

**DARE COUNTY  
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES  
January 5, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on January 5, 2004, 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. Chairman Judge opened the meeting followed by silent meditation and the Pledge of Allegiance to the flag.

Chairman Judge recognized the following: Mayor Paul Sutherland of Southern Shores, Town Commissioner Ervin Bateman of Kitty Hawk, Town Commissioner Brant Murray of Nags Head,

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

1. James Meads, Flood Plain Enforcement Spec., received his 10 Year Pin from Ray Sturza, Planning Director.
2. David Simmons, Parks Maint. Worker, received his 10 Year Pin from Cliff Ogburn, Parks & Rec. Director
3. Foye Minton, Leisure Activity Coord , received his 15 Year Pin from Cliff Ogburn, Parks & Rec. Director.
4. Caryn Dunning, EMT Paramedic, received her 15 Year Pin from Skeeter Sawyer, EMS Director.
5. Almey Gray, Deputy Sheriff Major, received his 20 Year Pin from Rodney Midgett, Sheriff.
6. Eric Barnes, Deputy Sheriff LT., received his 20 Year Pin from Rodney Midgett, Sheriff.
7. Deanna Rollinson, Tax Listing Spec., received her 20 Year Pin from Michelle Evans, Tax Collector.

**ITEM 2 – EMPLOYEE OF THE YEAR - 2003**

Cliff Ogburn, Employee of the Year for 2002, presented the following:

1. January – Ed Marks, EMT (EMS)
2. February – Donnie Murray, Maint. Tech. II (Airport)
3. March – Benjie Carawan, Plant Supt. (Water)
4. April – Debra Bratton, IM Caseworker II (Social Services)
5. May – Gary Gross, EMT (EMS)
6. June – Dorothy Toolan, Public Relations Director (Public Relations)
7. July – Bernie Austin, Leisure Program Supv. (Parks & Recreation)
8. August – Amy Hill, Trans. & Classification Sgt. (Detention Center)
9. September – Kathryn Bryan, Investigator (Sheriff's Department)
10. October – Donna Andrews, Tax Office Mgr. (Tax)
11. November – Clyde Gard, Solid Waste Mgmt. Supt. (Public Works)

12. December – Bonnie Hooper, Asst. Shift Leader (Detention Center) Clyde Gard, Public Works, Solid Waste Mgmt., Supt., received the Employee of the Year from Cliff Ogburn.

**ITEM 3 – EMPLOYEE OF THE MONTH – JANUARY 2004**

Jessica Phillips, Emergency Management Assistant, received the Employee of the Month Certificate from Almey Gray, Deputy Sheriff Major.

**ITEM 4 - PRESENTATION OF SHERIFF'S DEPARTMENT AWARDS**

Sheriff Rodney Midgett presented an award to Corporal David Cheesman for completion of the School Resource Officer Certificate Program and an award to Beth Edens for receiving the Advanced Telecommunicator Certificate.

**ITEM 5 – PUBLIC COMMENTS (PETITIONS AND NEWS ARTICLE FILED IN CLERK TO THE BOARD'S OFFICE)**

1. Alicia Southern, Manteo, spoke about the safety concerns on the sharp curve on Sunnyside Drive if the Duke Woods Subdivision were to use that access. Schools buses cannot go down the road and must stop at the intersection. If 24 families begin using this road to access their homes, this will cause serious problems.
2. Wayne Edgerton, Manteo, asked the Board not to approve Duke Woods Subdivision as planned. Safety is one of their main concerns. Sunnyside Drive is not a state road and is substandard by NC DOT. The property owners are responsible for the maintenance of this road.
3. Jessie Wheeler, resident of Sunnyside Subdivision, felt they have been left out of the decision making process and felt that Duke Woods Subdivision should not be approved as planned.
4. Tom Imeson, Sunnyside, presented a petition from 110 homeowners that are directly affected and an article in the Coastland Times dealing with the issues in this area. He asked the Board to postpone a decision since easement information has been presented in the last week and the Sunnyside residents have not had an opportunity to consult with their attorney.
5. Mike Andrews, property owner in Sunnyside, noted that the traffic will increase by almost 400% if Duke Woods Subdivision is opened. When they bought property in the subdivision they had no clue of this issue. He asked the Board to deny approval of the Duke Woods Subdivision.
6. Emma Imeson, Sunnyside, felt that Duke Woods Subdivision should not be approved and referred to the article by Mr. Francis Meekins, Editor of Coastland Times, which she felt gave the correct facts. She pleaded to the Board to deny approval.
7. Bob Edwards, Nags Head, talked about saving the taxpayers between \$10-\$15 million dollars in the Board of Education 10-Year Facility Plan. The demographic profile has change since the plan was written. He felt they should not be funding an \$11M school and should be considering a single high school with superior education. He asked the Board to step

back and see what they are doing to the children and reconsider the BOE 10-Year Plan.

8. Reba Austin, Langley Lane, referred to the petition that was signed in the neighborhood of Dogwood Trail. She thinks things can change in 25 years regardless of what Mr. Meekins says.
9. Brant Murray, Town of Nags Head, congratulated the people involved in the First Flight Event. It demonstrated what Dare County is and can do. He also noted that the citizens of Nags Head are concerned about the school issue and suggested creating a subcommittee to look at the number of kids (16) from Nags Head coming to Manteo schools.
10. Howard Rooney, Hatteras Village, spoke about the great things that Dare County and its employees have done for Hatteras Village. He feels the Duke Woods is a man made disaster while Hurricane Isabel was a natural disaster. He told the Commissioners that they can make a difference in this case.
11. Malcolm Fearing, north end of Roanoke Island, noted that he was offended by the statements made by the parents in Nags Head whose kids will attend Manteo High School. He does not think property values will be affected. He feels there is prejudice in this situation and that all children will be loved and cared for at MHS. A decision was made by the Board of Education and should be accepted
12. Theresa Stilton, Sunnyside, thanked the Board for listening to their concerns and hoped they are interested in the majority and not the few.

THE BOARD TOOK A 10-MINUTE BREAK.

#### ITEM 6 – ANIMAL CONTROL

The Board of Commissioners requested discussion of Animal Control enforcement issues

Laurie Brazelle, Animal Control Officer, presented the Outer Banks S.P.C.A. 2003/04 Budget with 6 months Estimated Expenditures and the Animal Shelter Activities Report. She stated there has been an outbreak of rabies on the northern beaches, primarily raccoons with suspect behavior. Only raccoons that have had contact with humans or domestic animals can be tested by the state lab. Five of the six tested have been positive for rabies.

Commissioner Byrd asked that they take a look at the nuisance ones and the large numbers of animals that are not getting vaccinated or licensed. Only about 2000 dogs are getting licensed and there are many more dogs in the county.

Most of SPCA's work is complaint driven. They have a bigger cat problem than dog problem. The biggest problems are dangerous dogs, rabid dogs, neglected animals, and free roaming animals county wide.

Mrs. Brazelle recommended that the ordinance be amended to include a civil ticket fine system in the Animal Control Ordinance and that a committee be formed to address these issues that would provide an impact on the SPCA's ability to provide the services needed. (CONTINUED IN ITEM 31)

**ITEM 7 – PUBLIC HEARING MARTIN'S POINT LEASH LAW ORDINANCE  
PUBLIC HEARING**

AT 10:45 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING A PROPOSED LEASH LAW ORDINANCE AMENDMENT EXTENDING THE COUNTY'S EXISTING LEASH LAW (CURRENTLY APPLICABLE ONLY IN COLINGTON HARBOUR) TO MARTIN'S POINT.

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

1. Richard Lee, spoke in favor of the ordinance for Martin's Point. It has been approved by the homeowners association. Mr. Lee is willing to assist with the Animal Control discussion.

At 10:50 a.m., Chairman Judge closed the hearing.

**MOTION**

Commissioner Cahoon moved that the proposed amendment to Dare County Ordinance Section 91.21 extending the prohibition against dogs running at large to the Martin's Point community be adopted.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

**ITEM 8 – CENTENNIAL CELEBRATION REVIEW**

Carolyn McCormick, Managing Director of the Outer Banks Visitors Bureau made a presentation about the First Flight Centennial Celebration. Ms. McCormick provided an overview of the Visitor's Bureau efforts to market the Outer Banks prior, during and following the First Flight Centennial Celebration.

**ITEM 9 – OREGON INLET & WATERWAYS COMMISSION – HELL'S GATE AND INTERIOR CHANNELS**

Vice Chairman Michael Davenport of OIWC presented information as a result of an emergency meeting held on 12/18/03 by the OIWC in response to severe shoaling conditions in the area of Hell's Gate and also in the interior channels on the west side of the Bonner Bridge. Some boats can come in only half loaded in order to pass. Other boats are going to other areas to find safe passage. This is causing serious problems for the area's fishing industry. Promises were made by the CEQ to keep the channel navigable and these promises are not being kept. He noted that there will be more boats not willing to gamble to come to Wanchese and risk damage to their boats. The boats will either go to Virginia or to the south of Dare County where they will find safe passage. Fishermen, fish houses, boat owners are extremely frustrated with the condition of the channel here in the middle of the fishing season. The loss of boats and their catch to unload their fish has an economic impact to the boats, their crew, fish house employees and their families. He asked for the Board's continued support in maintaining a safe and navigable channel that was promised by the federal government. He asked the Board to keep pressure on all agencies that have jurisdiction over an obstacle that would prevent current problems that the

fishermen are experiencing today. This channel leading from Wanchese to Oregon Inlet is the Fishermen's Highway.

Chairman Judge commented on the severe situation and the need to work on the matter. He is hoping that Senator Dole's representative will come to the Outer Banks this week. In the near future they need to send a delegation to Raleigh and Washington, DC.

#### **ITEM 10 – PARK AT FOOT OF WRIGHT MEMORIAL BRIDGE**

Mayor Paul Sutherland of Southern Shores presented a request in conjunction with the Town of Kitty Hawk to possibly improve the old D.O.T. property at the foot of the Wright Memorial Bridge into a park.

Mayor Sutherland provided an overview of the history of this piece of property (1.3 acres) and how the Roanoke Island Commission secured title to it. There has been speculation that the Roanoke Island Commission plans to implement a rapid transit system. He suggested that the Towns of Kitty Hawk, Southern Shores and Dare County along with the Roanoke Island Commission, work together to establish a park and upgrade the northern Dare County entry. There is a multiuse path that is being built that accesses the area. He felt there is a possibility that a grant from the state Parks and Recreation Trust Fund might be obtained to move the project forward. Commissioner Cahoon recommended appointing a representative to work with the other agencies to see if this project is a possibility. Kitty Hawk will discuss annexing the property at their meeting tonight. Chairman Judge will send a letter to the Mayors of the two towns and Roanoke Island Commission expressing their willingness to participate.

#### **ITEM 11 – NORTH CAROLINIANS OPPOSED TO THE OUTLYING LANDING FIELD (ATT # 1)**

Doris Morris, Community Director, presented a resolution supporting Governor Easley in opposing an outlying landing field at any site that is unacceptable to the State and citizens of North Carolina. Seventy-four families' homes will be bought, wildlife destroyed and there will be no jobs for the county. This will relieve noise from Oceana, Va. Senator Dole is devastated to what it will do to Washington Co. She pleaded for the Board's help.

#### **MOTION**

Commissioner White moved the adoption of Resolution #04-01-01  
Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

Attorney Mills reported that Senator Basnight's office is well aware of the situation and hopes that a special session will be called to address the matter. Other representatives will be written to express concerns on this matter.

#### **ITEM 12 – DUKE WOODS SUBDIVISION – PRELIMINARY PLAT (DOCUMENT FILED IN CLERK TO THE BOARD'S OFFICE )**

Ray Sturza, Planning Director, presented the Duke Woods Subdivision Preliminary Plat Review for approval. This is one plan that raises two issues.

There are technical issues in the Dare County Ordinance and associated legal issues that have been addressed in the packet.

Attorney Mills addressed a number of legal issues that arose at the December Planning Board meeting. She reminded that where zoning standards are met and subdivision regulations, as set out in an ordinance, are complied with the permits must be issued. The question is whether or not the technical requirements have been met and if under the county ordinance to deny approval staff would need to provide specific reasons why approval was denied. In regard to the status of Sunnyside Drive and whether it is or not a public road or is a private road. There are many different uses of public and private and the county uses the definitions in the subdivision ordinance. It is her opinion in consultation with the staff that Sunnyside Drive under the definition in the ordinance is a public road. If it were to be considered a private road the county ordinance does not differentiate between public and private roads for purposes of considering connections or streets. She noted that the developer of Duke Woods, Attorney Linda McCown, is willing to impose these conditions on her if the subdivision plat is approved.

- She would pay for improvements to existing section of Sunnyside Drive that currently runs through the existing subdivision to bring it up to state DOT standards.
- She is willing to enter into a maintenance agreement between her homeowners association and that of Sunnyside to develop an equitable pro-rata cost share arrangement for ongoing maintenance of the existing sections of Sunnyside Drive that the residents in Duke Woods would be traversing on to and through to get to Duke Woods.
- She is willing to include in the restrictive covenants for Duke Woods prohibition against use of any other lots within Duke Woods to provide access to any other adjoining properties.

Attorney McCown clarified that she only had 19 of the lots and Judge Jerry Tillett owns 4 lots. She did not make the conditions for Mr. Tillett.

Commissioner Cahoon stated that she would like to take the issue back to Planning Board to discuss the safety of this road with EMS and Fire Departments and find out which road would be best for public safety.

Attorney Bobby Outten, representing Jerry Tillett, showed the 4 lots that he owns and noted that Dogwood Hills Subdivision can be used only for residential purposes and could not be used for access due to the restrictive covenants. He feels sending it back to the Planning Board, for this reason, is a mute point and the access via Sunnyside Drive meets the requirements of the subdivision ordinance.

Attorney Mills can research the other easement and will have to see if this triangular piece is conveyed.

Discussion was held. Commissioner Tillett asked Mr. Imeson to make a few comments. Mr. Imeson said that for the road to be brought to state standards, property from two lots would be needed to straighten the curves. He feels for the Sunnyside residents to enter into a maintenance agreement they feel would have to be in writing to become enforceable.

AT 12:00 P.M., THE BOARD RECESSED FOR THE EMPLOYEE OF THE MONTH LUNCHEON AT THE BOARD OF ELECTIONS OFFICE AND RECONVENED AT 1:30 P.M.

**ITEM 12 (CONTINUED)**

Commissioner Johnson noted that the plat meets all the requirements and the Board is obligated to approve the proposal.

Commissioner Tillett's main concern is the safety of the road and the fact that school buses cannot go down the road. She would like to have the safety issues studied before a vote is taken and wanted the citizens to feel comfortable with the Board decision without any hard feelings.

Commissioner White noted that even if Sunnyside Drive is brought to state standards, DOT may not take over maintenance of the road since it does not connect to another state road. He asked the Attorney if the Board can require certain standards for the road in order to allow the development. First of all he asked if the Board has the authority not to allow this to happen and secondly, how can the Board fix the problem and make it happen.

Attorney Mills stated that the more access in and out of neighborhoods the better. From a legal standpoint if the subdivision meets the requirements the Board has to grant approval. She feels the subdivision meets the technical requirements of the subdivision ordinance; however, if there are safety concerns, that should be addressed with an independent study. In addition, DOT would have to determine if the road could be brought up to standards and whether or not it could then be taken over by the state. If the development is not approved, there would need to be reasons given as to why it is not approved.

Chairman Judge echoed the public safety issues. He felt they needed to allow the developer to develop his land and not make a dead end issue.

Vice Chairman Hooper felt all subdivisions need to be public and 90 degree turns need to be studied before approving the plat. The Board needs more time for study.

**MOTION**

Commissioner Johnson moved the approval of the preliminary plat subject to conditions of the County Engineer.

Commissioner Byrd seconded the motion.

Attorney Linda McCown will include in the covenants that specifies the initial improvements to Sunnyside Road that will be made by the developer to bring it to state standards, a shared road maintenance agreement and restrict these lots for access to adjoining properties through Duke Woods

**AMENDED MOTION**

Commissioner Cahoon moved to table the motion made by Commissioner Johnson and bring back on the 20<sup>th</sup>.

Vice Chairman Hooper seconded the motion.

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

NOES (1) Johnson

Attorney McCown offered to pay Mr. Jerry Tillett's share should he refuse.

THE BOARD TOOK A 10-MINUTE RECESS.

**ITEM 13 – PROPOSED TIMETABLE FOR IMPLEMENTATION OF COUNTYWIDE ZONING**

Ray Sturza, Planning Director, presented a tentative schedule for the extension of zoning to the unzoned portions of unincorporated Dare County. He noted that Chairman Judge had indicated in early December that he would be working with the planning Director to develop a timetable on the zoning initiative. The phased implementation of the countywide zoning plan will include: Phase One – Stumpy Point Community; Phase Two-Skyco Area; Phase Three – Wanchese Village; Phase Four – Manns Harbor, Mashoes, and East Lake. He asked for a public hearing in February and action in March. The Board concurred with the timetable.

**ITEM 14 – HEERY REPORT ON ADMINISTRATION BUILDING SITE**

Mike Tomey, Heery Group, presented a report on the Administration Building Site. The Commissioners will schedule a meeting with the Town of Manteo to discuss various issues.

**ITEM 15 – SHERIFF'S DEPARTMENT – FEES FOR STORAGE OF SEIZED FIREARMS**

Sheriff Rodney Midgett explained that the N.C. General Assembly adopted General Statute 50B-3.1 (effective date of 12/01/03) requires if certain circumstances occur, when a Domestic Violence Order is entered against a defendant, the presiding judge will have to order that any firearms and ammunition that belongs to the defendant be seized and stored by the Sheriff. Subsection (d) (2) of the statute provides that the Sheriff may charge a reasonable fee for the storage.

**MOTION**

Commissioner Byrd moved to authorize the adoption of a fee schedule of \$1.00 per day for each box of ammunition and \$5.00 per day for the storage of each firearm.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 16 – APPOINTMENT TO COMMUNITY CHILD PROTECTION TEAM**

Jay Burrus, Social Services Director, explained that the Community Child Protection Team (CCPT) is an interdisciplinary group of community representatives who meet regularly to promote a community-wide approach to the problem of child abuse and neglect. They review active Child Protective Services cases, review any case in which a child died as a result of suspected abuse or neglect, and advocate for any needed resources or system improvements. NCGS 7B-1047 (attached) outlines membership of the CCPT. In addition to the required members, it allows the Board of Commissioners to appoint additional members to present county agencies or the community at large. He requested that Sharon Wilson of the Outer Banks Hospital be

appointed to the CCPT. Kathy Bailey, Executive Director of the hospital, supports this appointment.

**MOTION**

Commissioner Cahoon moved to appoint Sharon Wilson of the OBH to the Community Child Protection Team.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 17 – SUMMARY OF 2003 MOSQUITO CONTROL SEASON**

Tim McGonegal, Vector Mosquito Control Supervisor, gave a power point presentation on a Summary of 2003 Mosquito Control Season.

**ITEM 18 – BUDGET FOR LAND PURCHASE FOR WELL SITE IN NAGS HEAD (ATT # 2)**

Dave Clawson, Finance Director, reminded that on 9/02/03 the Board approved an offer to purchase a well site in Nags Head from Nags Head Construction & Development for \$300,000. The County Attorney advised that the offer was accepted and therefore a budget is needed before payment for closing can occur.

**MOTION**

Commissioner Cahoon moved to adopt Capital Project Ordinance #04-01-02 (38 Fund) and adopt the Budget Amendment (36 Fund).

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

**ITEM 19 – CONTRACT FOR ENGINEERING SERVICES FOR THE ARSENIC REMEDIATION AT THE COUNTY'S NRO PLANT (ATT # 3)**

Bob Oreskovich, Utilities Director, presented the Agreement for Professional Services with RosTek Associates, Inc. (Mr. Ian C. Watson) for professional services required in the design of the treatment renovations to remediate the Arsenic issue from the product water at the County's NRO plant in Kill Devil Hills. Manager Wheeler noted the Board had mentioned going to Raleigh to get an answer on the permit that was submitted in 2002.

**MOTION**

Commissioner White moved to approve the contract with RosTek Associates, Inc in order to begin the design of the plant renovations in the preparation for bidding the construction work to complete the project and adopt budget amendment and capital project ordinance #04-01-03

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

COMMISSIONER TILLETT LEFT AND RETURNED AT THE END OF THE MOSQUITO REPORT.

**ITEM 20 – UPDATE ON OREGON INLET BRIDGE (ATT # 4)**

Attorney Mills reported there has been no official response from the Department of Transportation in regard to the Board's request to consider the short bridge alternative. She reported on a meeting with Congressman Jones on Tuesday morning in Greenville for a direct briefing on the bridge issues. She handed out a summary of the issues, which she will discuss with Congressman Jones, that outlines the positions that the Board has previously taken on the 17-mile alternative and their concerns about it and the reason for a desire to have a short bridge alternative considered and the inner connection between increased maintenance dredging at Oregon Inlet to utilize the dredge spoil to help re-nourish and protect the hotspots along Highway 12 in the Pea Island Refuge area. She noted she had discussed this inner connection with Senator Dole and Congressman Jones and they are aware of the importance of the inner connection. She is hopeful for renewed support for the New Year. (See attached).

Commissioner Byrd feels that no matter how hard the Board works, that this may not work.

Chairman Judge noted that during the Centennial, he met with Assistant Secretary of Department of Interior, Craig Manson who is well aware of the situation. He has invited the Board to come to Washington, DC to hear the Board's request for the possibility of granting the state a permit to allow a replacement bridge to touch back down on Pea Island. Chairman Judge suggested that Vice Chairman Hooper, Commissioner White, Attorney Mills and he go to Washington in the next two-three weeks.

#### **ITEM 21 – UPDATE ON HURRICANE ISABEL (ATT # 5)**

Attorney Mills provided the Board with a quick status report primarily on the assistance provided to the folks in Hatteras Village. As of last Friday, they had received requests from 206 citizens that were in addition to the regular right of way clean up. She handed out a summary and detailed page. Of the requests, 131 have been completed and 41 pending. All of the projects should be completed by January of this year.

In closing, she commended the many wonderful employees for their work and especially Clyde Gard for his assistance to FEMA.

#### **ITEM 22 – CAMPAIGN SIGN ORDINANCE**

Attorney Mills reported that the current Dare County sign ordinance does not regulate political campaign signs. The Board had previously expressed a desire to adopt such an ordinance, and a summary of other local campaign sign regulations was presented to the Board last fall. The ideal time to adopt an ordinance would be prior to the opening of the filing period on February 9, 2004. Attached is a proposed draft amendment to the County's existing sign ordinance (Sec. 22-59) establishing regulations for campaign signs, as well as a copy of the summary information previously presented to the Board.

There was Board discussion.

#### **MOTION**

Commissioner Byrd moved to schedule a public hearing on an amendment to the Dare County sign ordinance regulating political campaign signs in unincorporated Dare County on Monday, February 2, 2004 at 10:00 a.m.

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 23 – CONSENT AGENDA (ATT # 6)**

**MOTION**

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – December 1, 2003
2. Social Services Three Budget Amendments: (1) Adoption Incentive funds (2) Crisis Intervention Program (3) Adult Day Care
3. Road Request – First Colony Court in First Colony Estates Sub , Manteo

Commissioner Johnson seconded the motion.

VOTE: AYES unanimous

**ITEM 24 – BOARD APPOINTMENTS**

**1. PARKS & RECREATION ADVISORY BOARD**

**MOTION**

Commissioner White moved the appointment of Ben Whitehurst to fill the unexpired term of Mike France (7/02-7/05) on the Parks and Recreation Advisory Council.

VOTE: AYES unanimous

**2. RODANTHE-WAVES-SALVO COMMUNITY CENTER BOARD**

**MOTION**

Commissioner Hooper moved the reappointments of Lovie Midgett and Claude Howard to serve a three year term on the Rodanthe-Waves-Salvo Community Center Board.

VOTE: AYES unanimous

**3. OUTER BANKS VISITORS BUREAU**

**MOTION**

Commissioner Cahoon nominated Hal Denny

VOTE: AYES unanimous

Hal Denny was appointed to fill the unexpired term of Gene Kennedy (12/02-12/04) on the Outer Banks Visitors Bureau Board.

**ITEM 25 – COMMENTS BY VICE CHAIRMAN HOOPER**

- Insurance Companies / Problems on Hatteras Island – Attorney Mills responded that the Hatteras staff is compiling the insurance information and she will be able to contact the Department of Insurance to know which companies are delaying in getting claims processed.

**ITEM 26 – COMMENTS BY COMMISSIONER BYRD**

- Judicial Reform Act – She felt the citizens should know that the act was put in place last year in North Carolina and encouraged them to check sign-off boxes on their NC income taxes this year to help provide public

financing for judicial campaigns at the state level. NC is the first state in the nation to implement this kind of law. She encouraged support for this act.

- Animal issues – She referred to Item 6 – Animal Control and volunteered to serve on a committee with the County Attorney and S.P.C.A. and anyone else. Chairman Judge will make the appointment.
- Finance Audit Committee – She has some ideas on how the committee should be changed and will bring the suggestions to the next meeting.
- Transportation Advisory Board – They will make a presentation at the next Board meeting regarding the use of advertisements on county vans as a way to increase revenue to provide transportation services in the county

#### **ITEM 27 – COMMENTS BY COMMISSIONER CAHOON**

- Budget Workshop – She recommended holding a workshop to establish the goals for next year in order to decide on a budget direction to help fund those goals
- Centennial – She noted over 120 county employees worked at the airport, Mustain Street, at all of the parking lots, shuttling vans, and at the outlying parking areas. She commended everyone for a great job.
- Centennial / Sod in front of the Grand Stand – They were asked to place sod at Wright Brothers on the 16<sup>th</sup> and they met that goal. Now they are recycling the sod for Parks & Recreation to use at a recreation field in Buxton. She also noted that the public was very happy with the First Flight Event. Staff deserves much credit and they came in under budget.

#### **ITEM 28 – COMMENTS BY COMMISSIONER JOHNSON**

- Centennial – Commended staff for a great job.
- Charter Communications / Channel 20 – The residents of Hatteras Island do not have Channel 20 due to an antenna adjustment. He recommended sending a letter to Charter Communications expecting them to have it done by next week.

#### **ITEM 29 – COMMENTS BY COMMISSIONER TILLET**

- Bowsertown Landfill Site – She handed out a letter from Dr. Nancy White and asked for the Board's advice on how to keep this project moving forward.
- Skateboard Park for the Hatteras Island youth – The Parks & Recreation Director will put together figures on the cost for the park.
- First Flight Event – She thanked everyone on the Centennial Planning staff for a job well done.

#### **ITEM 30 – COMMENTS BY COMMISSIONER WHITE**

- First Flight Event – Thanked everyone for the hard work.
- Water tank and plant for Manns Harbor – He received a call from DOT offering a water tank to the county if they wanted to provide water to Manns Harbor. The County Manager will discuss with the Utilities Director.

**ITEM 31 – COMMENTS BY CHAIRMAN JUDGE**

- Jennette Pier Project – He reminded that the County Attorney and he had been working on the project for about a year. At that time, the question was if Dare County would be willing to put \$750,000 in a trust account. He told them no. Now everyone is ready to sign the Memorandum of Agreement (MOU) and DOT has issues with the cost. There is a letter from Clean Water Trust Fund asking the Board to sign another MOU promising to pay the money once the language is signed. He asked for the Board's advice.
- Lobby Firm – He reported that Robb Watters has moved from Manatt, Phelps & Phillips LLC to the Madison Group. The account of Dare County remains with him unless the Board otherwise signifies. The Madison Group will be glad to assist the county through the omnibus as the Board continues to search for a new firm. Madison primarily will be representing Corporate and Foreign clients. He noted their contract was up in May and that they remain with them, but also felt that whatever type of representation they have that they have it for the calendar year and through the whole appropriations cycle. They need to do it now and not in June.
- Animal Control – He appointed Commissioner Byrd to pull together a committee for the Animal issues and to use whatever resources she needed. She will include the S.P.C.A., County Attorney, Health Director and others.

**ITEM 32 – COMMENTS BY MANAGER WHEELER**

- FEMA – They are scheduled to make a presentation on January 20<sup>th</sup>.

**ITEM 26 – CLOSED SESSION – 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 in the matters of Snow versus Dare and Tarheel Specialties versus PBS&J.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 6:35 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED INTO CLOSED SESSION AND EXITED AT 6:55 P.M.

Attorney Mills reported no action was taken in closed session that requires action in open session.

AT 7:00 P.M. THE DARE COUNTY BOARD OF COMMISSIONERS  
ADJOURNED UNTIL 3:00 P.M. ON JANUARY 13, 2004 FOR A WORKSHOP  
ON HURRICANE ISABEL. THE NEXT REGULAR MEETING IS 3:00 P.M. ON  
JANUARY 20, 2004.

14

Respectfully submitted,

By:

Fran Harris, Clerk

APPROVED:

By:

Warren Judge, Chairman  
Dare County Board of Commissioner