

**NORTH CAROLINA
DARE COUNTY**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
April 21, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on April 21, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, Virginia Tillett, and Stan White. Also present were Manager Terry Wheeler and Attorney Norma Mills. Vice Chairman Hooper opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag. Vice Chairman Hooper noted that Chairman Warren Judge was absent due to the illness of his father.

ITEM 1 – CROATAN WOOD SUBDIVISION – PRELIMINARY PLAT

Ray Sturza, Planning Director, presented the preliminary plat for approval. He showed that the area is located on the north end of Roanoke Island near the old bridge and is bound on all sides by land that is owned by the federal government and state of North Carolina. It is a proper zoning district for single a family residential subdivision. There are 46 acres and a proposal for 43 lots including a public road. The planning Board recommended approval on March 10th.

Larry Belli, NPS Superintendent, explained this property is bounded on two sides by the NPS and is a very important piece of property to the NPS. They have an interest in this issue because the property is within the authorized boundaries of Fort Raleigh National Historic Site. The NPS cannot purchase land unless Congress authorizes it. Ten years ago Congress expanded the authorized boundaries of the historic site to include most of the northern end of Roanoke Island and they have been trying to acquire that property because of its historic value. He noted they have been in negotiations with the Harvey Family. They are pursuing this through a non-profit organization that is assisting the park service. If the negotiation is successful the Harvey Family would benefit immediately and the federal government would reimburse the organization. He asked the Board to table the final decision and allow them to continue negotiating on the purchase of the property.

Commissioner White could not see the justification for tabling the matter and did not know how this would affect the negotiations with the NPS.

MOTION

Commissioner White moved the approval of the preliminary plat for Croatan Wood.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 2 – CONDITIONAL USE PERMIT FOR MR. PATRICK HASKETT

Lorraine Tillett, Zoning Administrator, presented the conditional use permit for Mr. Patrick Haskett to establish an Automobile Service Station on Roanoke Island. The site lies in the C-3 zoning district on Highway 64 and Raleigh Woods Drive, south of Advanced Auto Parts. The CUP provides an opportunity for the Board to place a number of conditions and safeguards on the permit to insure that the public will not be adversely affected by the auto repair business and that the spirit and intent of the ordinance is preserved.

MOTION

Commissioner White moved to approve CUP#2-2003 for Patrick Haskett to establish an auto repair facility in accord with Section 22.26©(1), subject to conditions recommended by the Planning Board and subject to adding to the CUP that there will be no access to the site from Raleigh Woods.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 3 – PRESENTATION BY COUNTY ENGINEER STEVE SHRIVER
RE: DRAINAGE ISSUES**

Steve Shriver, County Engineer, gave preliminary observations and assessment of some storm water drainage problems in the County. He feels the storm water report that was conducted several years ago is very accurate. He reported that he has traveled around the County and become familiar with some major issues. One issue are lots and another a lack of ditches and undersized ditches. He has met with the Mosquito Control Coordinator and their goals coincide. He is also working with the Director of Public Works.

**ITEM 4 – RESOLUTION OPPOSING OUT-SOURCING CORPS OF
ENGINEERS WORK (ATT # 1)**

Ray Sturza, Planning Director, presented a resolution opposing to the privatization of certain offices of the Civil Works Division of the U.S. Army Corps of Engineers. He reported that a number of fellow municipalities and he attended a meeting with Colonel Alexander and the municipalities indicated they intend to follow the county lead and adopt similar resolutions.

MOTION

Commissioner Cahoon moved the adoption of Resolution #03-04-18.

Commissioner Johnson seconded the motion.

Commissioner Byrd felt that elected officials have the right and obligation to the taxpayer to review functions under their jurisdiction for possible privatization when it makes sense.

Commissioner Tillett concurred with Commissioner Byrd.

VOTE: AYES (4) Cahoon, Johnson, White & Hooper

NOES (2) Byrd & Tillett

ITEM 5 – STUMPY POINT WASTEWATER PROJECT

Anne Thomas, Health Director, reported the Rural Economic Development Center, Inc. has awarded a Capacity Building Grant in the amount of \$35,000 to the Stumpy Point Water and Sewer District. The Board of Commissioners committed \$35,000 in matching funds for this grant on 9/16/02. The Health Department applied for this grant on behalf of the Stumpy Point Water and Sewer District. A Committee of county staff, including the County Engineer and the County Attorney has met to prepare for issuance of an RFP to contract with an engineering firm to conduct a feasibility study for engineered plans and cost estimates for a cost effective and environmentally sound wastewater treatment system in Stumpy Point. They have discussed parameters for the RFP, scope of work and have included U.S. Fish and Wildlife staff in this process. They are targeting early to mid August for completion of the feasibility study in order to meet the 9/30/04 deadline for submission for grant application to Rural Center (and other sources as necessary) for funds to construct a wastewater treatment facility for Stumpy Point per the feasibility study.

MOTION

Commissioner White moved to authorize staff to issue RFP for feasibility study for a wastewater treatment system for Stumpy Point.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 6 – UPDATE ON 2005 COUNTYWIDE PROPERTY REVALUATION PROGRESS (ATT # 2)

Greta Skeen, County Appraiser, and Mark Wilkes, Revaluation Project Supervisor, gave an overview of progress to date and summary of upcoming revaluation processes. (See attached).

The last revaluation was in 1988 and all properties are based on fair market value in 1988. The next one is 2005.

Mark Wilkes, Revaluation Project Supervisor, outlined all of the activities that are planned and ongoing. The first thing they did was a trend analysis in order to determine the correct adjustment factors. The market is very unpredictable and they will monitor it very carefully. They did a cost analysis of costs of buildings and was completed the end of March. They are currently going to the residents for pre-review and are 81% completed. They will mail notices to taxpayers November 2004.

ITEM 7 – CONSENT AGENDA (ATT # 3)**MOTION**

Commissioner Byrd moved the approval of the Consent Agenda for Items 1-4 and remove Item 5.

1. Approval of Minutes – April 7, 2003
2. Changes to the Interlocal Agreement for Channel 20

3. Budget Amendment for Register of Deeds Fees and Supplemental Retirement line items
4. Contract Agreement for Wireless System Maintenance

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

5. County Facility Use Policy

Attorney Mills brought to the Board's attention a request by the Health Department on page 3 of the policy under paragraph #a which exempted the Health Department under this policy. The Health Director would like to have this policy cover the Health Department. So they requested to be deleted from Item 15.

Commissioner Byrd raised concerns about there are a lot of groups that meet in our buildings and they have a lobbying function that is part of their state or federal charter but we are saying that these groups cannot use our facilities. Almost any group may want to lobby local government or state government. We are prohibiting groups that are not governmental groups from using the facilities. She would hate for them to be so exclusive. She recommended reviewing this more and adding the word partisan to make it clear. We are making it difficult for political parties to hold meetings.

Attorney Mills clarified that the phrase lobbying in paragraph 1-C is simply a prohibited use and does not mean a group that might engage in some lobbying activities during its mission and functions is forever prohibited from using a county owned facility. That is standard language. So a citizens' group that is involved in some sort of education or discussion about an issue of importance to them. If they are not being paid to lobby you that is not lobbying. It is up to the Board to determine the policy basis. Commissioner Cahoon reported that the CIP Committee had discussed and decided not to allow political groups to use the facilities.

MOTION

Commissioner Byrd moved to table the issue until the next meeting.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 8 – RENEWAL OF GOVERNMENTAL AFFAIRS COUNSEL CONTRACT

Norma Mills, County Attorney, reminded the Board that the contract between Dare County and the law firm of Manatt, Phelps & Phillips, LLP, for government affairs counsel on behalf of Dare County, would expire on May 8, 2003. She recommended that if the County wishes to renew this contract, that a Contract Renewal Committee be appointed and authorized to discuss the terms and conditions of contract renewal with representatives of the firm, and bring a proposed renewal contract back to the Board of Commissioners for consideration at the May 5th meeting. Commissioner White stated he was against hiring a lobbyist and is still against it.

MOTION

Commissioner Cahoon moved to table until May 5th.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 9 – RESOLUTION OPPOSING CHARGING TOLLS ON THE HATTERAS ISLAND FERRY (ATT # 4)

Norma Mills, County Attorney, reported that the NC House of Representatives has included in its proposed 2003-05 biennial budget a requirement that the State Department of Transportation begin charging tolls on all state-maintained ferries by July 1, 2004. This would impact the Hatteras Island Ferry, which now has no toll charge for residents and visitors.

MOTION

Commissioner Byrd moved the adoption of Resolution #03-04-19.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 10 – RESOLUTION IN SUPPORT OF STATE FUNDING FOR COASTAL STUDIES INSTITUTE (ATT # 5)

Commissioner Byrd, member of the Higher Education Task Force, reported they met to interview a perspective Interim Director for the Coastal Studies Institute, which is planned to come here. Tom Murphy and Lynn Bryant, Co-Chairman of the Task Force on Higher Education, highlighted some crucial moments to the Board. He presented information about recent developments in moving forward with the Institute. There is a commitment to locate the Coastal Studies Institute here and the Task Force feels confident that it will happen, but there have been some events in the state that have delayed the effort.

Irvin Aldridge, Member of the Task Force, spoke on the state budget and noted that the University of North Carolina is committed to the project, which began in 1994. They have funded Wilmington and Morehead City. The program is on go and the Interim Director would be here July 1st.

Norma Mills, County Attorney, reported that the University of North Carolina General Administration has requested expansion funding for FY2003-05 to support continued planning and start-up operation of the Coastal Studies Institute. The General Assembly is currently considering this request as part of the state budge process.

MOTION

Commissioner White moved the adoption of Resolution #03-04-20.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD TOOK A 10-MINUTE BREAK.

THE BOARD MOVED TO ITEM 12.

ITEM 12 – PRESENTATION FROM HITE ASSOCIATES: EVALUATION OF PROJECTED PROJECT COSTS, SCHOOL, BUILDING PROGRAM (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

Jimmy Hite of Hite Associates presented the firm's Report on the Evaluation of Projected Project Cost of the School Building Program (Dare County Board of Education Facilities Plan).

In closing, Mr. Hite stated that he feels the most important part of the notebook is the case history. He referred to their experience in Johnston County when the Board of Commissioners and the School Board received a joint award at the School Board Association Convention several years ago for working together by forming a team and a Facilities Committees along with the community, professionals on the development, construction and design side. It turned out to be a very successful venture. The Board commended Mr. Hite for a very comprehensive report.

ITEM 11 – PUBLIC COMMENTS – 6:20 P.M.

1. Mary Ann Johnson, Colington Harbour, questioned the status of Colington Road having a bike path. She remarked that the bike paths around the Wright Brothers Memorial would be completed for the 2003 Celebration. She has observed that a number of people ride their bikes to work out of necessity and that kids are trying to ride on Colington Road, which is a very dangerous road.

ITEM 13 – PRESENTATION FROM SCHOOL BOARD – DAVE OAKSMITH, CHAIRMAN OF BOARD OF EDUCATION WILL PRESENT AN UPDATE FOR 10-YEAR FACILITIES PLAN AND WILL REQUEST ADOPTION OF PLAN (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)

Dave Oaksmith, Chairman of Board of Education, thanked the Board for their past support. As a result of the funding, they have made significant progress. A new elementary school opened in Hatteras last year and construction is underway on the Wright Brothers High School and construction will begin this summer on a major renovation to Manteo Elementary School and expansion to First Flight Middle School. Partial funding has been provided for the architectural and engineering planning phase for a new middle school in Manteo, elementary school in Nags Head, the renovation of Cape Hatteras Secondary School.

Sue Burgess, Superintendent provided an update on the projects. She recapped what has taken place since the BOE was last present with a detailed presentation in September 2002. (See document).

She reviewed the main components of the last presentation – recommendations of feasibility studies done by BOE's architects (educational specification and renovation and new construction cost). They were to determine the break-even point between renovation versus new construction. She noted the BOE approved the Updated 10-Year Facilities Plan April 8th. There are very few changes in the revised plan:

- Moving the new Manteo Middle School to open in fall of 2005
- Accelerate the schedule for Cape Hatteras Secondary School for December 2006 instead of May 2007
- Look at the potential relocation of the Central Office which had been designed to go into the current Manteo Middle School to another site so that site could be freed up for use by the College of the Albemarle

She gave a report on removing the Dare County Alternative School at its present location and placing in the current Manteo Middle School. The BOE are working on deeding the property over to the COA and keep the one wing for the Alternative School. There is a possibility of them using the cafeteria, library and gym. The current Alternative School could be deeded over to the county and could be used for Parks and Recreation. The Central Office cannot stay in their present location and could relocate in the Nags Head Elementary School project.

The architects reviewed the projects they have worked on.

In summary, Chairman Oaksmith asked the Board to approve the 10-Year Facilities Plan in the amount of \$41,942,650 as per their funding resolution to the Board on July 31, 2002. This amount would provide for the balance of funding for the new Manteo Middle School, the Cape Hatteras Secondary School Renovation Project, the new Elementary School and Central Office Project in Nags Head including a full size gymnasium. The engineering and design phase of these projects was previously partially funded and is well underway. This funding would also provide for the Engineering and Design Cost for the renovations at Kitty Hawk Elementary and Manteo High School.

There was Board discussion.

Commissioner White concurred with a full size gym at the new elementary school.

Commissioner Tillett concurred with the full size gym at the beginning and she could not picture Manteo Elementary School getting everything but she will continue working on that matter. She will need to think about a gym for Manteo Elementary School.

Commissioner Johnson felt the Town of Nags Head as a contribution could drop the permits for the Nags Head Elementary School in the amount of \$150,000 and add that on to the price of the gym. He noted that every school in the system would have a full sized gym when this is completed except Manteo Elementary School. He cares that every child gets the same opportunity. That has been a key thing with him. He asked for an explanation of the Manteo School with a zero technology budget but was assured that it was included but was not itemized on the MES line item sheet. He agreed with moving the Alternative School to the COA at MMS.

Commissioner Cahoon supported the new gym at Nags Head Elementary School full size. She agreed with locating the Central Office at the Nags Head site and was comfortable with two story schools.

Vice Chairman Hooper felt they should build larger schools in the areas that are growing. He also wanted the same HVAC systems in all schools. Both Vice Chairman Hooper and Commissioner Cahoon wanted the Chairman to have input on the plan before voting on it.

Mr. Oaksmith reported that he had spoken with Chairman Judge and it was his desire for the Board to move forward with the facilities plan.

Commissioner Tillett requested that a gym be placed at Manteo Elementary School and asked that information be brought forward before the next Board meeting.

Commissioner Cahoon would like to see comparisons of each school.

Commissioner Byrd supported the enlarged gym and also moving the central office to Nags Head. She supported the proposal and had compared estimates between Hite and the BOE and is able to account for differences between the two reports.

MOTION

Commissioner White moved the adoption of the Board of Education 10-Year Facilities Plan – April 8, 2003.

Commissioner Byrd seconded the motion.

Vice Chairman Hooper stated that he supported the facilities plan but would not support it since the Chairman was not present.

VOTE: AYES (3) White, Byrd & Johnson

NOES (3) Hooper, Tillett & Cahoon

THE VOTE FAILED FOR LACK OF A MAJORITY.

The Board concurred to place the item on the next agenda with additional new financial data.

THE BOARD TOOK A 45 – MINUTE RECESS.

ITEM 14 - COMMENTS BY COMMISSIONER JOHNSON

- Hedgepath Subdivision – He referred to the subdivision that was pulled off the last agenda. He felt they needed to look at the possibility of clustering houses and giving more green space to the county. He would like for the Planning Board to look at square footage rather than the lot size and leave 20% of the property for green space.

ITEM 15 – COMMENTS BY COMMISSIONER CAHOON

- Shellfish Sanitation – She asked the County Attorney to organize a meeting with the state/local officials and the Health Department to address some of the EPA Regulations issues.
- Land Use Plan letters – She noted that there have been some letters sent out about the LUP. She hoped to make it clear to the public that Zoning and the Land Use Plan are two different issues. Zoning follows the LUP.
- Hurricane Conference – She attended the Hurricane Conference last week and noted that Dare County is ahead of some communities and behind others. Dare County is well known in

those circles. She asked the Emergency Management staff to meet with the County Manager to talk about internal improvements that are needed. She expressed appreciation to the Public Relations Director and Emergency Management Director for their fine work.

ITEM 16 – COMMENTS BY COMMISSIONER BYRD

- Drug problem and drug issues – She noted that it is a prevalent problem all over the county and a large number of children coming into foster care. She felt they needed to form a Task Force to know how to address drugs and the need for agencies to form a working group.
- Reminder-Land Use Plan Public Hearing – April 30th at 7:00 p.m.
- Board Appointments – Appointments are needed for the following: Health Board, Zoning Board of Adjustment and Extra Territorial Jurisdiction. She urged the Board to be thinking about these needed appointments.

ITEM 17 – COMMENTS BY COMMISSIONER TILLET

- Old Courthouse – She misunderstood that the old courthouse was being used for an antique mall. It is the old Clerk of Court's facility that is now a mall. She asked how the Clerk of Court was doing following her surgery.
- Emergency Medical Services – She noted the system was down. Manager Wheeler responded that the Capital Improvements Plan Committee is being asked to consider a backup system for EMS.
- Nonconforming signs – Attorney Mills gave an overview of the pending bill that would not allow amortization to be used for removing signs.
- Bike Path for Skyco – She asked staff to check into the status of a bike path submitted by Luther Daniels.

ITEM 18 – COMMENTS BY VICE CHAIRMAN HOOPER

- Amortization – He asked that the issue be placed on the next agenda. Attorney Mills responded she would ask the legislators to hold the bill until after May 5th meeting.
- Storm – He reported the north end of Hatteras Island was hit really hard last weekend and urged Commissioner White to ask DOT to moved forward with the proposed project.
- Rodanthe Water Plant – He asked that they come to the next board meeting to be recognized for the honor they recently received.

ITEM 19 – COMMENTS BY COUNTY ATTORNEY (ATT # 6)

- Bodie Island Lighthouse – The survey is on the web site and the form can be filled out electronically and sent back to the county.
- Zoning Board of Adjustment Appointments – She reminded of the need to make these appointments at the May 5th meeting. She

noted that the ordinance adopted by the Board did not show the alternates would come from the unincorporated areas of the county. She presented a change in the language to reflect this change.

MOTION

Commissioner Cahoon moved to amend the Dare County Zoning Ordinance #03-04-21.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

- DOT's NC Moving Ahead Program – DOT is inviting governments to participate and the fund would be allocated. The projects would have to be submitted by May 2nd. If the Board is aware of any transportation projects, to submit to her. This is an opportunity for additional funding. Commissioner White told the Board to pay particular attention of how the money can be used. Everything has to be under contract within a two-year time frame. This is mainly for improving and widening roads and no bike paths, no secondary roads and no roads in the Secondary Improvement Plan.

ITEM 20 – COMMENTS BY MANAGER WHEELER

- Department of Transportation – DOT will present the Secondary Improvement Plan for 2003-04 on May 5th.

ITEM 21 – CLOSED SESSION – LAND MATTER

MOTION

Commissioner White 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.

VOTE: AYES unanimous

AT 9:25 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 10:00 P.M.

Attorney Mills reported the Board took no action that requires action in open session.

THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED AT 10:00 P.M. UNTIL 7:00 P.M. ON APRIL 30, 2003 FOR A LAND USE PLAN PUBLIC HEARING. THE NEXT REGULAR MEETING IS MAY 5, 2003 AT 9:00 A.M.

(SEAL)

Respectfully Submitted,

By: *Frances W. Harris*



APPROVED:

By:

A handwritten signature in black ink, appearing to read "Warren Judge", is written over a horizontal line.

Warren Judge, Chairman
Dare County Board of Commissioners

Frances W. Harris
Clerk to the Board