

**NORTH CAROLINA  
DARE COUNTY****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
June 16, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on June 16, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, Virginia Tillett, and Stan White. Also present were Manager Terry Wheeler and Attorney Norma Mills. Chairman Judge opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag. Chairman Judge recognized Commissioner Anna Sadler of Nags Head and Commissioner Paul Keller of Duck.

**MOTION**

Commissioner Johnson moved to amend the agenda to include the School Improvement Team from Manteo Elementary School – Item 21A.

Commissioner Tillett seconded the motion.

Commissioner White thought it was inappropriate to amend the agenda even though he was in total support of the School Improvement Team. He felt they needed to respond to the Board of Education and then have the BOE present the proposal to the Board on July 21<sup>st</sup>.

Vice Chairman Hooper agreed that the team should take their request to BOE.

Commissioner Byrd also agreed the Team needed to work with BOE. She would like for both groups to come before the Board.

Chairman Judge would never vote to deny a group to speak their choice.

VOTE: AYES (4) Johnson, Tillett, Cahoon, & Judge

NOES (3) White, Byrd & Hooper

**ITEM 1 – OREGON INLET BRIDGE REPLACEMENT PROJECT (ATT # 1)**

Jennifer Harris, Project Manager for the Bonner Bridge Replacement, explained alternatives being considered by the Department of Transportation. Manager Mike Bryant of the U.S. Fish and Wildlife Services was present.

NCDOT is proposing to build a new bridge to replace the existing Bonner Bridge over Oregon Inlet prior to the end of its reasonable service life. Four corridors were evaluated for the replacement bridge. The corridors are shown in the figure on page 3. Corridor Alternative 4 would minimize natural resource impacts and would by pass three locations on NC 12 regularly threatened by over wash. Corridor Alternative 1 would minimize costs but may not be compatible with the management strategies of the Pea Island National Wildlife Refuge and would require a permit. They are not sure they could obtain a permit from Fish & Wildlife Services. Corridor Alternatives 2 & 3 are no longer under consideration because of higher cost and natural resource impacts. A new bridge in Corridor Alternative 4 would connect existing NC 12 from just north of the emergency ferry dock in Rodanthe to the southern tip of Bodie Island. According to Ms. Harris, the approximately 17-mile long bridge would minimize impacts to important natural resources such as wetlands, submerged aquatic vegetation, and bird feeding areas. It would bypass the Canal Zone hot spot and two additional hot spots on NC 12 that are currently subject to frequent ocean over wash. Relocating NC 12 on structure in the Pamlico Sound west of Hatteras Island would eliminate the inconvenience and economic loss that results when substantial over wash occurs. In addition, a bridge in the Pamlico Sound will place NC 12 outside the Refuge. Informational Workshops are scheduled for June 26, 2003 from 4:00-7:00 p.m. in Rodanthe Waves Salvo Community Center and Buxton at the Cape Hatteras Secondary School Auditorium.

This is a verbatim transcript as requested.

I am Mike Bryant, Manager for Pea Island National Wildlife Refuge, and what we've done is work with DOT and the other members of the merger team through this process. As soon as we realized early on I think about 2 years ago when they decided to address the old PIS through a supplemental, we wanted to be involved from the get go, cause we knew that Pea Island would be involved unless they bypassed it. And we've only done some brainstorming so it's premature

to say there is an answer to how to accommodate the public. All I can say is we will accommodate the public because that is part of what we want to do. Obviously if a bridge goes all the way to Rodanthe it will be a completely different scenario on how to do that. I doubt there would be a road that we would maintain and this is speculation but I doubt there would be all the way to the north end. We wouldn't have the resources and it would take studies to understand what the benefits are of the rule of that road but I think in general the coastal processes that have been explained to me by coastal geologists are that we would not gain by leaving a hardened structure lying across the refuge there. It would end up in the beach face if we weren't maintaining it so it would have to come out. The asphalt would have to come out and then we can brainstorm on how people will access it. But I don't know how because we haven't planned. It's premature to plan it because we don't know where the bridge is going to go. We are in the middle of a planning process for Pea Island. We started it 2 years ago and that's mandated by a congressional act. It's that same act that also mandates how we manage the refuge and essentially says that a refuge will be managed and the uses that are allowed on it will be managed in a way that they don't materially detract from or interfere with the purpose for which it was established in the mission of the National Wildlife Refuge System. And I'm not going to get into any of that, that you are interested.

CB – Right but your plan is probably nearly complete.

MB – Oh no, no, no.

CB – and ours in an ongoing continuing because I see a need for obviously if DOT is able to come to an agreement and does that 4<sup>th</sup> alternative especially I see a real need for some innovative and creative ways of enabling people to get in and enjoy some of the resources of the refuge without hurting the refuge and not maintaining the road that's there now. It's not a trivial problem.

MB – No it isn't, I agree. And it will be a new challenge for the refuge to accommodate the public. But we wouldn't say well we don't have to partner with the public that's not part of our mission. Part of our mission, our mission is to manage a wildlife refuge for wildlife first because if you don't the wildlife tends to leave. But then it is also to provide for compatible wildlife dependent recreational opportunities where you can and at Pea Island that includes bird watching and other stuff as well as fishing and wildlife observation in general and environmental education and interpretation where we can do it. It would be a whole new way to make that happen.

CB – But you're expecting to need to do that, I guess that's important for everyone to know.

MB – That's right, we absolutely are. And the plan we are writing now in fact has been slowed because we see this coming. And so it won't be stopped, what we are going to do is have to write a plan to meet the congressional mandate, with the refuge as it exists and as we understand it. It will exist for the planning horizon and again as DOT said it would be 2010 if they meet that goal of having a bridge open. The Bonner Bridge and Hwy. 12 will be here for 7 years as we know it today unless a storm does something and then it will be fixed I presume and then after that there will be time between the time they actually finally decide what to build and we are or they are dedicating a new highway that will plan for how it will accommodate the public.

CB – I would have to say I'm sure the public is going to want to be involved in that process.

MB – I hope so.

CB – Another question and I don't know if you have thought about, but that 4th alternative if I understand it would come in to where the emergency ferry dock now is in Rodanthe. Will there no longer, would it replace that ferry dock in essence or is that ferry dock still going to be accessible as a ferry dock as well?

JH – The plan is not to interfere with the emergency ferry terminal. The line on the map is just kind of a general area as far as bypassing that third hot spot, but we do not want to interfere with the emergency ferry terminal.

CB – There is one last issue I guess that has been of concern to people and that is we went to great deal of trouble as a Board to maintain ownership of that life old Coast Guard Station that's at the north end of Pea Island. And partly that's been able to stay put there because of the short terminal the terminal, the groin that was put there and of course the issue becomes one of that groin essentially as I understand it by the agreements that were signed somehow has to be taken out. I'm not quite sure how you take that kind of thing out. But it has to be taken out when a new

bridge goes in that doesn't require it anymore. I'm wondering both from the wildlife or that end of it and from the DOT end of it whether there is any real scientific evidence that having the groin there with the kind of nourishment that has gone on behind it to try to keep the beaches stable along Pea Island whether you will have any evidence that with the groin gone if there would have been any difference in the result in terms of what's happened to beach erosion and encroachment on Hwy 12. Maybe you can't answer that but I'm wondering if you actually have any really real evidence that says one or the other is better for the wildlife refuge.

MB – If there isn't a body, there's a body of data that DOT was required to gather since they have put the groin in for monitoring purposes and so that's a very hefty data set, lots of aerial photography has been done and so the shoreline has been mapped and a lot of information is sitting there. It was analyzed very narrowly for a specific purpose, to see if an erosion rate level was met that was agreed upon and if it was then DOT would nourish the beach and if it didn't get above that threshold or the agreed upon erosion rate then they wouldn't have to nourish. In the intervening years it hasn't reached that agreed upon threshold so DOT hasn't nourished the beach of course you all know that in the maintenance of the navigation channels we've accommodated the Corps of Engineers several times. It will be a third time this summer if they complete their contract with their pipeline dredging sand on to Pea Island beach out of navigation channel and there also has been a lot of hopper dredging activities that occurred from the ocean bar and other parts of the channel and most of that sand early in the process went in the deeper water. With the Corps and other agencies there has been an agreement that they have been trying to nudge it closer to shore. But let the storm bring some of it back to the shore. So a lot of sand data was gathered by the Corps and the DOT. We monitor our beaches for the impact it has on wildlife you know things that wildlife depend on like things they eat and we have that kind of information but that's and where things nest.

CB – Well I think you can see where I am heading. I mean the issue is one of wanting to be able to maintain that historic structure and the use of that structure in that area but I don't think anybody is trying to harm the wildlife refuge at the same time so the question becomes one is there any way one could reach agreement with the Fish and Wildlife Service to retain that groin there rather than see it disappear. It's an issue that's going to arise and it's going to be people are going to be very adamant about it.

MB – Did you want to speak to that?

JH – Sure I can talk about the groin. Whichever alternative, alternative 1 wide or 4 the groin will no longer be needed to protect the existing bridge, which is the purpose stated in the permit for the groin. And I kind of eluded to it earlier but obviously there will have to be some studies done to look at the effects of removing the groin and like you said, how do you do that. And figure things like that out. We would work with the Fish and Wildlife Service on that study. That's kind of an idea that's been thrown out to look at the effects of removing the groin and that would include a public involvement program but as I said regardless of the alternative that is selected, the permit for the groin the groin would no longer be needed for the purpose that was in the permit.

MB – The permit is issued by our regional director of several levels in the organization above me so it's a regional director who will enforce the permit. Obviously part of it is enforcement through me being there but it's essentially a set of conditions that we would ask DOT to honor as part of the conditions of the permit to be agreed upon and signed back in '89. In the intervening years between when the decision is made on where the other bridge is going to go, the new bridge, and when the permit says it's time to take the groin out which is several years after the old bridge comes out, in the permit there is a couple of years that starts a clock after the old bridge comes out but I think several years before that as Jennifer said there would be some we have in principal agreed we should study it to understand and with the body amount of data that is out there and with the expertise we can find we would get them to give us a better probability statement on what it would look like absent the groin so that everyone who we present that to the public and all those interested parties that's at stake because they have that 10 acre ownership with the Coast Guard Station on it and other interest all the folks that have interest in Pea Island and what happens around Oregon Inlet. That information will be important you know from everybody's perspective what's going to happen physically to the area when the groin comes out under the conditions of the permit.

CB – I guess one of the questions that I'm sure people are going to want to address is, is there any opportunity there for the groin not to come out? I realize that the current permit requires it.

MB – Somebody would have to pose that question to the regional director. I mean as a will you open this permit up to negotiation. Nobody has formally asked .....

CB – Okay that's interesting to know too.

RC – I heard you talk about two meetings on HI next week. Do you plan to hold any meetings north of Oregon Inlet for the people that have concern about the entire county that live north of the bridge?

JH – As far as the workshops next week go we had planned on the two locations, one in Rodanthe and one in Buxton. The one in Rodanthe to be close to the project area and then the one in Buxton we coordinated with the division and our public involvement people and we added that one on so that it would be more convenient hopefully for some people. But as far as the workshops next week go those were the two locations.

RC – Have those meetings or those workshops been publicized so that all of Dare County can know about that?

JH – We have sent this newsletter out to everyone on our mailing list and anyone on the refuge mailing list and anyone on the Park Service mailing list.

RC – Have you sent them to the local newspapers?

JH – There is a notice that went out to the newspapers. I'm not exactly sure what all newspapers but there was a press release for these workshops.

RC – I would ask that DOT consider adding a workshop north of Oregon Inlet as well. Cause what happens, Replacement Bridge wise, while it is a lifeline to Hatteras Island it's of grave concern to all of Dare County. I think everybody deserves to be heard at those workshops. Also, you've said that DOT plans to abandon its easement on Hwy. 12 so you are not going to have any exits as the turn maybe off of alternative 4 to give access to that 12 miles of Dare County beaches.

JH – The bridge would have, I mean we would be giving access to the Refuge, I'm not exactly ...

RC – Is there an exit point somewhere off this bridge?

JH – You mean in between the beginning and the end?

RC – Yes.

JH – No.

RC – So basically an access would be determined only by a road.

JH – Right, the road as we know it now the road north of where the bridge will tie in but like we said the access will probably change within the Refuge once the existing NC 12 is bypassed.

RC - Looking at the map that you're showing us with Alternatives 1a, through Alternative 4, at some point it seems to me in my memory that there was an alternative that brought it in further north. That alternative is no longer shown on the maps. Wasn't there an alternative at one point that brought the bridge in further north?

JH – The previous preferred alternative and the draft environmental impact statement tied in pretty close to where the existing bridge ties in, but since now that we know more about the erosion rates and ocean over wash that's happening at these hot spot areas that alternative is no longer under consideration. Am I answering your question?

RC – Somewhat, somewhat. I tell you what scares me about looking at these alternatives. We are denying not just our local population but our visiting population one of the best fishing spots that we have which is the north point of HI, or the south side of the inlet as we appear. But I am concerned about access to twelve miles of Dare County beaches. It appears to me that if DOT abandons the road, that we are essentially shutting down an awful lot of our traffic and commerce and tourism is our industry and I am afraid it's going to have a drastic economic impact on us. Especially given I hate to hear that DOT is talking about abandoning a right of way.

JH – Well these hot spots are right now and will continue to be difficult to figure out what to do and keep the road open and that's the driving factor behind how these lines are on the map is because it's going to get more and more difficult to find things to keep the road open.

RC – Is in your easement agreement on Hwy. 12 can you keep the easement even if you don't maintain the pavement?

JH – I don't know.

SW – Let me answer that and certainly we could ask Norma to do some research but I got a copy of the 1958 deed and it reserved the right to DOT for any and all right of ways to maintain an easement for public transportation on HI. Now it doesn't say if one of them is out in the sound and the other can still build a road I don't know but DOT according to that old deed has the right of way has the authority to have a right of way on all the property that was transferred to the Park Service in '58.

JH – Is that within the Park Service or within the refuge or ...

SW – It's the 1958 deed and that's why I haven't had an opportunity to do enough research yet to find out did the Park Service give it to the Fish and Wildlife or...

MB – No sir.

SW – How did Fish and Wildlife acquire the land?

MB – We acquired the land soon after somewhere around 1938, fee simple just acquisition from private landowners to build the refuge. Of course the Park Service had legislation that said there will be a seashore back in '37 and '38 but they didn't get any land until I guess the early 50's and it was just like you described.

RC – '53, this is our 50<sup>th</sup> anniversary this year.

MB - Yes, so they transferred I guess the State did the acquisition however they did it and then they transferred it with that reservation in the deed to those lands that are within the Park or the Seashore.

SW – So the DOT right of way is in the Park but not in Fish and Wildlife.

MB – It's a different right of way. It's not the same easement held by, I guess, held by the State.

SW – Because the State DOT has the right of condemnation on the Park Service part. But they do not on the ....

MB – That's correct, as I understand it.

RC – What language is in the Fish and Wildlife concerning the road? Does it state what DOT has to do to maintain access?

MB - Basically these that we have were fee simple, we just owned the land outright and then sometime in the early 50's we were looking at a map recently that showed a DOT survey of Pea Island in 1951 that showed the road ending in Rodanthe. It was just kind of a sand path dotted line all the way up to the Coast Guard Station with a telephone line owned by Coast Guard Station that went up to the Coast Guard Station. Sometime between then and before the 1950's ended, the hard surface road was built. I haven't researched our deed to see what kind of easement was provided but I know our basic policy in easements since I've looked at others since then when portions of the road have been moved because we just give a meets and bounds easement. So it is prescribed on the land where it is today essentially and so for example back in the 90's when they had to move that two mile section to the west from where the Visitor's Center is now down past our headquarters, they had to get a new described easement through that little section that got jumped over to the west and then abandon in place as I think there policy is which is to abandon place and they turned to us, the land owner, and said we abandoned it and what do you want us to do with our stuff and we said let's take the asphalt out and they did. And so that's correct, as I understand it now. The easement is where the road is today. And if there is a new easement they got to come to us and try and get another easement.

RC – The only last comment I have is I truly am concerned that this scenario of abandonment will cost us access, will affect the inlet, and will in general affect citizens of Dare County and our guests. And that's a frightening prospect.

RJ – Well I can tell you what will happen when you pull the groin out. In five years down the road you'll be able to lasso that Coast Guard Station down there at Avon Pier. It's already washed out once and you pull it out of there and you've lost it. You are going to lose the old Coast Guard Station and everything around it. That whole south end will wash out. You lose the Inlet cause when that sand starts moving and you don't have that groin, you are going to lose that Inlet, it's going to start shifting till it gets so far south that it cuts in again north. I think your four engineers can tell you that. That whole area has been studied to death. Studying is nothing but a delay and it won't prove anything. To me, I was listening at the whole group of people that are making this decision and it sounded like an environmental panel reunion. You don't have any people that have to answer to the taxpayers on your decision-making committee. And to me that is frustrating. Because we've got to answer to the taxpayers, we've got to raise taxes to do different

things and you come in and make a decision that will close up a huge part of our beach, it will affect a lot of the travel in that area and you say well are we are going to keep it open, we will let four wheelers run up there but that's not the truth. The truth is there's already a movement to stop four wheeling on the beach and once there is no road once there is nothing else, you are going to shut it off to everybody. And to me the whole thing, I don't like it. I think that there is a way of maintaining that road I think that you can address some of the areas that are hot spots and keep it more like it is. I'm just one person but I think you need more people that have to answer to the taxpayers on your decision making board and less people that are just part of the environmental community and part of the bureaucracy that is going to cause a \$120 million bridge to be \$300 million. Anyway that's my opinion.

VT – Just a couple of questions. The public hearing that you will be having on HI will the citizens have an opportunity to say, "We don't want to drive 17 miles to come from Hatteras to Manteo" and will you listen to them or has the decision already been made because it is easier to do this than to work with the different agencies that you would have to get rid of these hot spots? I think that HI as well as all of Dare County are we going to give, are you going to listen to them, I guess is what I am asking point blank?

JH – Yes, we're going because we want to hear what the public has to say. That's exactly why we are going. But DOT's goal is to provide a replacement bridge before the existing bridge has to be closed. The Alternative 4 would definitely be an ultimate fix to the hot spot issues and would not need the compatibility determination from the Refuge while Alternative 1 would need to be determined compatible with the Refuge in order to get a permit.

VT - But if the majority of the citizens would say that they would prefer Alternate 1?

JH – Well we will definitely present that to the agency team meeting next month and we will have to figure out where to go from there once we have the meeting. I don't know what to expect at that meeting.

SW – Quick comments. First thing I would like to recognize that we didn't recognize in the audience and that is Rudy Austin from Ocracoke in here. We keep talking about HI. With four commissioners Ocracoke is not our immediate concern but certainly the folks of Ocracoke are as concerned about Hwy. 12. I would hope they have been invited to come up to at least the Buxton meeting if we decide not to hold one in Ocracoke for those folks. But they certainly have as vested an interest as anybody on HI as far as the bridge is concerned. I have heard all the comments everybody else has heard and certainly I don't believe DOT wants to spend a third of their whole maintenance budget, the whole bridge budget on one bridge in Dare County if they don't have to. The long alternative certainly is a lot more I think we had in the TIP like \$125 million there's \$95 million in the bank so even the shortest alternative was \$137 million. I am rounding off a million dollars here and there. To jump from \$137 million which is possible to raise in this economy to \$260 million I believe it is to try accomplish it in four years is something that DOT is not looking to do just to get out there and spend some money. I have the exact same concerns that Renée has about the north end of HI and certainly as a Dare County Commissioner, not as a DOT official. I hear more comments about how many people fish off of that bridge, how many people fish off the north side of that inlet and certainly I've been here through the battle of retaining the ownership of the Coast Guard Station and give it to the State and turn it over to the Aquarium Society who is going to use it supposedly for a research center and a training facility. It's easy to say what I think is an ideal solution and you know that would be to do the long bridge with a cut off to get to the north end where you could fish and use that north end and use the facility and certainly I am in favor of retaining the groin under whatever scenario but I do believe that there is a lot of people looking at alternatives and I do believe that DOT will listen to some of the alternatives when they have these meetings but folks there is not too many alternatives. I mean you either build a short bridge. A 75 year bridge to a twenty year road or you build a 75 year bridge to a point that's got 75 years hopefully of life left to it. Unless you can do some intensive lobbying and get Fish and Wildlife who has allowed some beach nourishment, the Park Service doesn't allow beach nourishment if we can get an intensive beach nourishment plan but we don't have time to do that. I mean this bridge has to be under construction in 2006 to meet a 2010 deadline. And that bridge is being stretched to it's maximum to last until 2010. I don't mean to alarm anybody DOT is going to keep it open you know whatever they have to do if they have to close part of it for a short period of time and I'm not saying they are going to do that but I'm just

saying DOT is going to maintain that bridge I won't say at all costs but we want to maintain the transportation link and intend to maintain one for HI. So I mean all this input is good but we are all going to have to give up something. DOT is going to have to give up something whether it's money for some other projects to make this bridge happen or we are going to give up some access, part of the beach or we are going to have to give up some wildlife habitat and it's a partnership and it would be nice if we could if this group right here could decide what they wanted and tell DOT that's what we want and that would end it but that's not the way it's going to happen and you can rest assured they have been working on this a long time, I do not envy Jennifer's job sitting at those merger team meetings because we only have seven of us and it's hard for us seven to agree so let alone when you get whatever sits around that table, it must be 14 – 20 sitting around that table trying to agree. Anything you want to pass on to me certainly I will pass it on to Jennifer and the Raleigh office. There have been some really good comments from this group here today. Mike has shared a couple of things I wasn't aware of how Fish and Wildlife acquired their piece of property. I felt comfortable with DOT and the Park Service as far as easements were concerned, but that one is one that we will just have to work with. Mike have you sort of run it up the flagpole of what your folks would think about an Alternative 1 wide landing?

MB – Yes, I have the. It is obvious that Alternative 1 would have an impact on the Refuge. My discretion is limited again an easement for example is issued by a regional director based on the manager's recommendation. And the recommendations are couched in federal regulations. As for discretions, I follow the federal regulations that essentially say it has to be compatible. It didn't look compatible on just the first flush so I've talked with folks all the way up to what's called the regional chief of refuges. He would then speak to the regional director and they confirm my concerns that it's not likely to be compatible which means not likely to recommend to a regional director a permit through that corridor 1 because it is going to impact the refuge fairly significantly. The number of acres of wetlands lost and it was going to last for 75 years so it's not a short duration in fact.

SW – We are you talking about Alternate 1a, b and c, right? Even though those are not being recommended, but all three of those alternatives have the same impact.

MB – Essentially I think yes because they are crossing the same acreage of wetlands that are managed specifically for wildlife they would have pretty much the same impact. But at the time I was talking to my folks in Atlanta that I report to it was after the February meeting where it was apparently narrowed down to two alternatives. That was the long one and the short one and because I came to that meeting just like anyone else with all four. It didn't take long for me to understand that two were being considered.

SW – Okay and the last thing I have Jennifer just for clarification on these maps so everybody else and tell me if I am understanding it correctly. Alternative 1 wide shows a turn off going further south on Alternative 3. Wasn't that designed to say if you did Alternative 1 and something happened and in 50 years you could come back and put an exit off of part of the bridge and come down Alternative 3, which is still a heavily impacted area.

JH – You mean to possibly have a future extension of 1.

SW – Isn't that what those dotted lines mean?

JH – I guess as you know there is also another study, the long-term study and it was discussed that with 1 wide that they could maybe if they study extending the bridge part of that 1 wide could or would be compatible with a future extension. Also there was another reason to get it out further away from where the extension bridge is to get out of the dynamic inlet area. That was another consideration, too.

SW – But if you follow 1 wide from the north side and come down just before you hit land it shows a wide in there. Is that wide just a potential wide?

JH – I think that was just that swing out the 1 wide then it would come down that was just how number 3 was. It was just swinging out a way from the inlet but then paralleling the island.

SW – I just heard some conversation and again and I don't participate in the merger team meeting I just sit on the back row and I heard some comments about well if you did this alternative you might be able to use 80% of the bridge if you had to add on to it and go further south and I thought the design was to incorporate that.

JH – I think if 1 wide was selected it would definitely be consideration for it to be flexible with a possible future extension if that was chosen as an alternative in the future. There would be some

I don't want to say throw away but there would be some part of 1 wide that would then be removed if there was a future extension of 1 wide. Hopefully I made sense. It's kind of confusing.

SW – Yes, it made sense to me.

WJ – Did I understand you correct during your presentation that the road would not be maintained north of where the new bridge comes in?

JH – Within the refuge. There might be a small I'm not sure exactly where a tie in would be on 12 south of the first hot spot outside of the refuge. There might be a small stretch of road not in the refuge but possibly would be north of the bridge and DOT would have to maintain access to those properties outside the refuge.

WJ – Yea there is a pretty good stretch of road there a lot of houses and some businesses.

Alright Mike if you would step and I know you had said you're planning and it's 2010 and don't really need to spend a lot of time now but is there anything you can share in your thoughts as to what type of access would be provided. What alternative access is there? Are we going to be able to hop in our four wheelers and zoom right up where the road bed used to be and go out and sit on the rock jetty and fish and or does that mean there will be some sort of refuge supplied tram that would move people around? What are we talking about?

MB – Both of those ideas would be considered in the planning. I know from my experience on other refuges that other refuges handle people with trams to move people and minimize impact from a lot of vehicles so that is an alternative I know that has been used at some other refuges in similar situations.

WJ – It would be something other than foot traffic, because that would be a hefty walk.

MB – Oh yea, absolutely.

WJ – And is doing nothing an alternative? In other words when the road ends at that last house in Rodanthe, state maintenance ends. Will one of the alternatives that you all consider that there be no access allowed?

MB – No access? No. The National Wildlife Refuge System Improvement Act, which is what we administer under, we manage for wildlife first but not to the exclusion of people, we manage our public so that it doesn't overly impact the wildlife. We want to have the public enjoy and utilize the refuge. Agreed it's going to be a huge and different way, a huge challenge and a different way to do it there if the bridge goes all the way into Rodanthe. We will plan for accommodating some level of public use and there will always be public use as far as I know on portions of Pea Island as long as there isn't some impact. Just like we do now, we seasonally close little spots here and there just to protect bird nesting. That's how I envision the kind of closures on a seasonal basis.

RC – One last question. In the affected area of Alternative 4 northward is there any Piping Plover habitat? From Rodanthe northward?

MB – The Piping Plover uses Pea Island. They have used Pea Island as long as we have recorded bird use on Pea Island. So they are found there along with lots of other shore birds and what we are administering for are migratory birds that are protected by federal law and other wildlife and particular those that fall under the protection of Endangered Species Act like loggerhead sea turtles because we have those and Piping Plover which are threatened.

RC – You are mandated to protect that habitat.

MB – We are mandated to protect the species by managing the habitat so that we have habitat for them.

RC – And if taking out the groin endangers that habitat wouldn't that be contrary to your mission statement.

MB – If the habitat was lost and not a redistribution of a similar habitat type, we know that things would change. I'm not confident that it would eliminate the habitat. There is the same amount of sand out there in the system pretty much and nature redistributes it constantly as we know cause DOT is getting it off the road. So there will be what that natural force does out there is maintain that habitat type by over washing because Piping Plover like kind of bare, shelly coarse sand.

RC – If natural forces are supposed to be part of the mission then haven't you created artificially most of the habitat down there?

MB – We've created dikes and pumping systems for north pond and for south pond to enhance the wetlands that we have for specific species like wintering waterfowl to try and grow submerged aquatic vegetation. And then when we draw it down in the spring to accommodate the shore birds that are coming through in the spring time they have got the wet very, very shallow wetlands

where they can feed. And then on the beach face in the winter you have shore birds that are coming through and foraging on the beach face and wherever they can find wetland that have food in the wet soils and then we also are accommodating the nesting of shorebirds and other colonial nesting birds like certain tern species and oyster catchers in the spring and into the summer on those mostly beach like areas where they find the habitat they can key in on and nest. But that changes every year essentially. The birds find what looks good for them and go to it and utilize it because the sand is always moving under the forces of wind and water. That changes and it's also maintained by some of that action.

RC – But what I am referring to part of it is that you have created by man habitat on the west side of the road.

MB – That's right. We have managed it in a way to enhance it.

JRH – Just to answer a question. I think my understanding is that the easement there is a meets and bounds description in the wildlife refuge. The Park Service just has a general easement.

Mike, I have a question for you. We have moved that road several times in the refuge. What has changed over the past four or five years that would change our thinking that all of a sudden we can't move the road anymore? That we have to go around it.

MB – It depends on the spot you pick in talking about moving the road more than just moving the road in general. Because every time the road moves it never moves east. It always moves west. So the habitat type that you find west of the road some of which is prime habitat for migratory birds that would have a greater impact than a habitat type where we on evaluation with DOT and others that help us go through that same planning processes would evaluate that it may not have the same level of impact. We have had to do that every time we've permitted a relocation. The main thing that has changed since the last relocation in the mid 90's is that in 1997 Congress passed the National Wildlife Refuge System Improvement Act which essentially kind of rolled up the understanding of how refuges should be managed in one act and it did raise the bar on a few things. It eliminated mitigation for example so that was significant.

JRH – I know that we have three or four different times pumped a lot out of Oregon Inlet have pumped a lot of spoil site on the beaches there. Sitting on the Task Force and listening to Dr. Dolan or Fisher or Overton when you ask those guys they are assuming no beach nourishment. No fill at all placed on the beach so they are giving you a rate of 20 years on that road. But yet they are not assuming any beach nourishment at all in those studies. I just have to question the accuracy of the erosion rates. I assume now we are not going to have jetties, we are going to be pumping sand out of Oregon Inlet now. So that has changed since your meeting.

MB – Those studies on those were DOT studies. I really don't have any expertise on the studies that were done. We just work with the Corps through the course of usually the winter to determine a set of conditions and allow them to move sand on to our beaches. It has to be sand of a certain quality coarseness so that it comes close to being what Pea Island Beach sand is like and at a time of year that it doesn't impact the wildlife resources that are in the area.

JRH – I noticed on the way up here today that as I came over the bridge, it was probably maybe a hundred people on both sides fishing. When you let people use your resources, do you consider fishing as the same level as bird watching?

MB – Yeah, there are several six big appropriate wildlife dependent uses that are considered on refuges as the priority uses and Pea Island doesn't have all six because hunting was eliminated back in 1938 when they said they were going to close Pea Island to migratory bird hunting at the same time they established the refuge. So it is fishing, wildlife observation, wildlife photography, environmental education and interpretation. Fishing is right in there.

JRH – I guess my other question would be how does DOT know if they can get permit, will they be expected to apply for it?

MB – They have to apply to the Fish and Wildlife Services for a permit. I have worked with them over the past two years to give as much as information as I can and to consult with people above me who will ultimately take any recommendation I give up to the Regional Chief of Refuges who either decides if I have made the right determination or not and then that person would make the recommendation to the Regional Director who would decide to issue a permit or not. I have been telling them all along just like I mentioned to you today. Alternative 1 does not look compatible so that makes it problematic for issuing a permit from my perspective. That is my job to make that determination and recommendation and send it up the hill in our agency.

JRH – Thank you. I have been following this a lot closer than some of the Board members and I certainly agree that we are getting ready to loose 15 miles of Dare County and access. I am not sure that Alternate 1 Wide is not much more buildable quicker and certainly the way to go. Plus the money alternate is another \$120M that someone will have to come up with. I am not so sure that this 17mile bridge is a great idea.

WJ – Commissioner Sadler and Commissioner Keller, as our partners in Dare County, is there anything that you all would like to come forward and say/ask?

I don't mean to put you on the spot. We appreciate you all coming out today.

AS – May I ask Webb to speak? We will not take much time because Stan and Renee have already said what we are concerned about. Webb will speak on a few things that we want to get across today.

WF – Mr. Chairman, Board members, and my name is Webb Fuller and the Nags Head Board did receive a letter from Terry a little over week ago notifying us about the meeting and our Board discussed the issue last Thursday night at a meeting. In discussing it, we discussed it with very little knowledge and I think basically everything you talked about today, if I say anything, it will probably be a rehash. I would like comment for the record if I may. The Board's largest concern was definitely providing public vehicular access unrestricted between the communities on the northern part of Dare County and the southern part of Dare County and that by far is the most important thing. Nags Head came into it late because we never looked at this as a Nags Head issue per say because we never saw where there was going to be an abandonment if you will of the north end of Pea Island for individual public use. Recently, we have heard that that may be happening and therefore it did become a Nags Head issue. So when the Board is discussed it the other night there was not enough information to discuss the alternatives of the bridge placement because we did not have that but we did discuss and we did think we had enough information to discuss the abandonment of that north end of Pea Island for individual public use and I think there are about 5 areas of concern not listed in any priority order but one is there is a very nice surfing opportunity in that general area and there are a lot of citizens in Nags Head that enjoy that area for surfing and we want to make sure that that is protected. I guess what really happened was a lot of the residents as well as visitors do use that area extensively and all of a sudden it did become a very important issue so with that the surfing was one and the other was the fishing both from the surf as well as the bridge. Lot of citizens do that and a lot of visitors enjoy that and we want maintain that. The bird watching opportunities are very important. The Aquarium Society and the Coast Guard Station is an issue. We do see that as another use not that we have any direct involvement but the fact that Nags Head has been working with the Aquarium Society on Jennette's Pier we do know about some potential partnerships between the Aquarium on Roanoke Island, Jennette's Pier and potentially at the Coast Guard Station and we want to make sure that is developed and used appropriately. There was some discussion about the possible loss of property associated with the removal of the rock groins as Commissioner Cahoon said. One of our understandings is that since the groins have been placed in there that it has become prime nesting area for certain endangered birds and if you remove the groins that could eliminate that nesting ground. Not that that was our highest concern, but it was discussed as a possibility of loosing that site as well as the potential impact it may have on the Aquarium work on the Coast Guard Station. I think that it is. We would like to know and be involved in future discussions. All of our discussions are geared toward DOT and toward this Board and we would like to participate where we may with you in making sure that there is individual public use maintained for that north end of Pea Island.

WJ – We will certainly do that, Webb. We will invite the towns to everything that we know that is going on.

WF – Thank you.

WJ – Anything, Paul, from Duck?

PK – I am Paul Keller and I want to thank Terry for inviting us to this. We, too, didn't have time to discuss it as Nags Head did and we didn't have enough information. Listening today, I certainly agree as a council member from Duck with Commissioner Cahoon. A lot of our tourists come down and take a trip south into other parts of the Outer Banks especially when it is raining. They like to go to the Aquarium and to Pea Island. I think they would be deprived if they did not have easy access. The same is true of our homeowners who don't like here full time but who come

down in the spring and the fall. They love to visit Pea Island and they would like that access, I am sure. We would like to be informed and a part of the Hatteras process along the way.

WJ – Thank you, Paul.

Kermit Skinner – I don't have anything to add. I will take back what I have heard today to my Board and appreciate the opportunity for Manteo to be involved in the meetings.

Commissioner Ray Sturza, Kill Devil Hills – Thank you for the opportunity to make a brief statement on behalf of the Kill Devil Hills Board of Commissioners and like the others, we have been anticipating the presentation from DOT. We have no official designation as to the alternative selected or what the ramifications may be, but I do want to thank Commissioner Cahoon for her attentiveness to the need for the northern beaches to have an opportunity to participate in the hearing process because one of the alignments has a potential to drastically affect the ability of our motoring public that currently uses the recreational beaches that will be bypassed by the 17 mile alternative. I think that would have a tremendous impact on the northern beaches of the Dare County area and we await further word for the Board to take a position as to an alternative. We appreciate the opportunity to share those concerns with you and you Commissioner Cahoon for giving the people who live north of Hatteras Island an opportunity to be heard. I think it is a Dare County issue as much as it is a Hatteras Island issue. Thank you, Mr. Chairman.

WJ – Jennifer, I think you are hearing it well and even the folks on Hatteras Island I would agree that that northern tip of Hatteras Island is as much or more of a beach used by people north of the inlet than people from Rodanthe and further south. So, hopefully we can get some meetings some place on the beach. I imagine Nags Head or the Town of Kill Devil Hills would make their town halls available and maybe we should be lobbying Stan, right. Are there any further questions for Jennifer or Mike? We appreciate you all coming and speaking with us today and thank you folks other folks for standing by.

Chairman Judge expressed appreciation for their presentation.

THE BOARD TOOK A BRIEF RECESS.

#### **ITEM 1A – OREGON INLET REPLACEMENT PROJECT (CONTINUED)**

Chairman Judge did not know what the Board's pleasure was on the issue of the bridge. He felt that it was important that the Board of Commissioners get more involved and with levels higher than the Merger Team or Task Force.

Vice Chairman Hopper thought they needed to communicate early on. He believes that the merger team is speaking alone on these two issues right now.

He has no problem with the old bridge versus the new one. He thinks the 17-mile bridge creates certain problems and the Board need input early on. The access to Hatteras Island is his top priority. He thinks they need to talk about the 15 miles of Dare County that could be lost for human access.

Commissioner Cahoon felt the Board needed to take a position that while they realized fully the need for a replacement bridge, be it one alternative or another and is concerned about the loss of access. She cannot understand whether a dike is a manipulation or a groin is a manipulation to since both are created by man. She sees them having issues with access and would like to see what form the deed has about the easement on Highway 12 through the Fish and Wildlife as well as the 1958 deed with the National Park Service that Commissioner White has looked at. She is concerned about a 17-mile bridge causing the county to loose that access through some terms of an easement. We do not need to loose that access. It is part of the economy as well as the public's right to go and fish. Fishing is one of the missions, but it does not state that they have to guarantee a road to do it. They may make the public want to walk the 17 miles. She would like for the Board to take a stand on the open access issue in particular.

Commissioner Byrd suggested they do a survey of the public similar to the one they used on the Bodie Island Lighthouse and ask the County Attorney to develop and distribute a survey that takes a look at the alternatives and get some public feedback on the bridge, road, and access issues. This would be good feedback.

Commissioner Johnson asked that a representative from each town be placed on the Merger Team. At some time Oregon Inlet Bridge needs to be addressed to keep open for fishing.

Commissioner White noted they all have their own opinions and they need to come together. He is very concerned about access to the north end of Hatteras Island and whether the access from the north end of the island south maintain a road south a mile or two and maintain it from the south to north up to the first rest area. It would be expensive to put an exit off of the 17-mile bridge that just accommodates the north end of Hatteras Island. No one has talked about keeping Oregon Inlet Bridge as a fishing pier. It is a world known fishing area for people to come and fish. If the bridge is gone, the fishing opportunity is gone. We will need to address if we are going to keep a part of that bridge as fishing pier and that has not been addressed. That issue will come once the location of the bridge has been determined. He thinks the public input is important. He noted there were opportunities to lengthen Alternative 1 wide 20 years from now. There are still problems with Alternative 1 wide because it lands south of the first hot spot (the canal zone). Chairman Judge questioned if the rock groin was left there and access to the old Lifeguard Station was maintained and if there was still access to the beaches that we have now, then would it matter which alternative they chose?

Vice Chairman Hooper said that as long as you can do it on the same timetable, which is not reality either. I think they have \$137M right now and lot less designing. I think it is a lot easier to build a shorter bridge.

Commissioner White said that the bridge whenever it is built will be a design build with a time factor.

Commissioner Tillett asked if Mr. Bryant did say that they are not willing to do a lot of giving or it is that they can't?

Chairman Judge said that Mr. Bryant indicated that Alternative 1 wide would not get his recommendation.

Chairman Judge recommended having a meeting with Secretary of Transportation, Mr. Bryant's boss 2 steps up and have a frank discussion on what we feel we want for Dare County.

Commissioner White agreed with the idea of saying that Dare County has great concern about having loss of access to the north end of Hatteras Island, the bridge issue not being as important as the access issue.

Commissioner Cahoon would like for a representative of DOT to address a public meeting north of Oregon Inlet and to keep an update on the bridge on every agenda.

## **ITEM 2 – PUBLIC HEARING – NC DEPARTMENT OF COMMERCE SCATTERED SITE HOUSING GRANT**

AT 5:05 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE IMPUT ON THE SCATTERED SITE HOUSING PROJECTS.

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

There were no speakers.

Chairman Judge closed the hearing at 5:05 p.m.

## **ITEM 3 – SCATTERED SITES GRANT (ATT # 2)**

Attorney Norma Mills and Jenny Gray, Project Manager, presented four resolutions for Board approval as part of the conditions clearance process.

1. Code of Conduct (Conflict of Interest) – Governing County Employees and Elected Officials

### **MOTION**

Commissioner White moved the adoption of Resolution #03-06-30 establishing Code of Conduct.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

2. Residential Anti-Displacement and Relocation Assistance Plan

### **MOTION**

Commissioner White moved the adoption of Resolution #03-06-31 establishing Dare County Residential Anti-Displacement and Relocation Assistance Plan.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

3. Optional Relocation Coverage

**MOTION**

Commissioner Tillett moved the adoption of Resolution #03-06-32 authorizing the adoption of the Optional Relocation Plan and the adoption of the attached Optional Relocation Plan (may be done with one vote adopting both items).

Commissioner White seconded the motion.

VOTE: AYES unanimous

**4. EEO Compliance in Bid Solicitation****MOTION**

Commissioner Tillett moved to adopt the EEO Plan for bidding and contracting under the Scattered Sites grant program.

Commissioner White seconded the motion.

VOTE: AYES unanimous

The Board thanked Ms. Gray for a job well done.

**ITEM 4 – SUBDIVISIONS PLAT REVIEW:****a. North Hatteras By the Sea****b. Waves Soundside, Inc.**

Donna Creef, Senior Planner, presented the two proposed subdivisions.

**MOTION**

Commissioners White moved to grant preliminary plat approval for:

North Hatteras By the Sea.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner White moved to grant preliminary plat approval for Waves Soundside, Inc.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – WIND OVER WAVES, PHASE I – REVISED PRELIMINARY PLAT**

Donna Creef, Senior Planner, presented the revised Preliminary Plat.

**MOTION**

Commissioner Cahoon tabled the matter until July 21<sup>st</sup>.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

THE BOARD CALLED FOR THE PUBLIC HEARINGS ON RESOLUTIONS ITEMS #17 & 18 AND THEN PUBLIC COMMENTS - ITEM 20 AND THEN WENT BACK TO ITEM 6.

**ITEM 6 – PROPOSED ZONING TEXT AMENDMENT – HATTERAS VILLAGE HEIGHT OVERLAY DISTRICT**

Ray Sturza, Planning Director, reminded that on June 2, 2003, the Board adopted a package of zoning text amendments for Hatteras Village. One component of this package was the measurement of building height from base flood elevation. During the discussions of these proposed amendments, the Hatteras Village Civic Association had indicated that most of the property in the village was at a natural ground elevation below the 6-foot base flood standard. Since that meeting, the staff has been contacted by several property owners with land that features a natural ground elevation of 10 feet or more. They contend that their property is being held at a disadvantage under the new regulations and that some adjustment to the height regulations to address lots with higher ground elevations is needed. Discussions with some of the individual Board members indicated that they agree that a clarification is needed to address the concerns of the property owners.

Current language: 35 feet (52 feet) to the highest elevation of any feature of the structure or portion of the roof measured from base flood elevation.

Proposed clarification: 35 feet (52 feet) to the highest elevation of any feature of the structure or portion of the roof measured from base flood elevation, from natural ground elevation if natural

ground elevation exceeds base flood elevation, or from an unnatural ground elevation created by the placement of fill material on a site on or before June 2, 2003.

In summary, he noted that staff acknowledged a procedural error in the way that they notified the people of the change.

Attorney Mills acknowledged that the text changes were adopted correctly and encouraged the Board to move forward with a public hearing on the map changes. There was Board discussion.

**MOTION**

Commissioner Cahoon moved to schedule a public hearing on July 21, 2003 at 3:30 p.m. to adopt the overlay map and the amended overlay map.

Commissioner White seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner Cahoon moved to set a public hearing on July 21, 2003 at 3:30 a.m. to advertise (1) the Proposed Clarification that staff has presented and to advertise (2) a 47' height with the same other terms included. One would be 35' now with how to measure it and the other 47' with how to measure it. A definition of natural ground elevation (the average of the four primary corners of a structure on land in a natural state that has not been altered by manmade activities) will be included in the advertisement.

Commissioner Tillett seconded the motion.

Commissioner Byrd thought it was a mistake to move so quickly because they may have to advertise in September.

Vice Chairman Hooper felt 42' was a good compromise.

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

NOES (2) Hooper & Byrd

Mr. Sturza thought it would take more work to address the non-conforming use and will bring back options in the future.

THE BOARD TOOK A 10-MINUTE BREAK.

**ITEM 7 – BEACH NOURISHMENT COMMITTEE RECOMMENDATION: EASEMENT CONSULTANT (ATT # 3)**

Ray Sturza, Planning Director, noted the Board had authorized the next step in a series of procedures that will culminate in the construction of a hurricane and storm protection beach berm and dune system (beach nourishment) for the northern beaches. This was a solicitation of proposals and qualifications from firms and/or individuals to assist the County in acquiring the easements and other real estate related documents necessary to accommodate the placement of replenishment sand on the shoreline to the east of existing property lines. Eight responses were received and a subcommittee of the Beach Nourishment Committee evaluated each of the responses and selected the top two ranked proposals for the Board's consideration. All eight proposals are on file with the Clerk to the Board and copies of the final two top ranked proposals are on file with the Clerk.

Barbara Connery, Chairman of the Selection Subcommittee, provided the process that was used to give them a guideline for determinations. Their main concerns included their successful experience with North Carolina projects and their experience with the Corps of Engineers. It was the recommendation of the sub committee to review Lee Wrenn and PB&J, but in final process the full committee unanimously agreed to hire Lee Wrenn.

Commissioner Byrd expressed concern about Chairman Judge and Commissioner Cahoon being involved in the decision making process.

Attorney Mills stated there was no conflict of interest and participation.

Both Chairman Judge and Commissioner Cahoon did not believe they had an ethical problem with it.

**MOTION**

Commissioner Cahoon moved that the Board authorize the Beach Nourishment Committee to negotiate a contract for services with Lee Wrenn & Associates of Kure Beach, NC for real estate easement and acquisition services necessary to facilitate the construction of the proposed Northern Dare Beaches Hurricane and Storm Protection Plan.

Vice Chairman Hooper seconded the motion.

Commissioner Byrd stated she had read both proposals and did not think either proposal was good because there were no local people involved.

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

**MOOTION**

Commissioner Cahoon moved to go to Item 21A – School Improvement Team after Item 8.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – DARE COUNTY AIRPORT AUTHORITY UPDATE**

Connie Brothers, Co-Chair for the DC Airport Authority's 2003 Centennial Planning Committee, updated the Board on events taking place at the DC Regional Airport in the coming months. She stated that the December celebration at the Airport has been given the theme "Fly Wright To Dare." They have vendors committed to display and sponsors who have donated a total of \$26,000. In addition, there are a number of volunteers who are committed to the Airport's efforts. To date their schedule reflects the following:

- Coastal Carolina Air Tour
- 27<sup>th</sup> Annual Women's Air Race Classic
- Soaring Society
- Cessna 170 Association Fly-In
- EAA's AirVenture Cup Race

Although much of their time and attention is devoted to planning for December, they look forward to welcoming the hundreds of aviation enthusiasts who will be joining them this summer.

Chairman Judge expressed appreciation for their presentation.

THE BOARD MOVED TO ITEM 21-A.

**ITEM 21 A – SCHOOL IMPROVEMENT TEAM FOR MANTEO ELEMENTARY SCHOOL**

Chairman Judge recognized Punk Daniels, former Dare County Commissioner, and Walter Holton, Board of Education member.

Bea Basnight, teacher at Manteo Elementary School, presented the recommendations for Direct educational improvements, Indirect educational improvements and other for Buildings 1, 2, 3, 4. She noted these renovations were identified in the beginning at a cost of \$5.9M and at present they come in at \$11M. She noted that it might be better to build than to renovate.

Karen Cobb, member of the School Improvement Team, noted the team was asked to identify the projects, which they did for a total of \$5.9M. They thought they were getting what they had asked for in the Feasibility Study. There is nothing in the study that they did not ask for and now the total is an additional \$6M. Had they known this during the Feasibility Study, they would not have supported renovations. Spending \$11.9M on renovations is wasteful. The team is asking for comparable facilities. She knows it is hard to change gears but feels they should tear down the old and rebuild. She hopes the BOE will not expect them to accept less than the other schools. Malcolm Fearing, Manteo, in summary noted they were spending \$11M for a renovated building. He felt they should stop and reevaluate. He is hopeful with the BOE's cooperation that they reconsider the plans.

The Board is hoping the Board of Education and the School Improvement Team will make a presentation in the near future and admit that a mistake has been made.

Chairman Judge expressed appreciation to the group for coming and sharing their thoughts.

THE BOARD MOVED BACK TO ITEM 9.

**ITEM 9 – SANITATION II FUND BUDGET AMENDMENT (ATT # 4)**

Dave Clawson, Finance Director, reported that Hyde County has requested the return of capital funds that have been paid into the Sanitation II Fund. As of June 30, 2002, the undesignated fund balance in this fund was \$28,469. Via the attached budget amendment, he is proposing to refund

\$25,000 to Hyde County at this time. Once fiscal year 2003 is closed, he will reevaluate the potential for any additional return.

**MOTION**

Commissioner Tillett moved to adopt the budget amendment to the Sanitation II Fund.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – PROJECT ORDINANCE FOR ADDITIONAL ENGINEERING FOR WATER MAIN TO EXTEND TO WELL SITE # 17 (ATT # 5)**

Dave Clawson, Finance Director, reminded that the Board approved an additional engineering & design contract amount of \$95,000 on 6/2/03 for CDM to design extending the raw water main from well site # 12 to well site # 17. He presented the necessary budget amendment and capital project ordinance.

**MOTION**

Commissioner Byrd moved to adopt budget amendment for the Water Fund and the Capital Project Ordinance #03-06-33 for the Water Capital Projects Funds.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 12.

**ITEM 11 – ALBEMARLE RPO TRANSPORTATION PRIORITIES (ATT # 6)**

Commissioner Byrd presented information about suggested transportation projects for the ten county region covered by the Albemarle RPO. Billy Leggett, the Interim Director for the RPO assigned preliminary priorities to future projects as shown below. This is a ten county rural, which coincides with what the Albemarle Commission covers and are being charged for the first time with

looking at transportation projects and establishing some kind of priority for them.

Commissioner Cahoon noted there was discussion about separating into smaller RPO's because there was concern among municipalities of what they have in common with North Hampton County project wise for example. Commissioner Byrd explained that each town would have a vote thus giving Dare County a greater leverage with 6 votes. So it makes a difference on how the town feels about the projects. She asked for opinions about the worksheet and the priorities prior to the next RPO meeting on June 25<sup>th</sup>. If there are projects for Dare County or surrounding counties that are not listed, to let her know.

Chairman Judge felt this was a place for discussion on the Oregon Inlet Bridge and Mid County Bridge as well as Colington Road.

**ITEM 12 – ADOPTION OF FISCAL YEAR 2003-04 CAPITAL IMPROVEMENTS PLAN (ATT # 7)**

Dave Clawson, Finance Director, presented the fiscal year 2003-04 CIP.

**MOTION**

Commissioner Byrd moved to adopt the FY 2003-04 through 07-08 Capital Improvements Plan, authorize staff to integrate the approval into the annual budget and to prepare the necessary capital project ordinances, and authorize the Chair to execute those capital project ordinances. (Ord #03-06-34).

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – ADOPTION OF FISCAL YEAR 2003-04 BUDGET (ATT # 8)**

Manager Wheeler presented the Fiscal Year 2003-04 Budget. If the Board chose to adopt on this date, he asked to adopt the Manager's Recommended Budget plus the list of changes from the budget workshops as provided to the Board by the Finance Department and current tax of \$.54 will remain for the current year.

**MOTION**

Commissioner Hooper moved to adopt the annual budget for fiscal year 2003-04 per above. (Ord #03-06-35 & Ord #03-35-36).

Commissioner Cahoon seconded the motion.

Commissioner Byrd noted that this is the 1<sup>st</sup> budget she has ever voted for.

VOTE: AYES unanimous

**ITEM 14 – PUBLIC HEARING – BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,020,000 GENERAL OBLIGATION BONDS**

AT 5:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE BOND ORDER.

Attorney Mills conducted the hearing and invited the public to speak. There were no speakers.

Chairman Judge closed the hearing at 5:35 p.m.

**ITEM 15 – ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,020 GENERAL OBLIGATION BONDS**

Dave Clawson, Finance Director, noted that based on the budget workshop last Monday and the fact that the Board adopted the CIP, this financing would not be necessary. No action was taken.

**ITEM 16 – PUBLIC HEARING – BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,465,000 GENERAL OBLIGATION REFUNDING BONDS**

AT 5:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE BOND ORDER.

Attorney Mills conducted the hearing and invited the public to speak. There were no speakers.

Chairman Judge closed the hearing at 5:40 p.m.

THE BOARD MOVED TO PUBLIC COMMENTS – ITEM 20.

**ITEM 17 – ADOPTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,465,000 GENERAL OBLIGATION REFUNDING BONDS**

**MOTION**

Commissioner Tillett moved to adopt the Bond Order.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 18 – RESOLUTION PROVIDING FOR THE ISSUANCE OF \$10,135,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003B OR THE COUNTY OF DARE (FILED)**

Dave Clawson, Finance Director, presented the final resolution for the issuance of the above listed General Obligation Bonds.

**MOTION**

Commissioner Byrd moved to adopt Resolution #03-06-37.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – PURCHASE ORDER POLICY**

Dave Clawson, Finance Director, noted that currently a purchase order is required for any purchase in excess of \$100. The attached policy will increase this limit to \$1,000 or more. By increasing the limit to \$1,000, approximately 53% of the purchase orders issued can be eliminated, while still capturing 95% of the purchase order dollars (based on current fiscal year purchases through May 31, 2003). Based on a survey on the NC Finance listserve, Cumberland, Buncombe, Craven, New Hanover, and Union County have already adopted a limit of \$1,000.

**MOTION**

Commissioner Johnson moved to approve and adopt the attached Purchase Order Policy, setting the purchase order limit at \$1,000 or more.

Commissioner Hooper seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED BACK TO ITEM 11.

**ITEM 20 – PUBLIC COMMENTS**

1. Attorney Chris Seawell, Manteo, referred to the recent adoption on height restrictions of the Hatteras Island district. The effect of the decision has made a tremendous difference to a lot of the property in Hatteras Island. One concern is some of the properties have already been built on and now the new houses will be substantially smaller. It has devalued property in the village of Hatteras and increased it in other communities particularly in Hatteras where properties are not involved in this decision. He asked the Board to revisit the issue because a lot of people have not known about it and give the people a chance to express their views. To try and impact this one area has caused a lot of problems.
2. Attorney Linda Sharpe, partner in Gulf Stream Joint Venture Group, noted they wanted to do the Dare County Beach Nourishment Project and asked the Board to give them the project. She said the money would stay in Dare County and would produce year round jobs and help the merchants year round. They would like to be considered as a part of the contract or if you split part of the contract between different groups.
3. W. Page Cockrell, member of the Gulf Stream Join Venture Team, asked the Board to consider their team of professionals.
4. Danny Couch, Buxton, noted it has been difficult in getting information on the proposals of the Oregon Inlet Bridge. This is a Dare County issue and it has the ability to impact Dare County tourism in a very negative way. It has been noted by the major newspapers that Cape Hatteras National Seashore has made the top 10 beaches in the United States. With a 17-mile bridge, they would eliminate 25% of the beaches without access to them. In 1990, the loss of the bridge caused many economical problems. He implored the Board to consider this issue.
5. Howard Rooney, Hatteras Village, referred to Item 6, reminding that it had taken the village over a year to get an ordinance to try and save Hatteras village. Two weeks later, they are starting the process all over again. This ordinance is fair to all people- landowners and residents who live in Hatteras Village. If anyone feels he is not being treated fairly, he may get relief from the Planning Board or the Commissioners, he has to come forward to present himself to the public and not under the cover of night. One of reasons we do not have the language as far as natural ground elevation or unnatural ground elevation the reason they stayed away from that because the county does not have a viable definition of natural ground or finish grade. He asked the Board to leave the zoning for Hatteras Village the way it was voted on by the Board two weeks ago.
6. Ricki Sheppard, Hatteras Village, spoke on Item 6 and felt the HVCA had done everything they were suppose to do. They went through the process, worked with the Planning Board, worked with the community, held a public hearing and formed a committee. She does not understand how something could change so quickly that was voted on 2 weeks ago. She asked the Board to stick with their vote.

THE BOARD MOVED BACK TO ITEM 6.

**ITEM 21 – CONSENT AGENDA (ATT # 9)**

**MOTION**

Commissioner Cahoon moved the adoption of the Consent Agenda:

1. Approval of Minutes – June 2, 2003
2. Social Services Budget Amendment
3. FTA Drug and Alcohol Testing Program
4. Manager's Report on Budget Amendments
5. Manager's Report on Budget Amendment

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 22 – BOARD APPOINTMENT – ROANOKE ISLAND COMMUNITY CENTER BOARD**

**MOTION**

Commissioner Byrd moved the reappointments of the following to serve on the Roanoke Island Community Center Board:

Earline Simmons - 2-year term  
 Dell Collins – 2-year term  
 James Eubanks - 1-year term  
 Doris Pledger Creecy – 1-year term  
 Beulah Charity Ashby - 2-year term  
 Earl W. Bryant - 1-year term  
 Arvilla Bowser – 2-year term  
 VOTE: AYES unanimous

**ITEM 23 – HATTERAS COMMUNITY CENTER BOARD**

The following were reappointed to serve on the Hatteras Community Center Board: Ernie Foster, Jr., Geraldine Farrow, Richard A. Midgett, and Ricki Shepherd on June 2, 2003 for a two year term. It was recommended to change the term of Richard Midgett to a one-year term in order to have staggered terms.

**MOTION**

Commissioner Tillett moved to stagger Richard Midgett's term to one year.  
 Vice Chairman Hooper seconded the motion.  
 VOTE: AYES unanimous

**ITEM 24 – WANCHESE COMMUNITY CENTER BOARD**

The following will have terms to expire in July: Rosie Davenport, Thomas Baum, Ken Doughty, Nora Scarborough and Will Fields. It is recommended to change the term of Nora Scarborough to a one-year term in order to have staggered terms.

**MOTION**

Commissioner Tillett moved to stagger Nora Scarborough's term to a one-year term.  
 Vice Chairman Hooper seconded the motion.  
 VOTE: AYES unanimous

**ITEM 25 – COMMENTS BY COMMISSIONER BYRD**

- Manatt, Phelps and Phillips – The contract was to expire May 5<sup>th</sup>. Chairman Judge responded that hopefully staff would have language to the Board by email this week.
- Budget – Personnel was not provided for the SPCA in order to expand their animal control operation. At the same time, the County Attorney was directed to develop a leash law for Avon. She questioned what the Board was going to do about this. She recommended addressing the issue at the next meeting along with the leash ordinance.
- DCTAB- She referred to the volunteer driver liability issues. There is no comprehensive policy in place and they need to establish criteria. The County Attorney will meet with the departments who use volunteer drivers – Parks & Recreation, Social Services, DCTAB, etc.
- Planning Board and Zoning – Need to set a meeting to put in place zoning and planning for the next year.
- DCTAB – The TAB Advisory Board will bring back the issue of the possibility of advertising on vans as a way of creating revenue for expanding those services. Asked to place on the next agenda.
- Vacation - She will be on vacation June 26-July 15<sup>th</sup> and can be contacted by email or cell phone.

**ITEM 26 – COMMENTS BY COMMISSIONER JOHNSON**

- Commercial Industrial Park – He would like permission to work with the County Attorney and Planning Director and move forward with the project. The Board concurred. He would appreciate any ideas.

**ITEM 27 – COMMENTS BY ATTORNEY MILLS**

- Dare County Youth Center Board – The DCYCB has requested that there be an amendment to the Memorandum of Agreement between the corporation and the county that set up the Youth Center Board in order to have more flexibility in their appointments. They have an individual they would like to recommend but does not fall in one of the designated slots. It is a designated slot that they have had a difficult time finding people to serve. They recommended executing an amendment to the memo of agreement that would change the designation of one of their slots from the Ministerial Association to be someone who is a member of the Faith Base Community.

**MOTION**

Commissioner Johnson moved to authorize the Chairman to execute the amendment to the MOU.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

- Proposed Pavilion at the Airport – She reminded that funding for the pavilion was approved in the CIP and presented a draft memorandum of agreement between the county and the Airport Authority governing the use. It will be placed on the July 21<sup>st</sup> agenda.

**ITEM 26 – 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.

Commissioners Byrd seconded the motion.

VOTE: AYES unanimous

AT 9:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 9:50 P.M.

Attorney Mills reported no action in closed session that requires motion in open session.

AT 9:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 3:00 P.M. ON JULY 21, 2003.

Respectfully submitted,

By: *Francis W. Harris*  
Fran Harris, Clerk



APPROVED:

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