



# 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

May 17, 2010—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; Richard Johnson, Dist. 1; Max Dutton, Dist. 2; Mike Johnson, Dist. 2.; Jack Shea, Dist. 5

**Commissioners Absent:** None

**Others Present:**

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

**Action:**

EMS Week Proclamation — **Adopted**

Road Request: Hooper & Cooper Lane— **Approved**

Child Support Services — **Contracts Approved with Amendments**

Consent Agenda — **Approved**

1. Approval of Minutes (4.27.10—Workshop, 5.3.10—Regular Meeting & Budget Workshop)
2. Budget Amendment to Move Fund Balance Over Target Amount From Disaster Recovery Fund to School Capital Reserve Fund

Recommendations for CRC Nominations — **Approved (Robert Emory, Ben Simmons, Lee Wynns, Renee Cahoon)**

Closed Session — Litigation: Dare County and Others vs. Insurance Commission — **Held**

Budget Workshop — **Held**

LAND OF BEGINNINGS

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Chairman Warren Judge called the meeting to order at 5:00 p.m., invited Miss Jennifer Frost, Unitarian-Universalist Congregation of the Outer Banks, to share a prayer, and then led the pledge of allegiance to the flag.

#### **ITEM 1 – PUBLIC COMMENTS**

- 1) Akilah Ensley, Partnership Specialist with the U.S. Census Bureau, congratulated the County on their tremendous progress with the 2010 Census as Dare County is one of the leading counties in the nation regarding percentage increase over the 2000 Census. She explained Dare County has increased from 35% to 76% (41% increase) for participation. She also thanked the Board for allowing the formation of a Complete Count Committee. She announced people may receive an in-home visit for those who were nonresponsive to the mailings. She noted information such as population totals will be tallied in the Fall and presented to the President by the end of December 2010. The numbers will be released nationally in March 2011.
- 2) Kelly Schoolcraft, Frisco resident, addressed the Board regarding a drainage issue caused by the County's attempt to fix an easement beside his property. He requested help in resolving the situation. He distributed pictures of the flooded property with an explanation of the issue.

#### **ITEM 2 – EMS SYSTEM PLAN UPDATE – *Postponed***

#### **ITEM 3 – EMS WEEK PROCLAMATION**

County Manager Outten read a proclamation declaring the week of May 16 through May 22 as Emergency Medical Services week.

#### **MOTION**

Commissioners Shea and Dutton motioned to adopt the proclamation.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

#### **ITEM 4 – ROAD REQUEST: HOOPER LANE & COOPER LANE**

County Manager Outten presented a petition by Luther Hooper and local residents on Hooper and Cooper Lanes requesting these roads be added to the State's system of maintenance.

#### **MOTION**

Commissioner Shea motioned to approve the petition.

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

#### **ITEM 5 – OUTER BANKS CATCH UPDATE**

Ms. Dorothy Toolan, Public Relations Officer, updated the Board of the progress being made with the launch of the Outer Banks Catch program. She gave a brief overview of how the initiative began and detailed the goals and progress the committee has achieved to date to prepare for the Summer 2010 launch of the program. She shared the names of the many volunteers that are involved in the Committee to give the Commissioners an idea of how widespread the volunteer base is for the project. She recognized Kathy Sparrow, Project Manager, and Corder Philips, creative/design company for the program. She shared the newly developed logo with three (3) color options, the tagline "Local Fishermen Approved," distributed the media plan to begin on June 18, and shared the last steps in preparation for the launch. Commissioner Shea noted the need to educate the public on the fact that most consumed seafood is imported. Ms. Toolan shared the overall goal is to expand the education outside of the area, but because of budget restraints the initial education is focused on the local area. Commissioner Mike Johnson noted the goal of having the fish boxes labeled with the logo to have the program visual in places outside of this area such as New York. Chairman Judge thanked Ms. Toolan and Ms. Sparrow for their work and presentation.

#### **ITEM 6 – CHILD SUPPORT SERVICES (Att. 1)**

County Manager Outten noted the contract included in the Board's packets is with Young Williams to provide the State mandated child support services as discussed in previous meetings. He stated pursuant to the contract, Dare and Currituck Counties will jointly lease a site for the Young Williams office with the cost to be reimbursed to Dare and Currituck by Young Williams. He noted a copy of the lease was also included in the packet and explained portions of paragraph twelve (12) will be altered in order to be consistent with paragraph six (6). He shared the costs to the County will be close to \$0 and up to \$10,000 based on collection percentages and subsequent reimbursements. He noted the office site will be in Kitty Hawk in order to serve Currituck County as well. Vice-Chairman Burrus

congratulated County Manager Outten and Mr. Burrus on their hard work on this unfunded mandate to come up with the best option. Commissioner Shea asked for more detailed information on the current rate of child support collection and the consequences that follow when someone fails to pay. County Manager Outten detailed this process.

#### **MOTION**

Commissioner Shea motioned to approve the Young Williams contract and lease with alterations in language in paragraph twelve (12) to make it consistent with paragraph six (6), and to authorize the Chairman to execute the documents.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

#### **ITEM 7 – CONSENT AGENDA (Att. 2)**

Commissioner Shea motioned to approve the Consent Agenda:

- 1) Approval of Minutes (4.27.10 - Budget Workshop, 5.3.10 - Regular Meeting & Budget Workshop)
- 2) Budget Amendment to Move Fund Balance Over Target Amount From Disaster Recovery Fund to School Capital Reserve Fund

Vice-Chairman Burrus seconded the motion.

VOTE: AYES unanimous

#### **ITEM 8 – COMMISSIONERS' BUSINESS**

Vice-Chairman Burrus – None

Commissioner Shea – None

Commissioner Richard Johnson thanked everyone for the flowers, cards and support sent to his family on behalf of his father passing away.

Commissioner Mike Johnson thanked everyone for their hard work on the Outer Banks Catch program and noted some may feel this is a mundane effort, but it is in fact an absolute necessity. He described his frustrations while he attended the Atlantic States Marine Fisheries Commission meeting and noted in dealing with the bureaucracy and in order to represent NC in a way that makes NC proud he left the meetings mid-week. He then noted the NC Marine Fisheries also met last week and continued to deal our fishermen repetitive blows. He stated the fisheries are currently managed by politics and not by science. Therefore, anything that can be done to educate the public on this American consumed product is necessary. He expressed the need to bring awareness and stated it starts here. He explained what makes Wanchese special and felt if it looked differently then most people would not visit. He made the same statement about Hatteras describing how visitors want to know and see what is going on at the docks. In addition, he described the terrible problem at Walter Slough in which two (2) charter boats cannot meet within 100 feet. He detailed several problems people experience such as damaged equipment and the difficulties the Coast Guard faces in getting out of this area. He felt it would only require approximately a half of a day's work to dredge. Chairman Judge announced a meeting of Emergency Preparedness and noted he will have this issue added to the agenda.

Commissioner Dutton announced he had been contacted by East Carolina Behavioral Health about attending their first meeting on May 26<sup>th</sup> in Williamston.

Commissioner Tillett shared with the Board the Dare County Library has requested when the Commissioners speak with Representatives and Senators to make sure they convey usage is at an all time high and they need all the help they can get to remain funded at least at their current level. She noted in tough times more citizens use the libraries. She asked the Board to make sure and read the JCPC Executive Summary as they need as much funding as they can get. She stated the Dare County Parks and Recreation F.C. Mitton Charity Basketball Tournament needs sponsors at \$125 per child. She encouraged those who would like to be a sponsor to contact Parks and Recreation. She noted Sen. Basnight and Rep. Hackney are speaking at County Assembly Day. She requested Mr. Outten to research why Road Petitions must come before the Board. She then announced on Friday, she met with the Dare County Arts Council Board of Directors and met the architect who will be working on the old Courthouse space. She noted they need the plans provided by Heery on that facility and asked Mr. Outten to get those for the architect.

Chairman Judge – None

## **MANAGER'S/ATTORNEY'S BUSINESS**

Mr. Outten explained it is time to renew the contract for the lifeguard at the old swimming hole. He was not sure if the Board would want to renew the \$28,000 contract considering the budget discussions. Commissioner Richard Johnson asked if the County is liable if the contract is not renewed. Mr. Outten responded lifeguards are not required; however, there has to be due diligence to warn the public of hazards if there is no lifeguard including signage. The Board held discussion on prevention of accidents and location of old pilings and piers, and decided to readdress this item following the Budget Workshop.

Mr. Outten announced recommendations are needed for CRC nominations and noted up to four (4) recommendations can be given. He shared Renee Cahoon requests reappointment to the Local Government seat and gave three (3) other names for various seats: Ben Simmons, Bob Emory, and Lee Wynns. She made it known these three (3) men have been supportive of Dare County efforts and on legislation regarding groins and others issues. She requested the support of her reappointment and the appointment of the additional three (3) by sending letters to the Governor to that affect. Chairman Judge noted Ben Simmons was appointed to fill an unexpired term several months ago and has been very helpful with the issues that arose in the CRC. He also noted the great job by Renee Cahoon.

### **MOTION**

Commissioner Shea motioned to send a letter to the Governor requesting the appointment of Renee Cahoon, Ben Simmons, Lee Wynns and Bob Emory.

Commissioners Tillett and Dutton seconded the motion.

VOTE: AYES unanimous

Commissioner Mike Johnson asked what could be done as a coastal County to abolish the Coastal Resources Commission. He noted in the beginning the Commission was formed to help counties develop in a way that is most suitable to the environment. However, as it has aged and different Boards have added different rules, it has instead become a stumbling block to anything done including shoreline stabilization. He felt the Commission has gotten so large and bureaucratic that it has lost its way. He feels it is no longer a collaboration. Commissioner Richard Johnson stated he would not like to see a letter go up asking to abolish the Commission at the same time we are nominating people for vacancies and asking for jetties. Commissioner Mike Johnson agreed and asked to revisit the issue at a later date.

County Manager Outten updated the Board on the work of the Roanoke Island Water Project. He stated over the last several months they have been doing engineering work for the project. They are getting close to beginning the first phases of bids for tanks and plant work and are currently determining where easements need to be placed. Preliminarily it was thought approximately fifty (50) easements would be needed and this could be handled with in-house staff. However, it looks like this number will be closer to four-hundred (400) to possibly seven-hundred (700). He noted the County does not have the capability to use in-house staff to acquire this magnitude of easements in a timeframe that would keep the project close to the construction schedule. He requested permission to get an easement acquisition person to review the project and speak to staff about what would be involved with a company to acquire the easements. Based on this information, he would possibly send out an RFP to get an idea of costs and a timeline. He shared he does not want to start construction not knowing what the easement acquisition cost are going to be. Commissioner Shea asked that this information be researched before moving any decisions are made.

### **MOTION**

Pursuant to the provisions of NCGS 143-318.11, Vice-Chairman Burrus moved that the Dare County Board of Commissioners go into Closed Session to: consult with an attorney employed or retained by the County in order to preserve the attorney clients privilege between the attorney and the County in the matters of Dare county and Others versus the Insurance Commission.

Commissioner Shea seconded the motion.

VOTE: AYES unanimous

AT 6:16 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 6:53 P.M.

Chairman Judge reconvened the meeting and County Manager Outten reported the Board consulted with the County Attorney and took no other action.

**AT 6:55 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED  
THE BUDGET WORKSHOP CONVENED AT 6:56 P.M.**

County Manager Outten distributed information with the current year's budget including no tax increase, a 1 cent increase and a 2 cent increase. He explained the layout and noted he had also emailed the Commissioners information on an additional 10% decrease in Special Appropriations Funding.

The Board discussed a number of line items including early retirement and its incentive, elimination of positions, education and the EMS helicopter. Commissioner Richard Johnson stated he would like to see the fund balance brought back up to where it should be, a solution to the internal service fund issue, and the consideration of long term savings by giving a better incentive for early retirements. He explained if the tax is raised with the average house being \$246,000, the increase would equate to \$25 with the one (1) cent tax increase. He suggested raising the tax two (2) cents in order to help with next year as it will likely be worse than this year. He noted the substantial cuts that were made last year and the ones that would be made this year even with a tax increase. Commissioner Shea shared he could not support a tax increase, and suggested instead looking at the present income and living within those means. Commissioner Mike Johnson shared his support of a two (2) cent increase as the public receives 100% of the benefit of services and the increase is required to maintain those levels of service. Mr. Outten was given the directive to manage throughout the coming year and mediate the possible \$1.3 million foreseeable lack of funds we will experience. Commissioner Dutton stated he does not want to see anyone lose their job and wants to keep essential maintenance for health services so the County will not suffer later. He explained he did not originally agree with Commissioner Richard Johnson, but he does not see another alternative as services have already been cut as far as possible.

Chairman Judge summarized the discussion and stated the consensus of the Board is to direct Mr. Outten to begin budget preparations for a presentation on June 7<sup>th</sup> with a Public Hearing to be held on June 21<sup>st</sup> using the 3<sup>rd</sup> alternative (2 cent tax increase). He noted because no one spoke for or against the presentation on Special Appropriations and concluded to move forward with Mr. Outten's recommendations. He noted Commissioner Richard Johnson's recommendation to review the effect of an increased incentive to retirees. Chairman Judge also reflected on the Board's discussion of continuing to shrink government through consolidation and combination of services in preparation for future State cuts and mandates. He noted the Board's support for the effort to keep Dare County's cars in Dare County and to reduce the use of County cars to and from home. Instead, cars should only be used for those on call. Mr. Outten clarified that he must have discretionary abilities as he can envision offering 50% salary incentive for retirement and coming out with a loss in this year's budget depending on who took the offer. He explained the requirement of having retirement incentives be budget neutral for this year. Commissioner Mike Johnson noted the need to change legislation in order to allow insurance companies to be billed for helicopter use.

**THE BUDGET WORKSHOP ADJOURNED AT 8:05 P.M.  
THE DARE COUNTY BOARD OF COMMISSIONERS MEETING RECONVENED AT 8:05 P.M.**

Chairman Judge noted the consensus of the Board was to move forward with the lifeguard contract for the old swimming hole unless the County Manager saw something more critical than that line item in the budget.

**THE DARE COUNTY BOARD OF COMMISSIONERS MEETING ADJOURNED AT 8:06 P.M.**

(SEAL)

Respectfully submitted,

APPROVED:

By: \_\_\_\_\_  
Katie VanLear, Clerk

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