

**DARE COUNTY
NORTH CAROLINA****THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
November 3, 2003**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on November 3, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, Virginia Tillet 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.

ITEM 1 – AMENDA THE AGENDA**MOTION**

Commissioner Cahoon moved to amend the agenda to add a request regarding the transportation buses for the First Flight Centennial Celebration. It will become Item 7A.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 1A – PRESENTATION OF COUNTY SERVICE PINS

1. Dave Cheesman, Deputy Sheriff Master Officer, received his 20-Year Pin from Philip Etheridge, Chief Deputy.

ITEM 2 – EMPLOYEE OF THE MONTH

Clyde Gard, Solid Waste Management Supervisor, received the Employee of the Month Certificate from Edward Lee Mann, Public Works Director.

ITEM 3 – PUBLIC COMMENTS

1. Linda Barbee, Stumpy Point, expressed the opinion of the majority of people in Stumpy Point stating that S1 zoning is not what they needed. They cannot handle the building of condos, mini hotels and large mobile parks. The quaint village is 2.4 miles long and they do not want it changed to a tourist area. Their fragile environment cannot support large growth. She asked the Board to work with them on the needs of their community and not take away their village atmosphere by reinstating the moratorium on multifamily houses.
2. Jo Ann Baum Clift, Skyco, requested the extension on the moratorium of multifamily housing. She feels that additional public notice is needed for planning workshops.

ITEM 4 – MANTEO ROTARY CLUB PROJECT (ATT # 1)

Tim Shearin, member of the Manteo Rotary Club, made a presentation on the club's project to clean up the Bowsertown landfill site, which would also include the canal area surrounding the landfill. This would be done in conjunction with the county's planned move of its transfer station to the mainland. The Manteo Rotary Club asked for permission to continue to pursue this project. The club would seek state and federal grants that could help pay the cost of the clean-up. Possible uses of the site include a public park, public recreational fields, land for low-cost housing, or a site for Manteo's wastewater run-off. Agencies that have expressed an interest in participating in the study include the Town of Manteo, UNC Coastal Studies Institute, Clean Water Trust Fund, John Sutherland with the NC Department of Natural Resources, and the NC State Dept. of Landscape Architecture. This could be a 3 year project and possibly the DOT could participate in mitigation plans.

The Board expressed support for the project and Chairman Judge appointed Virginia Tillett to serve on their committee as the County's representative.

ITEM 5 – RESOLUTION SUPPORTING THE SUSPENSION OF TAXATION OF EMPLOYERS OF J-1 VISA FOREIGN STUDENTS (ATT # 2)

Chris Toolan, County Representative on the Work Force Development Board, presented the resolution. The resolution does not have a decision in Dare County. It culminated from Employment Security Commission officers who started looking at this tax about the time foreign students arrived to work in Dare County (2001/02). The tax is a management decision. The business members of the community who hire these students are interested in not being taxed. The resolution, if approved, will allow the General Assembly to decide how to handle the classification of students.

MOTION

Commissioner White moved to adopt Resolution #03-11-57.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 6 – RESOLUTION ESTABLISHING THE WRIGHT BROTHERS BIKEWAY (ATT # 3)

Bill Brobst, President of Wheels of Dare Bicycle Club, presented the resolution. The Wright Brothers Bikeway will be established from Sanderling to Hatteras Village, which implements the earlier-planned Outer Banks Bikeway. He asked the Board's blessing on the name of the bikeway – Wright Brothers. Chairman Judge will take the resolution to the next Mayor's Luncheon to ask for their endorsement.

MOTION

Commissioner White moved the adoption of Resolution #03-11-58.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 7 – RECOGNITION OF HURRICANE ISABEL WORKERS

Commissioner Cahoon recognized the following who worked beyond their normal scope of duties prior, during and recovery of Hurricane Isabel: Steve Taylor, EMS; Pogie Johnson, IT; Melva Garrison, Board of Elections; and Phone Operators – Sandy West, Heather O’Neal, Debra Martello, Gina Terry, Mary Lee, Maria Heifferon, Jenny Jones, Georgia Ellis, Susan Saulsbury, Brenda Stephenson, Gracie Featherstone, Willer Spencer, Tammy Reber, Cynthia Crabtree, Patty Hayman, Debbie Quigley, Paula Rodriguez, Jackie Tillett, Martha Gray, Bonnie Bennett, and Jennifer Wooten. Steve Taylor was recognized for his efforts coordinating the helicopter trip to Hatteras Village. Pogie Johnson and Melva Garrison were recognized for their efforts assisting with Public Information.

**ITEM 7A – FIRST FLIGHT CENTENNIAL / TRANSPORTATION CONCERNS
(ATT # 4)**

Commissioner Cahoon noted that the December 17th event was sold out. She noted that the transportation contract has been awarded and last week she found out for the first time that north of Kitty Hawk and Hatteras Island were not included on the transportation route. People are coming to Dare County with the expectation that transportation is going to be provided. There will be a satellite parking lot in lower Currituck and have pick-up points from Kitty Hawk to Whalebone Junction. While DOT has done a good job of funding, the bus company is asking if more buses can be acquired. There is a problem of getting everyone to the park. With the number of buses, they do not believe they can get everyone there in time for the event. She requested additional funding for more buses.

A citizen from Hatteras Island noted that the motels were all full and all business owners and managers have expressed concerns about getting the visitors to the festivities. She asked them to consider some type of funding for transportation. Scott Bruten, President of Hotel/Motel Association, expressed concern for the transportation plan as they understand it today. Areas north and south are not having the same level of transportation. He understands that as many as half will not be able to get to the park on time. He requested that the Board take any and all actions necessary to provide additional support to this plan to insure the visitors and citizens get a transportation plan that sets the tone for a very special week.

Commissioner Cahoon noted the Centennial Committee would like to enhance the current bus contract with the contractor. They have been saving centennial funds for last minute projects and they do believe this is a vital importance.

Commissioner White noted that DOT was charged with handling the transportation and they have never promised the buses would run from Duck to Whalebone Junction, but would do the best they could. These bus people think there are enough buses. He is not willing to spend \$200,000 to provide transportation. DOT is spending \$5M in Dare County and he would not ask DOT for more funding.

Chairman Judge supported supplementing the funds from the Centennial line item or having a joint venture with the Outer Banks Visitors Bureau.

MOTION

Commissioner Byrd moved to allocate up to \$150,000 for transportation north of Kitty Hawk and south of Whalebone Junction up to three days for the First Flight Centennial.

Commissioner Cahoon seconded the motion.

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

NOES (1) White

THE BOARD MOVED TO ITEM 10

ITEM 8 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Chairman Judge presented to David Clawson, Finance Director, the Certificate of Achievement plaque that is given to the County for this designation and also an Award of Financial Reporting Achievement for his role as the person primarily responsible for the award winning CAFR.

Dare County has received the Certificate of Excellence in Financial Reporting for its comprehensive annual financial report (CAFR) for fiscal year ended June 30, 2002 by the Government Finance Officers Association of the United States and Canada. This is the 12th consecutive year that Dare County has received this prestigious award. The first year was in 1991, only one year after David Clawson became the County's Finance Director. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. Chairman Judge thanked Dave for the outstanding work that he does.

ITEM 9 – FIBER OPTIC BACKUP FOR DARE COUNTY INTRANET (ATT # 5)

Tommy Gray, Information Technology Director, presented the Fiber Optic Backup for Dare County Intranet. This has been presented and recommended by the Capital Improvements Planning Committee.

MOTION

Commissioner Cahoon moved that the Board approve the Chairman signing the attached (#2) Contract with Charter Communications for the specified services.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 10 – PROCLAMATION – NATIONAL HOSPICE MONTH, 2003

Anne Thomas, Health Director, and Ellie Ward, Public Health Nurse Supervisor II, presented information about the Dare Hospice Program and the services offered. The proclamation recognizes the value and meaning that hospice services bring to those in need and to increase awareness about Dare County's hospice program and services. It also recognizes and pays tribute to the staff and volunteers who work in hospice. Vick James, spoke about the network support that Hospice brings to the family.

MOTION

Commissioner Cahoon moved the adoption of Proclamation – National Hospice Month, 2003.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

THE BOARD RECESSED AND THEN WENT BACK TO ITEM 11 - ph.

**ITEM 11 - PUBLIC HEARING – DIXON / DIXON AND CASEY LLC
AT 10:00 A.M., (11:14) THE DARE COUNTY BOARD OF COMMISSIONERS
HELD A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE
REZONING OF TWO PARCELS.**

Ray Sturza, Planning Director, noted that the applicant is seeking to rezone two parcels of adjoining land in Avon village to a classification of VC, village commercial. The first parcel, lot 137 Askins Creek Subdivision is currently zoned C-2. The adjoining parcel, lot 138 Askins Creek Subdivision is currently zoned R-1. The Board had instructed staff to advertise the Hearing with two alternatives: the first alternative would rezone both parcels to VC, village commercial as originally submitted by the applicant. There are no other areas in Avon village that are zoned VC. The VC district represents a more narrow scope of commercial uses than the C-2.

The second alternative which is the Planning Board's recommendation would extend the C-2 zoning designation to the lot currently zoned R-1 so that both lots would represent a contiguous area of C-2. The Planning Board's recommendation is based on the lack of VC elsewhere in Avon village and the size of the two lots involved in the request.

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

1. Mike Casey, Engineer for the project, was present to answer any questions and concerns the Board may have.

Chairman Judge closed the hearing at 11:15 a.m.

MOTION

Commissioner Hooper moved that lots 137 and 138 of the Askins Creek Subdivision be rezoned to Village Commercial.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 8.

**ITEM 12 – BEACH NOURISHMENT COMMITTEE – MONTHLY REPORT ON
EASEMENT ACQUISITIONS (ATT # 6)**

Ray Sturza, Planning Director, presented the Progress Report – Northern Dare Beaches Shoreline Protection Project Easement Acquisitions from Lee Wrenn & Associates, Inc. (See attached). The website is www.seashell.com.

**ITEM 13 – REPORT FROM COMMITTEE ON GROUP DEVELOPMENTS AND
AFFORDABLE HOUSING (ATT # 7)**

Ray Sturza, Planning Director, noted that the moratorium on group developments/multifamily housing is scheduled to expire on November 3, 2003. In September the Board appointed a committee to study affordable housing issues and density limitations for multifamily and group development housing. The committee managed to have a couple meetings prior to Hurricane Isabel and appears to have developed a consensus about density. The issue of what

governmental action is necessary or appropriate to stimulate housing in a particular price range remains unresolved and subject to additional work by this committee. The Board will be in a position to set a public hearing on the density limitations as illustrated by the table attached to this report. (See attached).

MOTION

Commissioner Hooper moved that the proposed density limitation included in Attachment A be advertised for Public Hearing on December 1, 2003 at 10:00 a.m.

Commissioner Johnson seconded the motion.

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

NOES (1) Byrd

MOTION

Commissioner Byrd moved to set a public hearing for November 17, 2003 at 3:30 p.m. to extend the moratorium on the group developments / multifamily housing in the unzoned portions of the county for six months

Commissioner Johnson seconded the motion.

VOTE: AYES (4) Byrd, Johnson, Cahoon, and Hooper

NOES (3) White, Judge, & Tillett

ITEM 14 – UPDATE ON OREGON INLET BRIDGE REPLACEMENT (ATT # 8)

Attorney Mills reported that members of the Board (Cahoon, Hooper & Judge) were able to attend meetings with members of Congress last week about the bridge project. In response to Commissioner White's suggestion that DOT explore possibly landing the bridge on the state owned property on the south side of the inlet. She has begun researching the issue of ownership of the accreted lands in the old boat basin. She presented a map of the tax office showing the 10-acre tract that the county acquired in 1995 by quit claim deed and conveyed to the state on which is located the old Coast Guard Station, parking lot and road. There is an existing road and right of way there. She has been discussing with the Attorney General's office the ownership of those accreted lands and will bring a full report to the next meeting on the issues of title and land ownership.

ITEM 15 – HURRICANE ISABEL UPDATE (ATT # 9)

Attorney Mills presented the following:

1. Debris Removal Update – General

As of October 28th, Crowder Gulf has removed from rights of way and curbsides a total of 160,000 CY of vegetative and C&D debris in unincorporated Dare, Manteo, Kill Devil Hills, and Kitty Hawk. CG will begin a second sweep through the county on November 3rd with anticipation of completing this sweep in 14 days. CG anticipates concluding all debris reduction at all temporary disposal sites with a month after conclusion of the second sweep (with the exception of Hatteras Village).

2. Expanded Debris Removal in Hatteras Village

MOTION

Commissioner Byrd moved to award of contract for all scopes of work identified in Dare County's Expanded Debris Removal in Hatteras Village RFP to Crowder

Gulf based on rates and costs contained in Crowder Gulf's bid proposal and authorize execution of contract Dec 30th. 2719 tape 2
Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

3. Debris Sand Removal

MOTION

Commissioner White moved to award of contract to PBS&J for engineering and project management services for debris sand removal and disposal on Hatteras Island, Kill Devil Hills, and Kitty Hawk, and authorizes staff to negotiate a contract with PBS&J and bring final contract to DCBOC for approval at the Board's November 17th meeting.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

4. State of Emergency Declaration for Hatteras Village

The State of Emergency declaration for Hatteras Village expired on October 31st. The declaration has been extended until November 15th, and may be extended further depending on the status of the breach/road repair project at that time.

THE BOARD RECESSED AT 12:35 P.M. AND RECONVENED AT 1:15 P.M AND CONTINUED WITH ITEM 15 – HURRICANE ISABEL UPDATE.

Dave Clawson, Finance Director, presented the following:

1. Social Services Budget Amendment – Hurricane Isabel Relief Funding

MOTION

Commissioner Byrd moved to approve the budget amendment in the amount of \$38,550.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

2. Budget Amendments - Dredging OIWC and Disaster Recovery Fund

MOTION

Commissioner White moved the adoption of budget amendments moving funds from OIWC to the dredging local share line item in the General Fund and the budget amendment in the Disaster Recovery Fund.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

3. Cost Estimates – See attached.

4. Hurricane Isabel Affected units – Dare and Pitt were more financially prepared than others listed.

ITEM 16 – CONSENT AGENDA (ATT # 10)

MOTION

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – October 20, 2003 (12:30 p.m. & 3:00 p.m.)
2. Budget Amendment for Local Law Enforcement Block Grant
3. Amendment to Capital Project Ordinance For Skyco WTP
4. US Cellular Lease Renewal

Commissioner Byrd seconded the motion.
VOTE: AYES unanimous

ITEM 17 – OLDER ADULT SERVICES ADVISORY COUNCIL

MOTION

Commissioner White moved the reappointments of the following: Henry Haywood, Marjorie Midgett and Kathy Crowder and the appointment of Joe Rongo to serve a four-year term on the Older Adult Services Advisory Council.
VOTE: AYES unanimous

ITEM 18 – STUMPY POINT COMMUNITY CENTER BOARD

MOTION

Commissioner White nominated David Midgett.
Commissioner Byrd nominated Greg Hawley.
VOTE: Midgett (6) White, Judge, Hooper Cahoon, Johnson & Tillett
Hawley (1) Byrd

David Midgett was appointed to serve a three-year term on the Stumpy Point Community Center Board.
VOTE: AYES unanimous

ITEM 19 – COMMENTS BY VICE CHAIRMAN HOOPER

- Task Force Meeting – He attended the meeting October 28th in Williamston and learned that the COE will be doing a long term study for Hwy 12 for considerations. He also enlightened the members of the access problems and other issues regarding the Herbert C. Bonner Bridge. They were not aware that another alternate will be considered.
- Trip to Washington, DC – One issue was their discussion with Senator Doyle to keep the dredge in place and continue the pumping in Hatteras Village.

ITEM 20 – COMMENTS BY COMMISSIONER WHITE

- Capital Improvements Plan – He asked Dave Clawson to schedule a CIP meeting once pending issues have been resolved.
- DOT – The KDH Path has been completed and will be reminded that the county is to be refunded in the amount of \$60,000 from DOT.
- 2nd Meeting in December

MOTION

Commissioner White moved to have only one meeting in December since the First Flight Celebration is December 17th. The Board will meet December 1st and not December 15th.

Commissioner Byrd seconded the motion.
VOTE: AYES unanimous

ITEM 21 – COMMENTS BY COMMISSIONER TILLET

- New Manteo Middle School – Received numerous calls regarding the decision not to light the ball fields at the new MMS. A lot of the public is

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concerned about the decision. She felt the BOE should have listed their needs on the plan and the Board of Commissioners would not have gone against it.

- Hurricane Isabel – She asked about the compensation for employees that worked during Hurricane Isabel. Attorney Mills explained that mid level management are not eligible for compensation.
- Removal of debris – She was concerned that debris was being dropped from the trucks on the roads and highways.
- Outer Banks Chamber of Commerce Citizen of the Year – Congratulations to Stan White
- Asphalt Company – She wanted to be sure the company would be able to pave the road once the breach was filled at Hatteras Village. Yes, they will.
- Hurricane Isabel – Many citizens were not aware of their wind deduction of \$1,000 or more. She hoped word could get out to the people from the insurance companies so the folks will be aware of the different coverage deductions in the policies.
- S-1 Zoning for Stumpy Point – The Board needs to spend some time with Stumpy Point citizens and listen to their needs.
- Bowsertown Road – She questioned if the county owned that road and the response was yes.
- Meeting in Hatteras – Thanks for letting her know.

ITEM 22 – COMMENTS BY COMMISSIONER JOHNSON

- New Manteo Middle School - He still support the lights but apologized for being so vocal.

ITEM 23 – COMMENTS BY COMMISSIONER CAHOON

- Hurricane Isabel – She noted there were many counties surrounding Dare that had a lot of damage. Tyrrell County lost all of their Sheriff's vehicles and Hyde County lost some of their ambulances. Dare County is in the position of replacing some of their vehicles and asked the Board to consider giving them to the surrounding counties that need ambulances and Sheriff Vehicles. It would be good to help the neighboring local governments and communities. She would like for the Board to look at that as action in December. Manager Wheeler responded that the county has surplus ambulances now but are trying to use them during the Centennial Celebration. They need extra ambulances that stay on the site. They would be available after December 17th.

ITEM 24 – COMMENTS BY COMMISSIONER BYRD

- FEMA Application Assistance Deadline – The deadline is November 17th. Citizens who need assistance need to dial 1-800-621 FEMA.
- Animal Control – She noted that a rabid raccoon was in her yard and Animal Control would not respond because the animal had not bitten anyone. She feels this is a problem that needs addressing. Animal Control

does not have the funding. There are too many unlicensed animals and too many animals per family. She is interested in seeing a future agenda item for the idea of looking at a schedule of licenses for cats as well as dogs and a discussion on ordinances that would limit the number of pets per household and address resources for Animal Control for handling sick and diseased wild animals.

- Sunnyside Drive – She felt the Board needed to be briefed on why it may be a public road even if it has not been brought into the state road system. Attorney Mills responded that it is not a private road and it is not a gated community. The road is dedicated for public access and public use. Don't know why it is not on the state system but is not a private road under the county ordinance. Under the FEMA Debris Pickup, Sunnyside Road would not be a private road and it would be considered a non system road.
- Dedication Ceremony for the Monument to a Century of Flight - It was rescheduled to Saturday, November 8th. The time change is now 9:00 a.m. instead of 10:00 a.m. Everyone can park at Wal-Mart and walk over.

ITEM 25- COMMENTS BY CHAIRMAN JUDGE

- Stumpy Point Zoning – The citizens have been working a long time and we need to keep working with community. They are well ahead of the other communities.
- Parks & Recreation – Some of the comments were made about Parks & Rec during the Public Hearing on October 20th. He publicly saluted Cliff Ogburn and his staff for the outstanding programs and services they provide to the citizens of Dare County.

ITEM 26- COMMENTS BY COUNTY MANAGER

Manteo Redskins Volleyball Team – They played for the state championship game but did not win. The Board commended Mr. Wheeler, someone from the public arena, for going and supporting the athletes.

ITEM 27 – CLOSED SESSION – POTENTIAL LITIGATION 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 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 Cahoon seconded the motion.

VOTE: AYES unanimous

AT 2:10 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 2:55 TIME.

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

Commissioner Cahoon left at 2:55 p.m.

ITEM 28- TRIP TO WASHINGTON, DC

Chairman Judge reported that he, Commissioner Cahoon and Vice Chairman Hooper met with Senator Doyle, Congressman Jones, and Congressman Burr in Washington, DC on the issues of rebuilding the beaches, FEMA trash, Highway 12, USFWS and the problems DOT has in obtaining a permit. They were well received and offered plenty of support. There is a need to keep a presence in Washington. Congressman Jones would like to schedule a meeting with USFWS and the Commissioners and County Attorney in DC.

AT 3:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
RECESSED UNTIL 3:00 P.M. ON NOVEMBER 17, 2003.

Respectfully submitted,

By: *Fran Harris*
Fran Harris, Clerk



APPROVED:

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