

**NORTH CAROLINA
DARE COUNTY****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
January 6, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on January 6, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Stan White, Cheryl Byrd and Virginia Tillett. Also present were Manager Terry Wheeler and Attorney Bobby Outten. Chairman Judge opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

1. Samuel Pledger, Deputy Sheriff Detention Adm., received his 15 Year Pin from Rodney Midgett, Sheriff.
2. Stephen Taylor, EMS Deputy Director, received his 20 Year Pin from Skeeter Sawyer, EMS Director.

ITEM 2 – EMPLOYEE OF THE YEAR – 2002

Rosie Patton, Cooperative Extension, Employee of the Year for 2001, explained the procedure for selecting Employee of the Month and Employee of the Year. She recognized the following employees for the year 2002:

January – Rita Doerr, EMT Lt. EMS

February – Melva Garrison, Board of Elections Director (Board of Elections)

March – Al Hardy, Sanitation Supervisor (Public Works)

April – Pat Jump, Social Work Supervisory II (Social Services)

May – David Cowan, Communications Director (Communications)

June - Donna Hanusik, Extension Administrative Secretary (Cooperative Extension)

July – Craig Scarborough, Leisure Program Supervisor II (Parks & Recreation)

August – Jim McNamara, Detention Trans. Class. Off. (Detention Center)

September – John Jones, EMT Capt. (EMS)

October – Jim Norrell, Telecommunicator II (Communications)

November – Cliff Ogburn, Parks and Recreation Director (Parks & Recreation)

December – Laurie White, PHN Supervisor I (Health Department)

Cliff Ogburn, Parks & Recreation Director received the Employee of the Year Certificate from Rosie Patton, Cooperative Extension.

ITEM 3 – EMPLOYEE OF THE MONTH

Ed Marks, EMT, received the Employee of the Month Certificate from Skeeter Sawyer, EMS Director.

ITEM 4 – PRESENTATION OF ADVANCED LAW ENFORCEMENT CERTIFICATE

Deputy Sheriff Glenn Gray received an Advanced Law Enforcement Certificate from Sheriff Rodney Midgett.

ITEM 5 – DARE COUNTY HABITAT FOR HUMANITY PRESENTATION

Robert Van Zee, President of Dare County Habitat for Humanity, provided an overview of their progress and plans for the future. The Dare County Affiliate of Habitat for Humanity began in Dare County in 1992 with the specific mission of providing decent affordable housing for working families at the lower end of the wage scale. The affiliate, working with the Outer Banks Builders Association, local businesses and professional associations, churches, and a dedicated corps of volunteers have financed and built nine homes for Dare County citizens. Currently they have two additional homes under construction with a family selected for one of them. They believe that with the coordinated efforts of the local Dare County Habitat for Humanity affiliate and with the support and encouragement of the county government, they could begin to make a major impact in reducing the substandard housing within the county. Commissioner Byrd referred to the meeting when the Outer Banks Community Development Corporation came forward and asked for assistance for affordable housing. Sandy Sanderson, Emergency Management, had reported the county gets about \$450,000 worth of grant funds. The Board never heard how these funds could be used. Chairman Judge asked the County Manager to check into the matter. Chairman Judge expressed appreciation for the presentation.

ITEM 6 – HEALTH DEPARTMENT – HEALTHY CAROLINIANS OF THE OUTER BANKS, PRESENTATION OF THE RESULTS OF THE DARE COUNTY COMMUNITY HEALTH ASSESSMENT

Ann Thomas, Health Director, explained that the Healthy Carolinians of the Outer Banks is a partnership of over (30) local agencies and organizations. The partnership is coordinated by the Dare County Health Department. This past year, Health Carolinians of the Outer Banks conducted a Community Health Assessment. The 75-page Dare County Community Health Assessment Report, which has been mailed to each Board member, revealed (10) "Red Flags" (community health problems) and (9) "Shining Stars" (community health assets). Amy Montgomery, Health Supervisor, presented the results of the Community Health Assessment, as well as information about how the partnership is moving forward to form Task Forces around key community health issues. Each Board member received a personal copy of the "Truth About Dare",

summarizing the findings of the Community Health Assessment in an easy-to-read 8-page newsletter format.

ITEM 7 – CONSENT AGENDA (ATT # 1)

MOTION

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – December 16, 2002
2. Family Planning Outreach Budget Amendment
3. Bioterrorism Preparedness and Response Budget Amendment
4. Asthma Intervention

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

CONTINUED IN ITEM 14.

ITEM 8 – BOARD APPOINTMENTS – DARE COUNTY OLDER ADULT SERVICES ADVISORY COUNCIL

MOTION

Commissioner Byrd moved the appointments of Mary Conway and Jonna Midgett to serve a four-year term on the DCOAS. They replaced Dell Collins and Sue Judge who have served two consecutive terms and cannot serve again.

VOTE: AYES unanimous

ITEM 9 – WORKFORCE DEVELOPMENT BOARD

The Board tabled the appointment until they can find a candidate. Dorothy Toolan, Public Information Director, reported that applications for board appointments were placed on the website and gives a brief definition of the boards. Blank applications will be given to Board members.

ITEM 10 – JUVENILE CRIME PREVENTION COUNCIL (ATT # 2)

MOTION

Commissioner Cahoon moved the reappointments of the members for a two-year term and the female youth representative be named at a later date.

VOTE: AYES unanimous

ITEM 11 – COMMENTS BY COMMISSIONER HOOPER

- Workshop – The Board discussed plans for a workshop for January 23rd but the CRC will be meeting at that time and no date was set.
- 2nd Public hearing on Hatteras Island for sign standards – The Board will work on a date.

ITEM 12 – COMMENTS BY COMMISSIONER BYRD

- Workshop for commissioners – She handed out a list of items she would like to discuss when they do set the meeting.

- Mid Currituck County Bridge – She referred to a response the Board received regarding the resolution of support. She felt they had already defined all of their alternatives and they are not really listening to people in the county, which bothers her. All county governments have passed this resolution and feel like it is important and should be looked at. It turned her off.
- Public hearing on Midway intersection traffic on Roanoke Island – She felt the Board should get involved in the issue and talk about at the workshop. This would destroy the ambiance of Dare County to expedite traffic.
- NACo Conference at the end of February – She felt they needed to reschedule the first meeting in March.
- Update on NC Lawsuit – She referred to a newspaper article in the Virginian Pilot that tells how upset people in North Carolina are about the money being taken away from the Highway Trust Fund as well. The state has done a lot of unconstitutional things and the Board should stay abreast of what is happening.

ITEM 13 – COMMENTS BY COMMISSIONER CAHOON

- Trip to DC- She noted there had been talk about the Board going to DC but that is not occurring so she asked that on the mid month agenda that the DC counsel come and give report to the Board and other town partners an update on where things are heading.
- Rose Bowl Parade – She congratulated the International Rotary and Outer Banks Visitors Bureau for their floats in the Tournament of Roses Parade. Both were excellent entries and the OB Visitors Bureau's float won one of the top three awards. The best quote she saw was WRAL in Raleigh the Outer Banks typifies what is best in North Carolina.

ITEM 14 – COMMENTS BY COMMISSIONER TILLET

- Concern regarding the Head Start Building – She thanked the County Manager for having the Sheriff investigate a problem.
- Potholes – She thanked Commissioner White, member of DOT, for having the potholes filled.
- Meeting place for seniors on Roanoke Island – She asked the Board to keep in mind a facility for senior citizens. As spaces have been freed up with the new Justice Center, she is hopeful they can identify a building for the seniors.
- Process for cleaning out ditches – Vice Chairman Hooper responded that some ditches on Hatteras Island have been cleaned out though a water resources grant but there is no process in the county to get them cleaned out. He is hoping to put money in the budget to deal with the problem and there is grant money that can be matched. He will stay on top of that. Commissioner White indicated that if it were on the right of way, DOT would handle it.

- Correction to the 12/16/02 Minutes – She made a correction to Item 8. reference should have been “without a tax increase” instead of “with a tax increase”.

MOTION

Commissioner Cahoon moved to amend the Consent Agenda.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 15 – COMMENTS BY COMMISSIONER WHITE

- Proclamation – Dare County Jaycees

MOTION

Commissioner White moved to proclaim the week of January 19-25, 2003 as National Jaycee Week in Dare County.

Vice Chairman Hooper seconded

VOTE: AYES unanimous

- Speed limit – He asked the Board to support the Town of Manteo in asking the DOT to reduce the speed limit to 45 mph and DOT’s response was the speed limit was appropriate at 55 mph. Commissioner White suggested 50 mph as a compromise.

MOTION

Commissioner White move to address a letter to the Town of Manteo supporting their efforts to have DOT reduce the speed limit to 50 mph from Wright Memorial Bridge to Washington Baum Bridge.

Commissioner Byrd seconded the motion.

VOTE: AYES

- Artificial Reef Committee – He reported he had contacted the state and Marine Fisheries and now asked for direction. Attorney Outten explained the Board could create a committee and come back for funding during the budget period. Chairman Judge appointed Attorney Outten and Commissioner White to meet with Ken Pekrun, Skip Lang, Terry Steward, Chris Thomas, and Budgie Sadler, and find out what the group would like to accomplish. They can find what materials are available.
- First Flight Steering Committee – He reported he is getting calls on what has happened. He reviewed the tape, which indicated that Ms. Perry is still on the committee until the Board decided to remove her from that seat. He has also heard that the commission has been dissolved. As far as the chair is concerned, the chair is elected from that Board themselves. We need to know where that FF Steering Committee is at now and where Ms. Perry is on that committee. Chairman Judge responded that this Board formed that committee was in May of 2000 and appointed Ken Mann, Geneva Perry and himself. He and Ken deferred Geneva Perry to be the Chairman because she was on the Board of Commissioners and then we started building the committee with people representing different parts of the community geographically as well as discipline

wise – historians, educators, business people, airport, NPS. That is how that committee was put together. It was natural that the Dare County commissioner sitting on that committee would be the chairman. Commissioner White responded that the committee had met to decide between Ken and Geneva as chair. Ken declined because of other responsibilities. Ms. Perry said she would take it and they voted on it and Ms. Perry was elected chair at a meeting. He said they needed to get off dead center and make sure that committee is moving forward. It is a great committee but right now they are in limbo. They don't feel like they know what is going on. Chairman Judge said that the committee has more than served its purpose of what it was commissioned to do back in May of 2000 and has made a lot of accomplishments – the First Flight roads, the support for the International Rotary Float, and the list continues. His thought was that it was listed on Boards/Committees List appointed by the Chairman. He thought it was well appropriate that a sitting commissioner chair that committee with the importance of what the committee has to do. There are 11 months to go. Many departments in Dare County are going to be involved in this – EMS, Public Works, Emergency Management, Public Relations, and County Manager's office. There will be a lot of burden on Dare County as well as the Town of Kill Devil Hills. His idea was the Board would want a commissioner on that committee and chair that committee to be able to manage it. That was his purpose and direction at that time. Commissioner White responded that he did not think the Chairman had the authority to appoint a chair to a committee that was elected as an autonomous committee. If you want to appoint someone to the committee and the committee appoints that person as chairman that is fine. He thought the committee needed to know and they have not met and time is critical and they need to know what their position is and status is. Chairman Judge reminded that they met in November and canceled the meeting in December because of the holidays. They were at a point that there were no issues hanging out there. There was nothing that sat on the back burner during the month of December and could be mistaken. They will meet in January. Commissioner Johnson said he understood that the Chairman appointed the committee at the time and when a commissioner goes off of the Board it has been the policy to reappoint someone else from the Board of Commissioners to fill that seat. He talked with Ms. Perry and she indicated she thought when she went off the Board she would lose that seat. He did not think she had any hard feeling about it. The Board needs to make it clear. Commissioner White said he asked the Board if it was the pleasure of the Board to let Ms. Perry sit on the committee because there is a certain amount of continuity that needs to take place.

Commissioner Byrd felt they needed to move on with this. She was inclined to believe that a sitting commissioner should sit on that committee.

Commissioner White said that the Board needed to make it clear if Ms. Perry is still sitting on the committee and the committee needs to meet and elect their chairman. He has a problem with this Chairman appointing a chairman for the committee.

Chairman Judge said he would put a commissioner on the First Flight Steering Committee and the committee can elect their Chairman.

ITEM 16 – COMMENTS BY CHAIRMAN JUDGE

- List boards/ committees - He recommended the committees to be deleted:
 Mapping Fees Schedule Committee
 Duck Incorporation Committee
 Sanitation Service for Northern Municipalities Committee
 Airport Authority Land Acquisition Committee
 Oregon Inlet Committee to Establish A Blue Ribbon Task Force
 EMS Task Force Transportation Protocols has been decided, the entire protocol package has not been decided and gone to the state for their approval yet and leaves that committee in place.
 The Board concurred.
 He appointed the following to the committees:
 All Board members - their assignments remain the same.
 Parks & Recreation Committee – Virginia Tillett
 Audit Committee – Cheryl Byrd
 Task Force on Higher Education – Cheryl Byrd
 JTPA Workforce – Cheryl Byrd
 Cooperative Advisory Extension – Virginia Tillett as commissioner appointee
 First Flight Local Steering Committee – Renee Cahoon
 Roanoke Island Historical Association – He is waiting for a letter from RIHA and then will appoint a Board member to the association.
 Juvenile Crime Prevention Council (JCPC) – Virginia Tillett is the commissioner member

ITEM 17 - UPCOMING BOARD APPOINTMENTS FOR FEBRUARY

Aging Advisory Council for the Albemarle Commission – Brandi Whitehurst and Emma Jane McDermott
 Planning Board – Jon Britt and Joe Thompson
 Vice Chairman Hooper reminded the Board that Duck is incorporated and Jon Britt did represent Duck. He suggested they might want to bring another Hatteras Island Planning Board member to the Planning staff.
 Commissioner Byrd suggested maybe a member from the Mainland area.

Manager Wheeler said that there is a requirement that one reside from districts which include municipalities and the fact that Duck is incorporated it is his belief that it does not relinquish some appointment from that area and that area would include Martin's Point, Duck, Southern Shores, or Kitty Hawk.

Commissioner Cahoon asked that some background information be given to Board members regarding these appointments.

Chairman Judge asked the Clerk to research the files and send any applications on Planning Board to Board members.

ITEM 18 – CLOSED SESSION – PERSONNEL MATTER

MOTION

Vice Chairman Hooper, 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.

Commissioner White seconded the motion.

VOTE: AYES unanimous

AT 4:50 TIME P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 5:25 P.M.

MOTION

Commissioner Johnson moved to hire Norma Mills as the new County Attorney.

Vice Chairman Hooper seconded the motion.

Commissioner Byrd stated that she voted against the appointment because she was not on the Board when the process was initiated. She approved of the selection but disapproved of the process.

Vice Chairman Hooper paid thanks to Attorney Outten.

Commissioner Cahoon said Attorney Outten had been invaluable to the Board.

Commissioner Tillett hoped Attorney Outten and Ms. Mills would form a close relationship because the knowledge he has have will help her a great deal.

Chairman Judge echoed those comments and reminded the County Attorney that he had several hard months ahead.

VOTE: AYES (6) Johnson, Hooper, Judge, Cahoon, Tillett & White
NOES (1) Byrd

ITEM 19 – PUBLIC COMMENTS – 5:30 P.M.

Sybil Basnight Ross, Manteo, understood that John Thayer, CAMA office in Elizabeth City would be present at the public hearings tonight. She asked the Board to consider asking him a few questions before the hearings in the spirit of education.

THE BOARD RECESSED AT 5:35 AND RECONVENED AT 7:00 P.M.**ITEM 14 – PUBLIC HEARING – DRAFT SIGN STANDARDS**

AT 7:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE DRAFT SIGN STANDARDS.

Ray Sturza, Planning Director, reported that the Planning staff has been working to update the sign standards for unincorporated Dare County. The staff conducted a workshop in Buxton in September 2002 and one Public Hearing by the Board of Commissioners in October 2002. After today's public hearing, the Board may conduct a second hearing on Hatteras Island but no date has been selected.

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

1. Larry Hardham, President of Cape Hatteras Anglers Club, noted their bingo activity is their main fund raiser for the club and reviewing this draft on page 3 Item 10 under prohibited signs list temporary, portable signs including sandwich board signs as part of a sign which is prohibited and on page 4 Item 13 - exemptions from permits – in effect they could continue to use our A-frame to advertise Bingo. It seems to be a contradiction. He noted that the Senior Planner suggested Item 10 on page 3 be cross referenced to the exception made on page 4 or some sort of reference to clarify it.
2. Dewey Parr, owner of the Old Gray House on Light Plant Road, noted that a year ago he was told he could not have a sign and now he was told he could have an off premise sign. He thanked the Board for listening to him and commended them for taking the time to listen to their complaints. The business season will begin soon and if you take the signs off of Highway 12 there will be no more hand crafted items and no more old fashion tales and Hatteras Island will become a different place.
3. Howard Rooney, Hatteras Village, noted the worse offender of signs in the United States is a political sign. Political signs in Section 22-2 need to have its own definition to spell out what is a political sign. There is no mention of size, shape, kind, material and should be put in that section. He suggested the placement of these signs for 30 days. He like the idea that the sign comes down 3 days after the election. There is no penalty for complying with the ordinance and he thought \$250 up front. If the signs were not picked up, the fine could be reduced from that sum of money.
4. Mary Helen Goodloe Murphy, Rodanthe, supported the adoption of sign ordinance rewrite and encouraged your enforcement of the ordinance and the sooner the better. She outlined some specific comments about the draft ordinance. (See attached).

Chairman Judge closed the hearing at 7:20 P.M.

Commissioner Byrd thought that it might be wise for the county to have an active part regarding the political signs with the towns.

No action was taken. Comments will be sent to the Planning staff and they can be discussed at the second public hearing on Hatteras Island. No date has been set.

ITEM 15 – PUBLIC HEARING – GROUP DEVELOPMENT / MULTIFAMILY MORATORIUM

AT 7:25 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE GROUP DEVELOPMENT / MULTIFAMILY MORATORIUM.

Ray Sturza, Planning Director, reminded that in the spring of 2002, the Board of Commissioners enacted a moratorium on group developments and / or multifamily structures in the zoned and unzoned portions of unincorporated Dare County. In October the moratorium was extended for 60 days to only the zoned portions of unincorporated Dare County. The moratorium has lapsed and staff was instructed to schedule a hearing on the re-establishment of this moratorium. The hearing notice states the moratorium may be established for a period of up to 12 months and will be considered for the zoned and unzoned portions of the County.

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

1. Frank Jakob, Salvo, said he realized the moratorium had expired on December 16th. He read previous minutes, which implied that he did not want the moratorium extended. His position is still the same. He asked that if a moratorium is considered that he has a vested right and have the same considerations that other developers got on April 15th.
2. Petie Brigham, asked the Board to re-institute the moratorium. She has seen buildings mushroom with many of them being out of character and feel for the Outer Banks. She felt that group development needed to be in small pods.
3. Duke Geraghty, OBHA, felt they keep going back and piece meal the projects. He does not see the emergency to extend this moratorium and it is time to let it go or put it all in one big package. He asked to end the moratorium and tie in with large house issue or lot coverage.
4. Neal Carignan, Manteo, stated he was representing some out of town investors who questioned after 9 months what is the reason for the moratorium on group development. He encouraged the Board to move on as they wish.
5. David Dixon, Attorney on Hatteras Island, stated he represents a number of clients who are attempting to build units for affordable housing purposed on Hatteras Island. That is something that is in dire need on the island and more so than the rest of the county. Affordable housing is necessary for people who need to rent and it does not exist and gets worse every year. Investors will not look at projects with moratoriums. He encouraged the Board not to renew this moratorium.

6. Steve Grant, Skyco, stated he moved to Dare County in 1978 and purchased a home in May of 2002 and he said that his home had one of the deep wells the county had to drill because the original aquifer had been pumped dry to supply water to the beach. He does not believe the remaining water resources can support the multifamily type dwellings that are currently proposed to be built in the Wanchese/Skyco area. He does not think it is fair for the current residents to have to buy county drinking water and pay for county sewage treatment because the remaining potable water has been pumped dry due to over development. He is against land mining because the sand is being taken from buildable land and placing it on an unbuildable site. He would vote for a building moratorium against multifamily dwellings and no land mining in any form and no county water or sewage in the Wanchese/Skyco area.
7. Sam Hagedon, Hatteras Island, stated there is an extreme housing shortage on Hatteras Island for year round rentals. The most economical solution to this problem is to build year round rental apartment in the R2-A Zoned areas of Hatteras Island. He asked the Board to exclude year round multifamily rental apartment complexes in the R2-A moratorium on group developments.
8. Terry Shelton, Roanoke Island, stated his land is zoned for multiple housing and commercial property. He said when the Food Lion came up the Board put a moratorium and slammed him and there were exceptions made to other people. Now he has another buyer who wants to build multiple housing and he cannot sell to that buyer. He asked the Board to bear that in mind that property owners should some rights to sell their property.

Chairman Judge closed the hearing at 7:40 p.m.

Commissioner Cahoon questioned if there were properties that should be vested? Mr. Sturza responded there were two: Ladies by the Sea Church and another one was filed today on Hatteras Island.

Commissioner Byrd questioned the status of work on this issue. Mr. Sturza explained they have alternatives available but they have not been able to achieve a consensus among the Board members. He recommended a possible workshop in mid February.

Commissioner White agreed for the need of low cost housing and would support a moratorium up to three months so something can happen by the next season. He did not think they needed to be doing moratoriums unless they have a lot of time.

Mr. Sturza said that a more realistic time would be 6 months.

MOTION

Commissioner Cahoon moved that the moratorium on group developments and/or multifamily structures be re-established to apply for up to 6 months, to apply to the zoned and unzoned portions unincorporated Dare County, except the addition of a church Our Lady of

the Seas site in Buxton and the site plan that Mr. Dixon brought forward to Attorney Outten earlier this evening.

Commissioner Byrd seconded the motion.

AMENDED MOTION

Vice Chairman Hooper moved that the moratorium on group developments and/or multifamily structures be re-established to apply for up to 6 months, to apply to the zoned and unzoned portions unincorporated Dare County and moved to amend to remove the specific references of the two projects (Our Lady of the Seas site and Mr. Dixon's site plan).

Commissioner Byrd seconded the motion.

VOTE: AYES (5) Hooper, Byrd, Judge, Cahoon, & Johnson

NOES (2) Tillett and White

ITEM 17 – PUBLIC HEARING / MORATORIUMS FOR ROANOKE ISLAND – BORROW PITS, COMMERCIAL MARINAS AND RESIDENTIAL DEVELOPMENT IN EXCESS OF 2 UNITS PER ACRE (ATT # 3)

AT 8:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE MORATORIUMS FOR ROANOKE ISLAND.

Ray Sturza, Planning Director, reminded that the Board of Commissioners held a town hall meeting in Wanchese on December 2, 2002. At the conclusion staff was instructed to schedule public hearings on proposed moratoriums on 3 items – commercial marinas, borrow pits, and residential development that exceeds two units per acre. He handed up three resolutions for each item. The moratoriums are structured to run up to 12 months.

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

1. Ken Mann, Wanchese, stated that it has always bothered him that we blame realtors and builders and developers about what has happened. The Tillett's, the White's, the Mann's, the Etheridge's and the Midgett's should get together and blame themselves for selling all of their land years ago. With all being said, development has not all been bad with permanent homes, second homes and businesses that have come. All that comes with it is not bad such as the Outer Banks Hospital. He is not opposed to controlling growth particularly in Wanchese. He is somewhat confused and concerned about this. He has heard stories that are untrue. He encouraged the Board to get the facts from the professionals that will be administering these changes if they go into place and educate the people of Wanchese and Roanoke Island so that when the decisions are made they are based on facts and they are made by the Board of Commissioners because the people have some recourse with the county. There is no recourse with the state and no recourse with our friends who make mistakes.

2. Wayne Umphlett, owner and operator of Harbor Welding and Outer Banks Marine Maintenance, stated he had recently acquired permits for Broad Creek Marina and started this project in 2001 and proceeded to invest in property, engineering fees, testing site work on the Broad Creek Marina site and has some large obligations now. Since that time a moratorium has come about and he has pulled permits for building Phase 1 – the Umphlett Marina and also looking at Bailey Marina that follows this one. He as building permits applied for now in place that he is pending on a CAMA permit. He expressed concern that he lives on an island with a huge boat market here with 40 some boats, \$50M dollar strong annually being built and not sure where these boats will be tied up when they are completed. He noted that most of the citizens here whether they fish, build homes, run a restaurant, build boats, or work in a boat yard all of us make our livelihood from the water and access to the water in everyone of those occupations. He cannot believe that most of the population cannot see the need for another boat ramp if you go to Oregon Inlet Fishing Center July 4th weekend and look at the shoulder of the road. Pirates Cove is full and these slips are essential for us to have. In other areas, the people seem to take care of their boat traffic. On behalf of Broad Creek Marina, he asked the Board to grant them vested rights to continue with Broad Creek and to rethink this moratorium on marinas.
3. Bob Peele, Seafood Industrial Park Supervisor, stated he was still confused as to whether the Seafood Industrial Park would fall under this moratorium and he was under the assumption that they do fall under the moratorium. He expressed his concern that the current tenants have plans for future dock developments during the next year and the authority fears that this moratorium may hinder their ability to expand their businesses and attract new patrons and offer services that commercial fishermen and recreational boaters alike need. From an economic standpoint, the moratorium sends the wrong message to any business that is considering locating in the Seafood Industrial Park. They have leased all of their property but they have a couple of buildings that they are trying to place people in. They want marine business there, but their dock space is becoming limited. Dare County has spent large amounts of money improving boat ramps, building boat ramps, and improving channels all in the name of making boating and water more accessible to people here and out of the state. Yet tonight everyone is considering limiting dock space for those same boaters. This is one reason why the North Carolina Seafood Industrial Park Authority supports the marina concept in the park and opposed the moratorium before the Board tonight. The other reason is the economic benefits that come with that. Dare County has been a good tenant to the Seafood Park and asks the Board to consider the economic ramifications of the moratorium proposal and ask for a vote against it.

4. James Ezzell, with Carolina Geological Services out of Garner, NC, stated he is a geologist and a consultant to mining companies including Mr. Rex Tillett. His primary job is to assist people in getting mining permits and keep them in compliance with the state regulations. He handed out a copy of the Mining Act of 1971 for mining regulations and a book of mining. He pointed out that mining is one of the most highly regulated industries in North Carolina. It is not easy at all to get a mining permit. He referred to the NC Mining Permit Application, which is a form an applicant has to apply for. It is a very lengthy process. The application outlines the mining regulations. Mining is a very necessary industry in any area. He explained that if the Board eliminated mining, then they would have to bring it in from another county and increase overall cost to the county. He said that Mr. Tillett has been working on a modification of this permit for several months and questioned if the moratorium would affect his modification. The County Attorney could not answer since he did not have the information.
5. JoAnn Baum Cliff, Skyco, thanked the Board for giving the citizens the opportunity to participate in the new Land Use Plan. The 1978 LUP involved citizens and it pledged a priority on the enjoyment of the natural environment freedom from pollution and population pressures and the slow pace of life. The year of 1958 marked the opening of the Oregon Inlet and the Cape Hatteras National Seashore. People were appalled that these lands would be taken over by the federal government and today she is thankful the leaders had the foresight to protect these lands from development. There is an application with the Harbor Project to lease the wastewater sewage plant. The kind of high density projects are not affordable housing and will not be owned by year round residents and will take the water resources. In Skyco, 90% of the owners believe that marinas, high-density developers, and land mining operations should be prohibited. One home per acre would not be bad. Black Needle Rush Marsh and hammock area are protected and they wonder how these marsh lands could be taken out of conservation and be placed in community. They believe these marshlands and hammocks should not be built up like communities. One home per acre would help protect the natural resources. They hoped the Board would help protect their water supply now. We are asking for the Board to protect our future by passing a temporary moratorium for Roanoke Island on future land mining, high-density developments and marinas except Wanchese.
6. James Fletcher, Wanchese, asked the Board to look at the original Land Use Plan on the west side of Roanoke Island. It was originally industrial commercial. CAMA put it in conservation. In 1998-1999 the LUP stated Section 3, page 7 in addition at the time of review DC Board of Commissioners indicated the desire to clarify a long running dispute between various parties concerning the old Globe Fish

Company docks. It is the position of the Board of Commissioners that this site has a natural deepwater port and has been used for shipping and harbor activity prior to the Civil War. Commercial shipping activities at this site predate all regulatory agencies and land use documents in Dare County and the site continues to hold potential for commercial shipping, loading, barge docking uses. Given this historical background it is the Board's opinion that the best use classification transition should be applied to this tract despite the presence of indicators that might otherwise lead to the placement this tract and more restrictive land use plan. That has been taken out of the present LUP and also it has been taken out of the commercial use. He put in an application for a marina that predated the Seafood Industrial Park and he has been in state and federal court 43 times battling to get this project through for the commercial fishermen and aquaculture project. The county has done everything to help but the federal government and CAMA has used everything they can to stop it. If you want more marinas in this county, let some of us that have lived here and have worked on the water put them in. We need some marinas for aquaculture and some that can be affordable. He asked the Board to put back in this LUP what was originally referenced as Globe Fish Company in the original one and the 1998 and the 1999 LUP.

THE BOARD TOOK A BREAK AT 8:30 P.M. AND RECONVENED AT 8:45 P.M.

7. John O'Connor, attorney for client Laurie DeGabrielle, spoke on behalf of a group of people and Mrs. DeGabrielle. The basic problem he sees is based upon a false premise that development is bad and that is not true. Bad development is bad and development without any concern about the future is bad. His clients are all against this moratorium. He noted that once we recognize what responsible development is we can develop a plan making responsible development a good plan. We cannot stop development. We want to go forward with a plan that is based on the positive. Many developers have done good projects for Dare County.
8. Hackney High, attorney for Wallace Harvey and his family and others. He handed out a packet of information that he wanted the Board to consider. He noted that Mr. Harvey and his family are against the moratorium, against marinas, and the other things the Board is considering tonight. He listed the other groups which he represented also opposed the moratorium OBHA, Manteo Furniture, RD Sawyer Co., Seaport Surveying, Manteo Marine, Guthrie Boatworks, Harbor Welding, Island Woodcraft, Steve's Boat Yard, Just Right Rebuilders, Holton Custom Yachts, Lighthouse Truck & Auto, and the Village News. He suggested that the individual property rights are just as important as conservation. In Item 17 & 18, he asked the Board to

balance conservation with individual property rights and some of the land should be used for marinas. Consider the individual lives that would be affected and the rights of individual property owners such as the boat builders, etc. We are all connected to the water and marinas if done the right way are just important as conservation.

9. Pat Taylor, Skyco, stated that progress is going to come to Roanoke Island but the issue is what form is the progress going to come in. He believes that landowners want to make decisions and that money talks and influence will find political partners and we will wake up with more rules and a way of life that is gone – dry wells, polluted water, etc. Landowners on this island have a great degree of freedom about what they do and the quickest way to loose it is to have rampant dissolvent and then see how many rules you have.
10. Jennifer Frost, Nags Head, stated she owned 4.2 acres southwest of the Methodist Church in Wanchese. The land is high and suitable for mining. She asked the Board to distinguish resolution # 2 between a pit or pond. If you allow borrow pits, what indemnity are you going to have for the property owners and animals. She does not think Wanchese is safe. If the Board allow the borrow pits north of Orman Mann's Wanchese would be in danger. She would want to know what her recourse would be and everyone's recourse would be. She asked the Board to separate borrow pits from marinas and take seriously mining. It is a major problem. She asked the Board to get the best legal opinion all the way to the Supreme Court on how to handle this major problem. If this is allowed to go through, the south end of Roanoke Island is in danger of the next big hurricane.
11. Joey Daniels, Wanchese, stated the current proposals need to be studied with some possible changes. He has fished his entire life and he does not know how much longer he can stay in the fishing business. He owns property and does not want to be put out of business because if he could not make it in the seafood business he wants to be able to use his land for another occupation. He bought a fishing boat which cost \$2.5M and the federal government told him that he could not fish his boat in the United States of America so he has two brothers fishing in South America right now. He lives in Virginia 4 days a week and he hopes everyone would consider the outcome before voting.
12. Derek Guthrie, Skyco, questioned what was a commercial marina. He owns land and a commercial fishing boat. If he builds a dock there would that be considered a commercial marina. The point is there are a lot of docks in Wanchese and if they are considered commercial marinas are they grandfathered? There is much language that needs to be defined and studied and do not need to rush into any action.
13. Rex Simpson, Wanchese, favored the moratorium with no more than two units per acre. He asked the Board to vote for updating the existing LUP with the definitions you have been provided. He

- recommend a series of workshops led by planning officials and agencies and develop a new LUP and restrict our present way of life.
14. Estelle Wilson, Manteo, said this issue as well as the LUP should be more about God's green earth and not about man's green dollar bills.
 15. Bill Parker, Manteo, a moratorium is a pause and is what we need.
 16. Brantley Twiford, Manteo, stated he purchased property for multifamily and if the Board approves this moratorium he will not be able to use this property. He asked for careful consideration to protect people like himself.
 17. Becky Harrell, Wanchese, expressed wanting the very best for Wanchese. She and others would like to invite everyone to come to the community association meetings.
 18. Jane Welch, Manteo, spoke in favor of the moratorium. She believes that they can work this out for the purpose of studying this and working this out.
 19. Charles Midgett, Wanchese, representing Wanchese Community village only, favored marinas. He said that Shallowbag Bay scared him at first but a well-managed marina is a good thing.
 20. Marjolene Thomas, north end of Roanoke Island, stated that she continued to support the moratorium.
 21. Harry Niser, Wanchese, said that he was asked by Friends of Roanoke Island to come and speak. There is no mystery as to why people want to put in marinas and multifamily dwellings. Roanoke Island is unique place inside a barrier island like Colington Island. We need to protect what we do have and big money wants to come in and make money.
 22. Duke Geraghty, OBHBA, stated the county should not have a moratorium and there is no emergency. He asked where would Manteo be without the Waterfront area. He encouraged the Board to plan for water and sewer now and he hated to see anymore of the land restricted.
 23. William Clift, Skyco, stated there was enough work here but when all the water was gone and we have all density developments here we will all move.
 24. Michael Egan, Burnside Forest, stated that community meetings were good and the cornerstone for the LUP. The people of Wanchese and Manteo came to the Board to have a moratorium until the LUP comes up to snuff. It is important to let the LUP formulate and adopt the LUP that can pass state standards.
 25. Jan DeBlieu, Manteo, said that we, the citizens, owe the Planning staff an apology for getting in late on this LUP. We need to figure out where the right place is for development. She expressed concern about the language in the way it affects the coastal waters.

Chairman Judge closed the hearing at 9:30 p.m.

1. Resolution enacting a moratorium on new borrow pits on Roanoke Island.

Commissioner Byrd said that the borrow pits have to throw water out of the pits and she did not know if that is healthy for us. She felt they needed to step back and put the moratorium in place and take a good hard look at the whole issue.

Commissioner White stated that Dare County is low and land is too valuable and he does not want to spend it on borrow pits. He is not convinced on the real damage made by the borrow pits.

Commissioner Byrd said that people should have a right to say what their community should look like and right now there is a mess.

Commissioner Johnson concurred with considering a moratorium.

Commissioner Tillett said that it bothered her that a county this size and staff this size that we have to stop everything to do anything.

MOTION

Commissioner Johnson moved to table the resolution on a moratorium on borrow pits on Roanoke Island until January 21st and get an answer on what is grand fathered and what is not so the Board can make an informed decision.

Vice Chairman Hooper seconded the motion.

VOTE: AYES (6) Johnson, Hooper, White, Tillett, Judge & Cahoon
NOES (1) Byrd

2. Resolution enacting a moratorium on new commercial marinas on Roanoke Island.

MOTION

Commissioner Byrd moved to adopt the Resolution enacting a moratorium on new commercial marinas on Roanoke Island north of the line of the community village as depicted on the map in the agenda booklet on January 6, 2003.

Commissioner Johnson seconded the motion.

Commissioner White did not see the potential of a marina north of the bridge.

Commissioner Tillett felt they needed for the groups to meet and talk about zoning issues.

Commissioner Cahoon would like to see more people at these meetings and for the Board to incorporate their opinions into the planning issues.

AMENDED MOTION

Commissioner Byrd moved to amend the motion for 7 months as opposed to 12 months.

Commissioner Johnson seconded the motion.

AMENDED MOTION

Commissioner White moved to amend the motion to move the line north to include those operations that are already in existence the line being everything from Virginia Dare Memorial Bridge to Washington Baum Bridge north.

Commissioner Tillett seconded the motion.

Commercial Byrd had a problem with that because it included the Skyco area and the people in Skyco were opposed to new commercial marinas. She would want to give them the same protection that we are giving the rest of Roanoke Island.

VOTE AYES (3) White, Tillett & Hooper

NOES (4) Judge, Cahoon, Johnson & Byrd

THE AMENDED MOTION FAILED.

ORIGINAL MOTION

Commissioner Byrd moved to adopt the Resolution enacting a moratorium on new commercial marinas on Roanoke Island north of the line of the community village as depicted on the map in the agenda booklet on January 6, 2003 for 7 months as opposed to 12 months.

Commissioner Johnson seconded the motion.

VOTE: AYES (5) Byrd, Johnson, Judge, Cahoon & Hooper

NOES (2) White & Tillett

3. Resolution enacting a moratorium on Residential Development in excess of two units per acre on Roanoke Island.

THE RESOLUTION FAILED FOR LACK OF A MOTION.

THE BOARD TOOK A RECESS AT 10:20 P.M.

ITEM 18 – PUBLIC HEARING – 1994 LAND USE PLAN AMENDMENT – LAND CLASSIFICATION TEXT AND MAP FOR ROANOKE ISLAND
 AT 10:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE 1994 LUP AMENDMENT FOR ROANOKE ISLAND.

Ray Sturza, Planning Director, reported that in December, the Board of Commissioners instructed the staff to proceed with a proposed amendment to the 1994 Dare County Land Use Plan as requested by the Friends of Roanoke Island. The amendment would add additional text to the land classification section and amend the accompanying land classification map. The Board provided additional comments on the matter on December 16, 2002. He offered the following comments in response to the amendment and the Board discussion from the December 16 meeting. (See attached).

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

1. Bill Daniels, Manteo, spoke on the Friends of Roanoke Island and who are they.
2. Margaret Tillett Daniels, Manteo, presented reasons to delay the Proposed Land Use Plan: see attached.
3. John O'Connor, Manteo, spoke against the LUP that is based on a faulty premise that development is bad. He noted that responsible development is a good thing. The Planning staff is better prepared to plan this rather than the Friends of Roanoke Island.
4. James Fletcher, Wanchese, said conservation is the wisest use of a resource and could be used aquaculture. He questioned why should

they come up with definitions to control conservation when 86% of the land is owned by the federal government. He asked the Board to consider thinking about the positive things in the LUP to increase aquaculture.

5. Tom White, Roanoke Island, said he was asked to assist a group of citizens on the control of their quality of life and the statements were submitted by numerous residents (600) of Roanoke Island. About 600 signed. The citizens see increased impacts on the developments of their land. He is not a member of the Friends of Roanoke Island. He handed up proposed amendments to the new Roanoke Island Land Use Definitions adding sub classifications to community and conservation classifications. He suggested the county set up some workshops and appoint a facilitator to avoid the emotions by each party. We are asking you to adopt until more planning is done.
6. JoAnn Baum Clift, Skyco, noted they had 90% who were in favor of the definition of community neighborhood with the words "shall be prohibited", liked the conservation definition and favored adopting the LUP map. She suggested that Lorraine Tillett, Zoning Administrator, help with the zoning the community of Wanchese.
7. Hackney High of Edenton on behalf of the Harvey family, pointed out many things that people have stated before. If it is important enough, then it deserves more study. They want a fair shake to develop their property and give this proper consideration and not adopt the LUP at this time.
8. Derrick Guthrie, Skyco, would like to see the language amended to commercial fishing.
9. Mikey Daniels, Wanchese, felt emotions were high and he did not want to see friendships lost. He encouraged more meeting and asked the Board to table the LUP.
10. David Light, Wanchese, concurred with Bill Daniels and to give his considerations to all of Dare County.
11. Buddy McCowan, Manteo, feels there are potential problems in the proposed land use plan. He feels the land use plan conservation areas are not right and does not feel families should be forced to have their land zoned conservation.
12. Nancy Silver, Baum Town, stated they have a responsibility to protect all marshes in the proposed LUP in 2002.
13. Will Etheridge, Wanchese, stated that Roanoke Island has never had a better friend than Bill Daniels. He said the people of Wanchese had been led into this by John Wilson. He asked the Board to give the people of Wanchese one more chance to meet before making a decision.
14. Malcolm Fearing, Roanoke Island, said everyone wants to protect Roanoke Island and we are all friends of Roanoke Island. He pointed out some inconsistencies in what was presented to the Board of Commissioners at in the Town Meeting in Wanchese on December 2,

2002. He urged the Board to not take any action and to hire extra help for the Planning staff and turn it over to the Planning staff to do the job.

Chairman Judge closed the hearing 12:00 A.M.

MOTION

Commissioner White moved that the Board discontinue any further consideration of amendments to the 1994 version of the Dare County Land Use Plan and refer the matter to the Planning Board and staff for consideration in the 2003 Update of the Land Use Plan. This motion includes instructions to the staff to eliminate all references to regulatory language in the narrative descriptions of land classifications and to include the villages and unincorporated portions of Roanoke Island and which places regulated wetlands in the "Conservation" classification."

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED AT 12:30 A.M. UNTIL 3:00 P.M. ON JANUARY 21, 2003.

(SEAL)



APPROVED

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

Respectfully Submitted,

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