

**DARE COUNTY  
NORTH CAROLINA****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
September 15, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on September 15, 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 former Commissioners and Chairmen Bobby Owens and Moncie "Punk" Daniels.

**ITEM 1 – PRESENTATION ON OLD COURTHOUSE – BOBBY OWENS**

Bobby Owens, former Dare County Commissioner, shared his views regarding the old courthouse. The courthouse was built in Manteo in 1870 when there were only three (3) elected commissioners. The travel to the County Seat was by water, which took 2 days from either Hatteras Island or Duck to record a deed in Manteo. He urged the Board to restore the old courthouse back to its original state and make it something for the citizens to be proud of. He suggested using the upstairs courtroom for Board meetings and making individual offices in the area downstairs for each commissioner.

**ITEM 2 – PRESENTATION BY ICARUS INTERNATIONAL PRESIDENT**

Bill Kealy, President of Icarus International, Inc. Board of Directors, made a presentation in recognition of the County's contribution to the Monument to a Century of Flight. Now this was a dream coming true. With the pylons now up, the monument will be a reality. He presented a reproduction of the Dare County pylon to the Board noting that this has been a true private/public partnership, which has made the process work. He presented each Board member with a copy of Pioneer Aviators of the World. Commissioner Byrd reminded that the dedication would take place this Saturday.

**ITEM 3 – CUTTY SARK SUBDIVISION – PRELIMINARY PLAT REVIEW**

Chairman Judge announced that the petitioner has asked to remove the item from the agenda due to Hurricane Isabel and to place on the next agenda.

**ITEM 4 – STUMPY POINT WASTEWATER PROJECT – UNSEWERED  
COMMUNITIES GRANT APPLICATION (ATT # 1)**

THE BOARD OF COMMISSIONERS MOVED TO CONVENE TO THE STUMPY POINT WATER & SEWER DISTRICT BOARD.

Anne Thomas, Health Director, noted the Wooten Company is preparing a grant application to the NC Rural Center for construction funds to complete the Stumpy

Point Wastewater project. The application is due on September 30, 2003. She presented the authorizing resolution for Board approval.

Mr. Ford Chambliss reported they have concluded the preliminary engineering report and the environmental assessment for the Stumpy Point area.

**MOTION**

Commissioner Byrd moved to authorize the Chairman of the District to sign Resolution #03-09-50 authorizing Steve Shriver, Dare County Engineer, to sign the grant application and other related documents in his absence and Commissioner White seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner White moved that the Dare County Board of Commissioners set the Sewer System User Charges for hook-up and use of the Stumpy Point Sewer System as is shown in the attachment titled "Stumpy Point Wastewater System Cost Information" provided by Wooten Company.

Engineers will look at models for the funding of future maintenance to the system.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD OF COMMISSIONERS MOVED TO ADJOURN THE STUMPY POINT WATER & SEWER DISTRICT BOARD AND RECONVENED THE DARE COUNTY BOARD OF COMMISSIONERS.

**ITEM 5 – STUMPY POINT WASTEWATER PROJECT – UNSEWERED COMMUNITIES GRANT APPLICATION LOCAL MATCH (ATT # 2)**

Anne Thomas, Health Director, noted the Rural Center awards "priority points" to and looks favorably upon applications with a local match toward the total cost of the project. The Wooten Company has prepared cost information to assist with decision-making." The slogan can be used in the Channel 20 video and any other print media they may use. Other proposed activities are attached.

**MOTION**

Commissioner Tillett moved to use the 20.1% in the amount of \$551,544.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 6 – STREET ADDRESS AWARENESS CAMPAIGN UPDATE**

Ray Sturza, Planning Director, reported that he has met with Doug Remaley, Fire Marshal, and requested his assistance and contact with the local volunteer fire departments in our efforts to increase awareness of the need for property owners to post their street addresses. Other proposed activities that have been identified are as follows:

1. The slogan to be used throughout the campaign is "Saves Time, Saves Lives".
2. Information Technology will provide a quick link on the Dare County website for property owners to check their street address.
3. Local Volunteer Fire Departments will give their assistance in the dissemination of numbers to property owners.

4. Board of Realtors will give their assistance to encourage property management firms to post the proper street address.
5. Fire Prevention Week and Street Address Awareness Week will be declared each October by the Board of Commissioners.

**ITEM 7 – NATIONAL FIRE PREVENTION WEEK PROCLAMATION**

Doug Remaley, Dare County Fire Marshal, presented the following proclamation for adoption.

**MOTION**

Commissioner Cahoon moved to adopt the Proclamation regarding National Fire Prevention Week and Address Awareness Week.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – DIXON / DIXON LAW FIRM REZONING APPLICATION – PUBLIC HEARING**

Chairman Judge announced that the petitioner has asked to remove from the agenda due to Hurricane Isabel and to place on the next agenda.

The Board moved to Items 11 & 12 and then came back to Item 9.

**ITEM 9 – UPDATE ON OREGON INLET BRIDGE REPLACEMENT (ATT # 3)**

Attorney Mills submitted two documents (1) standard report and (2) proposed resolution. Since the last meeting, DOT held a pre-planned meeting with USFWS in Edenton to discuss issues regarding access in the south terminal groin. No decisions were reached. Next, the county learned last Wednesday that the DOT had signed the Merger Team Concurrence Document that authorizes Alternative 4, which is the 17-mile bridge as being the only alternative to be studied in the Supplemental EIS Process. She has not been able to confirm from the department when the document was signed. DOT has approached the Corps of Engineers to explore their willingness to be the applicant to the USFWS for an amendment to the current conditional use permit should the 17-mile alternative go forward. Utility replacement was an issue and cost for replacing the Cape Hatteras Coop. The Utility Cable is currently affixed to the existing Bonner Bridge. The DOT is not, under state law, authorized to cover those replacement costs. Attached is a cost breakdown.

Commissioner White reported that he had met with the Governor and Secretary of DOT and expressed his displeasure of not being notified that the Merger Agreement had been signed and displeasure of the way he thought DOT was moving forward without any consideration for any other alternatives and/or any help for the groin or the easement. He noted that the Governor had said that he would put the project on hold for 6 months while Dare County had further input. He noted that he does not want the project to be put on hold for any period of time but did want more involvement by Dare County and DOT said they would not move forward with 17-mile bridge alternative until there was more input from the Dare County people. He felt comfortable that there will be a resolution that Dare County will play a larger part in the matter. However, in the resolution he

does not agree with the statement that Dare County is opposed to the 17-mile alternative. He said that the county should support the 17-mile alternative if the access and the groin issues were addressed. He feels those issues will be addressed.

Commissioner Cahoon asked the Board to consider a resolution asking for the resignation of Roger Sheats, DOT, and authorize the Chairman to sign and send it on.

**MOTION**

Commissioner Cahoon moved to draft a resolution and authorization for the Chairman to sign the resolution asking for the resignation of Roger Sheats, DOT. Commissioner Byrd seconded the motion.

**MOTION**

Commissioner Byrd moved to excuse Commissioner White from voting. Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

Commissioner White felt the resolution should be sent to the Governor.

VOTE: AYES (6) Commissioner White was excused from the vote.

The Board looked at the previous resolution that was adopted on July 21, 2003. Commissioner Byrd felt they needed to maintain reliable transportation to HI and were jumping the gun by substituting one alternative for another.

Chairman Judge does not want DOT and USFWS to prolong the issue until 2010. Commissioner White assured the Board that the Governor has promised that he will intervene and do the right thing for Dare County.

Attorney Mills reviewed the resolution to include the language from the previous resolution (Now therefore clause) and add to that paragraph the sentence in the draft urging intercession by the Governor and the Legislative Delegation.

The Board has a 6-month period to resolve the issue by March.

**MOTION**

Commissioner Cahoon moved to adopt Resolution # 03-09-51 as amended. Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

Chairman Judge reminded the Oregon Inlet Bridge Update would be placed on every agenda for a recap.

**ITEM 10 – ALBEMARLE RTCC RECOMMENDATIONS (ATT # 4)**

Commissioner Byrd reported that the Rural Transportation Advisory Committee (RTAC) would meet on September 18<sup>th</sup>. Mr. Roger Sheats, Deputy Secretary for Environment, Planning and Local Governmental Affairs for NCDOT, will be present to address the new Strategic Transportation Plan for the State. The plan appears to increase emphasis on urban loops and public transportation systems and decrease emphasis on improvements or additions to state highways that are critical to the needs of rural areas in the eastern and western parts of the state. She stressed the need for Board members to attend the afternoon meeting to help convey the regions' concern about the impact of changing emphasis on

future funding formulas for the NCDOT Districts. She noted the meeting scheduled for Thursday had been canceled and now this is not as urgent.

NCDOT will meet November 13<sup>th</sup> at Vernon James Building in Roper, NC and Commissioner Byrd will notify the Board when the RTAC meeting is rescheduled.

THE BOARD RECESSED AT 5:15 P.M. AND RECONVENED AT 5:25 P.M.  
THE BOARD IS WAITING FOR 5:00 P.M. FOR UPDATE ON HURRICANE ISABEL. THE BOARD CONCURRED.  
THE BOARD MOVED TO PUBLIC COMMENTS.

#### **ITEM 11 – AFFORDABLE HOUSING COMMITTEE APPOINTMENTS**

On September 2, 2003, Chairman Judge appointed Richard Johnson (Chairman), Stan White and John Robert Hooper to the Affordable Housing Committee.

##### **MOTION**

Commissioner Johnson moved the appointments of the following to serve on the Committee: Bo Taylor, Elmer Midgett, Tom White and Todd Merriss.

Commissioner Cahoon seconded the motion.

Commissioner Byrd offered her assistance.

Commissioner Tillett, for the record, noted that she had submitted the name of Eddie Simmons as a committee member representing landowners.

Commissioner Johnson responded that they did not want a large committee but would welcome anybody to attend the meetings, which will be announced.

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

NOES (1) Tillett

#### **ITEM 12 – CONSENT AGENDA (ATT # 5)**

##### **MOTION**

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – September 2, 2003
2. Budget Amendment – Youth Court Grant Matching Funds

Progress Report – Northern Dare Beaches Shoreline Protection Project Easement

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

#### **ITEM 13 – BOARD APPOINTMENTS – NURSING HOME ADVISORY COMMITTEE**

Commissioner Cahoon reported that Joann Williams had resigned and that she as a commissioner can only serve as an ex-officio member and not as an active voting member of the Board according to NCGS.

##### **MOTION**

Commissioner Cahoon moved the appointments of Lib Fearing and Kaye White to fill the unexpired terms of Joann Williams and Commissioner Renée Cahoon.

VOTE: AYES unanimous

**ITEM 14 – PUBLIC COMMENTS – 5:35 P.M.**

1. Karen Cobb, Manteo, asked the Board to vote yes for the School Board recommendations for additional funding for school construction.
2. Sandy Brooks, Principal at MES, asked the Board to endorse the BOE's recommendations.
3. Moncie L. Daniels, III, Roanoke Island, reminded the Board of their task to provide facilities for the schools. He knew they would do the right thing and vote for the school funding.
4. Tripp Hobbs, Principal at CHS, commended the Board members and others who have brought the schools up to where they are now. He, too, endorsed the additional school funding.
5. Gary McDonald, Principal at KHS, noted that overcrowding was a real issue for KH School. He asked the Board to remember the 5<sup>th</sup> elementary school to be built in Nags Head.

**ITEM 15 – DARE COUNTY BOARD OF EDUCATION REQUEST FOR ADDITIONAL FUNDING FOR SCHOOL CONSTRUCTION (ATT # 6)**

Dave Oaksmith, Chairman of Board of Education, presented a request for additional funding in the amount of \$18,574,840. Requested funding was presented on May 5, 2003 for Manteo Elementary School, Kitty Hawk Elementary School and Cape Hatteras Secondary School. The Building Replacement Cost for the three (3) schools is \$43,172,324 including \$1,000,000 obligations to contractor, architect for MES original renovation plans.

Dave Clawson, Finance Director, explained that he must have project schedule in order to show the effect of the request for the additional \$18,574,840 upon the School Capital Reserve Fund.

John Thomas, MBNA covered the scope of the three projects and David Wagner, Heery, urged that the planning process be continued with the replacements for the schools. In summary, property planning took place, replacement represents good judgment, and cost estimates with Heery and MBNA are very comparable.

**MOTION**

Commissioner White moved to approve the additional funding requested by the Board of Education in the amount of \$18,574,840.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 15A - UPDATE BY SANDY SANDERSON ON HURRICANE ISABEL - 5:50 P.M.**

Sandy Sanderson, Emergency Management, presented a picture of Hurricane Isabel showing that the storm intensity has decreased to 115 mph and with an indication forecast to come ashore into Ocracoke Inlet Thursday morning.

All models, showing the storm path, are in the general direction of Cape Hatteras.

**ITEM 16 – COMMENTS BY COMMISSIONER BYRD**

- Big box stores in Avon – She has received numerous Emails and recommended that the Board consider a moratorium until the issue could be addressed.
- Buxton Zoning – She felt the zoning in Buxton needed to be updated and asked that the Planning Director submit a copy of the ordinance to each Board member and to include a memo cover with it.
- Wanchese Community Center Board – Place on next agenda for new appointment.
- Manteo Middle School – She would like for BOE to take a close look at the traffic conditions to make sure there are no access problems on the highway.
- Currituck Lighthouse – She felt it was time for the Currituck Board of Commissioners to cooperate regarding the ownership of the Currituck Lighthouse. To continue to fight is not serving the public well.

**ITEM 17 – COMMENTS BY COMMISSIONER CAHOON**

- Hurricane Isabel – She thanked the staff for their support and hoped they would not have to be at the Emergency Operations Center for very long.

**ITEM 18 – COMMENTS BY COMMISSIONER TILLET**

- Ditch in California and Bowser Town – It needs to be drained. Commissioner White will have DOT investigate.

**ITEM 19 – COMMENTS BY CHAIRMAN JUDGE**

- Workshop with Heery Group – Monday, October 20, 2003 at 12:30 p.m. The Board will give their input on the old space, new space and any recommendations.

**ITEM 20 – COMMENTS BY ATTORNEY MILLS**

- Teen Court Mock Trial – Scheduled for Tuesday, Sept. 16<sup>th</sup> has been postponed due to Hurricane Isabel.
- FEMA Flood Insurance – She encouraged folks to check with FEMA or their homeowner's insurance agency.

**ITEM 17 – CLOSED SESSION – LITIGATION**

**MOTION**

Vice Chairman Hooper moved, pursuant to the provisions of NCGS 318.11 moved that the Dare County Board of Commissioners go into closed session to consult with an attorney employed or retained by the County in order to preserve the attorney client privilege between the attorney and the County in the case off Goodrich versus Dare County and other matters of potential litigation.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 7:10 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 7:50 P.M.

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

AT 7:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED UNTIL SEPTEMBER 22, 2003 FOR A COMMUNITY MEETING AT 7:00 P.M. AT THE DARE COUNTY JUSTICE FACILITY. THE NEXT REGULAR MEETING IS SCHEDULED FOR 9:00 A.M. ON OCTOBER 6, 2003.

Respectfully submitted,

By: Francis W. Harris  
Fran Harris, Clerk

APPROVED:

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

