

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
October 20, 2003**

The Dare County Board of Commissioners met in a workshop session with Mike Tomey, Architect for the Heery Firm at 12:30 p.m. on October 20, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, and Stan White. Virginia Tillett was absent. Also present were Manager Terry Wheeler and Attorney Norma Mills. Renée Cahoon came in at 1:00 p.m.

ITEM 1 – HEERY GROUP PRESENTATION

Mike Tomey, Architect, noted that he met with each of the departments earlier in the day to be sure that the program was still in good shape, if additional staff had been added and if any of the conditions had changed. He reported they all felt comfortable with the program as it stands.

He questioned the Board of any changes or modifications as a whole or in part that they may have considered.

Chairman Judge indicated there were no changes at this time with only one exception, which was the use of the old courthouse and its impact on this plan. Commissioner Byrd added that some functions can stand alone such as Board of Elections and Drivers License and if there are ways to house both of them without building new space then the Board should consider it.

In regard to the Historic Courthouse, Mr. Tomey wanted to know what functions the Board wanted him to consider in the old courthouse.

He will make modifications based on the meeting he had today with department heads and will identify the modifications and redistribute back to the Board.

Courtyard Design Schedule – The Board decided to first focus on the projected space use of the courthouse before considering the courtyard design.

Historic Courthouse – The Board would need to make a decision on the projected use of the building.

Commissioner White noted the courthouse is not on the historic register but attempts are being made to place it on the register with modifications so as not to destroy the character. From an interior standpoint, it has been disrupted, but the exterior of the building has not been disrupted. The exterior of the building will have to be made publicly accessible. The requirements of the historic register would have to be researched.

Commissioner Byrd and Johnson did not think the historic register is that critical. They felt that one of the nicest qualities of the courthouse is the courtroom upstairs.

Commissioner White stated that if the facility could be used for county functions, he has two big concerns (1) the size of the building – He is not sure there is enough room for the commissioners and (2) the parking spaces. He felt it would be a great convenience to have all of the county functions together. The county

departments need to be together but he is not opposed to some county personnel being in the old courthouse. His preference is a new structure somewhere with adequate parking.

Commissioner Johnson would like to use the courthouse as the commissioners meeting room. With the new network, he does not see the difference and he likes the historical character of being in town.

Commissioner Cahoon would like to keep some historical function of county government downtown. She thought parking was not the major issue anymore. She would like to keep Manteo as the county seat and the heart of Manteo. The business owners downtown would like for the county to maintain a strong presence downtown.

Commissioner Byrd felt the Board of Commissioners needed to be on the first floor of the courthouse. Money will have to be spent on the courthouse whether it is renovated for county use or another use.

Vice Chairman Hooper has a desire to see the old courthouse connected with the county whether it is Board of Commissioners or Board of Elections. He believes that the County Manager, County Attorney, and Board of Commissioners need to be with the rest of the county departments.

Chairman Judge would like to see the board room function in the upstairs of the courthouse but does not believe the County Manager and County Attorney should be in the courthouse.

Mike Tomey stated that it seems consistent to utilize the courthouse in some way and keep a vitalized downtown area by putting the administration downtown.

He will take a look at the old courthouse and what it will take for minimum space cost. There is an advantage in centralizing resources such as departments.

Identification of Potential Sites for the Administration Facility –

1. at the new courthouse area
2. the present administration building area
3. other sites

The Board wanted to look at the Justice Facility site and redevelopment of the present site with assigned parking space for each employee.

Manager Wheeler questioned the ability to construct on the present site while employees are working here. Mr. Tomey responded that they would have to do a phase plan for the 14 months.

Mike Tomey stated that he will get soil borings and move forward with part of the planning within the next 6 weeks and will bring back good information to the Board.

AT 1:45 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
RECESSED UNTIL 3:00 P.M. ON OCTOBER 20, 2003.

Respectfully submitted,

By: Francis W. Harris
Fran Harris, Clerk

APPROVED:

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



**DARE COUNTY
NORTH CAROLINA****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
October 20, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on October 20, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, and Stan White. Virginia Tillett was absent. 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.

ITEM 1 – DONATION BY WAL-MART

Chairman Judge presented a corporate donation to Dare County in the amount of \$15,000 from Wal-Mart regarding Hurricane Isabel. Max Dutton, Manager of Wal-Mart was unable to attend the meeting.

ITEM 1A – COUCH / PALAZZOLO REZONING APPLICATION

Ray Sturza, Planning Director, presented a request from Stewart Couch and Antonio Palazzolo for a rezoning application of their property in Avon. The parcels are adjoining and they have combined their request in one application. The application seeks to rezone property owned by Stewart Couch from the R-1 classification to C-2 and property owned by Mr. Palazzolo from its current designation of R-2A to C-2.

MOTION

Commissioner White moved to schedule a Public Hearing on November 17, 2003 at 3:30 p.m.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

ITEM 2 – SHERIFF'S DEPARTMENT LAW ENFORCEMENT BLOCK GRANT APPLICATION (ATT # 1)

Sheriff Rodney Midgett noted the Sheriff's Department applied for a law enforcement block grant earlier this year to purchase computer software. The original amount request was \$140,690. A letter dated August 29, 2003 informed the Sheriff that a total of \$44,444.44 had been approved and requires that 10% of that amount, or \$4,444.44 must be funded by the County in order to receive the balance of \$40,000. These funds can be used to purchase equipment rather than the original request of purchasing software.

MOTION

Commissioner White moved to add \$4,444.44 to the Sheriff's Department budget to meet the 10% match requirement.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 3 – HURRICANE ISABEL REPORT (ATT # 2)

Attorney Mills reported on Hurricane Isabel and Action Items:

1. Debris Removal from Non-state system roads –

MOTION

Commissioner Johnson moved to direct staff to proceed with debris removal along all non-state system roads in the County regardless of whether the costs of this removal will be reimbursable.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

2. Emergency Dredging in Hatteras Village

MOTION

Commissioner Cahoon moved to adopt Resolution #03-10-55 Requesting \$198,400 in grant funds from the NC Division of Water Resources for the Hatteras Village Emergency Dredge Project.

Commissioner White seconded the motion.

VOTE: AYES unanimous

3. Scotch Bonnet Marina Agreement

MOTION

Commissioner Cahoon moved to approve the attached Emergency Ferry Dock Services Agreement.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

4. Expanded Debris Removal in Hatteras Village

MOTION

Commissioner Cahoon moved to authorize staff to develop and advertise an RFP for expanded debris removal and demolition, including on private property, in Hatteras Village, and to negotiate a contract with the lowest responsible bidder.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

5. Sand Removal Along Public Rights-of-Way

MOTION

Commissioner Byrd moved to authorize staff to develop and advertise an RFP for removal of debris sand with disposal through protective berm construction, and to negotiate a contract with the lowest responsible bidder.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

Set of bullet points of the county's most critical immediate needs are attached.

Dave Clawson, Finance Director, reported on the following: (See attached)

1. Issues (Eligible costs, eligibility of the water line bores, debris collection).
2. Debris Estimate
3. Debris Billing
4. Emergency Ferry Service to Hatteras Village

Jay Burrus, Social Services Director, reported on the following: (See attached).

1. October 14th memo from the Governor's Office
2. Funding Distribution - \$38,550.98
3. Blank Distribution Plan
4. Unmet Needs Committee Membership have agreed to work on that committee.

Attorney Mills noted that staff has asked for an extended time frame in order to distribute the funding more equitably.

ITEM 4 – SPRINT EASEMENT (ATT # 3)

Attorney Mills presented a proposal from Sprint to enter into an easement purchase agreement with Dare County to expand its current utility easement on County-owned property so that it may build a protective covering over telecommunications equipment located on Bayview Drive in Stumpy Point. This covering will provide protection of critical telecommunications equipment from weather and storm damage. Jim Skipper and Jeff Peterson with Sprint was present to answer questions.

MOTION

Vice Chairman Hooper moved to excuse Commissioner Johnson from consideration of this item since he is employed by Sprint.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

MOTION

Vice Chairman Hooper moved to approve and authorize execution of easement purchase agreement with Sprint under terms and conditions in attached agreement documents.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 5 – JENNETTE'S PIER RESOLUTION (ATT # 4)

Attorney Mills reported the North Carolina Aquarium Society, owner of Jennette's Pier, has requested a statement of opinion from the Dare County Board of Commissioners as to the Board's position on the reconstruction of Jennette's Pier, which was totally destroyed during Hurricane Isabel. The attached resolution states the Board's position in support of the full reconstruction of the pier using non-local dollars.

Commissioner Byrd is not sure that building the pier is in the best interest of the taxpayers.

Attorney Mills noted that it was the intent of the Aquarium Society to solicit through private fund raising enough funds to totally defray the cost of the construction. Senator Basnight's office supports that method of funding.

MOTION

Commissioner Johnson moved to adopt Resolution #03-10-56 either in its current form or as amended to reflect the Board's position on the reconstruction of Jennette's Pier.

Commissioner White seconded the motion.

AMENDED MOTION

Commissioner Byrd moved to amend the motion to provide for reconstruction of Jennette's Pier with privately raised dollars.

The motion died for lack of a second.

VOTE: AYES (5) Johnson, White, Judge, Cahoon & Hooper
NOES (1) Byrd

ITEM 6 – UPDATE ON OREGON INLET BRIDGE (ATT # 5)

Attorney Mills presented a summary of a meeting that took place on Friday, October 17th regarding the Oregon Inlet Bridge replacement with representatives of USFWS, NCDOT, and Dare County in Atlanta. (See attached).

Commissioner White commented on the outcome of the Atlanta meeting. He noted that it was very clear, after talking to the folks in Atlanta, that 1997 legislation is extremely clear that the only way you can get any change in the alignment other than a minor change is to have the park withdrawn from the Park System. So Alternative 1 south of the Canal Zone would take Congressional legislation to remove that part of the park from the National Park System to be used for a highway or bridge alignment. They have totally eliminated the opportunity for mitigation and what you have is all you are going to get. If the road were damaged and could not use existing right of way there could be some minor changes. They are not going to request that the road be taken up. If the 17 mile bridge becomes the final answer they are willing for someone to maintain the road back up to Oregon Inlet as long as we can and stay within that right of way. It appears that the Corps of Engineers is going to make a request to keep the groin in place, which has not happened as yet. They did not seem to have a problem with leaving the groin in place. They understand that visiting a park is important to the people of Dare County and they will do a plan, but there was no reference to the plan in case the road was breached. They will not discuss the plan until a determination on the 17-mile bridge is in place. He noted that they discussed putting the bridge to the left (ocean side) of the existing bridge and landing it on state owned property. DOT will take a look at this possibility. This eliminates having to deal with USFWS. He will be hearing from DOT in the near future as to what they think DOT's opinion is. However, the hot spots are still an issue even if they dealt with another bridge. He is now convinced that USFWS has mandates that say that we cannot land that bridge anywhere except within the existing right of way.

Vice Chairman Hooper was convinced that USFWS is not going to stick themselves out on a limb and try anything outside anything out of the existing right of way. As long as we stayed in the present right of way there would not be a problem. The USFWS would like for us to get out of the refuge and take the long way around. They are not going to give an inch under the present right of way.

Chairman Judge thanked them for making the trip and updating the Board.

**ITEM 7 – CONSENT AGENDA (ATT # 6)
MOTION**

Commissioner Byrd moved the approval of the Consent Agenda:

1. Approval of Minutes – October 6, 2003
2. Social Services Budget Amendment – Crisis Intervention Prevention Funding Allocated to Dare County in response to Hurricane Isabel
3. Department of Corrections Lease Renewal

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 8 – ALBEMARLE HOSPITAL AUTHORITY BOARD

MOTION

Commissioner White nominated Anna Sadler

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

Anna Sadler was appointed to serve a two-year term on the Albemarle Hospital Authority Board.

ITEM 9 – ADVISORY COMMITTEE FOR THE DARE COUNTY YOUTH CENTER

MOTION

Commissioner Byrd moved the appointment of Amy Huggins to fill the unexpired term of Paul Pearse on the Advisory Committee for the Dare County Youth Center.

VOTE: AYES unanimous

ITEM 10 – EXTRA TERRITORIAL JURISDICTION (ETJ) FOR MARTIN'S POINT

MOTION

Commissioner Byrd moved the reappointment of Kathy Halloran to serve a three year term on the ETJ.

VOTE: AYES unanimous

THE BOARD MOVED TO COMMISSIONERS BUSINESS

ITEM 11 – COMMENTS BY COMMISSIONER BYRD

- Planning Board Workshop – Rescheduled for Oct. 28th at 7:00 p.m. at the Justice Facility. Glen Harbeck is conducting the workshop and wondered if he would submit a written report on the workshop. The big move will be for zoning of the unincorporated areas.
- Debris Removal Process - Some of the trucks are not covered which is illegal and debris is spilling out on the highways and causing potential traffic hazards.
- Hurricane Isabel Inlet – She wondered if filling the inlet was the best choice in the long run. It is turning out to be a more expensive answer. She wondered whether they decided on this too soon. A big lesson learned from this storm is to have a recovery plan. She recommended long term recovery/economic recovery for the county.

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- Washington, DC to meet with Congressional delegation – She suggested the following for discussion: Outer Banks Conservation Group got the deed for the Currituck Lighthouse, lost funding for maintenance. The Federal government should reverse that process. Jump start Hatteras economy once the road is back in place. They will suffer from the lack of motel space, charter fishing, etc. One possibility would be for the Graveyard of the Atlantic Museum to get funding to prepare exhibits for the building which would be a drawing card for their economy.
- Monthly Reports – They need more meat in their reports.
- Dominion North Carolina Power – She thanked them for their report and what it took for them to recover considering the outage. They did a remarkable job in North Carolina and Virginia.

ITEM 12 – COMMENTS BY VICE CHAIRMAN HOOPER

- Dredge – He viewed the dredge and the berm they are making. One problem is the last ½ mile has no protection. He disagreed with Commissioner Byrd in that they do not need an inlet there. The people of Hatteras are hanging in there and we need that access.
- Task Force Meeting on Ocracoke - They discussed the hot spots in Dare County. Two of the main hot spots have been filled – one on the north side of Pea Island and Hatteras. That leaves ones in Ocracoke, north Buxton, and north Rodanthe. The consensus of the meeting was that Beach Nourishment is the way to go to dealing with the hot spots.

ITEM 13 – COMMENTS BY COMMISSIONER WHITE

- Computer and phone line out of service – He apologized if anyone had tried to contact him because his services had been down for the past thirteen days.
- Ferry from Cedar Island and Swan Quarter are making 4 trips a day. DOT is contracting with a company to build an 8 inch sand cement road to replace the existing road in Ocracoke. An asphalt road will be put in later. Once the Isabel Inlet is completed, DOT will build the road.

ITEM 14 – COMMENTS BY COMMISSIONER JOHNSON

DOT – Appreciated the work that Commissioner White had done with DOT.
Hurricane Isabel – Commended the County Attorney, County Manager, and Finance Director for an outstanding job.

ITEM 15 – COMMENTS BY COMMISSIONER CAHOON

- Control Group – Held a Critique of Isabel on Friday, Oct. 17th. DOT was commended at the meeting by everyone.
- Debris removal – The contractors are not covering their loads and are littering and creating dangerous situations. Hatteras Village is still in a state of recovery. Some building materials are being transported. The big thing left is the debris removal. Slash Project is being used for the debris site and is grateful for that. Marshes will need a big clean up and glad that

FEMA has decided to help pay for the clean up. That will jump start the economy. The main thing is to get the road completed.

- Airport Authority – The commissioners have been asked to take an active role in helping them acquire help from the state for the First Flight activities. There is a lot of DOT aviation activities and passed the request to Commissioner White, as DOT member.
- Status of AWT's Contract – Attorney Mills responded that it has not been finalized and will be on the next CIP agenda.
- Transfer Station – She questioned if staff had sent out RFP's for that. Attorney Mills noted a contract has not been awarded.
- Hurricane Isabel – She hopes to have NOAH pictures of the massive storm at the next meeting. The pictures show the eye of the hurricane making landfall over Ocracoke. It is amazing how far that storm extended. When it made landfall it was already in Pennsylvania.

ITEM 16 – COMMENTS BY CHAIRMAN JUDGE

- Airport Authority – He attended a meeting last week and the pavilion is progressing on schedule and will be a nice asset for the county.
- Port Authority - They purchased significant piece of equipment (VOR) for landing. The grant will pay for all of it and will be tested and installed by Dec 2nd and ready for the celebration.
- Scotch Bonnet Co. and Sunset Marina – This county owes a big thanks to the companies for the use of their resources and time for the recovery effort of Hurricane Isabel.

ITEM 17 – COMMENTS BY ATTORNEY MILLS

- Teen Court – Mock Trial rescheduled for Tuesday 28th at 6:00 p.m. and trial will start at 6:30 p.m.
- Long Term Recovery Plans – She co-chaired a Regional Meeting in Tyrrell Co. on October 10th to discuss issues relating to Hurricane Isabel recovery. A presentation was made by officials from the City of Rocky Mount which was hit during Hurricane Floyd and they undertook a very long extensive recovery and planning process. Dare County will have the benefit of what they went through with Hurricane Floyd from Charles Penny, representing the City of Rocky Mount.

THE BOARD RECESSED UNTIL 5:30 P.M.

Chairman Judge noted the Reception for Art Buying at the Justice Facility will be rescheduled and asked if either date was feasible – November 13th or November 20th. The Board concurred with November 20th.

Chairman Judge recognized the following Board of Education members:
Chairman Dave Oaksmith, Nick Nuzzi, Walter Holton, and Tom Maher.

ITEM 18 – PUBLIC COMMENTS – 5:30 P.M.

1. Jimmy Basnight, Manteo and Co-owner of Basnight Construction, noted that his company has been involved in Hatteras Village during Hurricane Isabel Recovery. He has seen how the community, the county and various agencies (National Park Service & Ferry Division) have worked together. It has been a very heart warming experience. He thanked the Board and Control Group for all they have done.
2. Jennifer Frost, Dare County, raised questions for the future and how the county will work with the ocean. She feels solutions need to be found for those living on islands. Can the people of Dare County insist on Oceanic engineers in making important decisions? Do we have records of new types of bridges or where can we find them? She is really concerned the way the county is being pushed around.
3. Sam Hagadon, Avon, feels that the year around housing situation is critical on Hatteras Island – more than ever following Hurricane Isabel. He urged the Board to end the moratorium on group development on Hatteras Island now.

ITEM 19 – PUBLIC HEARING – PROPOSED MANTEO MIDDLE SCHOOL SITE PLAN AND CUP APPLICATION

AT 5:30 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE PROPOSED MANTEO MIDDLE SCHOOL SITE PLAN AND CUP APPLICATION.

Ray Sturza, Planning Director, reminded that the Board instructed staff to schedule a Public Hearing in conjunction with the review of the CUP application and site plan for the proposed MMS.

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

1. Pam Harrison, Creef's Ridge Road, expressed her concerns regarding the changes that have been made to the site plan for the Middle School.
2. Irvin Aldridge, Mother Vineyard, noted that he understood the sentiments of the residents of Creef's Ridge since he lives in Mother Vineyard and must deal with the school traffic daily. He hoped that certain conditions will be compatible with the neighborhood and that they are enforced.
3. Pam Pekrun, resident on Creef's Ridge Road, raised concern about the lighting on the ball fields and the ingress/egress on Creef's Ridge Road. She hoped that the residents' promises will be fulfilled.
4. Bill Parker, noted that the Town of Manteo has been working on a 20 year Master Plan, and tried to learn what the citizens wanted. He understood that the residents are concerned with the highway traffic management. He reminded that the town has requested the county's help with the parallel streets associated with the project.
5. Gibb Harrison, Creef's Ridge, spoke about the concerns of this project - the lighting, access and the buffer. He strongly argued not to allow lighting, and to do what is best for the community.
6. Seth Henderson, Manteo, appealed to the Board to put a fence inside the buffer zone.

7. Angel Khoury, Manteo, noted the Corridor Commission will meet on Thursday, 9:00 a.m. to review the same site plan and the public is invited to attend. The basis for the review is traffic safety, tree cutting and maintaining the buffer to be recorded in the deed.
8. Ken Pekrun, Creef's Ridge Road, echoed some of the sentiments that have already been said. He supported the buffer zone and the fence. He was sure the administrators and teachers would want lights on the ball field, but they do not need to be there.
9. Mary Aldridge, Mother Vineyard, raised concern on the amount of traffic the third school would have on Mother Vineyard.

Chairman Judge closed the hearing at 6:05 P.M.

Ray Sturza, Planning Director, presented two versions. Talked about conditions that are not in the packet. Traffic study be conducted, athletic fields not be lighted, recommendation of 50' buffer, legal counsel of Co. and legal counsel of BOE be a covenant recorded, there is no opposition of the covenant by BOE, not work on Sundays, site be monitored for one year before fencing. And if they need a fence they will bring back the cup for the recommendation.

He showed one way in and one way out and another egress off of 64 and outflow of traffic out of Washington Street. Two versions of the plan. BOE has not recommended either plan of egress and access.

Commissioner Cahoon agreed with property owners regarding a fence on the inside of the buffer. She was concerned about the elevation and asked that it not be raised that high. She could see the need to put a lot of conditions to address the concerns of the citizens.

Commissioner Johnson supported this school and that it was good for the community as a whole. He asked that staff make sure the retention ponds do not hold water like the one at the State Employees Credit Union. There is a need to light these fields because the middle school field may not be available should COA get the property. He agreed with ingress, 50' buffer and fence inside. The state and Corridor Commission will need to work out details but does not want this to hold up the school.

Commissioner White noted they had to have a compromise between school and community. He promised that DOT would work with the ingress and egress and crew would work during daylight hours. The buffer is imperative.

Vice Chairman Hooper supported the 50' buffer with fence inside and preferred the two traffic alternates. He would like to see lights on the field.

Commissioner Byrd concurred to have the 50' buffer with the fence inside and necessary elevation. She thought the storm water should be maintained on sight. She was concerned about the lights but did not think they needed to compromise about lights today. The Board should agree with what the community is saying.

Mr. Sturza read over the consensus and non-consensus items. Consensus items are interior fencing to the buffer, second means of egress to Washington Street, hours of land disturbing activity in construction 7:00 a.m. to 7:00 p.m. excluding Sundays, commingling of conveyance to insure the reliability of the 50' vegetative buffer to be negotiated with the attorneys, a note on the plat concerning the use

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of the Meekins tract for the alignment of the US 64 ingress and the maintenance of the 50' buffer. The non-consensus item is the use of out door lights.

MOTION

Commissioner Johnson moved the approval of the site plan and CUP application with conditions as presented by the Planner 6 consensus items and 1 non consensus. Consensus items are interior fencing inside the 50' buffer, second means of egress to Washington Street, hours of construction be 7:00 a.m. to 7:00 p.m. excluding Sundays, conveyance be negotiated to be co-mingled with the adjoining subdivisions to insure the protection of the 50' buffer to be negotiated by the attorneys, that the site plan feature a notation concerning the use of the Meekins tract to allow for the perpendicular alignment of the entrance on US 64 and that there be maintained a 50' vegetative buffer around three sides (north, west & south sides) of the site, and that storm water be retained on site and that there not be a prohibition on lights but that if there are lights they should not be operational past 9:30 p.m.

After discussion Commissioner Johnson removed that there not be a prohibition on lights but that if there are lights they should not be operational past 9:30 p.m.

Commissioner Byrd seconded the motion.

Commissioner Cahoon felt they needed to address lights on the fields either aye or nay.

Commissioner Byrd withdrew her second.

Commissioner White seconded the motion.

AMENDED MOTION

Commissioner Cahoon moved to amend the motion to specifically exclude lighting of the ball fields on the site.

Commissioner Byrd seconded the motion.

Commissioner Johnson noted that all of the rest of the ball fields in the county have lights. He cannot believe that the county is going to build a whole facility and put a soccer field, two baseball fields, and football field and say that nobody can play after 5:00 p.m. It bothered him that they are going to take a school and they are going to single out this school and say the kids cannot play after dark.

Commissioner Byrd felt they owed the community their request of no lights.

Chairman Judge spoke against the amendment. He hated to see restricting the fields. He would rather have the kids out there at 8:00 p.m. rather than walking the streets. He sees a lot of good healthy fields out there.

Attorney Mills noted the conditional use can be changed to allow lights a few years from now but there will be an increase in cost.

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

NOES (2) Judge and Johnson

ORIGINAL MOTION

Commissioner Johnson moved the approval of the site plan and CUP application with conditions as presented by the Planner 6 consensus items and 1 non consensus. Consensus items are interior fencing inside the 50' buffer, second means of egress to Washington Street, hours of construction be 7:00 a.m. to 7:00 p.m. excluding Sundays, conveyance be negotiated to be co-mingled with

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the adjoining subdivisions to insure the protection of the 50' buffer to be negotiated by the attorneys, that the site plan feature a notation concerning the use of the Meekins tract to allow for the perpendicular alignment of the entrance on US 64 and that there be maintained a 50' vegetative buffer around three sides (north, west & south sides) of the site, and that storm water be retained on site and that lights are not addressed.

Commissioner White seconded the motion.

VOTE: AYES unanimous

AT 7:05 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
RECESSED UNTIL 9:00 A.M. ON NOVEMBER 3, 2003.

Respectfully submitted,

By: Francis C. Harris
Fran Harris, Clerk



APPROVED:

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