

**NORTH CAROLINA
DARE COUNTY****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
February 17, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on February 17, 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 – AMEND AGENDA**MOTION**

Vice Chairman Hooper moved to amend the agenda to add a Presentation on Scattered Site Housing Grant by Jenny Gray, OIWC Administrator (Item 5A).

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 1A - OUR LADY OF THE SEAS CATHOLIC CHURCH CUP
REQUEST**

Ray Sturza, Planning Director, presented the CUP request. Our Lady of the Seas Catholic Church is situated in the R2-A residential zoning district in the village of Buxton, which permits churches as a conditional use. The church is a phased project and falls under the design standards of the group development provisions. At the public hearing on 1/6/03 to extend the group development moratorium, projects that originated prior to consideration of the rule change are considered "Vested". The master plan for the church complex dates back to 1993. Therefore, it is a vested project and not subject to the moratorium. On 1/13/03, the Planning Board voted unanimously to recommend CUP approval for the church as a group development project. The church complex features three (3) structures (a proposed sanctuary with seating capacity for 285, a single-family home used as a parsonage and a multipurpose building). Lorraine Tillett, Zoning Administrator, was present to answer any questions.

MOTION

Commissioner Cahoon moved to approve CUP No 7-2002 for Our Lady of the Seas Catholic Church to construct a church sanctuary under the R2-A district and group development provisions of the Dare County Zoning Ordinance, subject to conditions set forth on page 2 of the permit.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 2 – OTTER POINT CUP EXTENSION REQUEST

Ray Sturza, Planning Director, presented the request for an extension. This development was approved by the Board of Commissioners in March 1993. The original CUP authorized the construction of 23 detached residential homes on a 36.8-acre tract. No other changes to the site plan or CUP other than an extension of the original 10-year approval period is requested. The site is located internal to the Kinnakeet Shores Soundside Subdivision with access to Otter Point provided from the KSS road. The roads in Phase 16 were completed in 2002 thus providing the necessary access for Otter Point. The delay in the construction of the road improvements has resulted in the need for an approval extension. The Planning Board reviewed this request in January 2003 and voted to recommend an extension of 4 years. Donna Creef, Senior Planner was present to answer any questions.

MOTION

Commissioner White moved to grant an extension as recommended by Planning Board.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 3 – COLINGWOOD SUBDIVISION PHASES 2/3 – REVISED PRELIMINARY PLAT

Ray Sturza, Planning Director, noted that since receiving preliminary plat approval for the second and third phases of Colingwood Subdivision, the ownership of the property has changed. As a result of this ownership change, the boundaries of the property were adjusted thus reducing the square footage of several of the lots. The revised preliminary plat depicts the proposed changes that affect lots 25-31. The overall number of lots has not changed. They still contain the minimum 15,000 square feet of area. He noted the County policy was that any change to the preliminary plat once approved by the Board must be reviewed and approved as a revised plat. Planning Board gave its approval in January 2003. Donna Creef, Senior Planner, was present to answer questions.

Commissioner Byrd had concerns about emergency vehicles being able to access the area and Donna Creef assured her that they would be able to access the area.

MOTION

Commissioner Byrd moved to grant preliminary plat approval to the revised Colingwood Subdivision, Phases 2/3.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 4 – PROPOSED SUBDIVISIONS – SOUTH BEACH PHASE 2 & COLLINS RETREAT

Donna Creef, Senior Planner, presented the preliminary plat for approval.

MOTION

Vice Chairman Hooper moved to grant preliminary approval for South Beach Phase 2 as recommended by the Planning Board.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

MOTION

Commissioner White moved to grant preliminary approval for Collins Retreat as recommended by the Planning Board.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 5 – PROPOSED AMENDMENTS TO HATTERAS VILLAGE ZONING MAP – REQUEST FOR PUBLIC HEARING

Ray Sturza, Planning Director, noted that the Hatteras Village Civic Association zoning subcommittee has been working for some months to update the zoning map for Hatteras village. A package of proposed amendments to the Zoning Ordinance that have been endorsed by the HVCA are filed in the Clerk to the Board's office. Discussion was held.

MOTION

Vice Chairman Hooper moved to schedule a Public Hearing on proposed zoning amendments for March 17, 2003 at 3:30 p.m.

Commissioner Johnson seconded the motion.

Commissioner White understood the motion to not allow advertised a second version.

AMENDED MOTION

Commissioner Byrd moved to amend the motion to allow the advertising of two versions one which measures height and natural ground elevation and the other height and the way Hatteras villagers are asking the Board to consider.

Commissioner Cahoon seconded the motion.

Commissioner White thought there were three options (1) to measure from the flood plain (2) to measure from ground elevation (3) to measure from sea level. He felt they needed to give people an option to build a house that Federal Flood Insurance protects the first floor.

Commissioner Byrd withdrew the motion.

Commissioner Cahoon withdrew her second.

AMENDED MOTION

Commissioner Byrd moved to amend the motion to add the other two options of measuring lot elevation – sea level elevation and base flood elevation height to the advertisement.

Commissioner Cahoon seconded the motion.

VOTE: AYES (5) Byrd, Cahoon, Judge, Tillett & White

NOES (2) Hooper & Johnson

ORIGINAL MOTION

Vice Chairman Hooper moved to schedule a Public Hearing on proposed zoning amendments for March 17, 2003 at 3:30 p.m.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 5 A – SCATTERED SITE HOUSING GRANT / HURRICANE RECOVERY EFFORTS

Jenny Gray, OIWC Administrator, presented a request for the Board to not accept the NC Department of Commerce / Division of Community Assistance grant "Scattered Site Housing". She reminded them that Sandy Sanderson, Emergency Management, and she had obtained grant funding that has elevated 15 homes thus far. They have been able to identify three hundred homes in Dare County that are well below base flood and continue to receive damages with each seasonal storm as well as hurricane events. The Scattered Housing Grant was another avenue that they hoped to find assistance through; however it proved not to be so. She noted they have met with representatives of the Department of Commerce / Community Assistance and now realize they are not ready to go ahead with this grant. She noted that after much deliberation with the County Planner and Chairman Judge, it is recommended that this grant be left unclaimed by Dare County for this current cycle.

Chairman Judge directed Attorney Mills to handle the issue and possibly get an extension and to work with Jenny Gray, Sandy Sanderson and bring back before the Board on March 3rd. The Board concurred.

ITEM 6 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR WRIGHT BROTHERS HIGH SCHOOL (ATT # 1)

Dave Clawson, Finance Director, presented a request from the Board of Education to revise the project ordinance for the Wright Brothers High School. Bids have been completed and the Board of Education wishes to adjust certain line item amounts (the total remains @ \$30,000,000).

MOTION

Commissioner White moved to adopt amendment to the Capital Project Ordinance #03-02-02.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 7 – TRANSFER OF GENERAL FUND BALANCE OVER TARGET % TO THE SCHOOL CAPITAL RESERVE FUND (ATT # 2)

Dave Clawson, Finance Director, noted that in the presentation of the audit for the fiscal year ended June 30, 2002, the Board was notified that the target for the General Fund unreserved and undesignated fund balance of 27% had been met and that \$377,099 over that target was available to transfer to the School Capital Reserve Fund per Board policy.

MOTION

Commissioner White moved to adopt budget amendment for the General Fund and adopt budget amendment for the School Capital Reserve Fund.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – CORRECTION TO GENERAL FUND BUDGET AMENDMENT
ADOPTED ON 1/21/03 FOR BEACH NOURISHMENT COSTS (ATT # 3)**

Dave Clawson, Finance Director, noted that at the 1/21/03 Board meeting, the Board approved a budget amendment presented by the Finance Director, to move \$45,000 from the General Fund to the Beach Nourishment Special Revenue Fund. He based the budget amendment upon an October 2002 letter from the Town of Nags Head. This was incorrect, as the Board had already given staff instructions as to the payment source for beach nourishment lobbying costs for the County on May 6, 2002, which said that the cost was to come from the new occupancy tax during FY 2002-03. Therefore, the budget amendment for the General Fund presented on 1/21/03 should not have been presented or adopted.

MOTION

Commissioner Johnson moved to reverse or void the Board action (adoption of the attached budget amendment for the General Fund) on 1/21/03.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – INTEGRATION OF THE DARE COUNTY AIRPORT
AUTHORITY FINANCIAL SYSTEM, NETWORK AND PHONE SYSTEM
INTO THAT OF DARE COUNTY (ATT # 4)**

Dave Clawson, Finance Director, presented the attached summary.

MOTION

Commissioner Johnson moved to authorize staff to proceed with the conversion and authorize the County Manager to negotiate a cost sharing agreement with the DCAA.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – AWARD OF FY 2002-03 VEHICLE AND EQUIPMENT
FINANCING (ATT # 5)**

Dave Clawson, Finance Director, noted that on January 31st, the Finance Department received proposals for the financing of county vehicles and equipment as approved in the fiscal year 2002-03 operating budget and capital improvements plan. As detailed in the attached RFP, the total amount to finance was \$1,066,742.

MOTION

Commissioner White moved to adopt Resolution #03-02-03 to award the financing to RBC Centura, at an interest rate of 1.90% for a term of 36 months, and to authorize the Chairman, County Manager, and Finance Director to execute any and all documents necessary to execute and close the financing.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 11 – MEDICAID: OVERVIEW AND FISCAL IMPACT (DOCUMENT FILED IN CLERK TO THE BOARD’S OFFICE)

Jay Burrus, Social Services Director, gave a brief overview of Medicaid and the fiscal impact on Dare County. He noted that costs have soared and the state and counties are having difficulty meeting their fiscal obligations. In summary:

- counties need relief from Medicaid
- states are looking at cutbacks.
- children suffer from Medicaid cuts

Medicaid is a federal-state health insurance program for certain groups of people with limited incomes: children, pregnant women, disabled persons and aged. Counties have no way to control the costs and cannot do anything about inflation of medical cost. One reason Dare County’s cost is so low is because there are so few receiving Medicaid and as the population grows so will Medicaid. Dare County is fortunate but counties do need relief from Medicaid funding. The General Assembly will take steps to reduce the rate of Medicaid growth and will consider reducing the burden on counties. Medicaid plays a significant role in Dare County’s overall health care insurance coverage. It brings considerable federal/state funding to Dare County’s economy.

Commissioner White commended Jay Burrus and his staff for their hard work.

ITEM 12 – CONSENT AGENDA (ATT # 6)

MOTION

Commissioner Byrd moved the approval of the Consent Agenda:

1. Approval of Minutes – January 30 and February 3, 2003
2. Sheriff Fund (Federal and State Forfeitures)
3. Increase in Parks and Recreation Revenues/Expenditures
4. Increase in Dare County Dance Program Revenues/Expenditures

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 13 – WORKFORCE DEVELOPMENT BOARD

MOTION

Commissioner Byrd moved to appoint Chris Toolan to fill the unexpired term of Duke Geraghty (6/02-3/04).

VOTE: AYES unanimous

THE BOARD SKIPPED TO COMMISSIONERS COMMENTS.

ITEM 15 – COMMENTS BY COMMISSIONER JOHNSON

- Courtesy – He sensed a certain amount of politeness among the Board members to each other and thought it was good.

ITEM 16 – COMMENTS BY COMMISSIONER TILLET

- Underground Railroad Ceremony- She thanked Commissioner Cahoon and Commissioner White for attending the ceremony on Friday, February 14th in the extreme cold weather.
- Tuskegee Airmen – They will be here on February 21st & 22nd. A luncheon will be planned during the time. Stephen Sanders, Jr., an eleven-year old student at First Flight Elementary School will be flying with the Airmen and is looking forward to his flight trip.

ITEM 17 – COMMENTS BY COMMISSIONERS WHITE

- Underground Railroad – He encouraged those who have not seen the monument and heard the story of the history and the part that Dare County played in the First Freedman's Colony owe it to themselves to do so.
- New OIWC Bridge – He met with DOT in Raleigh to discuss the status of the new OIWC Bridge. In March/April new plans will be presented and construction to begin in 2010.

ITEM 18 – COMMENTS BY VICE CHAIRMAN HOOPER

- Water rates – He spoke at the Kiwanis Club regarding the water rates/water fees and how the larger home pay the same fee as affordable housing. He asked the Finance Director and Utilities Director to review the rates and come back with suggestions both from a rate standpoint and a fee standpoint.
- OIWC Bridge – He questioned if the bridge is a design/build concept. Commissioner White responded that it has not been decided but will be considered.

ITEM 19 – COMMENTS BY COMMISSIONER BYRD

- Arsenic in water – She expressed concerns from the public regarding arsenic in the water and their lack of knowledge about the source of the water. She thought it would be worth clarifying. The arsenic in the water comes out of the wells from the Reverse Osmosis Plant in KDH and that is where the focus of the problem is. It has always been there. The only change is that the federal standards had reduced the amount that is allowed and the county is faced with removing more arsenic than RO Plant already removes. That county has undertaken the challenge and it is worth informing the public.

ITEM 20 – COMMENTS BY COMMISSIONER CAHOON

- Underground utilities – She reminded that Dare County supported legislation for funding underground utilities. She would like for the Board to bring forward a resolution asking that all future improvements if possible to the electrical system be placed

underground. There are upgrades coming in the future and need to be on the record asking for the improvements.

- Scattered Site Housing Grant – She noted they rejected a grant today and would like for all future grant applications go through the County Attorney and Finance Department before submitting applications.
- Vested right – She noted the Board had voted on a building project that was vested for 4 years and thought they needed to review the vested right ordinance and see how long they want to give projects.

ITEM 21 – COMMENTS BY CHAIRMAN JUDGE

- Freedman's Colony – He thanked Commissioner Tillett for filling in for him on Friday. He heard she had done a wonderful job.

ITEM 22 – MEMORANDUM OF UNDERSTANDING / JENNETTE'S PIER

Attorney Outten reported on the MOU for the Jennette's Pier. The committee is trying to incorporate some of the comments that the Board has given. On one issue, Commissioner Johnson had intended that the advisory board would have authority or decision making ability. Everything would have to be approved by them before they could change any use of the pier. Attorney Outten explained that the consensus of the participants at the meeting was to have an advisory board as opposed to a commission. He asked for the Board's decision. The advisory board would be made up of each entity that is involved in the process and would only have an advisory capacity.

Commissioner Byrd said that it needed to be a true advisory board. The responsibility belongs to the Aquarium. Commissioner White concurred. Attorney Outten will submit the final draft to the Board once completed.

THE BOARD WENT BACK TO PUBLIC COMMENTS – 5:30 P.M.

ITEM 14 - PUBLIC COMMENTS

1. Jo Anne Baum Clift, Skyco, stated that it was critical for the Board of Commissioners and Planning Board to become familiar with CAMA's organizations and goals, their LUP, and guidelines for Areas of Environmental Concern. She felt that in spite of all workshops their definitions were ignored and thus leaving Wanchese/Skyco at the mercy of the developers. The policy statements need to be carefully evaluated. This amended plan contains some misinformation. She asked the Board to fully study this plan and protect the future of everyone in Dare County.

Chairman Judge noted there were a number of people present to speak on a potential school board action and asked the county attorney to explain the process of condemnation.

Attorney Outten stated that it was his understanding that the BOE has adopted a resolution authorizing the acquisition of certain real property by eminent domain to build a school. The process would be to adopt a resolution and once completed to file the condemnation action and make a deposit of the appraised value of the property and then the property owner has the right to contest the amount of the funds deposited. The county's role is to fund the money and determine the site.

2. Gibb Harrison, Creef's Ridge Road, Manteo, stated he did not oppose to building a new school but opposed to this particular location, which is highly residential and there is a lot of traffic in that area. He did not believe that condemnation was fair. He asked the Board to consider all options and allow the parents to have a public hearing on this issue.
3. Pam Harrison, Creef's Ridge Road, Manteo, agreed that she would love to have a new middle school for her 9-year old son but opposed the location. She asked the Board to give the public a chance to voice their opinion.
4. Frank White, Manteo and a retired public educator, asked the Board to consider that the center of population is changing to the beach and to consider another school on the beach.
5. Karen Cobb, north end of Roanoke Island and a member of the School Improvement Team, stated she knew how much time and effort it took on the part of the BOE, the school community, and numerous professionals to arrive the decision to condemn the property off Highway 64 - Woods Trust Property for a new middle school site. Their decision to recommend the acquisition of the Woods Trust Property was unanimous. The suitability and desirability of this location was "head and shoulders" above all others. The BOE and administrative staff in separate meetings arrived at the same conclusion. The action of the BOE last week is strongly supported by the school community, the parents, teachers, and concerned individuals and professionals who were paid to give their best advice. She hopes the commissioners will support the BOE in acquiring this property and moving forward on the project.
6. Sybil Ross, Manteo, stated that she sees a symptom of an underlying problem of not putting a serious effort into long range planning in which communities take part. This Board has taken a wonderful step by planning community meetings the end of this month for people to have some say-so and have questions. It is important for all to come and be heard and to help the planners and commissioners make a better plan for the future.
7. Melinda Maher, Manteo and a wife of one of the BOE members who represents Roanoke Island, stated that the BOE does listen to citizens and she assured he has not heard from any of them. Her husband has made it clear and published his email address and is very eager to hear from people but has not. The BOE spent a lot of time with the engineers and every time they looked at the Woods Trust Property it

was the only tract on RI that had everything needed for a school. She wanted to clear up the conception that not everyone in that neighborhood has a complaint about being next to a school.

8. Christy Caton, north end of Roanoke Island, stated that MMS is an out dated school (built in 1958 as a high school) and has had additions but has never been renovated. The building is inadequate and the site is too small. The planned space for the MMS is 26 acres. That is why the BOE adopted a resolution to obtain a tract of land 33 acres in size for the new middle school on RI. It was the School Improvement Team's recommendation that the Woods Trust Tract is the most suitable tract of land on RI for a new middle school.
9. Bobby Hudspeth, Principal at MMS, gave information on how they came about their recommendation of the Woods Trust Property. After many hours of debate and consideration and public input the School Improvement Team voted (25-1) to support building a new school on a new site. The driving forces in that decision to move to a new site was the lack of land available for athletic fields, building expansion, parking, low elevation of the existing property. On December 17, 2002, the SIT reviewed all 34 sites and the vote for the Woods Trust Property was the best location for this school. He praised the Board of Commissioners for funding the 10-Year Facility Plan and he believed the selected site could be the home of the new school and a true community school in which all citizens of Dare County can take pride.
10. Malcolm Fearing, Manteo, stated he had worked hard for several years to try to change some of the poor conditions at Manteo Middle School. The Board of Commissioners have supported an effort to make the school more competitive and more sanitary as well as the BOE. He assured with utmost effort to protect their property and their rights to privacy. He said he would not want a school next to him with no vegetation, traffic through his neighborhood. He would have that concern.
11. Mike McOwen, Manteo and Chairman of the School Involvement Team during the process when they evaluated the current MMS and looked to what solutions they might have. One good thing the BOE did was to put the decision making and evaluating to the people. They wanted to come up with the best school - Woods Tract at Creef's Ridge Road. He regrets that not everyone knew about it. This is a grass roots decision and not something coming from the BOE. He hoped they could continue looking at what concerns people have and address them.
12. Marie Reed, Manteo, raised concern about the woodland that is currently on the proposed piece of property. There will be no vegetation and habitat left on the property.

ITEM 22 – CLOSED SESSION – TO CONSULT THE ATTORNEY IN ORDER TO PRESERVE THE ATTORNEY/CLIENT PRIVILEGE LAND AND PERSONNEL MATTERS

MOTION

Vice Chairman Hooper, pursuant to 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.

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.

Consult with an attorney employed or retained by the County in order to preserve the attorney/client privilege between the attorney and the County.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 6:10 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 7:35 P.M.

Attorney Outten reported that staff was directed as to how to proceed regarding several land and personnel matters.

THE BOARD ADJOURNED AND BEGAN AT 7:45 P.M. FOR A WORKSHOP.

ITEM 23 – WORKSHOP ON DRAFT LAND USE PLAN UPDATE

The following Planning Board members were present: Chairman Elmer Midgett, Marcia Parrott, Joe Thompson, John Myers, Jon Britt, and Jim Kinghorn.

Ray Sturza, Planning Director, stated there were a couple of important policies that both boards have not reached a consensus and possible discussion would be good. The overall goal of the LUP, particularly for unincorporated Dare County, has always been the importance of the preservation of natural resources such as water quality, surface water and underground water. The various special vegetation that occurs in the settings on the barrier islands and adjacent areas and the importance of maintaining that attraction is something the seasonal visitors find important. They hope to maintain a stable economy with an emphasis on residential structures as the preferred or dominant land use. That has been a recurring theme throughout the various LUP's dating back to 1976. That continues throughout this plan and the overall goal is for unincorporated Dare County, as stated in the Executive Summary and Vision Statement, is for unincorporated Dare County to try and continue to be a dispersed collection of villages and communities and try to maintain the character of unincorporated Dare County versus what has become somewhat the urbanization of incorporated areas in the beach

communities. He feels most people would agree to leave these little pieces of North Carolina like they use to be. A good example is the village of Avon. The rural areas should remain and coexist with the urban areas. He noted there are a couple items that are going to be important - the use of mitigation in exchange of the loss of wetlands and the use of estuarine wooden bulkheads that have been implemented in Dare County and all over North Carolina. There are certain areas where wetlands because of public purpose projects are altered and can be altered under national law. The current trend is to try to regulate the use of estuarine shoreline bulkheads away or out of the program or make it a last resort strategy. So an individual landowner would have to demonstrate that all other less invasive techniques have failed before he can resort to a wooden structure along the estuarine shoreline. The policy in the current draft indicates an opposition to regulating away from estuarine bulkheads. There are arguments on both sides of the issue. Most importantly this process was designed under the legislation under the CAMA Act to open and allow for many players in the creation of the plan - interest groups, the media, all kinds of participants. But in the final analysis, the elected officials determine what is the public interest. The balancing act that Planning Board has to do is making that determination and what is in the public interest as it pertains to a policy on estuarine bulkheads. That is going to be important whether it is wise or not to maintain the current language. The Coastal Resources Commission (CRC) is in the process of saying they are invasive and are contrary to the public interest, so the Board needs to decide early on if they continue that policy. The maintenance of the individual communities as rural and their characteristics are to try and maintain a little bit of old North Carolina in unincorporated parts of the county by not extending things like utility services and not allowing for urbanization but to use this plan as a platform for tools like zoning.

1. Mitigation of wetlands –

Commissioner Byrd said she was not sure the Board has a consensus in the community about what the Board's approach should be. She felt that she does not have hard rules that they should never do mitigation for private purpose project but the project has to have some good public purpose in order to be done. She sees a need to go a little further than they did in the previous LUP but not sure they want to allow for anything even on a case-by-case basis.

Commissioner White thought the wetland mitigation should be allowed for private projects for several reasons. A case-by-case is possible if they have faith in the staff and even if they put a caveat that some of those things have to come before the Board. He strongly believes in wetland mitigation. From an environmental point of view, he thought they are creating more wetlands. He feels that leaving the door open on a case-by-case basis for wetland mitigation is a good idea. It is good for the environment because Dare County could run out of total uplands and every piece of land that is going to be developed now is going to have

wetlands and they may stifle a good project if they do not have this door to open on a case-by-case basis.

Commissioner Cahoon said she was not opposed to wetland mitigation but was concerned about the fact that Dare County will be used for all of the development and all the mitigation will take place outside the county. She felt they needed to be careful on how much wetlands mitigation they encourage if all the wetlands mitigation occurs outside Dare County.

Mr. Sturza said that it might be necessary to stipulate in the policy that wetlands mitigation be done locally and like kind. He endorses flexibility in the document regulatory agencies adhere to policies included in the LUP. Chairman Judge questioned if a developer could purchase a piece of land with wetlands and donate it to public trust. He could see that Dare County will have nothing left to create wetlands.

Joe Thompson raised concern about leaving the door unlocked but not leaving it wide open. He felt that jobs may become more difficult and suggested that the Board be very careful when they weigh out these options.

Commissioner Cahoon thought they should compare the policy they have with the one proposed.

Mr. Sturza said that the policy has been written in a way to work with folks and not to tell them "no" all of the time.

Commissioner White's concern is the county is facing a situation the good land is gone and one person determines for public need.

Ray Sturza stated that the opportunity to say yes to the decision makers is the way to go.

Commissioner Johnson stated he would like to see some mitigation having to be done in Dare County; however, mitigation could cause all affordable land in the county to disappear. He concurred on case-by-case basis for public purpose and supports a certain amount of the wetlands in Dare County.

The Board concurred for private projects for public purpose is considered on a case-by-case basis. The Planning Board will reflect on wording and come back with recommended language.

2. Estuarine Bulkheads – Mr. Sturza wanted to know if there is a consensus of the Board that they are solid in that area. He asked the Board to take an important stand or give direction. He noted they had revised the language and did not want to say that bulkheads are outlawed.

Vice Chairman Hooper stated he had no problem with the language.

Commissioner Cahoon noted that throughout Wanchese there were marinas and existing borrow pits and there has been strong opposition to taking borrow pits and turning them into marinas. After discussion, it was determined that the language be removed from the plan.

Elmer Midgett stated that staff had looked at this and they live on an island and there is nothing objectionable about marinas.

Commissioner Byrd, in the executive summary, did not get the feeling that this document is saying the same thing everywhere. There needs to be more discussion about multifamily structures and single-family structures. The people are concerned about the labor force and having affordable housing for them. Mr. Sturza explained that language has changed due to changes in building trends in Dare County.

Ray Sturza reported that Facilitator Glen Harbeck would be coming the first week in March to hold workshops at the Justice Center for Roanoke Island, Fessenden Center for Hatteras Island and the Town of Kill Devil Hills for the beach. Dates (Monday, Tuesday & Wednesday) and locations will be scheduled.

Chairman Judge expressed appreciation to Chairman Midgett, the Planning Board and staff for the presentation.

THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED AT
9:20 P.M. UNTIL 9:00 A.M. ON MARCH 3, 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