



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

January 5, 2009—9:00 A.M.

Dare County Administrative Annex
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 YEAR 2008 — **Awarded to John Daniels**

EMPLOYEE OF THE MONTH – JANUARY 2009 — **Awarded to Carl “Tim” Rhodes**

PROPOSAL TO AMEND SECTION 22-29 OF ZONING ORDINANCE FOR TEMPORARY METEOROLOGICAL TOWERS — **Approved**

PROPOSED AMENDMENT TO CHAPTER 152 DARE COUNTY CODE OF ORDINANCES — **Approved**

DCTB RESTRICTIVE FUNDS EXPENDITURE FOR SHORT TERM RESTRICTED FUND PROJECTS, DATABASE UPGRADE, & GOSPL GRANT — **Approved**

SHERIFF’S OFFICE EQUIPMENT PURCHASE & OVERTIME GRANT — **Approved (with Condition Matching Funds Will be Paid by Sheriff’s Budget)**

TARHEEL SHORES SUBDIVISION PRELIMINARY PLAT REVIEW — **Approved**

REQUEST TO SCHEDULE PUBLIC HEARING FOR MH-B TEXT AMENDMENT FOR BEACH BINGO — **Scheduled for 2/16/09 6:30PM**

REQUEST TO SCHEDULE PUBLIC HEARING FOR VC-2 TEXT AMENDMENT FOR TATTOO STUDIOS — **Scheduled for 2/16/09 6:30PM**

RESOLUTION SUPPORTING POST-LABOR DAY SCHOOL START — **Approved**

APPOINTMENT OF LEGISLATIVE LIAISON TO THE NCACC — **Appointed (Commissioner Tillett)**

CHALLENGE TO INSURANCE COMMISSION RATE PLAN OF NOVEMBER 21, 2008 — **Approved**

CONSENT AGENDA — **Approved**

- Approval Of Minutes (12.1.08 & 12.19.08)
- Resolution 08-11-37A – Salvo Fire Department Purchase
- Budget Amendment – Missed Carryover in Parks & Recreation
- Social Services Budget Amendment – Crisis Intervention Program Funding
- Social Services Budget Amendment – Medicaid Direct Transportation Funds
- Resolution Water Resources Grant Application Rodanthe Public Beach Access
- Budget Amendment – Stumpy Point Sewer Project

BOARD APPOINTMENTS

- Dare County Tourism Board — **Appointed (Sterling Webster and Dave Wessel)**
- Older Adult Services — **Appointed (Virginia Tillett and Gisele Mead)**
- Nursing Home Community Advisory Committee — **Appointed (Virginia Tillett)**

RESOLUTION OPPOSING AMENDMENT 16 TO THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT — **Adopted**

CLOSED SESSION – APPROVAL OF MINUTES (12.1.08 & 12.19.08), DARE COUNTY VERSUS NC INSURANCE COMMISSION, AND DARE COUNTY VERSUS OUTER BANKS CONSTRUCTION — **Minutes Approved**

LAND OF BEGINNINGS

COMMISSIONERS OFFICE– PO Box 1000, MANTEO, NC 27954 • 252.475.5700 • DARENC.COM

Chairman Warren Judge, called the meeting to order at 9:00 a.m., invited Vice-Chairman Burrus to share a prayer, and then led the pledge of allegiance to the flag. He then recognized Renee Cahoon and the Cape Hatteras Oyster and Hatchery program students. He shared his appreciation of their attendance and noted the Board was looking forward to their presentations.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

- 1) Douglas Oberbeck, Deputy Sheriff LT, received his 10 year pin from Rodney Midgett, Sheriff.
- 2) Richard Koenig, Plant Maintenance Mechanic, received his 10 year pin from Ken Flatt, Water Director.
- 3) James Meads, Flood Plain Enforce Specialist, received his 15 year pin from Ray Sturza, Planning Director.
- 4) Almey Gray, Deputy Sheriff, Major, received his 25 year pin from Rodney Midgett, Sheriff.

ITEM 2 – EMPLOYEE OF THE YEAR – 2008

Susan Saulsbury, Social Services, thanked the County for giving her the honor of being Employee of the Year for 2007. She recognized each Employee of the Month for 2008, and presented the Employee of the Year for 2008 certificate to John Daniels, Superintendent for the Parks and Recreation Department. Tim White, Parks and Recreation Director, shared his appreciation of Mr. Daniels and his outstanding work, and thanked him on behalf of the Department and the County. Mr. Daniels also thanked everyone and explained his co-workers allow him to easily hold a strong work ethic.

ITEM 3 – EMPLOYEE OF THE MONTH – JANUARY 2009

Carl “Tim” Rhodes, EMS, received the Employee of the Month certificate for January from Skeeter Sawyer, Public Safety Director. Mr. Rhodes shared his appreciation of the Board for their support of the safety program and thanked everyone for the award.

ITEM 4 – PUBLIC COMMENTS

Beulah Ashby, resident of Jones Circle, requested the Board’s consideration of incorporating existing borrow pits in actions taken regarding this safety concern. She shared her mother-in-law lives on Burnside Road and has a borrow pit in her backyard. She stated her concern about the safety of children who often play around these pits. She noted the agenda item in which the Board would discuss fencing in new pits, and asked the Board to also consider the existing pits as these are equally as dangerous.

ITEM 5 – CAPE HATTERAS MIDDLE SCHOOL FISH & OYSTER HATCHERY PRESENTATION

Students from the Cape Hatteras Secondary School Fish and Oyster Hatchery program gave a presentation to the Board regarding being stewards of the Pamlico Sound. They noted the decreasing oyster population and shared how this is detrimental to the environment. They explained the many positive effects oysters have on the Sound, and described how they began an oyster hatchery to help repopulate the Sound. They offered suggestions on how each community could create their own hatcheries in order to improve the Sound. They demonstrated how they built their hatchery and shared a video of their accomplishments thus far. The Board

congratulated the students on their commendable efforts, and requested the students return to the Board with updates.

ITEM 6 – DARE COUNTY DEPARTMENT OF PUBLIC HEALTH: 2008 ACCREDITATION PRESENTATION (Att. 1)

David Stone, North Carolina Local Health Department for Accreditation Administrator, explained the focus of the accreditation process as being the capacity of the local health department to perform at a prescribed level of quality including the three core functions of assessment, assurance, and policy development and the ten essential services of public health. Anne Thomas, Health Director, received a plaque of recognition from Mr. Stone for the Dare County Department of Health's 2008 Accreditation. Ms. Thomas thanked her staff and all involved for their hard work and support in preparing for the process. Joy Reid, Head of Public Health Nursing with the NC Division of Public Health, read a letter on behalf of the State Health Director congratulating the Board of Health on the reaccreditation. She thanked the Board of Commissioners for their collaboration with the Health Department, and noted the need to replicate statewide the innovative programs found here in Dare County.

BOARD MOVED TO ITEM 9

**10:00 A.M. PUBLIC HEARING (Att. 2)
ITEM 7 PROPOSAL TO AMEND SECTION 22-29 OF ZONING ORDINANCE FOR TEMPORARY METEOROLOGICAL TOWERS**

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE PROPOSED AMENDMENT TO SECTION 22-29 OF THE ZONING ORDINANCE FOR TEMPORARY METEOROLOGICAL TOWERS.

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

No one came forward to speak.

Chairman Judge closed the hearing at 10:06 A.M.

**10:00 A.M. PUBLIC HEARING (Att. 3)
ITEM 8 PROPOSED AMENDMENT TO CHAPTER 152 DARE COUNTY CODE OF ORDINANCES**

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE PROPOSED AMENDMENT TO CHAPTER 152 OF THE DARE COUNTY CODE OF ORDINANCES.

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

No one came forward to speak.

Chairman Judge closed the hearing at 10:07 A.M.

Following the closing of the Public Hearings, Ray Sturza, Planning Director, briefly explained amending section 22-29 would allow temporary meteorological structures to be added to the list of acceptable structures.

MOTION

Commissioner Shea moved Section 22-29 of the Dare County Zoning Ordinance be adopted as advertised. 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 for the addition of structures similar to those currently included in Section 22-29.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

Mr. Sturza explained the amendment allowing fences to be erected around new borrow pits to regulate safety. Upon advice by the attorney, a threshold of regulation was established in which only new borrow pits, and those that cross the threshold into a mining permit, would have fences erected as this addition can be added to the application. He noted the reasoning for only fencing new borrow pits by stating difficulties such as identifying and contacting all owners, and going in after the fact to erect the fences. Under legal council, the decision was made to only address new pits.

MOTION

Commissioner Shea moved Chapter 152 of the Dare County Code of Ordinances be amended as advertised. He found this amendment to be consistent with the policies of 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 his amendment addresses a public safety concern for the residents of Dare County.

Vice-Chairman Burrus seconded the motion.

Commissioner Tillett noted she had spoken with the attorney and staff regarding the existing pits and the safety issues involved. She asked the Board to work on finding a solution. Vice-Chairman Burrus inquired about the expiration of mining permits hoping these pits could be addressed at the time of permit expiration. Mr. Sturza noted he would review any outstanding and active permits to see if language could be added to address this issue, but noted he could not say at the time that there were any to which this provision could be added. County Attorney Outten explained the renewal process would be ideal due to it being treated as a new permit where additional requirements could be added; however, blanket regulations would be cumbersome noting issues such as ponds. Related to mining and borrow pits, he felt language may be able to be created to help with the safety concerns and noted this would need to be brought back to the Board for approval.

VOTE: AYES unanimous

THE BOARD RECESSED AT 10:17 A.M. AND RECONVENED AT 10:33 A.M.

ITEM 9 DCTB RESTRICTIVE FUNDS EXPENDITURE FOR SHORT TERM RESTRICTED FUND PROJECTS, DATABASE UPGRADE, & GOSPL GRANT (Att. 4)

Renee Cahoon, Vice-Chair of the Dare County Tourism Board, presented the proposed requests for expenditures from the Restricted fund for: short term restricted fund projects, database upgrade, and a GOSPL grant. She briefly explained the short-term requests: 1) Improved Sound access, 2) KDH to improve bicycle path, and 3) Nags Head for a multi-use path. She went on to explain the long-term requests: 1) Software management upgrade, and 2) grant to Town of Manteo for greenspace land acquisition pending an appraisal. Vice-Chairman Burrus asked what the acronym GOSPL stood for and Chairman Judge explained Green Open Space Preservation of Land.

MOTION

Commissioner Mike Johnson moved to grant the expenditure of restricted funds for the reasons stated.

Commissioners Shea and Dutton seconded the motion.

VOTE: AYES unanimous

ITEM 10 PRESENTATION OF JUNE 30, 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT (Att. 5) (Full CARF report filed in Clerk's Office)

Dave Clawson, Finance Director, distributed the audit report and attachments to the Board and introduced Mr. Bob Taylor, audit partner with Potter & Company, who gave a presentation on the CAFR audit report for June 30, 2008. He noted the independent audit report found the financial statements to be fairly presented without modification. He noted three additional letters stating the audit has been conducted in accordance with the general accounting office standards and regulations, an audit on the compliance requirements for major federal financial assistance programs, and lastly, a report on compliance requirements for state financial assistance programs. He noted there were no deficiencies, findings, or questionings on these reports. Mr. Clawson explained he had met with the Audit Committee and went over the audit in detail. He briefly explained the contents giving overviews of the CAFR report and changes in balances of major funds. Commissioner Shea thanked Mr. Clawson for the report and commended the Finance Department for a job well done. Vice-Chairman Burrus commented how the insurance rate increases is highlighted in the average person's situation giving the example of emergency room visit costs escalating from \$100 to \$1,600.

ITEM 11 SHERIFF'S OFFICE EQUIPMENT PURCHASE & OVERTIME GRANT (Att. 6)

County Manger Wheeler introduced Sheriff Midgett who requested authorization to apply for a grant from the NC Governor's Crime Commission that would provide funding to purchase nine (9) TASERS and fund three hundred thirty-four (334) hours of overtime to address illegal narcotics sales in Dare County. The total amount of the grant requested is \$14,994, and if awarded, would require Dare County to provide a 25% match totaling \$4,981.34. Chairman Judge asked if Sheriff Midgett had the matching funds available in his budget. Sheriff Midgett thought he would, but could not commit to the funds at this time. Commissioner Mike Johnson noted the Board was being asked to fund this grant out of next year's budget without having completed the budget. Sheriff Midgett noted he was requesting approval to apply for the grant without knowing whether the State will award it to this County. He noted if we are awarded the grant and chose not to accept, the money would be reverted back to other agencies in the State. Chairman Judge noted if it was the Board's pleasure, the authorization of the application to this grant could have a condition that the matching funds are brought from the Sheriff's budget. Commissioner Richard Johnson noted it was unfair to ask all departments to cut back their budgets and then approve this item. Sheriff Midgett explained if he was allowed to use any line item to obtain the money, he would be able to guarantee the funds. Chairman Judge stated it was not the intention of the Board to create a new need in the County Manager's new year budget. Vice-Chairman Burrus noted the cautiousness of allowing grants that require matching funds when the budget is already in question. Commissioner Tillett noted the Board's support of the safety of our citizens, but stated the Board could not commit the funds at this time.

MOTION

Commissioner Richard Johnson moved to approve the Sheriff's request to authorize the Chairman to sign the grant application with the condition the matching funds would come from the Sheriff's budget allocation for next year.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 12 TARHEEL SHORES SUBDIVISION PRELIMINARY PLAT REVIEW
(Att. 7)**

Donna Creef, Senior Planner, gave a brief overview of the Tarheel Shores subdivision and presented the request for approval of the preliminary plat. The total acreage of the site is approximately 6.61 acres and proposes 14 lots. He noted the Planning Board had reviewed the proposed preliminary plat and voted to recommend approval by the Board including several conditions. Commissioner Shea asked if there was a county wide standard for setbacks. Ms. Creef explained setbacks vary depending on the zoning district and whether the property is commercial or residential use.

MOTION

Commissioner Mike Johnson moved to approve the preliminary plat for the Tarheels Subdivision with the conditions set forth by the Planning Board.

Commissioners Shea and Dutton seconded the motion.

VOTE: AYES unanimous

**ITEM 13 REQUEST TO SCHEDULE PUBLIC HEARING FOR MH-B TEXT
AMENDMENT FOR BEACH BINGO**

Donna Creef, Senior Planner, presented Ms. Crystal Crockett's request for a Public Hearing in order to amend the text of the MH-B Zoning District in order to add "Beach Bingo" to the list of uses permitted. She briefly explained "Beach Bingo" as a commercial venture that is regulated differently than non-profit organizations based on its standards and its limitations in the prizes offered.

MOTION

Commissioner Shea moved to schedule a Public Hearing on February 16, 2009, at 6:30 P.M. for MH-B text amendment for "Beach Bingo."

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

**ITEM 14 REQUEST TO SCHEDULE PUBLIC HEARING FOR VC-2 TEXT
AMENDMENT FOR TATTOO STUDIOS**

Donna Creef, Senior Planner, presented David and Elizabeth Bein's request for a Public Hearing in order to amend the VC-2 district to add Tattoo Studios to the list of permitted uses in that district. She explained the intention of the Bein's and noted the next step would be to approve a Public Hearing on this matter.

MOTION

Commissioner Shea moved to schedule a Public Hearing on February 16, 2009, 6:30 P.M., for VC-2 text amendment for tattoo studios.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 15 RESOLUTION SUPPORTING POST-LABOR DAY SCHOOL START

County Attorney Outten presented a Resolution Supporting Post Labor Day School Start. He noted the resolution was modeled after the resolution passed by the Town of Nags Head. Chairman Judge commended the students of First Flight High School for being involved in the community by writing letters to the Board regarding their concerns. He noted many letters protesting Saturday school.

MOTION

Commissioner Shea moved to approve the Resolution.

Commissioner Mike Johnson seconded the motion.

Commissioner Mike Johnson echoed Chairman Judge and stated his opposition to Saturday school. Vice-Chairman Burrus noted the issues involved with approving this resolution due to school sports and college testing. He noted this shortened schedule process would increase the requirement for Saturday school. He felt this shortens the opportunity for kids to participate in AP classes and college prep courses. Commissioner Tillett noted the reason for Saturday school stating there is a regulation that will not allow school to be in session more than 5 consecutive days, thus requiring Saturday school to make up missed days. Commissioner Richard Johnson noted the issues of schools starting at different times and noted the helpfulness of a later start to those who work full-time during the summer. Commissioner Dutton noted he would like to see the school calendar to determine how many teacher work days there are and would like to see how schools can work out missed days without Saturday school.

VOTE: (6-1) AYES Chairman Judge, Commissioners Dutton, Mike Johnson, Shea, Richard Johnson, and Tillett.

NOES Vice-Chairman Burrus

ITEM 16 APPOINTMENT OF LEGISLATIVE LIAISON TO THE NCACC

County Manager Wheeler explained the Board would need to choose a Legislative Liaison to the North Carolina Association of County Commissioners for the 2009-10 legislative biennium.

MOTION

Commissioner Shea moved to appoint Commissioner Tillett as the representative.

Commissioner Dutton, Mike Johnson, and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 17 CHALLENGE TO INSURANCE COMMISSION RATE PLAN ON NOVEMBER 21, 2008 (Att. 8)

County Attorney Bobby Outten explained on December 19, 2008, the Board authorized the County Attorney to retain the firm of Williams Mullen to file the necessary documents to challenge the Insurance Commission's action of November 21, 2008. He presented an engagement letter, conflict waiver letter and consent to joint representation letter. He asked the Board to approve these letters and authorize the County Attorney to execute them.

MOTION

Commissioner Shea motioned approval to authorize County Attorney Bobby Outten to execute the letters as presented.

Commissioner Tillett seconded the motion.

Due to the time sensitivity of the issue, the last meeting was an emergency called meeting and was not televised because of the time constraints. Therefore, County Attorney Outten briefly

explained the actions the County and other parties are taking upon the NC Insurance Commission. He noted Nags Head has worked diligently to involve other municipality's governments to gain support.

VOTE: AYES unanimous

ITEM 18 UPDATE ON OREGON INLET

Vice-Chairman Burrus gave the Board an update on the Oregon Inlet stating an article was written in Triangle Business journal advertising for workers for Bridge replacement for 2009-2010. The article noted the budget would be allocated for Federal and State funds in the upcoming FY'09 budget.

ITEM 19 CONSENT AGENDA (Att. 9)

Commissioner Shea moved the approval of the Consent Agenda:

1. Approval Of Minutes (12.1.08 & 12.19.08)
2. Resolution 08-11-37A – Salvo Fire Department Purchase
3. Budget Amendment – Missed Carryover in Parks & Recreation
4. Social Services Budget Amendment – Crisis Intervention Program Funding
5. Social Services Budget Amendment – Medicaid Direct Transportation Funds
6. Resolution Water Resources Grant Application Rodanthe Public Beach Access
7. Budget Amendment – Stumpy Point Sewer Project

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous.

ITEM 20 BOARD APPOINTMENTS

- 1) Dare County Tourism Board

MOTION

Commissioner Mike Johnson moved to appoint Sterling Webster for the Outer Banks Hotel/Motel seat.

VOTE: AYES unanimous

MOTION

Commissioner Mike Johnson moved to appoint Dave Wessel for the Town of Duck seat.

Commissioner Richard Johnson moved to appoint Nancy Caviness.

VOTE by show of hands:

For Dave Wessel: (5-2) AYES Chairman Judge, Vice-Chairman Burrus, Commissioners Mike Johnson, Dutton, and Tillett.

NOES: Commissioner Shea and Richard Johnson

Dave Wessel was appointed.

- 2) Older Adult Services

MOTION

Commissioner Shea moved to reappoint Commissioner Tillett for another two-year term.

VOTE: AYES unanimous.

Commissioner Tillett moved to appoint Gisele Mead to fill the unexpired term of Lynda Hester.

VOTE: AYES unanimous.

3) Nursing Home Community Advisory Committee

MOTION

Commissioner Shea moved to reappoint Commissioner Tillett to a three-year term.

VOTE: AYES unanimous

ITEM 21 COMMISSIONERS' BUSINESS

Commissioner Shea

He congratulated the service pin recipients, as well as the Employee of the Month, Tim Rhodes, and Employee of the Year, John Daniels. He commended the Cape Hatteras Middle School Oyster and Hatchery Program students for an excellent presentation and for all of their hard work. He encouraged County residents to do everything they can to help preserve the resources we currently have. He wished everyone a wonderful 2009.

Commissioner Mike Johnson

He mentioned First Flight's new program which would expand the Oyster Hatchery program and allow students at FFHS to be involved in this effort. He shared news from Chairman Judge regarding more money for side casters at Oregon Inlet noting Mr. Walter Tate's loss of his fourth boat. He thanked the NC Watermen United for breakfast before the meeting. This breakfast was an effort to thank the Commissioners for their support. He explained Spiny Dogfish season opened this week and has allowed fishermen to recoup lost revenue. He wished everyone a Happy New Year.

Commissioner Dutton

He wished everyone a Happy New Year. He shared his appreciation for the service pin recipients and offered his congratulations to Mr. Daniels and Mr. Rhodes. He noted the excellent presentation by the Oyster Hatchery program students. He also shared his appreciation for Mr. Clawson and the Finance Department for their excellent reporting and the checks and balances they have in place. He thanked the First Flight students who wrote forty-three (43) letters and invited them to appear before the Board to ask any additional questions. He stated he had taken the requests to heart and encouraged the Board to look into any proactive measures that could be taken for the issues they govern.

Commissioner Tillett

She wished everyone a Happy New Year and congratulated Mr. Daniels. She thanked Commissioner Mike Johnson and the fishermen for breakfast, and thanked the students for their presentation. She noted her absence at the next meeting due to her attendance at the Inaugural ceremony in Washington, DC.

Commissioner Richard Johnson

He thanked the students for an excellent presentation. He shared his desire for all of the schools to have programs such as these. He also thanked the First Flight students for their letters and concerns.

Vice-Chairman Burrus

He offered his thanks and congratulations to Mr. Daniels and Mr. Rhodes. He noted problems with borrow pits on Hatteras Island which need to be addressed. He stated ponds that are clearly marked are not an issue; however, those that are wooded and not as clearly marked are very dangerous. He noted the students from Cape Hatteras that gave the presentation are a product of a project by Coastal Studies who have received grants for programs such as these. He stated how wonderful it is to have a program that engages students and excites them about school. He explained NOAA's series of scoping meetings across NC and VA. They are preparing to expand the Monitor National Marine Sanctuary. He noted the limitations within this plan on trawlboat fishing. He noted the importance to know how the community feels on this issue so the Board can take a supportive stance for the fishing industry. He distributed a map on the sites that will be affected. He was pleased to see the financial support for the side casters at Oregon Inlet. He was also pleased to see Dogfishing as early as New Year's day. He asked for an update on the Coast Guard station in Hatteras. He thanked the students for the letters from First Flight. He requested the Board to be supportive of the issues in the Mental Health system and offered to help in any way possible.

Chairman Judge

He announced the Negotiated Rulemaking Committee will be meeting Tuesday and Wednesday at the Wright Brother's Pavilion. He noted the Public Comment at noon on both days and 5pm on Tuesday. He announced an agreement had been reached between the owner of a Manns Harbor marina property and the State of North Carolina and appears the land will be preserved and improved. He announced the Joint Access Committee meeting on January 12th and noted their last meeting on December 8th. He explained the Board will be getting a copy of the text for the website. He asked the Board to review this information and provide feedback before the meeting. He explained the value of having members of the community on this committee and asked for Board support in building this committee if it became necessary. He also announced the hope to hold the Commissioner's meetings in the new room beginning February 2nd.

ATTORNEY'S BUSINESS

Mr. Outten noted the need to add to the Closed Session motion "Outer Banks Construction versus Dare County."

MANAGER'S BUSINESS

None.

ITEM 22 UPCOMING BOARD APPOINTMENTS FOR FEBRUARY

Chairman Judge announced the upcoming Board appointments for February as:

- 1) Aging Advisory Council for the Albemarle Commission
- 2) Planning Board

Commissioner Mike Johnson noted the resolution from Carteret County opposing Amendment 16 which was recently passed by the South Atlantic Council. He stated this action could potentially shut down the bottom fishing industry and would gravely affect Hatteras and areas south.

MOTION

He motioned to adopt a similar resolution opposing Amendment 16.

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

VOTE: AYES unanimous

ITEM 23 CLOSED SESSION – APPROVAL OF MINUTES (12.1.08 & 12.19.08) & DARE COUNTY VERSUS NC INSURANCE COMMISSION

Vice-Chairman Burrus, pursuant to the provisions of NCGS 143-318.11, moved the Dare County Board of Commissioner go into Closed Session to: approve the minutes of the last Closed Session and to consult with an attorney employed or retained by the county in order to preserve the attorney client privilege between the attorney and the County in the matters of Dare County versus NC Insurance Commissioner, and Dare County versus Outer Banks Construction.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

AT 12:25 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 12:58 P.M.

Chairman Judge reconvened the meeting. After returning from closed session, Attorney Outten reported the minutes from the last Closed Session had been approved, and consulted with the County Attorney in order to preserve the Attorney Client privilege and to give instructions concerning the handling of the matters of Dare County at al versus the NC Insurance Commission, and with regard to Outer Banks construction versus Dare County. The Board took no other action.

AT 1:01 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 5:00 P.M. ON JANUARY 20, 2009.

(SEAL)

Respectfully submitted,

By: _____

Katie Smith, Clerk

APPROVED:

By: _____

Warren C. Judge, Chairman
Dare County Board of Commissioners