DARE COUNTY
NORTH CAROLINA

THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
December 1, 2003

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on December 1, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, Stan White and Virginia Tillett. Also present were Manager Terry Wheeler and Attorney Norma Mills. Fran Harris, Clerk to the Board, opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag.

ITEM 1 - ELECTION OF CHAIRMAN
Fran Harris, Clerk to the Board, conducted the Election of Chairman.
Commissioner Cahoon nominated Warren Judge.
VOTE: AYES unanimous
Warren Judge was re-elected Chairman of the Dare County Board of Commissioners.

ITEM 2 – ELECTION OF VICE CHAIRMAN
Ms. Harris turned to meeting over to Chairman Judge who conducted the Election of Vice Chairman.
Commissioner Johnson nominated John Robert Hooper.
VOTE: AYES unanimous
John Robert Hooper was re-elected Vice Chairman of the Dare County Board of Commissioners.

ITEM 3 – PRESENTATION OF COUNTY SERVICE PINS
1. Bonnie Hooper, Detention Asst. Shift Leader, received her 10-Year Pin from Sgt. Mike Fidanzato.
2. Blanca Horton, Detention Officer, received her 10-Year Pin from Sgt. Mike Fidanzato.

ITEM 4 – EMPLOYEE OF THE MONTH
Bonnie Hooper, Detention Asst. Shift Leader, received the Employee of the Month Certificate from Sgt. Mike Fidanzato.

ITEM 5 – PUBLIC COMMENTS
1. Karen Kraft, Caretaker for the Outer Banks Shooting Range, raised concerns about the bear hunting that is taking place near her home and the range. When the hunters shoot from the woods, they shoot across the range. There are 1004 members and this past weekend the tourists outnumbered the members. She feels this area needs to be made a no

hunting area and asked for the Board's consideration. She is not against hunting but is against hunting on the Shooting Range.

2. Gibb Harrison, Manteo, clarified what he had said at a previous meeting regarding the Parks & Recreation Department. His intent was not to say that the Parks & Recreation did not take care of their department but that there were some areas that could use improvement. He thanked the County Manager for bringing the matter to his attention and he wanted to make this correction since he feels Dare County has the best recreation fields and programs in the State and never intended to imply otherwise.
3. Jo Ann Baum Clift, Skyco, believed the greatest majority of residents are in favor of lowering density units. She asked the Board to vote for changes following the public hearing later today.

ITEM 6 – BEACH NOURISHMENT UPDATE

Sharon Haggett, Lee Wrenn, and Ray Sturza, Planning Director, presented an update report on the Dare Beaches Hurricane Protection Plan. Mr. Sturza noted that there are several upcoming milestones that will be completed: the project execution agreement, the project coordination agreement and real estate certification.

Sharon Haggett, Project Manager from the US Army Corps of Engineers, explained that the current proposed federal budget includes $1 million for the project, which is one-third of the total needed to keep the project on schedule. They are still under a continuing resolution. The Water Appropriations Bill has been passed by the House and Senate. She is hopeful that the President would be signing the budget this week and hopes to move forward and stay on schedule with a construction date of no later than 2005.

Lee Wrenn who is overseeing the easement acquisition process reported that significant progress has been made. All survey maps are completed and ready for review by the county. The title work has been accelerated. Property owners have been asked to attend one of three upcoming informational meetings. The dates are December 6th at 10:00 a.m. at the Nags Head Town Hall; February 14th at 10:00 a.m. at KDH Town Hall; and February 28th. The public is invited.

Mr. Sturza recognized Greta Skeen in the Tax Department and Gregg Ball in Information Technology for their invaluable work in assisting to move the project forward.

ITEM 7 – SIX-MONTH REVIEW OF LOBBYIST CONTRACT

Manager Wheeler reminded that the Board had agreed to have a 6 month review of the contract. Board discussion followed.

Both Commissioner Byrd and Commissioner White felt that the monthly reporting was not sufficient and did not provide accountability for the work being done. Commissioner Cahoon was still a proponent of having a lobbyist and felt there is a need to have a strong presence with the Appropriations staff in Washington, DC.

Commissioner Johnson feels that the lobbyist is making progress since Dare County's beach nourishment project received a new start when no other project did.
Commissioner Brant Murray of Nags Head and a member of the Beach Nourishment Committee came forward to support having a lobbyist. He feels it is important to keep the project moving forward.
Commissioner Bill Pitt of Kill Devil Hills thinks the lobbying effort is important and the success seen by other states is because of lobbying efforts. He does not think there can ever be too much lobbying for this project. The stakes are very high and he encouraged the Board to continue to work for this project.
Mayor Sherry Rollinson of Kill Devil Hills is a proponent of a lobbyist. She hopes the Board will continue with it and get the sand on the beach because it is needed.
The Beach Nourishment Meeting is scheduled Dec. 9th at 1:30 p.m. at the Kill Devil Hills Town Hall.

ITEM 8 – PUBLIC HEARING – PROPOSED AMENDMENTS TO MULTIFAMILY DWELLING DNESITY LIMITATIONS

AT 10:10 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING ON A SET OF TEXT AMENDMENTS TO THE VARIOUS ZONING DISTRICTS THAT PERMIT MULTIFAMILY STRUCTURES TO RECEIVE INPUT FROM THE PUBLIC.
Ray Sturza, Planning Director, noted that Attachment A details the proposed amendments. A hearing on a similar set of amendments was conducted by the Board in July 2003 with no changes adopted by the Board. The current proposal is the result of work by a committee appointed by the Board in September. One aspect of the committee's proposal that varies from the July 2003 proposed amendments is a distinction between the R-3 standards as it applies to Hatteras Island and the remaining areas of the County or north of Oregon Inlet. The draft amendment, if adopted, would establish a maximum dwelling density of 6 units per acre for areas south of Oregon Inlet and 8 units per acre for areas north of Oregon Inlet. This would also apply to the areas zoned C-2 and C-3 since the R-3 dimensional standards are used by these two commercial districts for multifamily uses.
Another recommendation from the committee was to make a distinction in the S-1 zoning regulations based on the north/south boundary. No changes are proposed to the current S-1 dwelling density standards of 3-5 units per acre. However, the committee has recommended that a dwelling density of 6 units per acre be used for area north of Oregon Inlet that may be zoned S-1 in the future. There are no S-1 zoned areas north of Oregon Inlet as of this date to which this 6-unit per acre dwelling density would apply. Such a recommendation can be considered at the time S-1 zoning regulations are considered for adoption to the unzoned villages on the Mainland and the remaining unzoned areas of Roanoke Island.
Attorney Mills conducted the hearing and invited the public to speak.

1. Rick Albaugh, Avon, felt that the Board needed to understand quality affordable housing. Hatteras Island is in dire need for affordable housing and he felt the changes could destroy affordable housing.
Chairman Judge closed the hearing at 10:12 a.m.
Commissioner Byrd felt this would be a mistake by making this change. She recommended hiring a consulting firm to help staff with affordable housing.
Commissioner Tillett agreed with Commissioner Byrd to stay with the current density standards.
Commissioner Cahoon supported the changes and did not think the changes would impact affordable housing, but will prevent the concentration of more units per acre. The project in question was not affordable housing and affordable house should be addressed separately. She will support the proposal.
Commissioner White indicated this reduction will hinder the opportunity to come forward. He felt they needed to leave the current standards as they are.
Chairman Judge welcomed Chuck Poe, Executive Director for the CDG, who is working with Bo Taylor's group on affordable housing.
Vice Chairman Hooper supports the proposed change and is committed to working on the affordable housing issue.
Commissioner Johnson supported the proposed change. This is the first issue that the committee needed to address. The Committee will continue to move forward and the next step will be to offer incentives for affordable housing.
MOTION
Commissioner Cahoon moved that the proposed text amendments concerning dwelling density limitations for multifamily structures be adopted as advertised.
Commissioner Johnson seconded the motion.
VOTE: AYES (4) Cahoon, Johnson, Judge & Hooper
NOES (3) Byrd, Tillett & White
THE BOARD MOVED TO ITEM 16 – HEALTHY CAROLINIANS OF THE OUTER BANKS

ITEM 9 – ROSTEK ASSOCIATES, INC. – NRO WATER PLANT – ARSENIC REMOVAL PILOT PLANT TEST REPORT PRESENTATION (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE)
Bob Oreskovich, Utilities Director, noted that a report of the County's "Pilot Testing" is Task 2 of 6 in their efforts to reduce the amount of Arsenic in the NRO plant produce water. Mr. Ian Watson has completed the Arsenic Pilot Plant Test Report.
Ian Watson explained the results on the testing. The report included a discussion of the test results, plant modifications, full-scale implementation costs with a summary and recommendations to proceed. In summary, the recommended option for arsenic removal is the absorption process.
MOTION
Commissioner White moved to approve to negotiate with the State of NC permitting one of two options to pursue in our Arsenic remediation efforts. They wish to permit with the State either the absorption or membrane options, in that both were efficient at removing the arsenic from the product water.

Commissioner Cahoon seconded the motion.
VOTE: AYES unanimous

ITEM 10 – LEASH LAW ORDINANCE AMENDMENT / MARTIN'S POINT
Attorney Mills reported that the residents of Martin's Point have requested that the County leash law be extended to include their community. The current leash law applies only in Colington Harbour. Because a violation of this ordinance carries both criminal and civil penalties, a public hearing is required.
Richard Lee, Martin's Point, noted there were approximately 150 children in the neighborhood and there were a large number of dogs that are running loose. He requested that the County leash law be extended to include their community.
Commissioner Byrd suggested making this applicable to Avon also as requested by the Avon Property Owners Association. Vice Chairman Hooper suggested holding a public hearing in Avon first since there are several property owner associations in the village.
Commissioner Byrd and Vice Chairman Hooper will meet with various associations in Avon to determine when a public hearing in Avon might be set to address the issue.
MOTION
Commissioner White moved to authorize a public hearing to be conducted during the Board of Commissioner's regularly scheduled meeting on Monday, January 5, 2004 at 10:00 a.m. on a proposed ordinance amendment extending Dare County's leash law to the Martin's Point community.
Commissioner Tillett seconded the motion.
VOTE: AYES unanimous
The SPCA will address this issue at the next Board meeting.

ITEM 11 - HEERY REPORT ON ADMINISTRATION BUILDING SITE STUDY & OLD COURTHOUSE RE-USE
Mike Toomey, Architect with the Heery Group, presented the results of their site study for an administration building and for potential re-use of the old courthouse. Mr. Toomey reviewed the various options utilizing the Justice Center site and the current site in downtown Manteo. See Attached for additional information about the options presented.
Associated costs for each option will be forwarded to Board members in the near future. In addition, Mr. Toomey will look into another portion of the Justice Center property as the proposed site.
In summary, if the Commissioners Board Room and commissioner functions are placed in the old Courthouse then 600,000 sq. ft. would be taken away from the new building plan.
Chairman Judge directed the County Manager, Finance Director and Mr. Toomey to meet with the Town of Manteo to discuss parking requirements for the downtown site. Mr. Toomey will make another presentation in January.

ITEM 12 – MANTEO ROTARY CLUB / RESOLUTION (ATT # 1)

Tim Shearin, member of Manteo Rotary Club, presented a Resolution of Support Grant Application for the Manteo Rotary Club Landfill Project.
MOTION
Commissioner Cahoon moved the adoption of Resolution #03-12-66.
Commissioner Byrd seconded the motion.
VOTE: AYES unanimous

THE BOARD MOVED TO ITEM 17 – HEALTH DEPARTMENT

ITEM 13 – BUDGET AMENDMENT FOR DEBT SERVICE CHANGES FOR S2003 GENERAL OBLIGATION REFUNDING BONDS (ATT # 2)
Dave Clawson, Finance Director, noted that he had neglected to present a budget amendment for the current year debt service savings from the Series 2003 GO Refunding Bond sale in July. The current year savings of $53,913 is added to Contingency bring the current Contingency balance to $292,898.
MOTION
Vice Chairman Hooper moved to adopt the budget amendment.
Commissioner Cahoon seconded the motion.
VOTE: AYES unanimous

ITEM 14 – SALE, WITHOUT CONSIDERATION, OF SURPLUS SHERIFF VEHICLES TO TYRRELL & HYDE COUNTIES (ATT # 3)
Dave Clawson, Finance Director, presented the attached memo from Chief Deputy Phillip Etheridge Sheriff has contacted both Tyrrell & Hyde Counties regarding surplus Dare County Sheriff vehicles. Tyrrell County wants 2 vehicles and Hyde County wants 5 vehicles. The County Board may sell the vehicles without consideration by passing the attached Resolution. NCGS 160A-274, which allows for such sales, is also attached.
MOTION
Commissioner Cahoon moved to adopt Resolution #03-12-67.
Commissioner Tillett seconded the motion.
VOTE: AYES unanimous

ITEM 15 – HEALTH & DSS HVAC BID AWARD AND BUDGET AMENDMENT (ATT # 4)
Dave Clawson, Finance Director, presented a request. See attached summary.
MOTION
Commissioner Cahoon moved to award bid, as negotiated, to Chesapeake Bay Mechanical @ $443,302; adopt the amendment to the Capital Project Ordinance; and adopt the Budget Amendment for the Capital Reserve Fund.
Commissioner Byrd seconded the motion.
VOTE: AYES unanimous

ITEM 16 – HEALTHY CAROLINIANS OF THE OUTER BANKS
Anne Thomas, Health Director, reported that Healthy Carolinians of the Outer Banks (HCOB) is a partnership of over (30) local agencies and organizations

working toward a healthier Dare County. The partnership is coordinated by the Dare County Department of Public Health. HCOB is now organized into (4) active Task Forces. These Task Forces are working to address Access to Health Care, Substance Abuse, Problems of Aging, and Motor Vehicle Injuries here in Dare County. She presented an update of HCOB Task Force Activities.
Amy Montgomery, Coordinator of Healthy Carolinians, told the Board that Healthy Carolinians recently received their certification. She reported that out of 12 newly formed partnerships, Healthy Carolinians won an award for their program as shared their certification and out of 12 newly certified the Outer Banks won an award for their program as "the best of the best". Ms. Montgomery introduced members who were present and asked those chairing the various task forces to make short presentations.
Kathy Bailey, Chair of the Access to Health Care Task Force, provided an overview of the committee. 19% of Dare County residents have no health insurance. The objective of the Task Force is to provide free health care for the indigent and health care for the uninsured. Ms. Bailey reviewed the progress that the committee has made up to this point.
Ms. Donna Cheek, Chair of the Motor Vehicle Injury Task Force, provided information about the work that this committee is doing to reduce the number of motor vehicle injuries in Dare County. Improved signage has been established as a priority.
Nancy Griffin, Chair for the Substance Abuse Task Force, is working to reduce the number one health problem in Dare County. This is a complex problem and must be addressed by a broad based coalition. Four sub groups have been formed. There will be a forum to bring the community together to raise awareness and address the issue in March 2004 at First Flight Middle School. The vision is that five years from now drug abuse will no longer be the number one health problem in Dare County.
Mary Ellen Hawthorne, Chair of the Problems of Aging Task Force, reported that the task force is working to increase the number of seniors who receive flu vaccinations. They also hope to increase access to respite care. They will work to establish a respite care program in Dare County. The Task Force would also like to increase awareness about Alzheimer's and elder abuse. Flu and pneumonia shots are available Friday, January 30th at the Thomas A. Baum Center.

THE BOARD MOVED BACK TO ITEM 9 – ROSTECK ASSOC.

ITEM 17 – HEALTH DEPARTMENT RECEIVES KATE B. REYNOLDS GRANT (ATT # 5)

Amy Montgomery reported that the Health Department has applied for and received funds to support the work of Healthy Carolinians of the Outer Banks. The partnership is coordinated by the Dare County Department of Public Health. Grant funds total $45,000 for a three year period. Funds will be used to hire a clerical assistant on a part-time contractual basis. Funds will be used to facilitate Task Force initiatives, including, but not limited to planning a community-wide

forum on substance abuse. Commissioner Cahoon asked if she was prepared at the end of the three-year period to abolish this position and not have it. Ms. Montgomery said that it is a Part-Time Clerical contract position.

MOTION

Commissioner Byrd moved to adopt the budget amendment.
Commissioner Tillett seconded the motion.
VOTE: AYES unanimous

THE BOARD RECESSED AT 12:40 P.M. AND RECONVENED AT 1:30 P.M.
The BOARD MOVED BACK TO ITEM 13

ITEM 18 - UPDATE ON OREGON INLET BRIDGE

Attorney Mills updated the Board that a letter has been submitted to the state and to Senator Dole proposing a shorter replacement bridge.
Commissioner White noted that he has called the state and they indicated they are looking at various bridge types. He will be going to Raleigh later this week to receive updated information about the state's efforts.

ITEM 19 – HURRICANE ISABEL REPORT (ATT # 6)

Attorney Mills presented the attached letter that was sent to North Carolina's Congressional delegation from Governor Easley requesting additional federal assistance to cover Hurricane Isabel Related costs not covered by FEMA. She also reported the clean up efforts in Hatteras Village are moving forward.

ITEM 20 – CONSENT AGENDA (ATT # 7)

MOTION

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – Nov. 17, 2003
2. Dare County Solid Waste Management Plan 2003-2013
3. Additional Bioterrorism Funds Awarded to the Health Dept.

Commissioner White seconded the motion.
VOTE: AYES unanimous

ITEM 21 - BOARD APPOINTMENTS

A. ALBEMARLE COMMISSION BOARD OF DIRECTORS

MOTION

Commissioner White moved the reappointment of Richard Johnson to serve a one-year term on the Albemarle Commission Board of Directors.
VOTE: AYES unanimous

B. BOARD OF EQUALIZATION AND REVIEW

MOTION

Commissioner Cahoon moved the reappointments of the following to serve a one-year term on the Board of Equalization and Review: John Receveur, Bette Gray, Bo Taylor, Barbara Britt and Michael Davenport.
VOTE: AYES unanimous

C. NURSING HOME COMMUNITY ADVISORY COMMITTEE

MOTION

Commissioner Byrd moved the reappointment of Patricia M. Schwartz to serve a one-year term on the Nursing Home Community Advisory Committee.
VOTE: AYES unanimous

D. SPECIAL MOTOR VEHICLE VALUATION REVIEW BOARD

MOTION
Commissioner Byrd moved the reappointments of the following to serve a one-year term on the Special Motor Vehicle Valuation Review Board: Richard Johnson, Dock Sawyer, and Jack Gregory.
VOTE: AYES unanimous

E. OUTER BANKS VISITORS BUREAU

The Outer Banks Rest. Assoc recommended: Jeff Metcaff and Sammy Moore
MOTION
Commissioner Cahoon moved the reappointment of Sammy Moore to serve a two-year term.
VOTE: AYES unanimous
The Outer Banks Asso. Of Realtors recommended: Barbara Connery or Jackie Myers.
MOTION
Commissioner White moved the appointment of Barbara Connery to serve a two-year term.
VOTE: AYES unanimous
The Town of Kitty Hawk recommended: Bill Harris or Doug Seay.
MOTION
Commissioner Byrd moved the reappointment of Doug Seay for a two-year term.
VOTE: AYES unanimous
The Town of Kill Devil Hills recommended: Sherry Rollason
MOTION
Commissioner Cahoon moved the appointment of Sherry Rollason to serve a two-year term.
VOTE: AYES unanimous
The Town of Nags Head recommended Anna Sadler.
MOTION
Commissioner White moved the reappointment of Anna Sadler to serve a two-year term.
VOTE: AYES unanimous
Dare County Commissioner Representative
MOTION
Commissioner Cahoon moved the reappointment of John Robert Hooper to serve a two-year term.
VOTE: AYES unanimous
At Large Seat
MOTION
Commissioner Cahoon nominated Bob Woodard.
Commissioner Johnson nominated Dawn Enochs.
Bob Woodard (4) Judge, Hooper Cahoon & Byrd
Dawn Enochs (3) White, Johnson, & Tillett

Bob Woodard was appointed to serve a two-year term as the At Large Seat.

ITEM 22 – COMMENTS BY COMMISSIONER BYRD

- Rural Transportation Advisory Committee – She reported that she had attended the meeting. She handed out the final priority list that was sent to DOT. The only change was the addition of a project to do an Access Management Study along US 17 which is to begin limiting access along the new four-lane so the county does not find itself having to acquire expensive right of ways. In the future, they may want to do the same thing along sections of US 64.
- Congratulations to Chairman Judge on becoming Chairman again. She looks forward to working with him for another year.
- Shooting Range – She felt that the hunting problems need to be addressed. Attorney Mills, Sheriff Midgett and staff will follow up.
- Out of town – She will be out of town December 3rd -9th and wanted the Board members to know.

ITEM 22– COMMENTS BY COMMISSIONER CAHOON

- Federal Flood Insurance – This issue is still surfacing. She asked that a representative from Federal Flood Insurance to explain the issues and give options about changing the rules.
- Colington Harbour traffic – Colington Road will be allowed in and out during the Centennial. There is small segment that will be shut down. DOT is rerouting the traffic down Veterans Drive. There has been a new traffic light installed on Baum Street
- Transportation for the Centennial– Currituck County has helped to fund the transportation expansion. Thanks to Paul O'Neal, Chairman of Currituck.
- Bombing Range – She attended the meeting. They are encouraging more public participation by the community that is interested in hunting for the local people that hunt. There is a need to get the roads repaired in that area.
- Christmas Breakfast – Thanks to Fran and Rhonda.
- Happy Holidays!

ITEM 23 – COMMENTS BY COMMISSIONER TILLETT

- Thanks to Fran and Rhonda for the breakfast and lunch they provided.
- Happy Holidays.

ITEM 24 – COMMENTS BY CHAIRMAN JUDGE

- Happy Holidays to everyone.
- Board / Committees – He asked the Board members to review the Boards and committees they serve on and let him know if they would like to continue serving or would like a change.

- Memorandum of Understanding with Jennette's Pier – It is his understanding that it is being held up by DOT. Commissioner White will follow up on Wednesday in Raleigh.
- Federal Flood Insurance – He asked that a representative come for the January meeting.
- Workshop on Hurricane Isabel – He scheduled a workshop for January 13th at 3:00 p.m. to discuss the "Lessons Learned from Hurricane Isabel". He asked the County Manager, Attorney, Finance Director, Planning Director, and Emergency Management Director to compile an agenda of items about some of the things they saw as problems and more specifically some of the issues that are coming up in the aftermath.
- Martin Luther King Holiday – The Board's second meeting will be Tuesday, January 20th.

ITEM 24 – BUDGET AMENDMENT / TRANSPORTATION MANAGEMENT SERVICES FOR FIRST FLIGHT CENTENNAIL (DOCUMENT FILED WITH COUNTY ATTORNEY)

Attorney Mills presented the budget amendment and the amendment agreement with Transportation Management Services for the First Flight Centennial Celebration acknowledging Currituck County's contribution and amended services provided.

MOTION

Commissioner Cahoon moved the approval of the budget amendment and amendment to the contract.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

ITEM 25 – OFFER OF PROPERTY BY DEED OF GIFT (ATT # 8)

Attorney Mills presented noted that Mrs. Eleanore Willert has offered to convey property she owns to the Bounty by Deed of Gift. The property is a .25 area parcel in the Pamlico Sound Shore subdivision in Frisco. The tax value of the parcel is $1,700.

MOTION

Commissioner White moved the approval of acquisition of Willert property in Frisco by Deed of Gift.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 26 – WATER COMMITTEE APPOINTMENT

Manager Wheeler asked that a Board member be appointed to serve as a liaison with staff for addressing the arsenic issue. Commissioner Cahoon agreed to serve.

AT 2:15 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS RECESSED UNTIL 9:00 A.M. ON JANUARY 5, 2004.

Respectfully submitted,

By:
Fran Harris, Clerk

APPROVED:

By:
Warren Judge, Chairman
Dare County Board of Commissioners