

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
October 6, 2003**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on October 6, 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 thanked the many people who have worked tirelessly over the past few weeks dealing with Hurricane Isabel – before, during and after the storm. Dare County suffered a lot but will do well and be better than ever. Everyone deserves a big thank-you.

**ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS**

1. Sue Hewitt, In-Home Service Aid Supervisor II, received her 10-Year Pin from Jay Burrus, Social Worker Director.
2. Tom Gray, Information Technology Director, received his 20-Year Pin from Terry Wheeler, County Manager.
3. Lisa Lewis, Tax Processing Specialist, received her 20-Year Pin from Michelle Evans, Tax Collector.
4. Della Perry, Office Support Specialist, received her 20-Year Pin from Brandi Rheubottom, Older Adult Services Director.

**ITEM 2 – EMPLOYEE OF THE MONTH**

Donna Andrews, Tax Office Manager, received the Employee of the Month Certificate from Greta Skeen, Tax Assessor.

**ITEM 3 – PUBLIC COMMENTS**

1. Jim Rivera, Martin's Point, came forward to discuss debris removal. He questioned why FEMA has denied pick-up services to Martin's Point and Colington Harbor. He feels that the County should not be doing the pick-up, but rather FEMA and encouraged the county to do whatever necessary to move this effort forward.
2. Malcolm Fearing, Manteo, noted that he has had the pleasure of working with the county during disastrous time. It is truly one of the activities of the county when it is at its best. Staff does an incredible job and evacuation is well thrown out. He wished the people of the county could see the efforts of the county. Mr. Fearing feels the Manteo Middle School project needs to move forward as quickly as possible.

3. Petie Brigham, Manteo, thanked the Board for a Herculean effort regarding the clean up effort that has taken place throughout the county.

#### **ITEM 4 – HURRICANE ISABEL REPORT**

Commissioner Cahoon, Chairman of the Control Group, reported that power is expected to be restored to Hatteras Village today. Water service has been restored to all areas of the county and she commended Bob Oreskovich, Utilities Director, for the effort that has been made by the Water personnel.

Commissioner Cahoon thanked many other agencies and staff members for the outstanding job that they have done. Senator Basnight has done a phenomenal job at the state level. She assured everyone that debris will be picked up and encouraged everyone to open a FEMA claim if they sustained damage from Hurricane Isabel. She showed a video of the damages in Dare County using background theme music I'm Still Standing.

#### **ITEM 5 – HURRICANE ISABEL ACTION ITEMS (ATT # 1)**

Manager Wheeler reported that items for action will be presented by Department Heads (County Attorney, Finance Director, Planner & Director of Utilities). These items were a result of emergency actions being taken as a result of Hurricane Isabel (September 18, 2003) and will need Board approval.

A. Attorney Mills summarized the following items for approval:

1. Interlocal Hurricane Debris Removal Agreement –

##### **MOTION**

Commissioner White moved to ratify the attached Interlocal Agreements between Dare County and the Towns of Kitty Hawk, Kill Devil Hills, and Manteo for hurricane debris removal.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

2. Amendment to County Hurricane Debris Removal Contract

##### **MOTION**

Commissioner Cahoon moved to ratify the attached amendment to the County's contract with Crowder-Gulf.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

3. Water system repair

##### **MOTION**

Commissioner Cahoon moved to approve attached written contracts with River City Construction, Inc., and Basnight Construction Company for directional boring repair of county water line breaks.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

4. Emergency Boat Transportation Service for Hatteras Village

##### **MOTION**

Vice Chairman Hooper moved to approve attached written contracts with Spurgeon Stowe for emergency boat transportation service.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

5. Local tax filing/payment relief

**MOTION**

Commissioner Byrd moved to adopt the attached Resolution #03-10-52 extending deadlines for filing and payment of local occupancy and prepared meals and beverage taxes for the months of September and October, and establishing a new deadline of November 19, 2003, for filing and payment of both taxes for both months.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

6. Proclamation Lifting Emergency Evacuation

Attorney Mills noted that Renée Cahoon, Chairman of Control Group, has signed a formal proclamation that lifts the State of Emergency in Dare County except for Hatteras Village and outlines all of the various liftings. A number of rental and insurance companies need to have this information for insurance filing purposes. The proclamation is also available at the Emergency Management Office and County Attorney Office.

B. FINANCE DIRECTOR

1. Budget Amendment

**MOTION**

Commissioner Cahoon moved to approve the budget amendment.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

2. State/FEMA Resolution, Agreement, and Assurances & Certification

**MOTION**

Commissioner Byrd moved to adopt Resolution #03-10-53 appointing the Finance Director as the applicant's (County's) agent and the Assistance Finance Director as the secondary agent. This authorizes the agent(s) to file applications and other documents and to serve as the primary contact point for FEMA financial assistance.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner White moved the approval of the State Applicant Disaster Assistance Agreement.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**MOTION**

Commissioner White moved to adopt Resolution to allow the Finance Director to execute the assurances & certification.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

Mr. Clawson noted that he has been contacted by all three rating agencies and NC Municipal Counsel. They have been very reasonable and willing to assist.

He will be setting up a meeting with the underwriters in early December to meet with the Chairman, County Manager and Commissioner Cahoon.

**C. PLANNING DIRECTOR**

1. Reconstruction and Repair Fee Waiver

**MOTION**

Commissioner White moved that building permit fees for repair and reconstruction of structures damaged or destroyed by Hurricane Isabel be waived until December 31, 2004.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**D. UTILITIES DIRECTOR**

1. Water Department Oral Presentation (Attached)

**MOTION**

Commissioner Byrd to adopt recommendations as presented on 10/6/03.

Commissioner White seconded the motion.

VOTE: AYES unanimous

Attorney Mills was asked to clarify a loophole regarding water meters on condemned properties and will report back on 10/20.

THE BOARD TOOK A 10-MINUTE BREAK AT 10:20 A.M.

**ITEM 6 – HURRICANE ISABEL RESOLUTION (ATT # 2)**

Attorney Mills presented the resolution.

**MOTION**

Commissioner Cahoon moved the adoption of Resolution #03-10-54 Requesting Emergency Federal Assistance for the Restoration of the Dunes and Public Beaches of Dare County, North Carolina.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

**ITEM 7 – CUTTY SARK SUBDIVISION – PRELIMINARY PLAT REVIEW**

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

**MOTION**

Vice Chairman Hooper moved to grant preliminary plat approval as recommended by Planning Board with 15,000 sq. ft. contiguous and swells contained within the conveyance.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

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

Ray Sturza, Planning Director, noted that Dixon, Dixon, and Casey, LLC has submitted a rezoning application that seeks the rezoning of lot 137 Askins Creek Subdivision from C-2 (commercial) and the adjoining lot 138 from R-1 (residential) to VC (village commercial). The VC designation was requested due to the more narrow scope of uses under the VC versus the C-2 zone. There are

no other areas in Avon zoned village commercial. During its deliberations, the Planning Board discussed the merits of the VC designation versus the C-2 designation and eventually concluded to recommend a zoning change only on lot 138 from R-1 to C-2 in recognition of the lack of VC zoning elsewhere in Avon village. The applicants were satisfied with the Planning Board's recommendation and amenable to the C-2 designation for lot 138. The Planning Board conducted a Public Hearing on the request on August 11 with no speakers presenting comments on the proposed rezoning. Planning Board's recommendation is to proceed with a public hearing.

**MOTION**

Commissioner Cahoon moved to schedule a public hearing on November 3, 2003 at 10:00a.m. and moved to advertise both proposals.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 9 – PROPOSED MIDDLE SCHOOL ON ROANOKE ISLAND**

Ray Sturza, Planning Director, presented BOE's site plan for a new middle school to be located in an R-1 Zoning District in an unincorporated portion of Roanoke Island. Schools are a conditional use in the R-1 District, subject to review by the Planning Board and approval by the Board of Commissioners. Under the provisions of the Dare County Zoning Ordinance the Board may choose to schedule a public hearing prior to authorizing a Conditional Use Permit or may simply act on the matter.

**MOTION**

Commissioner White moved to schedule a Public Hearing on the Proposed Roanoke Island Middle School on Monday, October 20, 2003 at 5:30 p.m. after Public Comment time.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 10 – OREGON INLET BRIDGE UPDATE**

Attorney Mills updated the Board on the Oregon Inlet Bridge replacement. There has been no change in status and hopes to have a fuller update at the next board meeting.

**ITEM 11 – ANNUAL SETTLEMENT AND CHARGES TO THE TAX COLLECTOR (ATT # 3)**

Michelle Evans, Tax Collector, reported on the unpaid taxes and made settlement for the 2002 taxes. The total levy for 2002 was \$34,673,484.63. This total includes real estate, personal property, and motor vehicles. The total collected in 2002 was \$34,142,671.53 giving the county a collection rate of 98.46%.

**MOTION**

Commissioner Cahoon moved to charge the Tax Collector to collect 2003 taxes. Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – CONSENT AGENDA (ATT # 4)****MOTION**

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – September 8 & 15, 2003
2. Social Services – Budget Amendment / Additional Domestic Violence Funding
3. Public Works / Sanitation Contracts
4. Award of FY 2003-04 Vehicle and Equipment Financing

Commissioner White seconded the motion.

VOTE: AYES unanimous

**ITEM 13 – BOARD APPOINTMENT – WANCHESE COMMUNITY CENTER BOARD****MOTION**

Commissioner Byrd moved to appoint John B. Beasley to fill the unexpired term of Will Fields on the Wanchese Community Center Board.

VOTE: AYES unanimous

**ITEM 14 – PARKS & RECREATION ADVISORY COUNCIL****MOTION**

Commissioner Tillett moved to reappoint Bill Walker to serve a three-year term on the Parks & Recreation Advisory Council.

VOTE: AYES unanimous

**ITEM 15 – COMMENTS BY COMMISSIONER CAHOON**

- Hurricane Isabel – She thanked the National Park Service for their efforts in getting their facilities opened and noted on the good working relationship with DOT.
- She noted that CAMA was not going to redraw new lines after this event but has read in the paper that CAMA might redraw the lines. She does not think this is right after a hurricane and asked the Chairman to write a letter opposing new CAMA setbacks.

**MOTION**

Commissioner Cahoon moved to authorize the Chairman to submit a letter to CAMA opposing new CAMA setbacks.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – COMMENTS BY COMMISSIONER TILLETT**

- Hurricane Isabel – She thanked Commissioner Cahoon and Vice Chairman Hooper for all they did during the hurricane. She learned a great deal.

**ITEM 17 – COMMENTS BY COMMISSIONER WHITE**

- Hurricane Isabel – He thanked all DOT folks who came to Dare County to work on the recovery. They had a monumental task and did an outstanding job.
- Beach 104.5 Radio Station - He commended them for an excellent job. Their program allowed hurricane victims to be heard and for others to respond to their needs. It reinforced the type of community we have in northeastern North Carolina.

**ITEM 18 – COMMENTS BY VICE CHAIRMAN HOOPER**

- Hurricane Isabel – He thanked Commissioner Cahoon and Manager Wheeler for their support during the hurricane. Also thanked Attorney Mills for her efforts and Commissioner White for having the foresight to put a ferry dock in Stumpy Point. He noted that Hatteras Island was not a community but one big family and it was quite an honor for him to be there. He relayed a message from people of Hatteras that they felt a big part of Dare County. He thanked Sandy Sanderson and is so proud of the job that Dare County did.

**ITEM 19 – COMMENTS BY COMMISSIONER BYRD**

- Hurricane Isabel – She noted this was one of the worst storms she has seen since she has lived in Dare County and one of the best managed. She is very proud of the county and everyone who took part.
- Future needs – She asked the Board to begin thinking about the following: private roads, special tax assessments, the manner in which homes are to be finished at ground level, septic systems in Rodanthe, Frisco, and Hatteras, and sewer systems
- Moratorium – She recommended possibly a moratorium on new development in severely damaged areas so codes can be looked at closely before moving forward.
- Isabel Inlet – She noted this was the second time that has happened (1933) and thought they could talk about a causeway or bridge. In regard to Pea Island, she is inclined to think that DOT is not all wrong about alternative 4.
- Dedication to Century of Flight – Rescheduled for Nov 8<sup>th</sup> at 10:00 a.m.

**ITEM 20 – COMMENTS BY CHAIRMAN JUDGE**

- Community Meeting for Roanoke Island & Mainland – The meeting scheduled for September 20<sup>th</sup> at the Dare County Justice Facility was canceled due to Hurricane Isabel. It will be rescheduled. Commissioners Tillett and Johnson will have input regarding the date.

**ITEM 21– COMMENTS BY COUNTY ATTORNEY**

- Hurricane Isabel – She reported that burning vegetative material is going to create a paper mill type odor but this is the most cost effective means to dispose of this material. Sites include Salvo Campground,

Wanchese/Skyco site, Coastal Ready Mix in Buxton, mainland C&D site on Highway 264 and Slash Creek property in Hatters Village.

- Expanded easement agreement from Sprint (attached). Item will be placed on the next agenda.

#### **ITEM 22 – COMMENTS BY COUNTY MANAGER**

- Hurricane Isabel – He thanked the Board for recognizing all of the employees for their participation prior, during, and recovery of Hurricane Isabel.

#### **ITEM 23 – 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.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**AT 11:40 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 11:50 A.M.**

Attorney Mills reported on two matters in litigation and took action on both matters. (1) Mediation with First Coast Contractors over the construction of the Skyco Water Plant. A settlement has been reached with the plaintiff's attorney and the Board has approved the settlement under the following terms and conditions. (Attachment filed with County Attorney).

(2) Hatteras Village Zoning Case – The current time frame for response by the County is next week. In light of Hurricane Isabel, she and Bobby Outten has been in contact with the plaintiff's attorney and agreed to given an extension of time so the issue of the lawsuit was not continuing to be prosecuted and defended while the residents of Hatteras are in the middle of the crisis they are dealing with. The County would ask for an extension of 90 days.

##### **MOTION**

Commissioner Byrd approved the settlement of this case under the terms and conditions as outlined by the County Attorney.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

##### **MOTION**

Vice Chairman Hooper moved to instruct the County Attorney to ask for an extension of 90 days on all pleadings.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

**AT 11:55 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED UNTIL OCTOBER 20, 2003 AT 12:30 P.M. FOR A WORKSHOP WITH THE HEERY GROUP AND THE REGULAR MEETING WILL BEGIN AT 3:00 P.M.**

Respectfully submitted,

By: Francis W. Harris  
Fran Harris, Clerk



APPROVED:

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