

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
JUNE 4, 2007**

The Dare County Board of Commissioners met in a regular session at 10:30 a.m. on June 4, 2007 in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, Virginia Tillett, Allen Burrus, Richard Johnson, Mike Johnson, and Jack Shea and Max Dutton. Also present were County Manager Terry Wheeler and County Attorney Bobby Outten. Chairman Judge asked that Commissioner Mike Johnson's son, Hunter, be in our thoughts and prayers as we go about our business today. Hunter is in the hospital. A moment of prayer was offered by Almey Gray, Deputy Sheriff, followed by the pledge of allegiance to the flag.

**ITEM 1 - AMEND AGENDA TO ADD A CLOSED SESSION FOR PERSONNEL
AND LAND MATTER**

MOTION

Commissioner Shea moved to amend the agenda to add a closed session for land and personnel matters as Item 11.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 1A - PRESENTATION OF COUNTY SERVICE PINS

1. Nancy Creamer, Community Social Services Technician, received her 10 Year Pin from Sandy Brookshire, Children Services Supervisor.
2. Gale Davis, Chief WTP Operator, received her 10 Year Pin from Ken Flatt, Water Director.
3. Dorothy Toolan, Public Relations Officer, received her 10 Year Pin from Terry Wheeler, County Manager.
4. Michael Armstrong, Detention Shift Leader, received his 15 Year Pin from Rodney Midgett, Sheriff.
5. Danny Avitt, Detention Officer, received his 15 Year Pin from Rodney Midgett, Sheriff.
6. Greg Creef, Detention Shift Leader, received his 15 Year Pin from Rodney Midgett, Sheriff.
7. Edward Ericksen, Detention Trans/Class Officer, received his 15 Year Pin from Rodney Midgett, Sheriff.
8. Herbert McNamara, Detention Officer, received his 15 Year Pin from Rodney Midgett, Sheriff.
9. Nancy Rose, Detention Transf/Class Officer, received her 15 Year Pin from Rodney Midgett, Sheriff.
10. George Evans, Real Property Appraiser, received his 15 Year Pin from Greta Skeen, Tax Assessor.

11. Andrian Tillet-Hauck, Deputy Register of Deeds, received her 15 Year Pin from Barbara Gray, Register of Deeds.
12. Sharon Tinnell, Finance Operations Manager, received her 15 Year Pin from Dave Clawson, Finance Director.
13. Tim Willis, Facility Maintenance Supervisor, received his 15 Year Pin from Tom O'Neal, Human Resources Director.
14. Robert Crawford, Environmental Health Specialist, received his 15 Year Pin from Jack Flythe, Environmental Health.
15. Mark Shreaves, EMT Basic, received his 15 Year Pin from Skeeter Sawyer, EMS Director.
16. Lawrence Battaile, WTP Superintendent, received his 20 Year Pin from Ken Flatt, Water Director.
17. Judith Curry, EMT Technician Paramedic, received her 20 Year Pin from Skeeter Sawyer, EMS Director.
18. Elizabeth Edens, Telecommunicator Shift Supervisory, received her 20 Year Pin from Rodney Midgett, Sheriff.

ITEM 2 – EMPLOYEE OF THE MONTH

Amanda McDanel, Family and Consumer Science Extension Agent with Cooperative Extension, received the Employee of the Month Certificate from Ann Ward, NC Cooperative Extension Director. Amanda does not have a long tenure with Dare County but she has made a great impact in the short time that she has been here. She has brought to the extension program a lot of energy and a lot of new ideas. She does what it takes to capture the interest of her audience whether it is youth or senior citizens or all ages in between. She ventures out to do things a little bit different. She is a true team player and is very dedicated and conscientious and a hard working employee who sets a wonderful example for others to follow. Her spirit and energy inspires her coworkers and those she teaches.

ITEM 3 – PUBLIC COMMENTS

1. Chris Pipkin, Colington, spoke about the salaries in the Sheriff's Department. He said that it is appalling in his opinion that in one of the richest counties in the state its employees qualify for and have to take advantage of government assistance for food stamps, WICK, and free lunch programs at school. The deputies are highly trained and motivated individuals who risk their lives everyday they come to work. They are repaid for this with broken promises and inadequate raises. The Sheriff's Department is coming into a critical time where upper level management is due to retire and while it is an honor to work under the leadership of Sheriff Midgett, the deputies are going to have no option but to seek employment elsewhere.
2. Lynne Bunch, President of College of the Albemarle and on behalf of the COA-Dare and the students, came before the Board and thanked them for their support of COA. She stated they were pleased with the Roanoke Island Campus and how much they appreciate the Board including the

budget request in the Capital Improvement Plan. She noted that when she began the presidency at COA one of her goals was to increase the number of students in the off-campus locations. In May 2007, 157 students graduated from the entire college and 49 of those students were from Dare County. That comes from the wonderful work that staff and faculty are doing on the Dare Campus. Over the last 3 years they have averaged about 18% of their total curriculum headcount from residents of Dare County. She believes that the increased emphasis on the programs they are developing on the Dare Campus in the professional crafts area and marine sciences as well as the strong college transfer program are reaching the residents of Dare County. She thanked the Board for their support of the College of the Albemarle.

THE BOARD MOVED TO THE PUBLIC HEARING – ITEM 5.

ITEM 4 – OREGON INLET & WATERWAYS RESOLUTION REQUESTING REMOVAL OF ABANDONED VESSELS (ATT # 1)

Jenny Jones, OIWC Administrator, informed the Board that the issue of the abandoned vessels is becoming a public nuisance throughout the areas of unincorporated Dare County. This situation has been discussed for many years by the OIWC with no answer for a solution. One reason is that the waterfront property has become a market of its own and very prime real estate. She presented a resolution for Board approval. She is hoping they can create some type of legislation for addressing the issue. She presented a power point presentation showing abandoned vessels in Rodanthe Harbor, Manns Harbor, and Manns Harbor Canal. She noted that they have no jurisdiction at this time to remove the vessels. She handed out a packet on Abandoned and Derelict Vessels and Debris Study Coastal North Carolina March 1, 2007 by Judith A. Hills, Planning Director Eastern Carolina Council. It discusses this growing situation. These vessels range from small sailboats, large rusting steel trawlers and barges. The US Coast Guard was asked to participate in this study and they too agree that the level of difficulty to manage this increasing problem is high. (See attached for more detail).

Commissioner Richard Johnson feels that the only solution is for the state to take on the problem.

MOTION

Commissioner Shea moved to adopt Resolution #07-06- Requesting the Removal of Abandoned Vessels and requesting from the state to grant the county the authority to remove the vessels or for the state to take the authority and take action to clean up the waterways.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 5 – FY 2007/08 BUDGET

ITEM 5 – PUBLIC HEARING – FISCAL YEAR 2007-08 BUDGET (ATT # 2)
AT 11:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A
PUBLIC HEARING ON THE DARE COUNTY BUDGET FY 2007-08.

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

1. Mike Davieds, employee of Dare County, voiced his concern over the Dare County proposed budget for next year specifically the part that deals with the change in the time of service requirements needed to retain health benefits after retirement. The proposed change will adversely impact many dedicated employees in place today. He noted that he was hired in November 2004 and was told by many that he would be vested after five years of service and upon reaching eligibility age for retirement he would be able to retire with his health care coverage in place. This was his understanding at the time he accepted the offer for employment. After two one-half years of employment he has heard that the rules may change. For him, under the new rules, he would have to work for the county for twenty years. At his age it would not be feasible and would bring him into his seventies. He referred to the proposal in the Town of Kill Devil Hills which is a similar change with one difference. The change in KDH will not affect current employees, only employees after the change goes into effect. He felt this was fairer. He requested that the Board consider modifying the current budget so it would not impact current employees in a similar fashion as what the Town of Kill Devil Hills is proposing. In summary, make the change in policy applicable to new employees hired after July 1, 2007 and allow the employees with less than five years of service to keep what they have.
2. JD Etheridge, employee of Dare County, raised the same concerns as Mr. Davieds. He left a job to take a county job knowing that he would have insurance after he retired. He recommended that the Board make the same change as the Town of Kill Devil Hills with regard to insurance.
3. Karen Lewis, Executive Director of the Dare County Arts Council, came before the Board on behalf of the Arts Council and requested to maintain their past line item of \$60,000. She hoped the Board would restore their original request to the proposed budget. The Arts Council has restructured and is expanding their services and is ready to hire a new staff person. She asked the Board to give them a chance to continue their mission to encourage the arts in Dare County.
4. Karen Black, Telecommunicator, stated that she has only been a resident of Dare County for a few weeks, but the proposal of the health benefits greatly affects her. Her decision to accept the position with Dare County was greatly influenced by the benefits package especially the health insurance after retirement. She stated that changing the policy without grandfathering present employees is not a viable option.
5. Pastor David Daniels, told the Board that next week he was scheduled to be in Chapel Hill for surgery. He said that in case something were to happen in Chapel Hill he wanted the Board to know he has begun a ministry and a help to the addicted and dysfunctional in this community.

He and staff are seeking ways they can partnership with the community in becoming one of the county's greatest challenges which is drug and alcohol abuse. He asked the Board if they knew of agencies that they could partner together. He has addressed the issue with Senator Basnight. He thanked the Board for their support and feels like today they have a better program than ever before.

Chairman Judge ended the public hearing at 11:40 a.m.

THE BOARD MOVED TO ITEM 4 – OIWC RESOLUTION

THE BOARD MOVED BACK ITEM 5 - DISCUSSION ON THE BUDGET.

Manager Wheeler handed out 2007/08 Changes to Manager's Budget. These are changes they will be proposing on June 18th on the final adoption of the budget. Commissioner Tillet raised concern regarding the health care benefits for the employees that have already been hired. She asked the Board to consider making this new policy effective July 1, 2007. She is hoping the Board will have an open discussion and look at it from an employee standpoint.

Manager Wheeler stated that the county is facing approximately an \$80 million dollar liability. This is not only in Dare County but throughout this country. If the county changes from five years being vested in for retire/health insurance to twenty years the county will loose about \$24 million dollars of the \$80 million by making the employee work 20 years instead of five years. It has been proposed today by many people that the county grandfather every county employee that is working now and start this July 1st as recommended by Commissioner Tillet. If the Board chooses to do that the county will gain \$5 million dollars a year. He noted that this will have no effect on the budget regardless what the Board decides.

Dave Clawson, Finance Director, stated there are two parts of the plan: reduce the liability or come up with a plan to start to fund that liability. The purpose of the accounting statement was to make the Board of Commissioners aware of the ultimate cost of that benefit in the future.

Commissioner Tillet stated she cannot support the budget with this proposal included.

Manager Wheeler informed the Board this issue could be separated from the budget and more time given for discussion. Manager Wheeler also told the Board that some employees think it is a fair policy because it would be unfair for a person working five years to have the same health benefits as one who has worked twenty-thirty years and h having careers from other agencies.

ITEM 6 – UPDATE ON OREGON INLET BRIDGE

Vice Chairman Burrus reported that the Merger Team (permitting agencies, environmental agencies, DOT, Federal Highway Commission) met May 23rd and they did not reach a decision. DOT and Federal Highway have reached a decision in the group. The rest of the agencies asked for more information. He indicated they had been looking and studying the issue for 17 years and could not understand why they needed more time. They do have to respond as of May

31st. The state has until the end of June to answer those questions. The process is moving which is the good part.

The Coastland Times did a great job in their editorial about the old bridge and the fact that the legislation that was set up to protect the endangered species act has become a refuge for bureaucrats to hold on to their own kingdoms and work it out.

ITEM 7 – CONSENT AGENDA (ATT # 3)

MOTION

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval of Minutes
2. Social Services Budget Amendment – Emergency Food and Shelter
3. Social Services Budget Amendment – CAP Supply
4. FY 2007 Audit Contract

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 8 – BOARD APPOINTMENTS

1. DARE COUNTY TRANSPORTATION ADVISORY BOARD

MOTION

Vice Chairman Burrus moved the reappointments of Jack Shea and Michelle Pharr to serve a four year term on the DC Transportation Advisory Board.

VOTE: AYES unanimous

2. HATTERAS COMMUNITY CENTER BOARD

MOTION

Vice Chairman Burrus moved the reappointments of Ernie Foster, Jr., Geraldine F. Farrow, and Ricki Shepherd to serve a two year term on the Hatteras Community Center Board.

VOTE: AYES unanimous

3. LIBRARY BOARD – DARE

MOTION

Vice Chairman Burrus moved the reappointment of Lynne Foster to serve a three year term on the Library Board – Dare.

VOTE: AYES unanimous

4. MANNS HARBOR COMMUNITY CENTER BOARD

MOTION

Vice Chairman Burrus moved the reappointments of Rodney Balance, Harry Carter Mann and Vickie Craddock to serve a two year term on the Manns Harbor Community Center Board.

VOTE: AYES unanimous

5. OREGON INLET & WATERWAYS COMMISSION

MOTION

Vice Chairman Burrus nominated David May and Mark Vrablic.

Commissioner Richard Johnson nominated Heather Maxwell.

VOTE: May (4) Burrus, Judge, Dutton, & Shea

Vrablic (6) Judge, Burrus, Shea, Dutton, Johnson, & Tillett

Maxwell (2) Johnson & Tillett

Vice Chairman Burrus moved the reappointments of the following to serve a two year term on the OIWC: Arvin Midgett, Fletcher Willey and the appointments of Mark Vrablic and David May.

VOTE: AYES unanimous

6. ROANOKE ISLAND COMMUNITY CENTER BOARD

MOTION

Commissioner Tillett moved the reappointments of Roland Bowser, Betty Selby, Beulah Charity, and Willie Brickhous to serve a two Year term on the Roanoke Island Community Center Board.

VOTE: AYES unanimous

7. SOCIAL SERVICES BOARD

MOTION

Vice Chairman Burrus moved the appointment of Chairman Warren Judge to serve a three year term on the Social Services Board.

VOTE: AYES unanimous

ITEM 9 – COMMISSIONERS BUSINESS

COMMISSIONER MAX DUTTON

- County service Pins – He noted that the pins presented today totaled 280 years of service and commended the County Manager for outstanding leadership and a well run operation.

COMMISSIONER RICHARD JOHNSON

- Lone Cedar Restaurant – He asked everyone to remember Sandy Basnight, co-owner of the Lone Cedar Restaurant, in their thoughts and prayers. Senator Marc Basnight has been a servant in this community for a long time. Mrs. Basnight is very ill.
- Illegal Immigrants – He proposed that the county prepare an ordinance to charge all businesses \$5,000-\$10,000 for hiring illegal immigrants. This has become a burden on the health, social, and school systems. Attorney Outten will research the matter.
- Drug testing- He noted that probably everyone in Dare County has been affected by drugs. His suggestion is to get serious about drug testing and to test not only students but teachers, deputies, truck drivers, etc on a random basis and every county employee. If a person is drawing a government check and the taxpayer is paying for it, then test everyone randomly. It may be ten employees a month. In order to tackle this problem this is one way to do it. If the county is going to be serious about substance abuse, then lead by example and find out what it will cost. The County Attorney will research the ordinance and the County Manager will check on the drug policy.

VICE CHAIRMAN BURRUS

- Commissioner Mike Johnson's son – He hopes all works out well for Hunter Johnson who has bee ill.
- Pools and spas – He noted that they heard today at the Chamber meeting that there might be another year before they get the licenses up and

running. Through the Health Department they have put together representatives for the realty industry, property management entity, and insurance industry and have met with Senator Basnight and Representative Spears. The reason for the license process is the fact that if a property owner had a spa and someone got sick and died the renter would be liable as well as the company that installed the spa. That liability is not covered by the insurance companies because the people who clean the pools don't have creditable license. That is why the state is setting up a creditable licensing agency so people can be insured in the process that rent the homes. It would give the county a safer and better management of pool/spa and the people who clean the pools.

- Coast Guard Housing – The process is not moving very quickly. However the NC Senators have been very cooperative (Congresswoman Fox, Senator Dole and Senator Burr). They will be looking at the zoning change with the housing.
- Oregon Inlet – The Oregon Inlet is worth \$641 million dollars a year to Dare County and the county cannot afford for the bridge to close.
- Walter Slough – With the help of the US Coast Guard they will be dredging Walter Slough. The state will fund while the Corps will do their part under emergency powers. The Corps has indicated that they are hoping the state will pass some ordinances to allow them to work with local entities-county government, etc. Then they will be able to contract directly with the counties. He asked the County Attorney to check into the land behind the groin to see if the county owns the property in an effort to use the sand for a dredge spoil site.

COMMISSIONER JACK SHEA

- County service Pins – He expressed his gratitude to the Dare County dedicated employees who received pins today. He said that its people like them who make Dare County what it is.
- Illegal Immigrants – In regard to Commissioner Johnson's comments, he stated that the federal government does not have the will to try to solve the problem. He felt that everyone should insist that the problem be solved.
- Outer Banks Transportation Task Force – He attended the OBTF meeting and informed the Board they will be providing resolutions to the Towns of Duck, Southern Shores, and Kitty Hawk, Dare County, and Currituck County supporting the restart of project by DOT to alleviate the congestion at the intersection of NC 12 and Route 158.
- Audit Committee Meeting – He attended the meeting and the committee discussed the latest independent audit of the Dare finances. The auditor had no adverse findings and made no suggestions indicating that the finances are being well conducted. There was a recommendation that the Board of Commissioners approve the contract for Potter & Co. to be the outside auditor for FY 2007-2008. It was also recommended that the Finance Department draft financial reporting requirements for non-profits and special tax districts receiving direct/indirect money from the county.

Once drafted this will be reviewed by the committee and presented to the Board for approval.

CHAIRMAN JUDGE

- 4-H Camps – He reminded that at their last meeting the Board had asked the County Attorney to draft a letter to Board of Education to waive the \$10,000 fee for the use of facilities for summer 4-H camp. However a Board member contacted him and responded that they (BOE) had a discussion regarding their tight budget and in turn asked the Board of Commissioners for help and also the fact they have adopted a new policy and they are fearful that they might open themselves to litigation should they preference one group over another group. The School Age Children's Camp Program (SACC) will be using Dare County Parks & Recreation facilities. They will be sharing space with Parks and Rec. Department. The programs at the five elementary schools are different and need the school facilities. These programs have paid for themselves in the past with user fees and when their cost arises like this, the family budget is hitting a segment of our population to pay more. His conclusion is that the fees to rent the school will remain in place. Commissioner Richard Johnson asked the County Manager and the Finance Director to resolve the \$10,000 funding to the 4-H camp since they are very important programs. Manager Wheeler said that the Board may have to extend the budget by \$10,000 for the coming year.
- Calendar of Events –
 June 11th - Board of Commissioners are hosting the doctors from Chapel Hill on the cancer initiative at 10:00 a.m. at Visitor's Bureau.
 June 5th at Wanchese Community Center & June 19th at Roanoke Festival Park – Public Meetings for the water initiative on Roanoke Island.
 June 18th –The Board will meet at the Board of Commissioners Annex and go to Manns Harbor to meet at 12:30 p.m. with Dare County Marine Industries Association and Paul Mann Boat Works for a tour and luncheon. Afterwards the Board will go to the new administrative site on Roanoke Island at 3:30 p.m. for a program and finish up with the 5:00 p.m. regular board meeting at the Board of Commissioners Meeting Rm.

COUNTY ATTORNEY'S BUSINESS

- Resolution/Medicaid Relief – Attorney Outten informed the Board that the proposed legislation has changed twice and now he and the Finance Director are unsure as to what to do. It seems that what is in conference will hopefully solve the county's problem as well as other counties. NCACC has said for the counties to do nothing at this time.

• ITEM 11 – CLOSED SESSION – LAND & PERSONNEL MATTERS

MOTION

Commissioner Shea, pursuant to 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 negotiating the price and other material terms of a contract for the

acquisition of real property (Rodanthe) by purchase, option, exchange, or lease and pursuant to the provisions of NCGS 143-318.11, moved that the Dare County Board of Commissioners go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

AT 12:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 1:05 P.M.

Attorney Outten reported that in closed session the Board discussed a personnel matter and gave the County Attorney direction with regard to the real property in Rodanthe and took no other action.

ITEM 10 – UPCOMING BOARD APPOINTMENTS FOR JULY

The following board appointments for July are: Airport Authority, East Lake Community Center Board, Game and Wildlife Commission, Parks and Recreation Advisory Council, Region R Emergency Medical Services Advisory Council, and Wanchese Community Center Board.

AT 1:10 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON JUNE 18, 2007.

(SEAL)

Respectfully Submitted,

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

APPROVED:

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