.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 16 – ADDITIONAL CURRENT YEAR BUDGET ACTIONS (Att. 8)

Mr. Clawson announced after a request from the Board, the Dare County Board of Education agreed to a reduction in the current year local current expense funding from the County of \$200,000. He also noted a budget reduction of \$5,891 from the elimination of the employer 401k contribution for airport authority which was not previously reflected. The total budget actions now stand at \$2,392,665. Chairman Judge offered his appreciation to Chairman Oaksmith and the Board of Education for their willingness to help with the current budget strains.

MOTION

Commissioner Shea motioned to adopt the budget amendment.

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 17 – AWARD OF FY 2008-09 VEHICLE AND EQUIPMENT FINANCING (Att. 9)

Mr. Clawson explained on March 5, the Finance Department received proposals for the financing of County vehicles and equipment which was approved in the fiscal year 2008-09 operating budget. The total amount to be financed is \$1,531,902. He noted eight (8) bids were received and recommended awarding the financing to the lowest bid from Wachovia Bank at an interest rate of 2.8% for 36 months. He also asked the Board authorize the County Manager, County Attorney, Finance Director, and Clerk to execute all the necessary documents. Commissioner Shea asked if the County is able to recoup any cost on vehicles that are replaced. Mr. Clawson stated these vehicles usually get reused by other departments or sold by public auction. He noted the County receives \$50,000 to \$100,000 a year from public auctions.

MOTION

Commissioner Tillett motioned to adopt the Resolution awarding the financing and to authorize the execution of all necessary documents.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 18 – AMENDMENT TO ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY CONTRACT (Att. 10)

Mr. Clawson noted the Albemarle Regional Solid Waste Management Authority Charter included Camden County as one of its members. Camden County is not a member and the charter needs to be amended to remove Camden County and to make other clerical changes consistent with the Solid Waste Agreement that was previously approved. He noted a copy of the amended Charter was included in the Agenda Notebook for the meeting.

MOTION

Vice-Chairman Burrus motioned to approve the amended Charter.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 19 – CONSENT AGENDA (Att. 11)

Commissioner Shea motioned to approve the Consent Agenda:

1. Approval Of Minutes
2. Department of Public Health Budget Amendment – Additional Family Planning State Funds
3. Budget Amendment – Glass Crusher Project/ Additional Grant Revenue and Related Costs
4. Budget Amendment – Phragmites Control
5. Budget Amendment for Contribution for Insurance Rate Appeal
6. Budget Amendment – Shoes for Kids Program
7. Budget Amendment – Social Services Additional Crisis Intervention Funding
8. Budget Amendment for EFNEP Funds
9. Correcting Budget Amendment in Capital Projects Fund
10. Annual Fire Extinguisher Service Contract Renewal
11. Public School Capital Building Fund Withdrawals
12. Resolution in Support of the NCIC Safety Education Section
13. Animal Control MOU with Town of Kitty Hawk
14. Detention Center – USDOJ SCAAP Funding

Vice-Chairman Burrus seconded the motion.

Chairman Judge noted Item 6, Shoes for Kids, is a program by the Kitty Hawk Rotary Club which was established to provide DSS with funds to purchase shoes for children.

VOTE: AYES unanimous

MOVE TO ATTORNEY'S BUSINESS

ITEM 20 – COMMISSIONERS' BUSINESS

Commissioner Mike Johnson responded to Mr. Conner who spoke earlier during Public Comment regarding the marriage amendment referendum and his request for a resolution. He stated while he was not going to make a motion at this time, he was interested in hearing more information and asked the subject be placed on the next meeting's agenda. He noted the Working Watermen had a productive meeting and explained they were victorious with the LAPPs issue as it died in both the House and Senate. He explained an anti-commercial group posing as a pro-resource group was asking for Speckled Trout and Red Drum to be named as game fish in order to make them unharvestable for commercial fishermen and not sellable in restaurants. He stated the next effort would be to open the EEZ to allow the harvest of Rockfish in the ocean again. He also invited all who wanted to participate in a committee being created to name and promote commercial catch in Dare County. He asked for community involvement in the naming of the catch and the creation of a logo that will be used to market our resource as a viable fresh source. Carteret Catch is a similar program and has been very successful. He stated the Chairman of this

committee will be Jamie Reibel (252.473.2901). He also noted the Working Watermen are planning a fish fry for NC Representatives and Senators in Raleigh sometime in mid-May. He stated there will be displays in order to help educate the General Assembly on the fishing industry.

Commissioner Dutton offered congratulations to Mr. Basnight, Employee of the Month for March. He explained it was good to see Punk Daniels and thanked him for the work he is doing for Older Adult Services. He attended the ribbon cutting on Sunday, March 8th for the new Parks and Recreation building in Manteo. He also attended a Board of Education meeting and reviewed the preliminary budget. The County appropriations are \$19,191,014 and County support for nurses and resource officers are \$751,605. This brings the total to \$19,942,619. He noted total expenditures for the school year budget as seen so far are \$52,564,686. He thought the presentation was handled well especially when faced with such a tight budget year.

Commissioner Tillett noted the youth center had opened and was a great success with approximately eighty (80) in attendance. She stated there are anywhere from thirty-five (35) to fifty (50) youth at the center each afternoon. She encouraged the staff to keep up the good work and noted they are seeking volunteers. She announced the upcoming State of the Older Adult conference on March 27 and noted she would be opening the conference with a welcome and Chairman Judge would be providing the close. She stated Eddie Lynch, Chairperson for JCPC, is working hard to make sure their budget is not cut. She stated they are barely operating on their current budget of \$93,000 and asked Commissioners to support their efforts. She stated Annie Mobley, Hertford Legislator, will be meeting with JCPC and Commissioner Tillett noted she would forward more details when available. She noted Dare Days is quickly approaching and stated there is one month left to nominate someone for Dare County. The Older Adult Advisory group met March 11th. Attorney Outten presented information regarding the insurance issue and suggested more presentations be made throughout the County. She announced the upcoming 20th Anniversary for the Outer Banks History Center and distributed a program brochure. She noted the North Carolina Association of County Commissioners would be meeting April 8th at Beaufort County Community College. She commended the Town of Manteo on their newsletter and announced a pancake breakfast of Saturday, March 21, at Applebees for \$5 for First Flights charity of choice which will be Children and Youth Partnership of Dare County. Chairman Judge added a comment regarding the insurance presentations around the County mentioned by Commissioner Tillett. He stated the League of Women Voters held a program on this subject at the Kill Devil Hills Town Hall which was very well attended. Willo Kelly, OBHBA, and Representative Tim Spear were also in attendance. He hoped these presentations would be given in multiple locations along the island for public awareness purposes.

Commissioner Richard Johnson noted they had voted several years ago against Offshore Drilling and would like the Board to revisit this issue. He stated because of the hard economic times and National security issues, this may need to be reconsidered thus allowing the County to have more control on the issue as it affects our County. Vice-Chairman Burrus added he would like to see whatever committee is put together on this subject would be fair and equitable with the people of NC involved. Chairman Judge asked County Manager Wheeler to contact Chris Dylan to obtain the list of members on the study committee that was put together by Senator Basnight. He noted Paul Tine as the Dare County representative.

Commissioner Shea offered his congratulations to Mr. Basnight as Employee of the Month for March and thanked all employees for their great work. He noted he also attended the Board of Education meeting and echoed Commissioner Dutton's comments. He stated he was glad to see the County has taken the first steps in obtaining a reliable source for drinking water and fire protection on Roanoke Island with the plans for the new system.

Vice-Chairman Burrus offered his congratulations to Mr. Basnight as Employee of the Month for March and noted his ability to make the County look great even when faced with difficult times. He noted the opening of the Administration building on Hatteras Island and felt while he supports local labor, this was an example of why local labor may not always be the best choice if quality of work and time spent on a project is traded simply for money to remain local. He stated Oregon Inlet dredging looks good and they are currently working with the State on the Rodanthe Harbor. He hopes something can be worked out with the wildlife to be set up on Pea Island in order to keep the Harbor ready for emergencies. He felt the Preserve Access to America's Beaches campaign is doing a great job and shared his appreciation for their response to Judge Boyle. He stated he has lived on Hatteras Island for fifty (50) years and has never known anyone to die from driving on the beach. Mike Murray did a great job on trying to refocus on the issue and keep the discussion fair and balanced. He thanked Omie Tillett and Legends of Dare County and wished him well. Lastly, he stated as these hard times continue we need to be proactive by pushing organizations to look outside the box to find more jobs both within the tourism business and outside of that industry.

Chairman Judge noted he had read the monthly issue of Governing Magazine which had an article regarding the bridge collapse in Minneapolis. He noted the contractor on that bridge had received a \$25 million bonus and finished three (3) months ahead of schedule. He stated Negotiated Rulemaking (REGNEG) is over and had ended a day early because the facilitators announced an impasse had been reached that could not be overcome by negotiation. There were two (2) proposals: one (1) by the access group and one (1) by the conservation and environmental group. The access proposal received seventeen (17) ayes, two (2) abstentions (Mike Murray and Fish and Wildlife) noting abstentions do not count against the proposal, and five (5) noes (Defenders of Wildlife, NC Audubon, Cape Hatteras Bird Club, Hatteras village homeowner, and a Frisco homeowner). The conservation and environmental groups proposal received five (5) ayes, three (3) abstentions (NC Wildlife Resource seat abstained in addition to Mike Murray and Fish and Wildlife), and sixteen (16) noes. He explained now the National Environmental Protection Act process begins with five (5) alternative plans being submitted. These plans have been public since last fall, but Mike Murray may write a 6th alternative based on the thirteen (13) months of meetings. He urged all to attend the public meetings. He also noted the presentation by Mr. Gross will be a tool to help mobilize this campaign across Dare County and the Nation.

ATTORNEY'S BUSINESS

Attorney Outten explained Perquimans County and Pamlico County have agreed to join in support of the Insurance rate appeal with contributions of \$3,000 and \$1,000 respectively.

MOTION

Commissioner Shea motioned to accept the contributions as detailed to the ongoing legal challenge to the Insurance Commissioner and related agencies over the equity and fairness in insurance in Dare County and coastal North Carolina.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Attorney Outten noted Item 9 on the Consent Agenda also brought on twenty (20) towns and numerous counties in addition to those who have already joined in support of the legal challenge against the Insurance Commissioner.

Attorney Outten presented an MOU Interlocal agreement (**Att. 12**) to join with coastal counties to seek changes in North Carolina's laws and rules pertaining to beach sediment management at ocean inlets. He noted funding was approved some time ago and this MOU follows that funding. He added this MOU would end at the end of this legislative session but would allow the committee to work on the behalf of our County and other coastal counties with regard to these issues.

MOTION

Vice-Chairman Burrus motioned to approve the MOU.

Commissioner Shea seconded the motion.

Chairman Judge noted there would be a press conference in Raleigh March 17, 2009, at 10:00a.m. on this issue which is being handled by the coalition of county and town governments.

Vote: AYES unanimous

Attorney Outten noted because of the insurance issue, NC20 has formed. This is a formal non-profit organization with a Board of Directors who are working politically to make changes in the insurance issue. This group has asked towns and counties to join with ten (10) cent per capita membership fees in order for them to continue their lobbying effort. Dare County would need to pay approximately \$3,500 to join.

MOTION

Commissioner Shea motioned to authorize the County to join NC20 and pay annual membership fee not to exceed 10 cent per capita.

Vice-Chairman Burrus seconded the motion.

Vice-Chairman Burrus expressed he has been intrigued by this group which up until this point had no government entities thus expressing a public view point. He asked if this would hinder their ability to do this in the future. Attorney Outten stated other governments are getting involved and he was not sure who had formally joined at this point. He noted Willo Kelly, Outer Banks Home Builders Association, as a board member. NC20 still need members, funds, and help with the lobbying effort which is why they are requesting the membership fees. Vice-Chairman Burrus shared his concern that by being a government, this would dilute what the group is trying to do. Attorney Outten stated his understanding was the group is trying to get as many governmental entities as well as private sector entities involved as possible.

VOTE: AYES unanimous

MOVE TO ITEM 12

MANAGER’S BUSINESS

County Manager Wheeler distributed a budget amendment (**Att. 13**) to the Board requiring no action. He explained since last month, he has transferred some funds from his travel budget into the County Attorney’s budget because he has been asked to increase his travel due to the insurance issue. This has in turn, depleted his travel budget. Therefore, he has transferred funds into the Attorney’s travel line item to pay for this increase. He stated this presentation was simply to fulfill his requirement of reporting this action to the Board.

ITEM 21 – UPCOMING BOARD APPOINTMENTS

- 1) Health Board (4 seats: Engineer, Dentist, Registered Nurse, and At Large)

AT 3:07P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON APRIL 6, 2009.

(SEAL)

Respectfully submitted,

By: _____
Katie Smith, Clerk

APPROVED:

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

