

**NORTH CAROLINA
DARE COUNTY****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
January 21, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on January 21, 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. Chairman Judge recognized Bill Pitt, Nags Head Town Council and member of the Beach Nourishment Committee.

ITEM 1 – AMEND AGENDA**MOTION**

Commissioner Johnson moved to amend the agenda to add a closed session on land matter. (Item 11A)

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioner Byrd moved to amend the agenda to include a resolution regarding the First Flight Commemorative Stamp.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous (Item 9A)

ITEM 1A – DARE COUNTY AIRPORT AUTHORITY REQUEST

Connie Brothers, Co-Chair for the Airport Authority's 2003 Centennial Planning Committee, presented a request for \$150,000 from Dare County Commissioners for building construction. She explained that after reviewing the facilities currently available, the 2003 Centennial Planning Committee determined that the present terminal building is not large enough to process pilots and their arriving passengers while at the same time conducting regular general aviation business. Upon receiving bids for a temporary structure, the committee decided to explore the possibility of partnering with the County to erect a permanent structure, which would satisfy the immediate needs of their committee while at the same time providing meeting space, which could be utilized by the public on a long-term basis. Preliminary estimates indicate that a building, with venting, heating and cooling, bathrooms and showers, could be erected for approximately \$200,000. The committee would set aside \$50,000 toward this facility (monies that would have funded a temporary structure) along with revenue from the sale of vendor booths during the December 2003 centennial week. They are asking that the county consider an appropriation of approximately \$150,000 toward making this building a reality. They feel this is a cost-effective solution to satisfying the committee's centennial needs and creating a structure with multiple and enduring uses beyond the immediate year. In order to properly and effectively utilize this structure, it should be in place no later than June 1, 2003. Dave Clawson, Finance Director, said that the request should be submitted to Capital Improvements Plan to be evaluated with all other projects, but if the Board chooses to address separately will do so from Capital reserve Fund (Land Transfer Tax).

Commissioner Johnson would like to see a permanent structure at the Airport. He thought there might be some grant money toward the purchase.

Commissioner Byrd felt they needed to decide what other uses are for later and they need to look at the cost really hard.

Commissioner Tillett felt they would need to decide on the use of the building. The Board concurred to submit the request to the Capital Improvements Plan Committee assuming the issue of primary use a building can be erected and can be used for other activities other than aviation. Commissioner White volunteered to talk with Bill Pylar, Chairman of the Airport Authority

ITEM 2 – PRESENTATION OF THE JUNE 30, 2002 AUDIT REPORT & COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Dave Clawson, Finance Director, and Mr. Bob Taylor of Holden, Moss, Knott, Clark & Taylor presented the results of the audit and the financial statements for the fiscal year ended June 30, 2002. He noted the results were presented to the Audit Committee on January 9 and each Board member has been supplied with a CAFR and a copy of the management letter. (See attached for additional information regarding the audit report). Commissioner Byrd, member of the Audit Committee, noted they had spent many hours reviewing the audit and that Dare County was in good standing. She complimented the staff.

ITEM 3 – BUDGET AMENDMENTS TO ESTABLISH THE BEACH NOURISHMENT SPECIAL REVENUE FUND TO ACCOUNT FOR THE RESTRICTED PORTION OF THE OCCUPANCY TAX (ATT # 1)

Dave Clawson, Finance Director, explained that a special revenue fund needed to be established for the additional 1% occupancy tax that went into effect 9/1/02. The fund will be the "Beach Nourishment Special Revenue Fund" and will use fund #22. A budget amendment is attached to establish the fund, budget the occupancy tax revenue, reimbursements from KDH & NH for lobbyist costs, a transfer of the County share of the lobbyist cost, the lobbyist costs, a misc. line item for postage, etc. and reserve for the balance of the occupancy tax revenue (estimated to be \$1,125,000 for 9/1/02 through 6/30/03). A second budget amendment is included to move half of the lobbyist budget from Planning to a transfer to the new fund.

MOTION

Commissioner Byrd moved to adopt budget amendment for the Beach Nourishment Special Revenue Fund and adopt budget amendment for the General Fund. Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 4 – REPORT BY LOBBYIST

Mr. Robb Watters, of the firm Manatt, Phelps, Phillips made a report to the Board regarding his efforts in Washington, DC. He briefed the Board on his team who are working on Dare County's behalf. He reviewed the issues that he is working on for Dare County. He reported that Dare County was not included in the President's budget in 2002 and the creation of Home Land Defense was first and foremost. The county is still on a continuing resolution. It is his hope that within the many Omnibus bills, he will continue for beach nourishment. On the Herbert C. Bonner Bridge, he is working with Congressman Walter Jones and noted there can be no greater advocate than Congressman Jones. He also thanked Senator Jesse Helms on the beach nourishment project and jetties. On the Oregon Inlet jetties, he met with CEQ who says a decision should be forthcoming in the next 30 days. He also met with the Department of Interior and White House about this issue. Mr. Watters gave an explanation of the work that his firm does. They meet on a daily and/or weekly basis with appropriations. They identify grants and economic development funds that might be available for the county. They will go after the grants if Board desires. They work to get the best benefit for Dare County. He encouraged the Board of

Commissioners to come to DC to get their voice heard. In DC, their word is important. It might be nice to have a Washington Day in Dare County. As for transportation of funds, the appropriation requests are due. He is confident to secure funding on the federal side for the bridge. Commissioner Cahoon noted there were some local people who want to bring a group from Washington to Dare County to see Oregon Inlet and its dangers. Mr. Watters placed a high value on this type of trip so they can see the problems firsthand. He feels it would be beneficial for members of the Senate to visit the area. He also noted that it was important for the local organizations to write letters to voice concerns. Letters should come from such groups as the Chamber of Commerce, Motel/Hotel Association, Dare County Visitors Bureau, etc. His estimated guess is that there are too many Omnibus bills and no announcement at this point. He should hear something in the first couple of weeks of February and 2003 and 2004 bills will be combined and should know something on beach nourishment by the end of the year. The jetty is ongoing with this administration. He felt the Board should plan a visit in April or May. Commissioner Johnson questioned about the grants and possible assistance for the Airport project. Mr. Watters will look into that. Chairman Judge expressed appreciation for his presentation and hopefully he will make another report in three to four months. He will plan a trip to Washington, DC.
THE BOARD TOOK A 10-MINUTE-RECESS.

ITEM 5 – REIMBURSEMENT RESOLUTION AND CAPITAL PROJECT ORDINANCE FOR SCHOOL CAPITAL APPROVED ON 12/2/02 (ATT # 2)

Dave Clawson, Finance Director, explained the Board approved 75% of architectural and engineering costs and 40% of construction management costs for the Board of Education for Hatteras Secondary School, Nags Head Elementary School, new Manteo Middle School and old Manteo Middle School on 12/2/02. He presented a Capital Project Ordinance for adoption for the approved costs and a Reimbursement Resolution for adoption to allow the County to reimburse itself from a future financing of the costs. The Board requested an update be given regarding land acquisition by the Board of Education.

MOTION

Commissioner White moved to adopt Capital Project Ordinance and Reimbursement Resolution #R03-01-01.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DEMOLITION OF 1956 WING OF OLD COURTHOUSE – CONTRACT WITH HEERY INT. (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

Dave Clawson, Finance Director, presented Heery's proposal for the demolition of the 1956 wing of the old courthouse. The proposal consists of a \$53,820 change order with Heery for their services and for a \$56,000 contract with East Coast Abatement for the demolition. Heery proposed an on-site manager for 5 weeks as well other services as outlined in the letter. They propose to have the work completed by early March. Holding a separate contract with East Coast Abatement will save the County the Heery markup on that contract. \$250,000 is available which was appropriated with the fiscal year 2003 Capital Improvements Plan.

Commissioner White reported the CIP Committee has discussed the future use of the building but no decisions have been made. Community input has been received. Commissioner Byrd recommended soliciting potential uses from as many people as possible.

MOTION

Commissioner White moved to instruct staff to draft and review a change order with Heery International for \$53,820 and a contract with East Coast Abatement for \$56,000 and authorize the County Manager to execute both.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CRIME CONTROL AND PUBLIC SAFETY GRANT (DOCUMENT FILED WITH EMERGENCY MANAGEMENT)

Sandy Sanderson, Emergency Management Director, presented a request for a grant application. The grant allows the opportunity for Dare County in the amount of \$11,167.00 from Crime Control and Public Safety. This is a one time, 100% funding source to be used to buy equipment that would assist local agencies in response to Bioterrorism and weapons of mass destruction. All of the emergency services agencies in the county have agreed on the manor by which the money would be spent. All have agreed to provide the funds to support the only hazard material response unit in the county, Kill Devil Hills. After the September 11 disaster, KDH has agreed to respond to all requests for assistance in the county and have made numerous responses in support of local requests. This money will be used to assist them in furthering their capabilities and replacing equipment used in local responses.

MOTION

Commissioner Cahoon moved to approve the grant application.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 8 – PROPOSED MORATORIUM ON NEW BORROW PITS ON ROANOKE ISLAND (ATT # 3)

Ray Sturza, Planning Director, reminded the Board that following the January 6 hearing, the Board voted to table the resolution on the proposed borrow pit moratorium to provide staff time to investigate the status of an application in the process for Coastal Contractors. On Tuesday, January 7, staff spoke with Mr. Rex Tillett, who explained that State level authorization is a multi-agency review process and does not involve simply one permit application. Mr. Tillett, as explained by his consulting geologist at the January 6th hearing, has initiated the procedures that will eventually result in either a permit or denial based on several tests and other activities that occur during the State Review. It appears the answer to the Board's concern about vesting an interim or pending review is one best directed to the County Attorney to discuss comments received from the State review of the draft update. Staff will be presenting copies of the revisions based on the State comments to the Board during the meeting on January 21, 2003. The proposed timetable suggests a workshop in February to address these issues in the expeditious manner advocated by the Board at the January 6th hearings. Mrs. Creef presented the revised LUP. The Board discussed the possibility of holding several public meetings to receive comments and to explain the plan to the public.

MOTION

Commissioner Byrd moved to schedule a workshop with Planning Board and staff on February 17, 2003 at 7:00 p.m.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 9A – RESOLUTION REGARDING FIRST FLIGHT COMMEMORATIVE STAMP

Commissioner Byrd presented a resolution requesting that the release of the First Flight commemorative stamp take place in Dare County. All of the towns have been asked to adopt the

resolution. Discussion was held. Chairman Judge will meet with the mayors and the resolution will be placed on the agenda for consideration in the near future.
 THE BOARD MOVED TO PUBLIC COMMENTS.

ITEM 12 – PUBLIC COMMENTS

Jo Ann Baum Clift, Skyco, talked about the importance of protecting the marshes for the benefit of the commercial fishing industry. She stated that there would be no need for a lobbyist to address jetties at Oregon Inlet if there are no marshes.

ITEM 12A – COMMENTS BY CHAIRMAN JUDGE

- Locations for Early Voting – He reported that at the Mayors' Breakfast, there was a request to locate two more facilities for early voting. At present, there is only one – Board of Elections Office in Manteo. The mayors would like to have a facility on the northern beaches and on Hatteras Island. They offered their town halls for a voting station. Chairman Judge asked the County Manager to explore requirements, associated cost and find locations.
- Hotline Invitation – The Board is invited to the open house at the Hotline Facility on Friday, January 25th from 4:00 p.m. to 5:30 p.m. Homeowners Insurance – He had received a call regarding the Beach Plan homeowners insurance that enables the Beach Plan to charge top premium rate plus 25%. He asked the County to look into the matter to see if there is anything that can be done to look after homeowners and residents.
- Retreat – He reminded that a draft agenda for the Board's retreat has been presented and needed some ideas and a possible date. Public Hearing on Hatteras Island sign ordinance – They need to be thinking about a date.

ITEM 10 – CONSENT AGENDA

MOTION

Commissioner Johnson moved the approval of the Consent Agenda - Approval of Minutes January 6, 2003.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 11 – COMMENTS BY COMMISSIONER TILLET

- New Commissioners School of Government – She attended the school in Durham, which was very interesting and informative.

ITEM 12 – COMMENTS BY VICE CHAIRMAN HOOPER

- Legislative Goals Conference – He attended the conference. Eighty-one counties represented the conference.
- Large Residential Structures Committee – He reported they met and will have a recommendation on the February 3rd agenda.
- National Scenic Byways Committee –

MOTION

Vice Chairman Hooper moved to appoint the following to serve on the Scenic Byways Committee: Mary Helen Goodloe Murphy, Mel Covey, Vicki Grice, Rikki Sheppard, Ray Sturza (or Donna Creef), Commissioner Renee Cahoon, a representative from the National Park Service, and a representative from the Department of Transportation (Commissioner Stan White or DOT staff member).

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

The group will meet, elect a Chairman and go to work. Sign standards public hearing – They will discuss a date during recess.

ITEM 12 – COMMENTS BY COMMISSIONER BYRD

- Marker at Justice Center – She raised concern about a marker that was placed at the Justice Center in memory of Curtis Creech. She is concerned about how it happened. She was sure that four Board members were contacted but she was never polled. She felt they were setting a precedent of putting markers at the Court House and that it could have been an agenda item or come up some other way. They need to revisit the whole situation. She asked that this be added to the agenda for the Board workshop.
- League of Women's Citizen Guide – She noted that copies of the guide were handed out at the last meeting by staff since the League women could not attend the meeting. She expressed appreciation to the group for what they do for Dare County in preparing the guide.
- Jennette's Pier project – She stated she was having trouble with the issue. It has been suggested that discussion needs to be held regarding responsibilities at the pier that was recently purchased by the North Carolina Aquarium with funding from the Clean Water Trust Fund, the Town of Nags Head and the County of Dare. She noted the Board obligated money for the project and she did not think they agreed to do anything more than that. Chairman Judge responded the Mayor of Nags Head needed a member from the Board of Commissioners to meet with them to discuss the memorandum of understanding for this property regarding roles for participating governments. The Board concurred for Chairman Judge to serve on the committee.

ITEM 13 – COMMENTS BY COMMISSIONER TILLET

- Status of grants for affordable housing – Chairman Judge responded that Emergency management staff was working on schedule of getting everyone together to review the issue.

ITEM 14 – COMMENTS BY COMMISSIONER JOHNSON

- Marker at Justice Facility – He expressed his concern noting that Curtis Creech was a special friend to the Tax Department and the marker in memory of Curtis was not large. It bothers him that it has become a big issue. Curtis gave a lot of time to Dare County and the Tax Department staff felt strongly enough to give their own money to remember him. These were good people with good intentions.

ITEM 11 A – CLOSED SESSION / LAND 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 instruct the County staff or negotiating agents concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange or lease.

Commissioner Cahoon seconded the motion.

AT 6:10 P.M., THE DARE COUNTY BOARD OF COMMISSIONER ENTERED CLOSED SESSION AND EXITED AT 6:35 P.M.

Attorney Outten reported that staff was directed as how to proceed.

THE BOARD RECESSED AT 6:35 TO A PLANNING WORKSHOP TO BEGIN AT 7:30 P.M.

THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED AT 8:30 P.M. UNTIL 9:00 A.M. ON FEBRUARY 3, 2003. (SEAL)

Respectfully Submitted

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

APPROVED:

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

