

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
OCTOBER 1, 2007**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on October 1, 2007 in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, Virginia Tillett, Allen Burrus, Richard Johnson, Mike Johnson, Jack Shea and Max Dutton. Also present were County Manager Terry Wheeler and County Attorney Bobby Outten. Chairman Judge called the meeting to order. He called on Commissioner Mike Johnson to give prayer followed by the pledge of allegiance to the flag.

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

1. Cheryl Hunter, Information Systems Analyst, received her 10 Year Pin from Tom Gray, Information Technology Director.
2. Brenda Stephenson, Social Worker II, received her 10 Year Pin from Jay Burrus, Social Services Director.
3. Verna Clark, Administrative Specialist, received her 30 Year Pin from Brand Rheubottom, Older Adult Services Director.

**ITEM 2 – EMPLOYEE OF THE MONTH**

Deanie Ward, Tax Processing Specialist, received the Employee of the Month Certificate from Michelle Evans, Tax Collector.

**ITEM 3 – PUBLIC COMMENTS - None**

**ITEM 4 – DARE COUNTY TOURISM BOARD**

Barbara Connery, Chairman of the Tourism Board, requested approval of a grant totaling \$250,000 from the Tourism Board's restricted fund line item 4520, Natural, Cultural and Historic Resources. The grant is to assist with purchasing new costumes to replace those lost in the recent fire.

**MOTION**

Commissioner Mike Johnson moved the approval of expenditure from restricted fund line item 4520, Natural, Cultural and Historic Resources.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – BID AWARD FOR COMMUNICATIONS WIRING FOR  
ADMINISTRATION BUILDING (ATT # 1)**

Dave Clawson, Finance Director, presented the bid prices for phone and network wiring for the Administration Building. Commissioner Richard Johnson asked to be excused from the vote.

**MOTION**

Vice Chairman Burrus moved to excuse Commissioner Richard Johnson.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner Shea moved to award the bid in the amount of \$98,970 to Embarq and authorize staff to draft contract and authorize the County Manager to execute the contract contingent upon contract review and approval by the County Attorney.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 5A – AFFORDABLE HOUSING (ATT # 2)**

At the September 4<sup>th</sup> board meeting, Commissioner Johnson discussed whether or not to turn county-owned property over the CDC. Attorney Outten reported that a decision needs to be made for the Bowserstown affordable housing project regarding the role of the County and the role of the CDC. There has been discussion about the county being involved during construction and maintaining ownership. The Board needs to make these decisions in order to move forward. Finance Director David Clawson stated that if the County chooses to create a housing authority under NC statutes, federal HUD requirements apply and there are low income guidelines and greater restrictions.

Commissioner Richard Johnson said the Affordable Housing Committee has been in a quagmire because they are looking at affordable housing rather than low income housing to address the local needs. They have looked at creating guidelines that require a person to live in Dare County two years in order to apply for the housing. When the Committee got to the point where they would turn ownership of the property over to the CDC but maintain liability, discussion began about how to best move forward. The Affordable Housing Committee wants to address the workforce housing issues. Discussion was held about how to come up with a way to form a Committee that allows the County to apply for grants without making it a housing authority.

Following discussion, the Board concurred that the land should remain County property and the County Attorney will prepare a Memorandum of Agreement that will commit the property to the affordable housing project and establish roles for each entity that is involved. The document will be brought back to the Board for approval before moving forward. The County Attorney will meet with the Affordable Housing Committee and the CDC to begin work on the Memorandum of Agreement.

**ITEM 6 – UPDATE ON OREGON INLET BRIDGE**

Vice Chairman Burrus reported that not much has taken place in the last couple of weeks. The federal NC delegation is working to move the issue forward.

Chairman Judge asked the public to support the efforts of our NC Senators and Representatives who are working on this issue.

**ITEM 7 – CONSENT AGENDA****MOTION**

Commissioner Shea moved to remove #2 for a future agenda and then to approve the Consent Agenda:

1. Approval of Minutes
2. Older Adult Services By-Laws Changes

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – BOARD APPOINTMENTS****1. PLANNING BOARD****MOTION**

Vice Chairman Burrus nominated Dan Oden, Jr.

Commissioner Mike Johnson seconded the motion.

VOTE: AYES unanimous

Dan Oden, Jr. was appointed to fill the unexpired term of Joseph Thompson on the Planning Board.

**ITEM 9 – COMMISSIONERS' BUSINESS****1. COMMISSIONER MAX DUTTON**

- Thanked those receiving service pins for their years of service.
- Thanked Barbara Connery for her work on the Tourism Board.
- Appreciates the calls and prayers he has received for his sister who has been diagnosed with lymphoma.

**2. COMMISSIONER VIRGINIA TILLET**

- Thanked everyone who supported the Freedmen's Colony Celebration. The Coastland Times had a wonderful focus page highlighting the event.
- She and Chairman Judge attended the installation ceremony for ECSU Chancellor. It was a wonderful day.
- Asked everyone to mark their calendars for Hotline's Festival of Trees in December.
- COA Board of Trustees will meet at the Dare Campus on October 8 at 5:30 p.m. She encouraged elected officials and staff to participate.
- She will meet with the Bowsertown Landfill Reclamation Committee at 4 p.m. on Weds. At COA Dare Campus.

**3. VICE CHAIRMAN BURRUS**

- Stormwater is a hot topic in Dare County. He attended a meeting held by the State and it was obvious to Commissioners in attendance that they are putting the burden of pollution in sounds and rivers on what is taking place on the Outer Banks and other coastal communities. He feels that many of the issues start upstream. It bothers him that they want the coastal communities to bear the brunt of the problems. Four Commissioners spoke against the proposed stormwater regulations at the hearing. Dare County was the first in

the state to begin testing our waters and he does not think the state should penalize people on the coast.

- Bonner Bridge Committee has been on TV recently. There will be a special on WAVY 10 next month.
- Coalition Against Substance Abuse (CASA) met last week and so did the Scenic Byways Committee. Scenic Byways will need some support, particularly in the area of stormwater management. He will talk with the County Manager about this.
- OBPA is in Washington, DC today. So are fishery management reps. Need to coordinate all efforts regarding federal issues.
- Richard Johnson suggested that the Board take some action to express opposition to the state's stormwater proposal and ask that existing lots be grandfathered from any new regulations that are put in place. He asked the Board to think about it so the Board can address this issue at a future meeting.

4. **COMMISSIONER JACK SHEA**

- Spoke about critical areas that cause pollution.
- Expressed appreciation to service pin recipients and the employee of the month.

5. **COMMISSIONER MIKE JOHNSON**

- Thinks the Board should adamantly oppose the stormwater regulations. He definitely supports sending a resolution to Raleigh regarding the issue. No good science or research involved. It can crush a lot of people here.
- Kitty Hawk Heritage Day was a fun event.
- Thanked Commissioners for the seed money to assist the Hunter Education Shooting Teams. The program has taken off and kids are enjoying it very much.

6. **CHAIRMAN WARREN JUDGE**

- Regarding the stormwater issue, it is his understanding that the Board has until October 15<sup>th</sup> to submit comments.
- Installation ceremony of Willie Gilchrist at ECSU was very enjoyable. There is a commitment to bring more resources to that university.
- Thanked those who attended land use plan updates last week. In 2008, the Planning Department will be updating the land use plan to submit to CAMA.
- The County will draft a letter in support of the state taking over ownership of the pier and all aspects of their work for the pier project.

7. **COUNTY ATTORNEY (ATT # 3)**

- Presented a revised resolution Requesting Funding From Senator Marc Basnight, Representative Tim Spear And The NCDOT For Improvements to Collins Park.

**MOTION**

Vice Chairman Burrus moved to approve Revised Resolution #07-10-27.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

- Attorney Outten presented the Kitty Hawk Water Line Preliminary Assessment and resolution for the Board's approval. (10:35)

**MOTION**

On October 1, 2007, at 10:35 a.m., Commissioner Shea moved to approve the assessment and adopt the resolution and reschedule the Public Hearing for November 5, 2007.

Vice Chairman Burrus seconded the motion.

VOTE: AYES unanimous

- **MEMORANDUM OF UNDERSTANDING (ATT # 4)**

Attorney Outten presented the updated Memorandum of Understanding and Lease Agreement between Hatteras Village Civic Association and Dare County.

**MOTION**

Vice Chairman Burrus moved to approve the updated MOU and Lease Agreement as presented by Attorney Outten.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – UPCOMING BOARD APPOINTMENT FOR NOVEMBER**

The upcoming Board Appointments for November are Older Adult Services Advisory Council and Dare County Youth Council.

**ITEM 11 – CLOSED SESSION**

**MOTION**

Vice Chairman Burrus, 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 and to approve the minutes of the last meeting.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

**AT 10:40 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 11:20 A.M. (ATT # 5)**

County Attorney reported the Board of Commissioners approved the closed session minutes of the last closed session and reported the Board of Commissioners discussed two properties (the Steve Midgett tract in Rodanthe and a property on Burnside Road next to the Manteo Library).

The Board approved an employment agreement with Bobby Outten as County Attorney/Assistant County Manager beginning December 1, 2007. A modification to the agreement to add a paragraph stating that Mr. Outten will have no outside employment except to complete work for existing clients after December 1.

**MOTION**

Commissioner Shea moved to approve the agreement.

Commissioner Dutton seconded the motion.

VOTE: AYES (6) Judge, Burrus, Mike Johnson, Tillett, Dutton, & Shea  
NOES (1) Richard Johnson

**MOTION (ATT # 6)**

Vice Chairman Burrus moved to authorize the County Attorney to prepare Resolution #07-10-28 Opposing Division of Water Quality Proposed Changes to Title 15A, for the Chairman's signature and to forward to the appropriate State Agencies, state Senator and Representative.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

AT 11:40 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 5:00 P.M. ON OCTOBER 15, 2007.

(SEAL)

Respectfully Submitted,

By: \_\_\_\_\_  
Rhonda L. Creef,  
Deputy Clerk to the Board

APPROVED:

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