



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

October 19, 2009—5:00 P.M.

Dare County Administrative Building
PO Box 1000, Manteo, North Carolina 27954

Commissioners Present:

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

Commissioners Absent: None

Others Present:

County Manager Bobby Outten, Dorothy Toolan — Public Information Officer, Dave Clawson, Finance Director, Katie Smith—Clerk to the Board

Action:

EMPLOYEE OF THE MONTH (OCTOBER) — **Presented to Lora Nock**

RODANTHE BEACH ACCESS PARTF GRANT — **Approved and Capital Project Ordinance Adopted**

CONSENT AGENDA — **Approved**

- Approval of Minutes (10.5.09)
- Department of Public Health Budget Amendment
- Adopting Resolution for the form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective October 1, 2009
- Colington Harbour - No Wake Signs
- NC Rural Center 2009-10 Clean Water Partners' Infrastructure Program Application
- Public Works / Revision to Hyde County Sanitation Contract

RESOLUTION SUPPORTING ACCESS TO HEALTHCARE — **Motion Denied (Vote: 5-2)**

AMENDMENT TO FRISCO FIRE DEPARTMENT CONTRACT — **Approved**

SPECIAL MEETING OF THE BOARD TO DISCUSS, AND IF ACCEPTABLE, APPROVE MOTOROLA CONTRACT — **Scheduled for October 27, 2009 at 4:00p.m.**

RESOLUTION 09-10-27 OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT PURCHASE CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO — **Adopted and Public Hearing Scheduled for 11/2/09 at 10AM**

LAND OF BEGINNINGS

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Chairman Warren Judge, called the meeting to order at 5:00 p.m., invited Commissioner Mike Johnson to share a prayer and then led the pledge of allegiance to the flag.

ITEM 1 – EMPLOYEE OF THE MONTH – OCTOBER 2009

Lora Nock, Assistant Communications Director/Training Officer, received the Employee of the Month certificate for October 2009 from Almey Gray, Communications Director.

ITEM 2 – PUBLIC COMMENTS

No one came forward to speak.

ITEM 3 – DARE COUNTY ARTS COUNCIL OLD COURTHOUSE PROPOSAL (Att. 1)

Chairman Judge noted the Capital Improvements Planning Committee met with members of the Dare County Arts Council regarding the occupation of the old courthouse. Originally the Board approved a partnership of the DCAC and Roanoke Island Historical Association to operate out of the courthouse. Since then, RIHA has decided against occupying the space. The DCAC is still planning on using the space and is working to complete preliminary reviews of the building in order to present a proposal to the Board. He noted they would return to present this proposal in November; however, their mission and scope will remain the same as detailed in the current proposal.

ITEM 4 – RODANTHE BEACH ACCESS PARTF GRANT (Att. 2)

Tim White, Parks and Recreation Director, presented a proposed contract between the County of Dare and the Department of Environmental and Natural Resources for a \$400,000 PARTF Grant intended to make improvements to the 6.67 acres owned by Dare County in Rodanthe. He explained the property site is adjacent to the Mac Midgett Water Facility in Rodanthe between Highway 12 and the Atlantic Ocean and is the only beach access owned by the county on Hatteras Island. The goal will be to develop a public beach access as a multi-use facility incorporating recreational facilities including a public bath house and restrooms, picnic area, public parking and access road and walkway leading to the ocean. He presented potential cost information for this project and noted additional monies can be requested later in the year. He requested the Board authorize the Chairman to execute this contract. He also requested the Board adopt the amendment to the Capital Project Ordinance. Mr. Dave Clawson, Finance Director, explained the grant is a reimbursement for the purchase of the land which was originally purchased with the 2008 installment financing along with the COA building and the Dare Center. This grant allows \$400,000 of debt proceeds to be spent by November 11, 2011.

MOTION

Vice-Chairman Burrus motioned to approve the contract and authorize the Chairman to execute the document, and to adopt the amendment to the Capital Project Ordinance.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

ITEM 5 – CONSENT AGENDA (Att. 3)

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (10.5.09)
- 2) Department of Public Health Budget Amendment
- 3) Adopting Resolution for the form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective October 1, 2009
- 4) Colington Harbour - No Wake Signs
- 5) NC Rural Center 2009-10 Clean Water Partners' Infrastructure Program Application
- 6) Public Works / Revision to Hyde County Sanitation Contract

Commissioner Dutton and Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

ITEM 6 – COMMISSIONERS’ BUSINESS

Commissioner Mike Johnson announced there would be another Seafood Branding Committee meeting Thursday, October 22, at 7:00 p.m. in room 168 of the Administrative Building in Manteo and encouraged those in the commercial fishing industry, the restaurant industry, and those involved with fish houses to attend. He noted the committee is moving forward at a fast pace in order to meet a November 2nd deadline for a grant application.

Commissioner Dutton congratulated Lora Nock as the Employee of the Month for October. He noted he attended the Board of Education meeting last Tuesday. He stated there were outstanding instructional highlights entitled “Envision Math: A 21st Century Model” where second graders performed algebra problems and challenged members of the Board of Education and members of the crowd on the answers. He thought it was amazing what kids are learning in the second grade. He thanked Judi Hornbeck and the entire group for their accomplishments with the students. He also noted several accomplishments including the ranking of Dare County schools as number one (1) in the State for graduating successfully on time and number two (2) in the State for AP scores. He shared his excitement regarding the Dare County Center. He appreciated Commissioner Tillett’s efforts and all those involved with the center. He feels this will be a great facility for all of Dare County.

Commissioner Tillett thanked the Commissioners for all of the support for the Dare County Center and for working closely with the advisory groups. She noted the great turnout at the ribbon cutting and thanked Terry Wheeler for all he did prior to his retirement for helping everyone stay on task with the facility. She also thanked County Manager Bobby Outten for his help as well. She stated she read in the Coastland Times where Beulah Charity Ashby had been named to the Outer Banks Hospital Board. She congratulated Ms. Ashby and stated she would be an asset to that Board. She attended three (3) meetings last week: Older Adult Services, JCPC, and Parks and Recreation. She stated everyone is very busy and on task. She noted she had spoken to the County Manager and Board Chair regarding the greenspace that is adjacent to the Dare County Center which would be presented later in the meeting. She explained a couple of meetings ago, she had asked for support for a resolution on access to healthcare. The County Manager read the proposed resolution and read the resolution with the change suggested by Commissioner Mike Johnson. Commissioner Tillett stated she hoped the Board would pass some form of this resolution. Commissioner Mike Johnson noted he did not think the Commissioners should be addressing this issue, but also thought Congress and the whole administration is moving at too fast of a pace to solve a problem they do not fully understand. He felt the solution to this problem could not be rushed. He feels the current solutions are a political battle and not a cure for the problem. He then explained he would support a resolution where it states in the last paragraph “...and encourages Congress to slow down and gain knowledge of the problems and make practical decisions in the future for the good of all.” Chairman Judge asked Commissioners Tillett and Johnson to consider the fact that we have a Congress that typically moves very slowly. He would hate to pass a resolution that asks them to slow down further. Commissioner Shea stated he is against any resolution that would put the Board on record for supporting any of the flawed health schemes that are before Congress at the moment. He noted if the Board had to vote, he would agree with Commissioner Mike Johnson’s language, but did not want to go on record appearing to support anything that is being discussed in Congress currently. Commissioner Richard Johnson shared he agreed with Commissioner Shea and feels that Congress is moving in a dangerous direction that would be a tremendous tax burden. He would like to send something asking Congress not to vote and take time

to read the bills they are considering. Commissioner Tillett shared she appreciated the comments by her fellow Board members and expressed her concern for affordable healthcare for the citizens of Dare County. She expressed the need for the Board to go on record in support for healthcare for Dare County. She felt many resolutions have been passed that are not as beneficial as this one could potentially be.

MOTION (Att. 4)

Commissioner Tillett motioned to pass the Resolution Supporting Access to Healthcare including the language “to slow down and gain knowledge of the problems and make practical decisions in the future for the good of all.”

Commissioner Mike Johnson seconded the motion.

Commissioner Richard Johnson shared he is afraid anything that is sent will be perceived as the Board’s support to move ahead with what is being discussed currently as they are claiming they are making healthcare affordable for people. Chairman Judge noted the resolution is as much a declaration of the Board’s vision and position by asking Congress to listen to the people. He felt the resolution would be great if it made a difference with Congress. He noted the Board’s inability to warranty the final result by the administration, but noted if the Board feels comfortable with the resolution regardless of the action that is taken on the issue, then he feels the resolution should be supported. Commissioner Mike Johnson felt it is important this resolution be unanimous. He noted Commissioner Tillett is now on the record in support of healthcare and if there was not anything the Board could agree on then maybe they should not move ahead with the resolution. Commissioner Tillett shared she did not feel they would ever get a unanimous vote on this resolution as everyone has their own personal feelings. Commissioner Mike Johnson noted all of the Commissioners care about affordable healthcare, but the language in the resolution bothers some of the Commissioners and possibly some of those who would receive the resolution. Commissioner Shea reiterated the resolutions potential to send the wrong message. He feels all of the schemes before Congress are flawed and while he understands the concept of the resolution and supports healthcare, the schemes are not the answer. This resolution states the Board is supportive of “affordable” healthcare and that is what Congress believes the schemes will provide. Commissioner Tillett reiterated the resolution was to simply ask for Congress to consider affordable healthcare. She noted the resolution shares what Dare County is doing and may give ideas to Congress that they might not have thought about and to generate a discussion. She noted the NCACC and NACo are asking a resolution such as this be passed. Commissioner Richard Johnson noted the Federal Government’s attempts at affordable national healthcare and they have a rate of turning people down of almost twice what private companies have. He stated if the resolution had language regarding trying to work with private companies and looking at ways of crossing borders or form pools to get more affordable healthcare then he would support it. He felt this resolution would appear as support from another County to move forward with what they have. He shared he supports everyone having access to insurance, but feels we have one of the best medical systems in the world currently. He feels it needs adjustments, but the plans being considered are not the answer. He does not want to appear as if he is in support of these plans. Commissioner Mike Johnson stated after hearing the discussion, he was not going to support his own second.

VOTE: (5-2) AYES Chairman Judge and Commissioner Tillett

NOES Vice-Chairman Burrus, Commissioners Shea, Dutton, Mike Johnson, and Richard Johnson

Commissioner Tillett noted she would bring another resolution forth for consideration and asked County Manager Outten to allow the Commissioners two (2) weeks of review time. She asked County Manager Outten to explain the Community Wellness Park. Mr. Outten distributed an enhanced photograph depicting the proposed Park which would be adjacent to the Dare County Center on the south end. He noted this is a proposal by the committee to use the open space. He explained this proposal is being presented as they must do

something with the existing dirt in that area. He explained no funds are being requested at this time. The committee is seeking a general consensus and approval of the conceptual plan. He also noted a proposed multi-use path that would extend to the Visitor's Center. The purpose of this conceptual plan is to give the Board an idea of what folks in the community will be working towards as they apply for grants. There were no objections to these conceptual plans.

Vice-Chairman Burrus thanked the committee who has worked so hard for the Outer Banks Scenic Byway. He gave a special thanks to Mr. O'Neal of Ocracoke, Mary Helen Goodloe-Murphy and all those who meet on a regular basis. He noted they just received national recognition last Friday from the Federal Highway Administration and Secretary of Transportation. He thanked everyone for their great job and noted this comes at a time when our economy is down. He explained the House has two (2) bills to bring back Working Waterfronts. Their plan is to put \$1 billion in each and encouraged all to look for opportunities to connect this to our Byway and to the things we need done in that area. He offered his congratulations to Lora Nock for all of her hard work. He stated he is in constant touch regarding the turtle situation. The netters are struggling with the new regulations and the move for turtles to become a species of concern. He encouraged all to push to have stock assessments completed. He thanked the State DOT people for working Saturday and Sunday to keep the road open. He appreciated all of their hard work. He noted how beautiful the new Dare Center is and shared this raises expectations for a Hatteras Island center. He met with Meals on Wheels on Hatteras Island who have averaged over fifty (50) people this year and have stayed within their budget by raising money in other ways. He shared his appreciation for all of the volunteers and their hard work. He visited Hertford County with Commissioner Shea and Chairman Judge. He shared Commissioner Shea presented projects and did a great job. He enjoyed the time with his fellow Board members and noted that program is very beneficial to Dare County. He received a letter from the director of NOAA asking to meet with the Board of Commissioners or a committee to discuss the upcoming Monitor National Marine Sanctuary. The director has joined a new partnership with the Coastal Studies Institute and may work with them as well on the sanctuary. He seems to be very interested in the Buxton Coast Guard Station property. He has contact information for the Monitor Sanctuary Superintendent, Dave Altberg, and would arrange the meeting with him.

Commissioner Shea congratulated Lora on being chosen as Employee of the Month. He noted he also attended the Board of Education meeting. Dave Dvorin, Kitty Hawk Elementary, was recognized as Teacher of the Year, and two teachers received five (5) stars for childcare. He noted as Vice-Chairman Burrus had mentioned, he presented seven (7) projects for inclusion in the Transportation Improvement Plan list. He also attended and represented Dare County at the Southern Albemarle Association meeting in Roper. They are involved in making recommendations for bridges and highways. Finally, he expressed his congratulations to all who worked to bring the Dare Center to fruition.

Commissioner Richard Johnson shared his pride in the accomplishments for both the Dare Center committee and the Outer Banks Scenic Byway committee. He noted the Dare Center turned out great and we are now nationally recognized for the Scenic Byway. He is proud of all of the hard work from both committees. He would like to appoint both committees to get the bridge built.

Chairman Judge offered congratulations to Mary Helen Goodloe-Murphy for the accomplishments with the Outer Banks Scenic Byway. He regretted they could not attend the ceremony in Washington, but felt confident that she represented the County well. He also noted the RPO meeting in Hertford. He announced for the next five (5) years there will be twenty-six (26) projects and Dare County has ten (10). He stated they have to go back next Monday to make sure they continue to hold the second, third and fourth positions on the list. He

announced on November 16, 2009 Dr. Seim from UNC to make his presentation on wind turbines. This will give the Commissioners an opportunity to hear the presentation and ask follow up questions on the issue.

MANAGER'S/ATTORNEY'S BUSINESS

County Manager Outten noted Dare County has a contract with Frisco Fire Department for fire services. Their bylaws state they will provide fire protection and other catastrophe protection, but the contract only lists fire protection. They are requesting an amendment to the contract to add in "other catastrophe" language. This will allow them to be eligible for grants they cannot currently apply for.

MOTION (Att. 5)

Vice-Chairman Burrus motioned to make the modifications as outlined by the County Manager.

Commissioners Dutton and Shea seconded the motion.

VOTE: AYES unanimous

Mr. Outten announced in the last legislative session, the legislature enacted another unfunded mandate to take care of child support enforcement. In July, this will be the County's responsibility with no additional funding source. He noted several ways to handle the mandate: 1) In-house through hiring staff, 2) Create a group of multiple counties and let the group hire staff, or 3) Use a vendor for the service either for just Dare County or with a group of Counties. He has been working with Jay Burrus since it was adopted and they do not have a recommendation yet. They will be sending an RFP to a vendor to see what the charge would be for Dare County alone and as a group. He noted this would not bind the County into any kind of contract, but would simply give a price for the service. Once they know this information and how much it would cost in-house, they will come back to the Board with appropriate recommendations. Commissioner Richard Johnson noted the Albemarle Commission is currently looking at four (4) counties to bid in the process. He asked Mr. Outten to speak with Bert Banks regarding what they have done thus far. Commissioner Shea shared his disappointment in another unfunded mandate by the Federal Government. Mr. Outten also noted he has been reviewing the contract for the 800 MHz system. He explained Motorola is anxious to have a contract signed by the end of the month and offered extended warranties and other benefits totaling \$32,357. In order to take advantage of this savings, the Board would also need to review the contract and hold a special meeting to approve it. He spoke with Mr. Clawson and there would be the same impact on the budget if it is done by the end of the month or two (2) months from now. Chairman Judge scheduled a special meeting of the Board of Commissioners for October 27, 2009 at 4:00 p.m.

Mr. Clawson explained staff has reviewed the outstanding 1998 COPs and 2012-2015 maturities of the 2001 COPs which are currently showing a savings of three (3) percent totaling approximately \$350,000 (\$32,000-\$33,000 per year). While the market is not as favorable this week, the intent is to get the refunding approved and in place until the minimum savings requirement of three (3) percent is reached. He presented a standard resolution for refunding and explained the Board would be resolving the County Manager and Finance Director are authorized to negotiate the contract with underwriter instructing the Finance Director to file an application to the LGC, special council and underwriter is retained, that a public hearing is set for November 2, 2009 at 10:00a.m., the notice of public hearing is published, and the present form of the Preliminary Official Statement is approved. He then requested the resolution be approved.

MOTION (Att. 6)

Commissioner Shea motioned to approve the resolution.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

AT 6:10 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 9:00 A.M. ON
NOVEMBER 2, 2009.

(SEAL)

Respectfully submitted,

By: _____
Katie Smith, Clerk

APPROVED:

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

