

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
November 17, 2003**

The Dare County Board of Commissioners met in a regular session at 3:00 p.m. on November 17, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, 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. Richard Johnson was absent attending a Mental Health Conference.

ITEM 1 – AMEND AGENDA

MOTION

Vice Chairman Hooper moved to remove Item 3-B – The Estates at Hatteras Island Resort, Phase 3, Rodanthe, NC. from the agenda as requested by Quible & Associates. It will be Item 7A.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 1A – PRESENTATION OF COUNTY SERVICE PIN

Stacy Perry, Electrician II, received his 10-Year Pin from Edward Mann, Public Works Director.

ITEM 2 – TAX CERTIFICATION ON INTERNET ORDINANCE (ATT # 1)

Attorney Mills noted that the General Assembly enacted legislation this session authorizing the issuance of property tax certifications via government internet websites. In order to put such procedures into place, the legislation requires a County to adopt a local ordinance authorizing such procedures. The Dare County Tax Collector supports the use of the internet to issue property tax certifications. A draft ordinance is attached which authorizes the use of tax information posted on the County website to obtain property tax certifications.

MOTION

Commissioner Hooper moved to adopt Ordinance #-3-11-58 authorizing inter-based property tax certification procedures.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 3 – SUBDIVISION PLAT REVIEW

A. LIVE OAK SUBDIVISION, SALVO, NC

MOTION

Commissioner White moved to grant preliminary plat as recommended by the Planning Board.

Commissioner Tillett seconded the motion.

AMENDED MOTION

Commissioner Byrd moved to amend the motion to create the wetlands area as a conservation easement as one of the requirements of the plat.

Vice Chairman Hooper noted the 404 will be recorded with the plat so there will be a distinct line and it will not move anymore.

Attorney Mills noted the Board can suggest to the developer that they place a conservation covenant on but the ordinance does not authorize the county to impose that as a condition of approval.

Commissioner Byrd withdrew her motion and recommended as the plat moves forward that the Planning staff work with the developer to do something along those lines.

VOTE: AYES unanimous

B. THE ESTATES AT HATTERAS ISLAND RESORT, PHASE 3,
RODANTHE, NC

The Board voted to remove from the agenda.

C. MARCH VIEW SUBDIVISION, FRISCO, NC

MOTION

Vice Chairman Hooper moved to grant preliminary plat as recommended by the Planning Board.

Commissioner White seconded the motion.

VOTE: AYES unanimous

**ITEM 4 – PUBLIC HEARING – COUCH / PALAZZOLO REZONING REQUEST
AT 3:40 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A
PUBLIC HEARING TO RECEIVE INPUT ON THE REQUEST.**

Ray Sturza, Planning Director, explained that the requests have been submitted as one application. Mr. Couch seeks to rezone property that is currently zoned R-1 to C-2. Mr. Palazzolo is requesting the current classification of his property, R-2A be changed to C-2.

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

There were no speakers.

Chairman Judge closed the hearing at 3:45 p.m.

Danny Couch noted that he had been before the various civic associations who all agreed with the service conference building.

MOTION

Commissioner White moved that the rezoning request submitted by Stewart Couch and Antonio Palazzolo be approved.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 5 – PUBLIC HEARING – PROPOSED MORATORIUM ON GROUP
DEVELOPMENTS / MULTIFAMILY STRUCTURES FOR UNZONED AREAS
OF DARE COUNTY**

AT 3:50 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT ON THE REQUEST.

Ray Sturza, Planning Director, reminded that the Board had requested scheduling a public hearing on the extension of a moratorium on group developments and multifamily structures for the unzoned portions of Dare County. If adopted, this would apply to the unzoned portions of Roanoke Island including the village of Wanchese/Skyco and the Mainland villages of Manns Harbor, Mashoes, East Lake and Stumpy Point. Attached is a chronology of the moratorium to this date.

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

1. Bill Rose, Stumpy Point, asked the Board if they received the petition from the Stumpy Point residents requesting that the moratorium stay in place. The community of Stumpy Point has been meeting to discuss zoning and they would like to include the minutes from those meetings as part of the record so they can be used in the future.
2. Major I. Hooper, Stumpy Point, read his letter to have on record expressing the views regarding zoning for Stumpy Point. He supports S-1 zoning for the reasons outlined. (See attached).
3. Janet Taylor, Skyco, voiced the concerns of the citizens of Skyco and asked that the moratorium be continued until zoning can be established.
4. Sybil Ross, Manteo, noted that the comments were made that the moratorium has been ongoing too long. She feels that it is only fair and just to continue this moratorium.
5. Sharon Rowe, Skyco, voiced that the moratorium should be extended for another six months. They have had a lot of meetings and they need more time to get the zoning issues in place.
6. Frank Jacob, Salvo, feels that zoning and moratoriums are two separate issues. He does not feel the moratorium should be extended and he stressed that he is not opposed to zoning if done properly, but he believes that the two issues should be addressed separately.
7. Joann Baum Clift, Skyco, asked the Board to please extend the moratorium for six months to give them more time to plan for the future.
8. Angel Khoury, Manteo and the north end of Roanoke Island, noted they were ready to work hard to go from the LUP to the next phase. She asked for the chance to continue working and to extend the moratorium.

Chairman Judge closed the hearing at 4:15 p.m.

Attorney Mills noted that the Board had the authority to extend the moratorium if there is an on-going effort to pursue the issue, but if there was a complete lapse in effort on the county's part then the moratorium does become a suspect.

Commissioner White set the record straight that he never attempted to develop anything on the Mainland other than family property. He is in favor of lifting the moratorium. The Board needs to set something in concrete or need to lift it.

Chairman Judge has been a big supporter of trying to get the communities what they all want to be. He will support the moratorium but the Board must be willing to work and cannot afford to loose the next 60 days. The communities will need to work in a spirit of compromise amongst themselves.

MOTION

Commissioner Byrd moved to place a moratorium on group developments / multifamily structures in unzoned portions of Dare County for a period of six months to expire 6 months from today (November 17th).

Commissioner Cahoon seconded the motion.

Commissioner Cahoon would like for the communities in the unzoned areas of Dare County to bring something forward to the Board in 4 months to allow time for discussion and changes/modifications.

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

NOES (2) White & Tillett

Chairman Judge will work with the Planning Director in an effort to work out a time table and get it to the Board and participate as much as they can permit.

THE BOARD TOOK A BRIEF RECESS 4:35 P.M.

ITEM 6 – ADMINISTRATION BUILDING & OLD COURTHOUSE SITE & BUILDING USE STUDY (ATT # 2)

Manager Wheeler presented a proposal from Heery International for the above study at a cost of \$60,154; a Reimbursement Resolution in order to make the costs eligible to be repaid to the County from a future debt issue; and a Capital Project Ordinance to establish a budget for the study along with \$5,000 for soil borings and \$1,000 for other costs.

The Heery Group will present the results at the 12/01/03 Board meeting.

MOTION

Commissioner White moved to authorize the County Manager to execute a contract per the terms of the attached proposal; adopt the Reimbursement Resolution #03-11-59 and adopt the Capital Project Ordinance #03-11-60.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 7 – REQUEST FOR BIOTERRORISM – PREPAREDNESS AND RESPONSE NURSE POSITION (ATT # 3)

Anne Thomas, Health Director, reported that the State has awarded the Health Department \$62,924 in Bioterrorism funds to aid the Health Department in staffing Bioterrorism Preparedness & Response efforts adequately. Mrs. Thomas presented a request for approval to hire a nurse with the responsibility for coordinating activities to protect the public in the event of a chemical or biologic terrorism event in addition to communicable disease reporting, surveillance, and control. For two years they will likely have funding for this position 2 years. They are prepared at August 2005 to delete the position should no further funding be available. They had a reduction-in-force policy and will make it known during the interview process that this is a grant.

MOTION

Commissioner Cahoon moved to approve the requested BT Nurse Position and budget amendment.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 8 – EMS – HRSA GRANT APPLICATION (ATT # 4)

William R. Sawyer, EMS Director, noted the North Carolina Office of Emergency Medical Services is coordinating a HRSA Bioterrorism Grant for all County EMS agencies in NC. Dare County's share of this grant (based on permanent population and county area in square miles) is \$19,778. The grant will be used to update EMS data collection capability to rapidly assist in the identification of targeted bioterrorism and/or public health issues.

MOTION

Commissioner White moved to apply for North Carolina Bioterrorism Preparedness Grant channeled through NCOEMS.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

ITEM 9 – OREGON INLET BRIDGE UPDATE

Attorney Mills presented a copy of a letter that was sent to Senator Elizabeth Dole, Congressman Walter Jones and Congressman Richard Burr referring to their meeting in DC and their concerns over the proposed alignment of the bridge proposed to replace the existing Bonner Bridge that spans Oregon Inlet. The current proposed replacement bridge will run seventeen miles from the north end of Oregon Inlet south to Rodanthe on Hatteras Island and will completely bypass the Pea Island Wildlife Refuge. Their concerns are as follows:

1. Access to the Pea Island Wildlife Refuge, and the prime fishing areas on the south side of Oregon Inlet are threatened.
2. The continued maintenance of the south terminal groin is threatened.
3. Funding for the seventeen-mile bridge is not fully secured.

The County offered an alternative approach to this problem which not only addresses the county's concerns but those of USFWS as well.

1. The replacement bridge would be designed to land as close as possible to the south landing of the existing Bonner Bridge, thus requiring only a minor adjustment to the existing right-of-way (which is allowed under the 1997 Act).
2. The hot spots would be addressed in a permanent fashion through beach renourishment utilizing material dredged from Oregon Inlet.

Dare County's proposal achieves the following results:

1. Preserves public access to and enjoyment of one of our nations richest recreational and natural resource areas;
2. Maintains the critical south terminal groin;
3. Saves tens of millions of taxpayers' dollars;
4. Puts to use sand material that must be (and has been promised to be) dredged from Oregon Inlet;
5. Provides long-term protection for Highway 12 and addresses the hot spot issue;
6. Avoids concerns about establishing new rights-of way within the Pea Island Wildlife Refuge as only a minor adjustment to the existing right-of-

way would be requires, thus alleviating any legitimate environmental concerns about impact on the Refuge.

Attorney Mills will send the proposal tomorrow.

ITEM 10 – HURRICANE ISABEL REPORT (ATT # 5)

Attorney Mills presented the proposed contract with the firm PBS&J for management of debris and sand removal. The work is reimbursable by FEMA and Federal Highway Administration. The county is serving as the facilitator of this project for the federal agencies.

MOTION

Commissioner Cahoon moved to approve Contract with PBS&J.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

Attorney Mills presented the National Federal Flood Insurance Program Disaster Recovery Interpretation Resolution.

Commissioner White suggested scheduling an appointment with the proper authority in the federal flood program that he would go to DC and meet with him.

MOTION

Vice Chairman Hooper moved to adopt Resolution #03-11-61.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 11 – CONSENT AGENDA (ATT # 6)

MOTION

Commissioner White moved the approval of the Consent Agenda:

1. Approval of Minutes – Nov. 3, 2003
2. Resolution #03-11-62 to Establish Money Market Account
3. Community Transportation Program (CTP) Grant Application – Resolution #03-11-63
4. Register of Deeds Office Deputy Tax Collector Designation Resolution – #03-11-64 Land Transfer Tax
5. Sheriff Fund – Federal Forfeitures

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 12 – BOARD APPOINTMENT – DARE COUNTY YOUTH CENTER
ADVISORY BOARD**

MOTION

Commissioner Byrd moved the appointments of Zack McDonald and Clinton Baron as student representatives to serve a one-year term and the appointment of Charles Nieman, School Resource Officer for FFMS to fill the unexpired term of Tony Smith.

VOTE: AYES unanimous

ITEM 13 – PUBLIC COMMENTS (5:30 P.M.)

1. Joann Adam, Sunnyside Subdivision, expressed the concerns about Duke Woods Subdivision that is proposing to use Sunnyside Drive for access. She is not opposed to the subdivision itself, but to it using Sunnyside Road for access. It is not a state maintained road. In addition, there are factors due to its width. She asked Commissioners to set conditions if they decide to approve it and review her recommendations.
2. Alicia Sutherland, Sunnyside, spoke on behalf of the Sunnyside residents. She is concerned that Sunnyside residents were not notified about the proposed development.
3. Mike Andrews, Sunnyside property owner, has researched the Duke Woods project. There is a deeded access through Dogwood Hills that the developer does not plan to use. Sunnyside Road was never intended to withstand this type of traffic. He finds it odd that the original property that was to provide access to this subdivision is not being used.

Chairman Judge noted that the Commissioners do not respond to public comments. The County Attorney will be advising the Board of the issue. Attorney Mills pointed out that while the Planning Board complies with the state Open Meetings Law they do not publish their agenda as is the custom of the Board of Commissioners. They are going to change the policy of the Planning Board so the agenda will be published in the future.

THE BOARD MOVED BACK TO COMMISSIONERS BUSINESS.

ITEM 14 – COMMENTS BY COMMISSIONER TILLET

- Skateboard Park – The students at Buxton Middle School and High School have requested assistance in getting a skateboard park. The Board would look at property that the county presently owns on the island. The Board needs to give them an answer once they have had time to discuss the issue.
- Dare Day – She met with the Dare Day Committee (Frank White, Chairman, Melva Garrison, Carl Jordan, Dell Collins). They confirmed a date of May 15, 2004 for the next Dare Day.
- Subdivision Duke Woods – They have a lot of questions and hope the Board can help them with their questions.
- DC Bombing Range Meeting – Commissioner Cahoon will fill in for Commissioner Johnson at their meeting on the 19th.
- Moratorium – She feels that the unincorporated areas of Dare County need to be zoned. She asked for a timeline to make these things happen so we move forward. Keep in mind that each should be allowed time to voice their opinions and pull it together.

THE BOARD WENT BACK TO PUBLIC COMMENTS – TIME SPECIFIC 5:30 P.M. ITEM 13

ITEM 15 – COMMENTS BY COMMISSIONER WHITE

- DOT issues – DOT has not forgotten about the issues. Hurricane Isabel has put such a strain on the resources that anything that is not crucial DOT has it on the calendar.
- Centennial Park – He questioned if the county has been reimbursed for their \$60,000. Commissioner Cahoon responded that a budget report is expected that will show how the money was spent.
- Centennial Park Ribbon Cutting – November 21st at 3:00 p.m.

ITEM 16 – COMMENTS BY VICE CHAIRMAN HOOPER

- Skate Board letters – Appreciated the letters and communications from the students who want a Skate Board Park. They have done a great job. He has spoken with Cliff Ogburn and Craig Scarborough about the park and hopes that something can be done.
- Hatteras Inlet - He reported the road to Hatteras Village will be opened tomorrow at 6:00 p.m.

ITEM 17 – COMMENTS BY COMMISSIONER BYRD

- Rural Transportation Advisory Committee – She noted the meeting scheduled in September has been rescheduled for Thursday, November 20th 10-2:00 p.m. in Tyrrell County at the 4-H Center. Roger Sheats, DOT member, will discuss transportation issues in the northeast region. The elected officials will be trying to prioritize transportation issues. She would appreciate any suggestions no later than Wednesday night.
- Transportation Improvement Meeting – She attended, along with Commissioner White who was the hearing officer for DOT, the meeting in Hertford. The county has not come forward with any priorities. Colington Road and Airport Road are two areas that she has heard comments about.
- Affordable housing – She handed out an article from Governing Magazine noting that many urban areas are facing some of the same problems as Dare County. She thought it might be a good resource as they talk about affordable housing
- Animal control issues – She feels the Board needs to have a forum to discuss animal issues and members of the SPCA should be included. There are serious problems that need to be addressed in the near future.
- Zoning-She thought that S-1 zoning might be bypassed in some areas for more specific zoning. She feels the Board needs to give the Planning staff some formal direction. The Chairman and Planning Director will establish those meeting dates.
- Tar Pamlico River Basin Meeting – She received notification that the Tar Pamlico River Basin is making some progress and would like to hear a report from them about their efforts.

ITEM 18 – COMMENTS BY COMMISSIONER CAHOON

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- Icarus Ceremony – She commended the Dare County employees who were there setting up and breaking down for the ceremony. She asked the Manager to thank them. Also Dare County has a nice pylon.
- Nursing Home Advisory Committee – The committee needs to come before the Board with an annual report.
- Hurricane Isabel - She pointed out the need for sand on all of the beaches. The southern beaches are in desperate need. While the NPS is mandated to protect, they speak against beach nourishment. The policy needs to be changed. The Board needs to work on having that policy changed on a federal level since beach nourishment is the answer for protecting the beaches.
- Community meeting in Hatteras Village – The meeting on Sunday was well attended. The Board members listened to the residents and reminded that their goal to recognize there is a need for commerce to return to the village. The road will be open at 6:00 p.m. on Tuesday evening for residents, non-residents property owners, vendors, service vehicle and service personnel. Ocracoke Island residents and property owners will also be allowed access to take the ferry to Ocracoke. Access for visitors is expected sometime this weekend. She hopes the village will be accepting of these timelines. They are moving forward on the debris removal. She has seen a village that has come together and stayed together. It is truly inspiring to see how that village has worked. We are dependent on tourism and people need to get back to work and earn a living. Now that the road is open it is time to move commerce in. Commissioner White reminded that construction workers do not have to have a license to perform work under \$30,000. He asked for a point of clarification on when visitors will be able to access Hatteras Village. The time will be 12 noon on Saturday when visitors can come to Hatteras Village.

ITEM 19 – COMMENTS BY CHAIRMAN JUDGE

- Nags Head Elementary School Ground breaking – 10:00 a.m. , November 20th
- Dare County Arts Council's Art Fundraiser – 5:30 p.m. -8:30 p.m. at 108 Budlelgh St., Manteo. This will serve as a means to decorate the Justice Facility.
- Centennial Path Ribbon Cutting – 3:00 p.m. , November 21st at KDH
- Public Meeting at FFMS - December 4th at 7:00 p.m. They will present to the public the attendance lines for FFHS and associated policies and public comments. He hoped Board representation would be there.
- NPS/First Flight Centennial Commission – Dec. 12th – 16th. The NPS and FFCC would like to have a DC Commissioner in the opening ceremony each day at the Park. The ceremony will begin at 10:00 a.m. and a Board member needs to be there at 9:30 a.m. Contact the Public Relations Director which days you can/cannot attend.
- Skate Board Park – The letters from the kids at Hatteras are great that they are writing to elected officials.

BK0003PG0653

ITEM 20 – FIRST FLIGHT CENTENNIAL BUDGET AMENDMENT (FILED WITH COUNTY ATTORNEY)

Attorney Mills noted the Board approved to expend county funds up to \$150,000 for the First Flight Centennial Celebration from the Special Appropriations Account to contract with Transportation Management Service Company (TMS) to expand the transportation for the Wright Brothers Celebration to include areas north into Duck and south onto Hatteras Island. To continue discussions with TMS a total contract of \$192,289.06, the company can provide this expanded service for the 16th and 17th of December. The Visitors Bureau has agreed to make up the difference above the \$150,000 that the county has already committed to. Attached is a budget amendment that would allow for the county to receive the additional funding from the Visitors Bureau. The county would invoice the full amount with TMS.

MOTION

Commissioner Cahoon moved to adopt the attached budget amendment and execution of the attached contract.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 21 – RESOLUTION CALLING ON THE ALBEMARLE COMMISSION AND THE MID-EAST COMMISSION FOR SUPPORT IN SECURING FEDERAL FUNDS FOR THE EMERGENCY WATERSHED PROTECTION PROGRAM AS A CONSEQUENCE OF HURRICANE ISABEL'S IMPACT ON NORTHEASTERN NORTH CAROLINA (ATT # 7)

Manager Wheeler presented a resolution from Washington County as noted above. In short, he thought the Watershed Protection Program has not been something they have received a lot of backing for in this Congressional budget. They are asking northeastern North Carolina for the programs to help with Hurricane Isabel.

MOTION

Commissioner White moved the adoption of Resolution #03-11-65.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 22 – PROCLAMATION / DARE COUNTY FAMILY WEEK

Manager Wheeler presented a proclamation from Children and Youth Partnership.

MOTION

Commissioner White moved the adoption of Dare County Family Week Proclamation November 23-29th.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

BK0003P60654

AT 6:15 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
RECESSED UNTIL 9:00 A.M. ON DECEMBER 1, 2003.

Respectfully submitted,

By: *Fran Harris*
Fran Harris, Clerk



APPROVED:

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