

**NORTH CAROLINA
DARE COUNTY****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
March 3, 2003**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on March 3, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd and Virginia Tillett. Stan White was absent. Also present were Manager Terry Wheeler and Attorney Norma Mills. Chairman Judge opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

1. Sandy Sanderson, Emergency Management Coordinator, received his 10 Year Pin from Terry Wheeler, County Manager.
2. Stella Vrablic, PHN II, received her 25 Year Pin from Anne Thomas, Health Director.
3. Pat Jump, Social Worker Supervisor II, received her 25 Year Pin from Jay Burrus, Social Services Director.
4. Susan Judge, Social Worker III, received her 25 Year Pin from Jay Burrus, Social Services Director.

ITEM 2 – EMPLOYEE OF THE MONTH

Benjie Carawan, Plant Superintendent for the Stumpy Point Water System, received the Employee of the Month Certificate from Bob Oreskovich, Utilities Director.

ITEM 3 – PUBLIC COMMENTS

1. Diane Gaskill, Assistant Principal at Manteo Elementary School and five (5) students expressed their thanks to the Board for the upcoming renovations for MES.
2. Uli Bennewitz, Manteo, noted that he manages the Great Dismal Swamp Restoration Bank, which is a farm in Tyrrell County. The bank has worked with DOT on wetland credits. Instead of DOT negotiating with EPA they buy wetland credits from a restoration bank. It has worked well in Tyrrell County all the way to Columbia. They have the approval from Tyrrell County to continue with this work all the way to Manns Harbor, which is land in the jurisdiction of Dare County. The restoration bank is asking for the Board's approval that would allow DOT to work with the mitigation bank to mitigate credits in Dare County with Tyrrell County land. Tyrrell County has approved this mitigation outside their county. This would speed up the developing Highway 64 and it is a very efficient way of plowing through their wetland regulations. The bank is already set up and in progress. The wording

wording they are looking for: Dare County in accordance with its LUP recognizes that mitigation credits issued from a mitigation bank located in Tyrrell County may be used as compensation for wetland loss occurring in Dare County. The area under concern is between the two bridges Virginia Dare Memorial Bridge and Alligator River Bridge. He asked for Board approval. (CONTINUED IN ITEM 22).

3. Duke Geraghty, Outer Banks Homebuilders Association and a member of the Large Residential Structure Committee stated that the Planning staff would be presenting their plan today under Item 7. He would like to see Board approval with only a few changes. One concern is that Colington Harbor Association has asked to be exempted for these new regulations regarding lot coverage. A minimum three-bedroom house cannot fit on a lot and stay within the 30% lot coverage on these small lots. He asked the Board to consider their concern when making a decision today.
4. Jim Carolan, Frisco contractor and representing the Hatteras Homebuilders Association, noted that the county had lost two (2) building inspectors in the last six months. The workload is too much for one person to handle from Hatteras village to Rodanthe. There has been a significant increase in the number of permits in 2001 and 2002. He asked the Board to consider hiring two (2) building inspectors for Hatteras Island.
5. Todd Merriss, Dare Building Supply and speaking on behalf of the Hatteras Homebuilders Association, urged the Board to hire two inspectors for unincorporated Dare County and especially Hatteras Island. The immediate need is for the cottages that are being built now to be inspected for the rental season this year and the long-term plans.

ITEM 4 – PROCLAMATION HONORING AMERICAN RED CROSS MONTH – MARCH 2003

Attorney Mills recognized Carolyn Self, Executive Director of the American Red Cross, and other members. Attorney Mills read the proclamation. Carolyn Self, Executive Director, stated they love the people of Dare County who have supported them through their blood donations, financial donations and volunteer hours. They are very proud to be a part of Dare County and to work with the Emergency Management Department.

MOTION

Commissioner Cahoon moved the adoption of the Proclamation Honoring American Red Cross Month – March 2003.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 5 – HIPPA REPORT (EXECUTIVE SUMMARY FILED IN COUNTY MANAGER'S OFFICE)

Hope Furtado and Jeff Baker, T.M. Floyd and Company, presented their report and findings.

Mr. Baker noted that between November 4th and November 22nd last year, they conducted interviews and did walk through assessments of the facilities that are covered in the report. In the general conclusions, with the exception of Information Technology Department, all of the other departments in the county have done a terrific job in terms of preparing for the specific mandates of the privacy regulations. One event that everyone has to be aware of in considering HIPPA compliance is that at the time they began this we incorporated the privacy and security into an assessment together and they used the proposed rule by the federal government. On February 20, 2003, the final rule for security was published in the Federal Register and does give guidance specifically to electronically stored media. The good news is that many of the recommendations that they have suggested in their interim report, with respect to Information Technology, have been deferred for compliance until April 21, 2005. They are not required to be in place by April 14, 2003 as are the privacy regulations. They have provided their recommendations to each department head. The general assessment, except for Information Technology, is that the county is in good shape.

The federal agencies that will enforce HIPPA regulations are Center for Medicaid & Medicare Services (CMS) and Health & Human Resources Civil Rights Division.

The cost is fairly insignificant to bring it in compliance and their recommendation is to hire an outside person to bring IT into compliance at approximately \$75,000.

Their findings in terms of policy and procedure, IT does not have a policy and procedure manual, there is no disaster recovery plan, and no business continuity plan. These are also good common business practices as well as required by HIPPA. Their recommendation would be and the law does require by April 21st that there be a security officer who is solely responsible for all electronic and medical records. Their recommendation is to hire an outside person. To date there are no federal grants to help counties. There was Board discussion.

Chairman Judge expressed appreciation for their presentation.

ITEM 6 – AUTHORIZATION TO SEEK REQUEST FOR QUALIFICATIONS-BEACH NOURISHMENT EASEMENT AND ACQUISITION SPECIALIST

Ray Sturza, as Chairman of Beach Nourishment Committee, reported on the recent activities that occurred in Washington, DC, which included the passage of one of the Omnibus spending bills thus appropriating \$500,000 for construction money to rebuild Dare County beaches. He was pleased to report that the much-discussed northern beaches hurricane protection plan is a real project as of the adoption and the President's execution of that bill. The congressional delegation in Dare County and the county's representatives in Washington, DC deserve a pat on the back. Over the next several years the Board will be dealing with large expenditures of

money. Over the next 50 years this is a \$1.6 billion dollar public project that is going to evolve and a commitment by the federal government to protect and maintain the infrastructure of Dare County. It will cost the county approximately \$80 million dollars to build the project if they get the project back on track for the fall of 2004 instead of 2005. Approximately \$7M will be local dollars and other revenue resources include the partners in the state of North Carolina – Department of Water Resources, Occupancy Tax Revenue, and an assessment process.

Ray Sturza, Planning Director, reported that on Tuesday, February 11, 2002, the Dare County Beach Nourishment Committee recommended that the County, as the non-federal sponsor of the federal Hurricane Protection Plan, proceed into the real estate easement and acquisition phase of the project. The first step will be to advertise a request for qualified applicants to provide their interests so that the level of interest of qualified firms can be measured. He presented a request to proceed to advertise for such firms.

MOTION

Commissioner Cahoon moved to authorize staff to proceed with advertisement for Request for Qualifications (RFQ).

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

Chairman Judge echoed some of Mr. Sturza's comments. The project has been going on since 1989 and they have had some exciting days as well as some very dark days. He thanked the Mayor of Kill Devil Hills, Mayor of Nags Head, and their respective Boards for being a financial partner with the county to cover counsel and lobby in DC. He also thanked Senator Doyle, Senator Edwards and Congressman Jones for their support.

Commissioner Byrd requested that the Board and citizens of Dare County be briefed on how the county and towns plan to pay for initial and continuing beach nourishment over the next 50 years. Chairman Judge directed the Planning Director to invite Commissioner Bill Pitt of Kill Devil Hills, to come before the Board and make a presentation on the local share and maintenance cost.

THE BOARD MOVED TO PUBLIC HEARING

ITEM 8 – PUBLIC HEARING – DRAFT SIGN STANDARDS

(DOCUMENT FILED IN THE PLANNING DEPARTMENT)

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING DRAFT SIGN STANDARDS.

Ray Sturza, Planning Director, noted that as a result of two previous hearings in January, some revisions were made to the draft sign standards that were deemed "substantial" by former County Attorney Outten, thus requiring another hearing. The draft standards and definitions under consideration are attached.

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

1. Larry Hardham, President of Cape Hatteras Angler's Club, complimented the Planning staff on their good work and supported the proposed sign standards.
2. Howard Rooney, Hatteras, stated this has been a long hard struggle but has been hopeful. He congratulated the Planning staff for a good job and thanked the Board members who came to Hatteras.

Chairman Judge closed the hearing at 10:08.

MOTION

Commissioner Cahoon moved that the draft sign standards be adopted as advertised.

Commissioner Johnson seconded the motion.

Commissioner Byrd listed some recommendations.

The Planning Director identified two changes: the addition of footings following section on concrete foundations and the deletion of the parenthetical reference of "see flags". The political sign issue was deleted as the Board had recommended at the public hearing on Hatteras Island. The Planning Director noted that staff was comfortable with not regulating political signs. They will be addressed in a manner consistent with the municipalities.

VOTE: AYES (5) Cahoon, Johnson, Judge, Hooper & Tillett
NOES (1) Byrd

Mr. Sturza introduced Steve Schriver, the new County Engineer.

THE BOARD RECESSED AT 10:35 A.M. AND RECONVENED AT 11:00 A.M.

THEY MOVED BACK TO ITEM 7

ITEM 7 – REPORT FROM LARGE RESIDENTIAL STRUCTURES COMMITTEE

Ray Sturza, Planning Director, reported that late last year, the Board of Commissioners directed the Large Residential Structures Committee (LRSC) to continue studying parking and lot coverage issues with specific instructions to review Section 22-47 of the Dare County Zoning Ordinance that addresses non-conforming lots. At that time, there was concern among the Board members about the impacts of the parking and lot coverage standards on year-round residents and property owners. Since that time, the LRSC has met twice to discuss these issues. A copy of the draft language and recommended amendments to the Dare County Zoning Ordinance are attached for the Board consideration. There was Board discussion.

MOTION

Commissioner Tillett moved to schedule a public hearing April 7th at 10:00 a.m. on Large Residential Structures Committee.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 9 – ANNOUNCEMENT OF AWARDS FOR THE DARE COUNTY JUSTICE CENTER

Mike Tomey of Heery International informed the Board of an award and an accommodation received by Heery for the Dare County Justice Center project. They are:

1. Best project – Public Sector from the Design Building, Institute of America
2. A commendation from the Association of Builders and Contractor of the Carolinas

Mr. Tomey presented main video to giving a flavor of the Dare County Justice Center.

ITEM 10 – OLD COURTHOUSE FACILITY ASSESSMENT REPORT BY HEERY INTERNATIONAL (DOCUMENT FILED IN THE CLERK TO THE BOARD'S OFFICE)

Mr. Jim Shepherd and Mr. Mike Tomey of Heery International presented the report. Mr. Tomey highlighted the document:

BF Smith constructed the Courthouse in 1904.

The jail was added in 1909 and a larger jail was constructed in the 1960's. The belfry tower was lost during a hurricane in 1932 but the structure still remains.

Originally the roof was slate.

The original courthouse was 5600 sq ft. The mechanical and electrical systems would need to be replaced. Part of the building is still in tact such as the beaded ceiling, transom windows over the doors, the mahogany doorframes that are covered by new framing. Before any construction should begin the Board would need to address the function of the building for the future. Mr. Tomey noted the courthouse is a tremendous asset to the community and is the center of the area. The courtroom is a wonderful space. He suggested researching the requirements for the register and having a master plan.

The demolition of the jail is moving forward tomorrow and completed within the month of March.

Chairman Judge suggested scheduling a workshop soon to address the future of the old courthouse.

ITEM 11 – AMENDMENT TO SCHOOL CAPITAL PROJECT ORDINANCE FOR NEW MANTEO MIDDLE SCHOOL LAND (ATT # 1)

Dave Clawson, Finance Director, reported that the Board of Commissioners received a letter from the Dare County Board of Education on 2/12/03 providing details of a land acquisition (Woods Tract) for the new Manteo Middle School. The letter requests that \$1.1 million be authorized for the land acquisition, to be done through condemnation.

MOTION

Commissioner Tillett moved to adopt the Amendment to School Capital Project Ordinance # 03-3-04.

Commissioner Johnson seconded the motion.
VOTE: AYES unanimous

ITEM 12 – NORTHEASTERN NORTH CAROLINA PARTNERSHIP FOR PUBLIC HEALTH RESOLUTION (ATT # 2)

Anne Thomas, Health Director, requested the Board to adopt the Northeastern North Carolina Partnership for Public Health Resolution in support of providing State funds to the NENCPPH to demonstrate collaborative delivery of core public health services across county lines for local health departments in North Carolina.

MOTION

Commissioner Cahoon moved to adopt Resolution #R03-03-05.
Vice Chairman Hooper seconded the motion.
Commissioner Johnson had concern asking for state funding until the Health Director told him that it was mandated and not funded by the state.
VOTE: AYES unanimous

ITEM 13 – HEALTH DEPARTMENT – PUBLIC HEALTH PREPAREDNESS AND RESPONSE FUNDS (ATT # 3)

Anne Thomas, Health Director, noted the Health Department has been awarded funds from the state in the amount of \$31,640. The funds in the amount of \$19,950 will be used this fiscal year to pay for training and to purchase some needed equipment in preparation for the threat of a Bioterrorism attack. This equipment includes a generator, a refrigerator alarm, computers, printers, and other peripherals. Funds in the amount of \$11,690 will pay the salary of a Communicable Disease Nurse/Bioterrorism Coordinator for 3 months in FY 2004 and will be included in a budget request for a new position with the upcoming two-year budget cycle request. This position, if funded will specialize in Bioterrorism response planning and handles the increased responsibilities related to Communicable Disease reporting and surveillance.

MOTION

Commissioner Cahoon moved to adopt the budget amendment.
Commissioner Byrd seconded the motion.
VOTE: AYES unanimous

ITEM 14 – APPROVAL OF LEASE AGREEMENT BETWEEN THE COUNTY AND TOWN OF NAGS HEAD FOR RECREATION SITE (FILED IN THE COUNTY ATTORNEY'S OFFICE)

Cliff Ogburn, Parks & Recreational Director, explained that a Parks and Recreation Trust Fund grant applicant must have control of the land before building recreational facilities using a PARTF grant. He said that evidence of site control could be in the form of either a fee-simple ownership or at least a 25-year lease. He presented the lease verifying the County's control of the portion of the site built with PARTF monies for a period of 25 years.

Attorney Mills informed the Board that the original request from the Town Manager was for the Board to delete entirely the 25-year renewal provision. With this wording, the automatic renewal would not kick in but does not mean it could not be renewed. The county decides when the lease is terminated and not the town.

MOTION

Commissioner Tillett moved to approve the lease agreement acknowledged by Chairman's signature with an amendment that guarantees an automatic renewal of 25 years following the original 25-year term.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 15 – PUBLIC WORKS – FARMLAND LEASE RENEWAL
(ATT # 4)**

Edward L. Mann, Public Works Director, presented the renewal lease of Farmland at the C&D site with Mr. Alvah Alexander. This lease, if approved, will be for a period of 5 years.

MOTION

Commissioner Johnson moved to approve the lease with an addition of an out clause with a two-year notice.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 16 – CONSENT AGENDA (ATT # 5)

MOTION

Commissioner Johnson moved the approval of the Consent Agenda:

1. Approval of Minutes – February 17, 2003
2. Social Services Budget Amendment
3. Resolution #R03-3-6 Authorizing Annual Surplus Property Sale
4. Resolutions Authorizing the Private Sale of Certain Person Property #R03-3-7 Manteo Lodge No. 521; #R03-3-8 Manns Harbor Fire Department; #R03-3-9 Colington Fire Department; #R03-3-10 Outer Banks History Center; #R03-3-11 American Red Cross; #R03-3-12 GEM Rec. & Health Center; #R03-3-13 First Flight Lions Club.
5. Budget Amendment for County Attorney
6. Bioterrorism Communications & Risk Assessment – Budget Amendment

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 17 – BOARD APPOINTMENT – PLANNING BOARD

MOTION

Vice Chairman Hooper nominated Joe Thompson for the At-large seat.

Commissioner Byrd nominated Jo Ann Baum Clift for the at large seat
 VOTE: Joe Thompson (5)
 Jo Ann Baum Clift (1) Byrd
 Joe Thompson was reappointed to serve a three-year term on the
 Planning Board At-Large Seat.

District 3

Commissioner Byrd nominated Jim Morrison.
 Commissioner Johnson nominated John Finelli.
 VOTE: Jim Morrison (1) Byrd
 Jim Finelli (5)
 John Finelli was appointed to serve a three-year term on the Planning
 Board for District 3.

ITEM 18 – BOARD APPOINTMENT – ZONING BOARD OF ADJUSTMENTS

MOTION

By acclamation, the Board moved the reappointments of the following to
 serve a three-year term on the Zoning Board of Adjustments:
 Thomas Murphy, Clair Sutton, Bill Swindell, as the voting members and
 Carl Hayes as the alternate. She would also like for the Board to consider
 separating the Zoning Board of Adjustments from the Planning Board and
 making it a totally separate board instead of having it mixed in. The
 County Attorney will handle the matter.
 Commissioner Byrd seconded the motion.
 VOTE: AYES unanimous

ITEM 19 – DARE COUNTY YOUTH CENTER ADVISORY BOARD

MOTION

Commissioner Byrd moved the appointment of Katherine Irby to fill the
 unexpired term of Ann Ward.
 VOTE: AYES unanimous

ITEM 20 – DARE COUNTY TRANSPORTATION ADVISORY BOARD

MOTION

Commissioner Byrd moved the appointment of Margie Midgett to fill the
 unexpired term of Dell Collins.
 VOTE: AYES unanimous

ITEM 21 – COMMENTS BY VICE CHAIRMAN HOOPER

- Status of Inspections – He met with a group of builders and
 contractors who are very concerned about the status of the
 inspections. There some major hardships for the builder if the
 county does not act quickly and hire an inspector for Hatteras
 Island. Manager Wheeler will keep the Board abreast on the matter.

ITEM 22 – COMMENTS BY COMMISSIONER BYRD

- Public Comments Item 3 – She referred to Public Comments and Mr. Bennewitz's request for wetlands mitigation for the Highway 64 construction in Dare County using the farmland that has been designated for that purpose in Tyrrell County. She thought they should give Planning staff the go ahead to provide that letter and not hold up Highway 64. It is consistent with the county's LUP.

MOTION

Commissioner Byrd moved to draft a letter stating Dare County, in accordance with its LUP, recognizes that mitigation credits issued from a mitigation bank located in Tyrrell County may be used as compensation for wetland loss occurring in Dare County.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

- Upcoming LUP workshops – Town of Kill Devil Hills – Monday, Mar. 3rd, Fessenden Center – Tuesday, Mar. 4th, Justice Facility, Wednesday, Mar. 5th. She recommended scheduling a final workshop once they receive a report from Facilitator Glen Harbeck. This would enable them to give final guidance to the Planning staff on any final changes to the plan.
- Road issues – She has received letters dealing with various road issues in Dare County. There are a number of different groups in Dare County working on different road issues – DC Transportation Advisory Board, Rural Planning Organization. There is no real working group except the Highway 12 Task Force for Hatteras that is working on road issues within the county. She asked the Board to consider establishing an intergovernmental working group to tackle those issues within the county. Some issues include the Airport Road, Colington Road, US 158 Corridor between Whalebone Junction and the Wright Memorial Bridge, NC 12 between Southern Shores and Kitty Hawk. She suggested they get all of the towns and county together and figure out how to address with DOT.

ITEM 23 – COMMENTS BY COMMISSIONER CAHOON

- CIP – She requested a CIP meeting as soon as possible in order to get a status update on the C&D Landfill as well as the Transfer Station plans.
- Planning – She commended Planning staff and Lorraine Tillett, Zoning Administrator, for their exemplary work with all the items they have had on their plate lately. She noted that Ms. Tillett has taken great pains to work with Skyco and Wanchese to get them maps so they can proceed with their zoning process. Mr. Clawson responded that a CIP meeting is scheduled for Feb. 17th at 11:00 a.m. Since she will be unable to attend on the 17th, he will schedule another meeting prior to the 17th.

ITEM 24 – COMMENTS BY COMMISSIONER TILLET

- Commended the County Attorney on the letter recently written regarding the cemetery.
- Status of Scattered Housing extension – Attorney Mills will give an update under Attorney's business.
- Resolution Support on working without a license such as contractors or plumbers – Chairman Judge asked the Board to review the resolution and give input to the County Attorney.
- Stumpy Point Water – Suggested thanking Senator Basnight for the appropriations for Stumpy Point Wastewater project.
- Building permits – She questioned if anyone had asked for a building permit refund that missed the deadline. Manager Wheeler will check with the Planning Director.
- Memos regarding Zoning Request, MMS, AA – She asked for guidance on how to respond to these calls. Board members suggested responding to the public through telephone call and email.
- Tuskegee Ceremony – She extended thanks to those who attended last weekend.

ITEM 25 – COMMENTS BY CHAIRMAN JUDGE

- Calendar/Town Meeting – Hatteras Island at the Fessenden Center on Monday, March 24th at 7:00pm
- Calendar/Public Hearing – Place a request for a public hearing on 17th agenda for April 21st for LUP. Changes in the draft must be made by the 17th and should schedule a workshop next week to address these issues.
- Trip to DC for 11th & 12th – He invited the Mayor from the Towns of Kill Devil Hills and Nags Head or their commissioner designees along with a number of cars or vans going. Board members will notify the Chairman as soon as possible if they plan to go.

ITEM 26 - ATTORNEY BUSINESS / SCATTERED SITE GRANT & UNDERGROUND ELECTRIC UTILITY LINES RESOLUTION

- Update on Scattered Site Grant – Attorney Mills reported the Division of Community Assistance has granted Dare County a three (3) month extension (June 1st) to comply with the terms/conditions of the grant. The Division of Community Assistance has recommended that the county contract with the Albemarle Commission in order to clear up the conditions that the county has to comply with. This does not mean the Albemarle Commission would have to assume responsibility for the implementation of the grant once the conditions are cleared and the money is released. With the Board's concurrence, she recommended that the Board moved forward and have sessions with the Albemarle Commission

in order to make full use of the Scattered Site money to help the folks in the county.

- Underground Electric Utility Lines Resolution – She presented the resolution and will make any changes instructed by the Board. Chairman Judge placed it on the next agenda. Vice Chairman Judge reminded there are two utility companies on Hatteras Island and the resolution needed to be more clearly refined. Board members will submit the changes to the County Attorney.

MOTION

Commissioner Byrd moved to give the County Attorney direction to pursue an arrangement with the Albemarle Commission in order to make use of the Scattered Housing Grant.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 27 – AIRPORT AUTHORITY / EMPLOYEE POSITION

Manager Wheeler met with Connie Brothers and Linda Wiley, Co-Chairmen of the Dare County Airport Authority 2003 Centennial Planning Committee concerning a contract employee they hired to coordinate the 2003 events for the Airport Authority. The AA needs liability insurance for the employee and would like for the county to make her a temporary employee until her term expires in ten (10) months. He asked for Board approval to allow her to become a temporary county employee with no benefits and with no additional cost to county government. The cost to the AA would be approximately \$4,000.

MOTION

Commissioner Johnson moved to allow the County Manager to transfer the Airport Authority temporary employee to Dare County government temporary position.

Vice Chairman Hooper seconded the motion.

There was Board discussion about eligibility for unemployment benefits. Chairman Judge directed the County Manager, County Attorney, Human Resources Director and Finance Director present some recommendations at the next meeting.

AMENDED MOTION

Commissioner Cahoon moved to table the matter until the next meeting.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 28 – CLOSED SESSION – LAND MATTER & LITIGATION

MOTION

Vice Chairman Hooper, pursuant to the provisions of NCGS 143-318.11, moved that the Dare County Board of Commissioners 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 and consult with an attorney employed or retained by the County in order to preserve the attorney client privilege between the attorney and the County.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

AT 1:20 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 2:25 P.M.

Attorney Mills reported that the Board direction to counsel on two property transactions - land acquisition matters and also helped the counsel about a matter of potential litigation that was held in Closed Session in order to preserve the attorney client privilege.

THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED AT 2:25 P.M. UNTIL 3:00 P.M. ON MARCH 17, 2003.



APPROVED:

By: Warren Judge
Warren Judge, Chairman
Dare County Board of Commissioners

Respectfully Submitted,

By: Frances W. Harris
Frances W. Harris
Clerk to the Board